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

REGULAR MEETINGS - MONDAY, JULY 22, 1985

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 Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:14 p.m., on Monday, July 22, 1985, with Councillor SerVaas presiding.

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

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, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

ABSENT: Curry

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

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 COLLECTION 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 Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, July 22, 1985, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President
City-County Council

July 1, 1985

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on July 5, 1985, a copy of LEGAL NOTICE of General Ordinance Nos. 35 and 37, 1985.

Respectfully,

s/Beverly S. Rippy
City Clerk

July 10, 1985

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on July 11, 1985, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 374, 1985, to be held on Monday July 22, 1985, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

June 26, 1985

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

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippey, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 53, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Two Thousand Five Hundred Ninety Dollars (\$2,590) in the County General Fund for purposes of the Lawrence, Pike and Wayne Township Assessors and reducing certain other appropriations for the Marion County Auditor.

FISCAL ORDINANCE NO. 54, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Three Thousand Dollars (\$3,000) in the County General Fund for purposes of the Lawrence Township Assessor and reducing certain other appropriations for the Warren Township Assessor.

FISCAL ORDINANCE NO. 55, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Fourteen Thousand Nine Hundred Dollars (\$14,900) in the County General Fund for purposes of the Marion County Clerk of the Circuit Court and County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 56, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Forty-one Thousand Six Hundred Dollars (\$41,600) in the County General Fund for purposes of the Marion County Superior Court, Roving Court Reporter and County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 57, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Thirty-six Thousand Eight Hundred Dollars (\$36,800) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 58, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Fifteen Thousand One Hundred Dollars (\$15,100) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency and the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 59, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Two Hundred Eight Thousand Five Hundred Three Dollars (\$208,503) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Advisory Board and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 60, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Forty-seven Thousand Six Hundred Ninety-six Dollars (\$47,696) in the State and Federal Grant Fund for purposes of the Presiding Judge of the Municipal Court and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 61, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional

Forty-seven Thousand Six Hundred Ninety-six Dollars (\$47,696) in the State and Federal Grant Fund for purposes of the Presiding Judge of the Municipal Court and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 61, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Forty-five Thousand Two Hundred Fifty-four Dollars (\$45,254) in the State and Federal Grant Fund for purposes of the Marion County Prosecuting Attorney and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 62, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Twenty-four Thousand One Hundred Thirteen Dollars (\$24,113) in the County General Fund for purposes of the Marion County Prosecuting Attorney and the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 63, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Two Million Five Hundred Fifty Thousand Dollars (\$2,550,000) in the Transportation General Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

FISCAL ORDINANCE NO. 65, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) authorizing changes in the personnel compensation schedule (Section 2.02) of the Presiding Judge of the Municipal Court.

FISCAL ORDINANCE NO. 66, 1985, amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) transferring and appropriating Seven Thousand Five Hundred Dollars (\$7,500) in the Parking Meter Fund for purposes of the Department of Transportation, Parking Meter Division and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 42, 1985, amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Division 6 in Article X of Chapter 2.

GENERAL ORDINANCE NO. 43, 1985, amending Chapter 2, Article V, Division 1, of the "Code of Indianapolis and Marion County, Indiana", by adding a new Section 2-195 establishing the amount of the surety bonds for the Directors and the Executive Director of the Indianapolis Local Public Improvement Bond Bank.

GENERAL ORDINANCE NO. 44, 1985, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

SPECIAL ORDINANCE NO. 24, 1985, authorizing the issuance and sale of bonds of the County of Marion in the principal amount of Four Million

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Nine Hundred Ninety-two Thousand Dollars (\$4,992,000) for the purpose of funding certain judgment obligations of the Marion County Department of Public Welfare.

SPECIAL RESOLUTION NO. 99, 1985, honoring three Allison Gas Turbine Pilots.

SPECIAL RESOLUTION NO. 100, 1985, honoring Caryn Sue Cockerill.

SPECIAL RESOLUTION NO. 101, 1985, honoring the Thirty-fifth Anniversary of the Indianapolis Baptist Temple.

Respectfully submitted,

s/William H. Hudnut, III

ADOPTION OF AGENDA

Consent was given for the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils of July 22, 1985.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections for the Journals of May 6, 1985 and May 20, 1985. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 384, 1985. This proposal honors the Warren Central High School Girls Softball Team. Councillor Clark stated that the majority of the girls being honored by Proposal No. 384, are involved in summer softball teams and were unable to attend the meeting. He read the resolution and stated he would be sure that the girls receive their copies of this special resolution. Councillor Clark moved its adoption, seconded by Councillor Stewart. Proposal No. 384, 1985, was adopted by unanimous voice vote, retitled **SPECIAL RESOLUTION NO. 102, 1985**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 102, 1985

A SPECIAL RESOLUTION honoring the Warren Central High School Girls Softball Team.

WHEREAS, the Warren Central High School Girls Softball Team has compiled an outstanding 24-3 record this season; and

WHEREAS, the Warren Central Warriors captured a 5-1 victory over their opponents Saturday, June 8th to win the State Championship; and

WHEREAS, the Warren Central Warriors High School Girls Softball Team won the first Indiana High School Athletic Association sanctioned Indiana High School Girls Softball State Tournament; 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 both honors and congratulates Warren Central High School Softball State Championship Team Members Kristyn Abel, Julie Bennett, Tonya Eads, Jill Goode, Theresa Gramse, Brenda Hartman, Kim Hawley, Janie Herrick, Kathy Kirkman, Sheila Mahurin, Stephanie Meredith, Bobbie Morris, Cindy Payne, Debbie Rigdon, Lisa Sweany, Scorekeeper Jeanie Tyree, Coach Dave Stroud and Assistant Coach Roger Holder.

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

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

PROPOSAL NOS. 439-441, 1985. Proposal No. 439, 1985, commends Brigadier General Gary Cooper, United States Marine Corps. Proposal No. 440, 1985, honors the Reverend Charles Williams. Proposal No. 441, 1985, welcomes the Montford Point Marine Association's Convention. Councillor Howard stated that these special resolutions are honoring various individuals and groups that assisted in making the Fifteenth Anniversary of the Black Expo a success. The special resolutions were presented at various ceremonies over the past weekend and Councillor Howard moved for adoption, seconded by Councillor Journey. Proposal Nos. 439-441, 1985, were adopted by unanimous voice vote, retitled Special Resolution Nos. 103-105, 1985, respectively and read as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 103, 1985

A SPECIAL RESOLUTION commending Brigadier General Gary Cooper, United States Marine Corps.

WHEREAS, Brigadier General Cooper is flying from his duty station to attend the 1985 Indiana Black Expo; and

WHEREAS, Brigadier General Gary Cooper is reviewing the United State's Marine Corps' Drum and Bugle Corp from Albany, Georgia at the Fifteenth Opening Ceremonies of the 1985 Indiana Black Expo; now, therefore:

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

SECTION 1. The Indianapolis - Marion County City-County Council hereby honors Brigadier General Gary Cooper, United States Marine Corps for his contributions to our country's armed forces.

SECTION 2. The City-County Council further commends Brigadier General Cooper for his outstanding example as a role model for our youth.

SECTION 3. The City-County Council on behalf of the citizens of the City of Indianapolis and the County of Marion, the Indiana State Black Expo Executive Board Members, and a host of Black Expo volunteers and participants welcome Brigadier General Gary Cooper to the Fifteenth Anniversary Indiana Black Expo Celebration.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

CITY-COUNTY SPECIAL RESOLUTION NO. 104, 1985

A SPECIAL RESOLUTION honoring the Reverend Charles Williams.

WHEREAS, the 1985 Indiana Black Expo Celebration is far and away the most outstanding event in Black Expo history; and

WHEREAS, on this July Nineteenth the Opening Ceremonies present unique opportunity to honor and commend those individuals without whose efforts this event would not take place; and

WHEREAS, the Indiana Black Expo has continued to grow in popularity and attendance over these past years under the dynamic leadership of the Reverend Charles Williams and his staff; now, therefore:

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

SECTION 1. The Indianapolis - Marion County City-County Council raises to community attention with pride the outstanding success of Indiana Black Expo and the historical awareness of our Black Heritage which it brings to all citizens of our City and State.

SECTION 2. The Indianapolis - Marion County City-County Council further commends and honors the Reverend Charles Williams, his staff, and all citizens associated with the success of Indiana Black Expo on its fifteenth consecutive year.

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

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

CITY-COUNTY SPECIAL RESOLUTION NO. 105, 1985

A SPECIAL RESOLUTION welcoming the Montford Point Marine Association's Convention.

WHEREAS, Montford Point Marine Association (MPMA) is made up of the first black marines to train after segregation was abolished in the United States Marine Corps by President Franklin Delano Roosevelt; and

WHEREAS, the purpose of MPMA is to support and promote activities geared toward the social betterment of our communities and enlightenment of our citizenry through:

- * the active participation, support, and promotion of activities designed to make the lives of former members of the military and naval services, their wives, and their dependents free from poverty and adversity;
- * the sponsorship of scholarship funds for needy youths and informing ghetto youths of career opportunities;
- * the provision of legal services and counseling for our unknowledgeable veterans;
- * the uplifting of the morale of our disabled veterans;
- * unselfish assistance to Marine Corps and Naval recruiting terms; and
- * the creation of other compatible and uplifting programs; now, therefore:

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

SECTION 1. The Indianapolis - Marion County City-County Council welcomes the Montford Point Marine Association's Convention to the City of Indianapolis.

SECTION 2. All the members of the Montford Point Marine Association are commended for their service to our citizens and the United States Marine Corps.

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

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 418, 1985. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to allow the regulation and licensing of limousine services"; and the President referred it to the Administration Committee.

PROPOSAL NO. 419, 1985. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$53,000 for the County Administrator for increased workmen's compensation claims"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 420, 1985. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,000 for the Pike Township Assessor to retain a temporary field deputy"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 421, 1985. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$10,000 for the Division of Economic and Housing Development for increased supply expenses"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 422, 1985. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the leasing of surplus property by the Parks Department"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 424, 1985. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$85,000 of Lilly Endowment Grant Funds for various divisions of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 425, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$89.00 for Superior Court, Civil Division - Room 1 for personnel expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 426, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$23,000 for the Criminal Justice Coordinating Agency for a Criminal Justice Data Integrator"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 427, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$80,000 for the Presiding Judge of the Municipal Court for public defenders and to reduce the vacancy factor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 428, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$43,000 for the Marion County Sheriff for overtime costs, the replacement of merit officers with correction officers and to purchase a replacement polygraph unit"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 429, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$220,484 of various grant funds for the Marion County Prosecuting Attorney and the County Auditor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 430, 1985. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$22,460 for the Marion County Prosecuting Attorney and the County Auditor to fund a Forensic Service Director"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 431, 1985. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting a comprehensive and encompassing patrol schedule of "The Madison Avenue Strip"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 432, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limit controls on a portion of Rand Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 433, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of 15th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 434, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Colby Boulevard and West 86th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 435, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE enlarging an existing loading zone on a portion of Maryland Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 436, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishes a loading zone on a portion of Ohio Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 437, 1985. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishes a loading zone on a portion of Market Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 438, 1985. Introduced by Councillors McGrath, Miller, Strader, Borst and Page. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting an in-depth study by the Traffic Engineering Division, Department of Transportation on the recommendation to open South East Street to northbound, eastbound and westbound traffic"; and the President referred it to the Transportation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

[Clerk's Note: Councillor Schneider was unable to chair the Economic Development Committee meeting held on July 17, 1985. In his absence Councillor Clark chaired the meeting and gave the following committee report.]

PROPOSAL NO. 397, 1985. This is a proposal for a final bond ordinance authorizing the issuance of \$1,250,000 Economic Development Revenue Bonds for Haden Schweitzer Corporation. Councillor Clark reviewed the project as the purchase and renovation of a 72,000 square foot facility at 8301 East 33rd Street for the Company's manufacturing activities of process equipment for industrial paint finishing systems and various pollution control equipment. The bond financing contains the following documents: Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1985, and Trust Indenture. The interest rate will be 75% of the prime rate of interest of the Comerica Bank of Detroit. The interest is payable monthly commencing September 1, 1985. Principal payments of \$10,417 commence September 1, 1985, with the final payment on September 1, 1995. The Economic Development Committee on July 17, 1985, recommended Proposal No. 397, 1985, Do Pass by a vote of 5-0. Councillor Clark moved, seconded by Councillor Rader for adoption. Proposal No. 397, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Dowden, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

NO NAYS

5 NOT VOTING: *Curry, Durnil, Hawkins, Rader, Strader*

Proposal No. 397, 1985, was retitled SPECIAL ORDINANCE NO. 25, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 25, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project" in the principal amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) 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 Haden Schweitzer Corporation and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on July 17, 1985, 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 Haden Schweitzer Corporation (the "Company") consisting of the acquisition, renovation, installation and equipping of an existing building containing approximately 72,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 8301 East 33rd Street, Indianapolis, Indiana on approximately 6 acres of land which will be used by Haden Schweitzer Corporation for administrative offices and the manufacturing of process equipment for industrial (paint) finishing systems, including spraybooths, ovens, electrocoat machines, washers, phosphate machines, pickling machines, degreasers and various pollution control equipment such as thermal and catalytic incinerators, scrubbers, and other pollution collection equipment (the "Project") which will be initially owned and operated by Haden Schweitzer Corporation complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1985, Trust Indenture and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement consisting of the acquisition, renovation, installation and equipping of an existing building containing approximately 72,000 square feet and the machinery and equipment to be installed therein plus certain site improvements located at 8301 East 33rd Street, Indianapolis, Indiana on approximately 6 acres of land which will be used by Haden Schweitzer Corporation for administrative offices and the manufacturing of process equipment for industrial (paint) finishing systems, including spraybooths, ovens, electrocoat machines, washers, phosphate machines, pickling machines, degreasers and various pollution control equipment such as thermal and catalytic incinerators, scrubbers, and other pollution collection equipment 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 Haden Schweitzer Corporation for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Haden Schweitzer Corporation will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1985, Trust Indenture and the form of the City of Indianapolis Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1985, Trust Indenture and the form of the City of Indianapolis Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project) in the principal amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) for the purpose of procuring funds to loan to Haden Schweitzer Corporation in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, 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 Haden Schweitzer Corporation on its First Mortgage Note, Series 1985, in the principal amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000), which will be executed and delivered by Haden Schweitzer Corporation to evidence and secure said loan, and as otherwise provided in the above described Trust Indenture and Loan Agreement, Mortgage and Security 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 or rates of interest as set forth in the Trust Indenture and the Bond, except that the interest rate shall in no event exceed 30% per annum.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, the City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1985 (Haden Schweitzer Corporation Project), and the Endorsement to the First Mortgage Note, Series 1985 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 Trust Indenture. The Mayor and City Clerk may by their execution of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, the Endorsement to First Mortgage Note, Series 1985 and imprinting of their facsimile signatures on the Bond or their manual signatures thereof approve changes therein and also in the First Mortgage Note, Series 1985 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, Series 1985 (Haden Schweitzer Corporation 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. 398, 1985. This is a proposal for a final bond ordinance authorizing the issuance of \$875,000 Economic Development Revenue Bonds for Horace Mann, an Indiana Limited Partnership. Councillor Clark explained that the project is the acquisition and renovation of the former I.P.S. School Number 13 for use as multi-family residential rental units. The bond financing contains the following documents: Loan Agreement, Mortgage and Security Agreement, Trust Indenture with Indiana National Bank, and First Mortgage Note, Series 1985. The interest rate will be 75% of the prime rate of interest of I.N.B. The interest is payable monthly with payments commencing August 1, 1985. Principal payments of \$7,576 per month begin August 1, 1986, to June 1, 1996, with the final payment on July 1, 1996. The Economic Development Committee on July 17, 1985, recommended Proposal No. 398, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Gilmer for adoption. Proposal No. 398, 1985, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, 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: *Curry*

Proposal No. 398, 1985, was retitled SPECIAL ORDINANCE NO. 26, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 26, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project) in the aggregate principal amount of Eight Hundred Seventy-five Thousand Dollars (\$875,000) 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 Horace Mann, 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 July 17, 1985, 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 Horace Mann, an Indiana Limited Partnership (the "Company") consisting of the acquisition, renovation, installation and equipping of the vacant former IPS School Number 13 building which will contain approximately 21,400 net leasable square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 714 Buchanan Street Indianapolis, Indiana, on approximately 0.89 acres of land which will be used as multi-family residential rental housing containing approximately 21 units (the "Project") which will be initially owned and operated by Horace Mann, 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, First Mortgage Note, Series 1985 and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement consisting of the acquisition, renovation, installation and equipping of the vacant former IPS School Number 13 building which will contain approximately 21,400 net leasable square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at 714 Buchanan Street, Indianapolis, Indiana on approximately 0.89 acres of land which will be used as multi-family residential rental housing containing approximately 21 units 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 Horace Mann, an Indiana Limited Partnership for the purposes of financing the economic development facilities being acquired, renovated, installed and equipped or to be acquired, renovated, installed and equipped in Indianapolis, Indiana, and the repayment of said loan by Horace Mann, an Indiana Limited Partnership will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, First Mortgage Note, Series 1985 and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Loan Agreement, Mortgage and

Security Agreement, Trust Indenture, First Mortgage Note, Series 1985 and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project) in the aggregate principal amount of Eight Hundred Seventy-five Thousand Dollars (\$875,000) for the purpose of procuring funds to loan to Horace Mann, an Indiana Limited Partnership in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Horace Mann, an Indiana Limited Partnership on its First Mortgage Note, Series 1985 in the aggregate principal amount of Eight Hundred Seventy-five Thousand Dollars (\$875,000), which will be executed and delivered by Horace Mann, an Indiana Limited Partnership to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement and Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest equal to seventy-five percent (75%) of the prime rate announced by The Indiana National Bank, Indianapolis, Indiana, at its principal office from time to time (the "Bond Interest Rate"), except that (i) the interest rate thereon shall in no event exceed 30% per annum, (ii) in the event of a Determination of Taxability (as defined in the Loan Agreement, Mortgage and Security Agreement) the Bonds shall bear interest at the Taxable Rate (as defined in the Loan Agreement, Mortgage and Security Agreement) and (iii) under certain circumstances the Bonds shall bear interest at the Adjusted Tax Exempt Rate (as defined in the Loan Agreement, Mortgage and Security Agreement).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Trust Indenture the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partnership Project), and the Endorsement to the First Mortgage Note, Series 1985 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 and the Endorsement to First Mortgage Note, Series 1985 and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the First Mortgage Note, Series 1985 without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1985 (Horace Mann, an Indiana Limited Partner-

ship Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 399, 1985. This is a proposal for a final bond ordinance authorizing the issuance of \$700,000 Economic Development Revenue Bonds for Tuchman Cleaners, Inc. The project is to renovate 20,000 square foot of the Company's existing building located at 4401 North Keystone which will operate as a dry cleaning plant and uniform rental operation. The bond financing contains the following documents: Trust Indenture, Loan Agreement, and Assignment of Loan Agreement. Councillor Clark stated that the interest rate will be 72% of the prime rate of interest of the purchaser. Payment on the interest commences November 1, 1985, and is payable quarterly on the first day of February, May, August, and November to and including August 1, 1995. The principal is payable in twenty equal semi-annual installments of \$35,000 on February 1, and August 1, beginning February 1, 1986, to and including August 1, 1995. The Economic Development Committee on July 17, 1985, recommended Proposal No. 399, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Rader for adoption. Proposal No. 399, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Curry, Hawkins

Proposal No. 399, 1985, was retitled SPECIAL ORDINANCE NO. 27, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 27, 1985

A SPECIAL ORDINANCE authorizing the issuance and sale to The First National Bank of Cincinnati of \$700,000 Economic Development Revenue Bonds of the City of Indianapolis, Indiana, pursuant to a Trust Indenture; authorizing the City to loan the proceeds from the sale of said Project Bonds to Tuchman Cleaners, Inc. to assist said Company in financing a commercial project; and authorizing a Loan Agreement

and Assignment of Loan Agreement defining the terms and conditions of said loan and providing for revenues to said City sufficient to pay principal of, premium, if any, and interest on said Project Bonds.

WHEREAS, the Indianapolis Economic Development Commission has been duly created by the City of Indianapolis, Indiana (the "Issuer"), and the members of the Commission have been duly appointed and qualified pursuant to law; and

WHEREAS, the Indianapolis Economic Development Commission has prepared and filed with the Metropolitan Development Commission of Marion County, Indiana its report entitled "Report of the Indianapolis Economic Development Commission Concerning the Proposed Financing of Economic Development Facilities for Tuchman Cleaners, Inc.", and the Metropolitan Development Commission of Marion County, Indiana has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on July 17, 1985, adopted a Resolution on the same date, two copies of which Resolution have been transmitted to this City-County Council, finding that the financing of certain economic development facilities of Tuchman Cleaners, Inc. complies with the purpose and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code of 1971, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has heretofore approved and recommended to the City-County Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this City-County Council the Loan Agreement (the "Agreement") between the Issuer and the Company, the Trust Indenture (the "Trust Indenture") between the Issuer and The Second National Bank of Richmond, as trustee, and The First National Bank of Cincinnati, Cincinnati, Ohio, as co-trustee, (together the "Trustee") and the Assignment of Loan Agreement from the Issuer to the Trustee (the "Assignment") and the Project Bonds (as hereinafter defined), two (2) copies of each of which are on file in the Office of the Clerk of the City-County Council for public inspection; and

WHEREAS, the Issuer wishes to issue its \$700,000 Economic Development Revenue Bond (Tuchman Cleaners, Inc. Project) (hereinafter called the "Project Bonds") and to loan the proceeds from the sale of the Project Bonds to the Company pursuant to the terms of the Agreement to be used by the Company to make certain improvements to and renovations of an existing dry cleaning and uniform rental facility located in the City of Indianapolis, Indiana, (the "Project") for use by the Company; and

WHEREAS, the issuance and sale of the Project Bonds and the loan of the proceeds from the sale of the Project Bonds to the Company will induce the Company to locate the Project within the boundaries of the Issuer and thereby will increase and maintain employment opportunities within the boundaries of the Issuer, the County of Marion and the State of Indiana (the "State") and will improve the economic welfare of the people residing within the boundaries of the Issuer, the County of Marion and the State; now, therefore:

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

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Special Ordinance, all initially capitalized terms and words used herein shall

have the same meaning as in the Agreement and the Trust Indenture relating to the Project Bonds authorized by this Special Ordinance, unless the context or use clearly indicates another or different meaning or intent.

SECTION 2. Determinations of Issuer. The Issuer hereby determines that the Project is an "economic development facility" as that term is defined in the Act, is consistent with the purposes of the Act and will benefit the people of the Issuer by creating or preserving jobs and employment opportunities and promoting the economic development of the Issuer.

SECTION 3. Authorization and Terms of Bonds. It is hereby determined to be necessary to, and the Issuer shall issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, the Project Bonds in an aggregate amount of \$700,000 for the purpose of making a loan to assist the Company in the financing of costs of renovating, improving and equipping an existing dry cleaning and uniform rental facility constituting the Project, including costs incidental thereto and to the financing thereof. The Project Bonds shall be issued in the form and denomination and shall be executed dated, be subject to mandatory or optional redemption on the dates and at the prices, mature, bear interest at the rate or rates and be payable on the dates as provided in the Trust Indenture and Agreement hereinafter authorized and attached hereto as Exhibits A and B, respectively; provided that in any event the interest rate on the Project Bonds will not exceed fifteen percent.

SECTION 4. Payment of Project Bonds. The Project Bonds shall be payable at the corporate trust office of the Trustee named as Trustee under the Trust Indenture herein authorized, or any successor Trustee. The Trustee under the Trust Indenture shall be designated by the Company unless and until a successor trustee is appointed in the manner provided in such Trust Indenture.

SECTION 5. Bonds Not Debt of Issuer. Each of the Project Bonds authorized hereby shall bear on its face a statement to the effect that the Project Bonds are not general obligations, debt or bonded indebtedness of the Issuer or of the State or of any political subdivision thereof, and the holders or owners of the Project Bonds are not given the right, and have no right, to have excises or taxes levied by the Issuer or by the State or by any political subdivision thereof, for the payment of the principal of, premium, if any, and interest on such Project Bonds and that the right to such payment is limited to the revenues and special funds pledged for such purpose under the Trust Indenture herein authorized.

SECTION 6. Project Fund. There is hereby created by the Issuer and ordered maintained as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Indianapolis - Tuchman Cleaners, Inc. Project Fund" (the "Project Fund"). The proceeds of the Project Bonds shall be deposited in the Project Fund as the Loan to the Company provided for in the Agreement. Moneys in the Project Fund shall be disbursed by the Trustee in accordance with the provisions of the Agreement, and the Trustee is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement.

The moneys to the credit of the Project Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the Trustee as Trustee for the Bondholders.

SECTION 7. Bond Fund. As provided in the Agreement, payments sufficient in time and amount to pay the Bond service charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the

Bond Fund. Under the provisions of the Agreement, payments with respect to the Note shall be deposited into the Bonds Fund for the account of the Issuer and shall constitute Loan Payments.

There is hereby created and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Indianapolis - Tuchman Cleaners, Inc. Revenue Bond Fund" (the "Bond Fund"). The Bond Fund (and accounts therein, if any, provided for in the Indenture or in the Agreement) and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond service charges as they fall due at stated maturity or by redemption, all as provided herein and in the Trust Indenture and the Agreement, provided that no part thereof (except as may otherwise be provided for herein and in the Trust Indenture or the Agreement) shall be used to redeem, prior to maturity, any Project Bonds.

There shall be deposited into the Bond Fund (and credited, if required by the Trust Indenture or the Agreement to appropriate accounts therein, if any), as and when received, (a) all Loan Payments and (b) all other Pledged Receipts, except those amounts required by the Trust Indenture or the Agreement to be deposited in the Project Fund or the Excess Investment Earnings Fund, or to pay other amounts required under the Agreement or the Trust Indenture.

SECTION 8. Excess Investment Earnings Fund. There is hereby created by the Issuer and ordered maintained in the custody of the Trustee, a special trust account to be designated "City of Indianapolis - Tuchman Cleaners, Inc. Excess Investment Earnings Fund" (hereinafter referred to as the "Excess Investment Earnings Fund"), to be held by the Trustee. The Company has covenanted and agreed in the Agreement that it will (a) prepare and file with the Trustee and the Issuer a report setting forth the "Rebate Amount" determined in accordance with Section 5.12 of the Agreement, and (b) deposit or cause to be deposited into the Excess Investment Earnings Fund, or in the Principal Subaccount or Income Subaccount thereof, as appropriate, any and all Rebate Amounts promptly following a determination of any such Rebate Amount.

The Trustee, as Bond Fund and Project Fund custodian, has covenanted and agreed that it will, on or before each anniversary of the date of issuance of the Project Bonds, prepare and file with the Issuer and the Company a report with respect to the Bond Fund and Project Fund setting forth the total amounts invested during the preceding bond year, the investments made with the moneys in the Bond Fund and Project Fund and the investment earnings (and losses) resulting from the investments in each such Fund, respectively, together with such additional information concerning such Funds and the investments therein, respectively, as the Issuer or the Company shall reasonably request.

The Trustee has agreed that it will, to the extent practicable, keep all moneys in the Excess Investment Earnings Fund fully invested in Eligible Investments (as defined in the Trust Indenture) and it will disburse all moneys in the Excess Investment Earnings Fund to the United States at the times and in the manner set forth in Section 5.12 of the Agreement.

Moneys in the Excess Investment Earnings Fund, including investment earnings thereon, if any, shall not be subject to the pledge of the Trust Indenture and shall not constitute part of the Pledged Receipts held for the benefit of the holders of the Project Bonds.

SECTION 9. Additional Bonds. At the request of the Company and with the written consent of the Original Purchaser, if the Company is not then in default under the Agreement, the Issuer, to the extent permitted by law (including the Act) then in effect and for purposes consistent with the Act, shall use its best efforts to issue Additional Bonds from time to time to provide loans to the Company for: (i) completion of the Project, including additional costs incurred in providing the Project, or (ii) the acquisition for the Project of additional real estate or interests therein, or repairs to the Project of a major nature arising from casualty or unanticipated conditions, or (iii) the acquisition, construction and installation of additional economic development facilities to be used in connection with the Project and to be located on the site of the Project, or to be used in connection with other facilities located within the boundaries of the Issuer which are owned in whole or in part by the Company, or any combination thereof, or (iv) refunding the Bond or any one or more series of Additional Bonds, or (v) any combination of the foregoing; provided, that the proceeds of any Additional Bonds shall, except to the extent issued for the purpose described in clause (iv), be used solely to pay permissible costs under the Act. Such Additional Bonds shall be on a parity with the Project Bond and any Additional Bonds theretofore or thereafter issued. Before any Additional Bonds are authenticated there shall be delivered to the Trustee the items required by Section 2.08 of the Trust Indenture and (a) any necessary amendment of the Agreement to provide for increased Loan Payments so that the aggregate of the Loan Payments thereafter payable under the Agreement shall be sufficient in amount to make all required payments into the Bond Fund in order to pay when due Bond service charges on all Bonds then outstanding, and for all Additional Payments by the Company under the provisions of the Agreement, and (b) either the opinion of nationally recognized bond counsel or a ruling of the Internal Revenue Service of the United States Department of Treasury that the issuance of such series of Additional Bonds will not adversely affect the exemption from Federal income taxation of the interest paid or payable on any outstanding Bonds.

SECTION 10. Execution and Delivery of Trust Indenture. The Mayor and Clerk of the Issuer are each hereby authorized and directed to execute on behalf of the Issuer a Trust Indenture with the Trustee substantially in the form presented to the Issuer and on file with the Clerk. The Pledged Receipts shall be pledged for the payment of the Project Bonds, and all other agreement, covenants and promises therein made on behalf of the Issuer shall be conclusively binding upon the Issuer and in full force and effect from and after delivery of the Project Bonds to their purchaser or purchasers pursuant to the terms of said Trust Indenture.

SECTION 11. Execution and Delivery of Loan Agreement and Assignment. The Mayor and Clerk of the Issuer are each hereby further authorized and directed to execute and deliver on behalf of the Issuer a Loan Agreement with the Company and an Assignment of Loan Agreement with the Trustee, both substantially in the forms presented to the Issuer and on file with the Clerk, and the agreements, covenants and promises therein made on behalf of the Issuer shall be conclusively binding on the Issuer and in full force and effect from and after delivery of the Project Bonds to their purchaser or purchasers.

SECTION 12. Execution and Delivery of Other Instruments. The Mayor, or the Clerk, or such other appropriate officer as may heretofore or hereafter be designated by the Issuer are each hereby authorized and directed to execute (either singly or in any combination) and deliver on behalf of the Issuer such other documents and certificates and to do all such acts and things required of them by the provisions of the Project Bonds, the Agreement and the Trust Indenture, to the end that full and

complete performance of all of the terms, covenants and agreements of the Project Bonds and of the Agreement and the Trust Indenture, shall be effected. In the event of the absence or disability of any officer or employee of the Issuer authorized to execute any instrument, such instrument may be executed, with the same effect, by any other officer of the Issuer.

SECTION 13. Modifications. The Agreement and the Trust Indenture authorized by this Special Ordinance shall be subject to such changes, insertions and omissions as are not adverse to the Issuer and have been approved by counsel to the Issuer, and approval of any changes, insertions and omissions shall be conclusively evidenced by the execution of said documents by an authorized officer of the Issuer.

SECTION 14. Arbitrage Covenant. The Issuer hereby covenants that it will restrict the use of the proceeds of the Project Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Section 103(c) of the Internal Revenue Code and the regulations prescribed thereunder. The Mayor or any other officer having responsibility with respect to the issuance of the Project Bonds is authorized and directed to give an appropriate certificate on behalf of the Issuer, on the date of delivery of the Project Bonds, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Section 103(c) and regulations thereunder.

SECTION 15. Compliance with Indiana Open Meeting Law. It is hereby found and determined that all formal actions by the City-County Council of the Issuer concerning and relating to the passage of this Special Ordinance were taken in an open meeting, and that all deliberations of the City-County Council of the Issuer that resulted in such formal action, were taken in meetings or hearings open to the public, in full compliance with applicable legal requirements.

SECTION 16. Effective Date; Repeal of Conflicting Ordinances. Additional readings having been waived as provided by law, this Special Ordinance shall take effect and be in full force and after compliance with procedures required by Indiana Code 36-3-4-14 and all ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

PROPOSAL NO. 400-402, 1985. PROPOSAL NO. 400, 1985, is a final bond ordinance authorizing the issuance of a maximum aggregate principal amount of \$10,000,000 Residential Facilities Revenue Bonds (1985 Series A) for Independent Living Centers of Indianapolis. This project is the construction of a continuing care retirement complex containing approximately 160 one bedroom and two bedroom multi-family residential rental units to be located on parcel 1 of the County Line Mall Complex (northeast quadrant of the intersection of U.S. 31 South and County Line Road). PROPOSAL NO. 401, 1985, is a final bond ordinance authorizing the issuance of a maximum aggregate principal amount of \$15,000,000 Residential Facilities Revenue Bonds (1985 Series B) for Independent Living Centers of Indianapolis. This project is the construction of a continuing care retirement complex containing approximately 235 one bedroom

and two bedroom multi-family residential rental units to be located on the southwest portion of 1700 West 86th Street. PROPOSAL NO. 402, 1985, is a final bond ordinance authorizing the issuance of a maximum aggregate principal amount of \$10,000,000 Residential Facilities Revenue Bonds (1985 Series C) for Independent Living Centers of Indianapolis. This project is the construction of a continuing care retirement complex containing approximately 113 one bedroom and two bedroom multi-family residential rental units to be located at 2035 North Meridian Street. All three facilities are located near hospitals. Market studies regarding Marion County and this type of housing have shown that a monthly rental rate of \$550 is "affordable" to 16,000 elderly households. However, a \$800 monthly rental rate is "affordable" to only about 8,000 elderly households. It was stressed that most monthly rental rates for other projects for elderly housing are in the higher monthly rental range of approximately \$800. In order to provide for a larger "target market", the monthly rental rates for all three projects involving Independent Living Centers will be based closer to the \$550 range. The bond financing contains the following documents: Trust Indenture with American Fletcher National Bank, Bond Purchase Agreement and Loan Agreement. The bonds are being purchased by Matthews & Wright, Inc. of New York City. The interest rate is less than or equal to 10% and is payable January 15, 1986, and each June and July 15th thereafter until maturity. The principal is payable on each July 15th commencing July 15, 1989, with a final maturity on July 15, 2015. The Economic Development Committee on July 17, 1985, recommended Proposal Nos. 400-402, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Howard for adoption. Proposal No. 400, 1985, was adopted on the following roll call vote; viz:

28 AYES: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, 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: Curry

Proposal No. 400, 1985, was retitled SPECIAL ORDINANCE NO. 28, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 28, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Residential Facilities Revenue Bonds, 1985 Series A (Country Place South Project)" in the maximum aggregate principal amount of Ten Million Dollars (\$10,000,000) and authorizing other actions in respect thereto.

WHEREAS, Independent Living Centers of Indianapolis, a limited partnership (the "Company") has heretofore requested the Indianapolis Economic Development Commission and the City of Indianapolis, Indiana (the "City") to finance the acquisition, construction, installation and equipping of a continuing care retirement complex containing approximately 160 one bedroom and two bedroom multi-family residential rental units, to be located on parcel 1 of the County Line Mall Complex located at the northeast quadrant of the intersection of U.S. 31 South and County Line Road in Indianapolis, Marion County, Indiana on approximately 6.8 acres of land (the "Project") to be operated by the Company; and

WHEREAS, the City has determined to issue and sell revenue bonds to be designated "City of Indianapolis, Indiana, Residential Facilities Revenue Bonds 1985 Series A" (the "Bonds") issued under and pursuant to a Trust Indenture, (the "Indenture"), between the City and a trustee (the "Trustee") and a Bond Purchase Agreement (the "Agreement"), in an aggregate principal amount not to exceed \$10,000,000 bearing interest rates, and having a maturity or maturities and such redemption features and other provisions as shall be set forth in the Indenture; and

WHEREAS, the Bonds will be secured by the Indenture, pursuant to the terms of which, all right, title and interest of the City in the Indenture will be assigned and pledged to the Trustee for the security of the Bonds; now, therefore:

**BE IT ORDAINED 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 issuance and sale of the Bonds under I.C. 36-7-12 (the "Act") for the acquisition, construction, installation and equipping of the Project and the loaning of the proceeds of the Bonds to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 2. That the Mayor and Clerk are hereby authorized to execute and deliver in the name of and on behalf of the City and under its corporate seal or otherwise, the Indenture with American Fletcher National Bank and Trust Company, as trustee, and the Agreement between the City and Matthews & Wright, Inc., official statement, and such other instruments and documents as the Mayor and Clerk may deem necessary or appropriate, providing for the acquisition, construction and financing of the Project and the issuance and sale of the Bonds. The Mayor and Clerk may approve changes therein without further approval of the 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)-(a)(11).

SECTION 3. The City shall issue the Bonds in an aggregate principal amount not to exceed \$10,000,000 to finance the cost of the Project, with the Bonds to bear interest at such rates per annum (at a rate not to exceed 10% to July 15, 1988, and thereafter as provided in the Indenture and the Agreement; provided, however, such rates per annum shall not exceed 30%), to have such maturities (not to exceed 30 years), to have such provisions for mandatory or optional redemption with or without premium, and such other terms and provisions, as set forth in and to be issued under the Indenture and shall be approved by the Mayor and Clerk, with such approval to be conclusively

evidenced by the manual or facsimile execution thereof by the Mayor and Clerk.

SECTION 4. The Mayor and Clerk are authorized to execute the Bonds or cause the Bonds to be imprinted with a facsimile of the signature of each in the manner provided in the Indenture and the Clerk is hereby authorized and directed to cause to be affixed to or imprinted upon the Bonds the corporate seal of the City or a facsimile thereof (which facsimile the City adopts as its seal for such purpose).

SECTION 5. The Mayor and the Clerk are hereby authorized and directed, in the name of and on behalf of the City, to execute coupons attached to the Bonds or to cause to be imprinted with the facsimile signature of each in the manner provided in the Indenture and upon the satisfaction of all conditions precedent contained in the Agreement.

SECTION 6. The Mayor is hereby authorized, in the name of and on behalf of the City to deliver the Bonds to the Trustee with a request that the Bonds be authenticated by the Trustee and delivered to Matthews & Wright, Inc. in accordance with the Indenture and the Agreement.

SECTION 7. The proper officers of the City, including without limitation the Mayor and Clerk are hereby authorized to execute, deliver and file all such documents, and to enter into all such agreements, and to take all such other actions as may be required or which they deem appropriate to carry out and consummate the transaction as contemplated by the Agreement, the Bonds and the Indenture, and otherwise to effectuate the purposes of these resolutions, and the previous resolutions of the City relating to the Project.

SECTION 8. The Bonds do not constitute a pledge of the general credit or taxing power of the City. All payments of principal, premium, if any, and interest on the Bonds shall be limited to the pledge of revenues under the Indenture.

SECTION 9. Two copies of the Indenture, Agreement, Preliminary Official Statement, Loan Agreement and form of the Bonds are on file in the Office of the Clerk for public inspection.

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

Proposal No. 401, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Curry, Durnil, Gilmer*

Proposal No. 401, 1985, was retitled SPECIAL ORDINANCE NO. 29, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 29, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Residential Facilities Revenue Bonds, 1985 Series B (Country Place North Project)" in the maximum aggregate principal amount of Fifteen Million Dollars (\$15,000,000) and authorizing other actions in respect thereto.

WHEREAS, Independent Living Centers of Indianapolis, a limited partnership (the "Company") has heretofore requested the Indianapolis Economic Development Commission and the City of Indianapolis, Indiana (the "City") to finance the acquisition, construction, installation and equipping of a continuing care retirement complex containing approximately 235 one bedroom and two bedroom multi-family residential rental units, to be located on the southwest portion of 1700 West 86th Street in Indianapolis, Marion County, Indiana on approximately 7.5 acres of land (the "Project") to be operated by the Company; and

WHEREAS, the City has determined to issue and sell revenue bonds to be designated "City of Indianapolis, Indiana, Residential Facilities Revenue Bonds 1985 Series B" (the "Bonds") issued under and pursuant to a Trust Indenture, (the "Indenture"), between the City and a trustee (the "Trustee") and a Bond Purchase Agreement (the "Agreement"), in an aggregate principal amount not to exceed \$15,000,000 bearing interest rates, and having a maturity or maturities and such redemption features and other provisions as shall be set forth in the Indenture; and

WHEREAS, the Bonds will be secured by the Indenture, pursuant to the terms of which, all right, title and interest of the City in the Indenture will be assigned and pledged to the Trustee for the security of the Bonds; now, therefore:

BE IT ORDAINED 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 issuance and sale of the Bonds under I.C. 36-7-12 (the "Act") for the acquisition, construction, installation and equipping of the Project and the loaning of the proceeds of the Bonds to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 2. That the Mayor and Clerk are hereby authorized to execute and deliver in the name of and on behalf of the City and under its corporate seal or otherwise, the Indenture with American Fletcher National Bank and Trust Company, as trustee, and the Agreement between the City and Matthews & Wright, Inc., official statement, and such other instruments and documents as the Mayor and Clerk may deem necessary or appropriate, providing for the acquisition, construction and financing of the Project and the issuance and sale of the Bonds. The Mayor and Clerk may approve changes therein without further approval of the 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)-(a)(11).

SECTION 3. The City shall issue the Bonds in an aggregate principal amount not to exceed \$15,000,000 to finance the cost of the Project, with the Bonds to bear interest at such rates per annum (at a rate not to exceed 10% to July 15, 1988, and thereafter as provided in the Indenture and the Agreement; provided, however, such rates per annum shall not exceed 30%), to have such maturities (not to exceed 30 years), to have such provisions for mandatory or optional redemption with or without premium, and such other terms and provisions, as set forth in and to be issued under the Indenture

and shall be approved by the Mayor and Clerk, with such approval to be conclusively evidenced by the manual or facsimile execution thereof by the Mayor and Clerk.

SECTION 4. The Mayor and Clerk are authorized to execute the Bonds or cause the Bonds to be imprinted with a facsimile of the signature of each in the manner provided in the Indenture and the Clerk is hereby authorized and directed to cause to be affixed to or imprinted upon the Bonds the corporate seal of the City or a facsimile thereof (which facsimile the City adopts as its seal for such purpose).

SECTION 5. The Mayor and the Clerk are hereby authorized and directed, in the name of and on behalf of the City, to execute coupons attached to the Bonds or to cause to be imprinted with the facsimile signature of each in the manner provided in the Indenture and upon the satisfaction of all conditions precedent contained in the Agreement.

SECTION 6. The Mayor is hereby authorized, in the name of and on behalf of the City to deliver the Bonds to the Trustee with a request that the Bonds be authenticated by the Trustee and delivered to Matthews & Wright, Inc. in accordance with the Indenture and the Agreement.

SECTION 7. The proper officers of the City, including without limitation the Mayor and Clerk are hereby authorized to execute, deliver and file all such documents, and to enter into all such agreements, and to take all such other actions as may be required or which they deem appropriate to carry out and consummate the transaction as contemplated by the Agreement, the Bonds and the Indenture, and otherwise to effectuate the purposes of these resolutions, and the previous resolutions of the City relating to the Project.

SECTION 8. The Bonds do not constitute a pledge of the general credit or taxing power of the City. All payments of principal, premium, if any, and interest on the Bonds shall be limited to the pledge of revenues under the Indenture.

SECTION 9. Two copies of the Indenture, Agreement, Preliminary Official Statement, Loan Agreement and form of the Bonds are on file in the Office of the Clerk for public inspection.

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

Proposal No. 402, 1985, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, 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: *Curry*

Proposal No. 402, 1985, was retitled SPECIAL ORDINANCE NO. 30, 1985, and

reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 30, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Residential Facilities Revenue Bonds, 1985 Series C (Meridian Tower Project)" in the maximum aggregate principal amount of Ten Million Dollars (\$10,000,000) and authorizing other actions in respect thereto.

WHEREAS, Independent Living Centers of Indianapolis, a limited partnership (the "Company") has heretofore requested the Indianapolis Economic Development Commission and the City of Indianapolis, Indiana (the "City") to finance the acquisition, construction, installation and equipping of a continuing care retirement complex containing approximately 113 one bedroom and two bedroom multi-family residential rental units, to be located at 2035 North Meridian Street in Indianapolis, Marion County, Indiana on approximately 1.1 acres of land (the "Project") to be operated by the Company; and

WHEREAS, the City has determined to issue and sell revenue bonds to be designated "City of Indianapolis, Indiana, Residential Facilities Revenue Bonds 1985 Series C" (the "Bonds") issued under and pursuant to a Trust Indenture, (the "Indenture"), between the City and a trustee (the "Trustee") and a Bond Purchase Agreement (the "Agreement"), in an aggregate principal amount not to exceed \$10,000,000 bearing interest rates, and having a maturity or maturities and such redemption features and other provisions as shall be set forth in the Indenture; and

WHEREAS, the Bonds will be secured by the Indenture, pursuant to the terms of which, all right, title and interest of the City in the Indenture will be assigned and pledged to the Trustee for the security of the Bonds; now, therefore:

**BE IT ORDAINED 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 issuance and sale of the Bonds under I.C. 36-7-12 (the "Act") for the acquisition, construction, installation and equipping of the Project and the loaning of the proceeds of the Bonds to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 2. That the Mayor and Clerk are hereby authorized to execute and deliver in the name of and on behalf of the City and under its corporate seal or otherwise, the Indenture with American Fletcher National Bank and Trust Company, as trustee, and the Agreement between the City and Matthews & Wright, Inc., official statement, and such other instruments and documents as the Mayor and Clerk may deem necessary or appropriate, providing for the acquisition, construction and financing of the Project and the issuance and sale of the Bonds. The Mayor and Clerk may approve changes therein without further approval of the 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)--(a)(11).

SECTION 3. The City shall issue the Bonds in an aggregate principal amount not to exceed \$10,000,000 to finance the cost of the Project, with the Bonds to bear interest at such rates per annum (at a rate not to exceed 10% to July 15, 1988, and thereafter as provided in the Indenture and the Agreement; provided, however, such rates per

annum shall not exceed 30%), to have such maturities (not to exceed 30 years), to have such provisions for mandatory or optional redemption with or without premium, and such other terms and provisions, as set forth in and to be issued under the Indenture and shall be approved by the Mayor and Clerk, with such approval to be conclusively evidenced by the manual or facsimile execution thereof by the Mayor and Clerk.

SECTION 4. The Mayor and Clerk are authorized to execute the Bonds or cause the Bonds to be imprinted with a facsimile of the signature of each in the manner provided in the Indenture and the Clerk is hereby authorized and directed to cause to be affixed to or imprinted upon the Bonds the corporate seal of the City or a facsimile thereof (which facsimile the City adopts as its seal for such purpose).

SECTION 5. The Mayor and the Clerk are hereby authorized and directed, in the name of and on behalf of the City, to execute coupons attached to the Bonds or to cause to be imprinted with the facsimile signature of each in the manner provided in the Indenture and upon the satisfaction of all conditions precedent contained in the Agreement.

SECTION 6. The Mayor is hereby authorized, in the name of and on behalf of the City to deliver the Bonds to the Trustee with a request that the Bonds be authenticated by the Trustee and delivered to Matthews & Wright, Inc. in accordance with the Indenture and the Agreement.

SECTION 7. The proper officers of the City, including without limitation the Mayor and Clerk are hereby authorized to execute, deliver and file all such documents, and to enter into all such agreements, and to take all such other actions as may be required or which they deem appropriate to carry out and consummate the transaction as contemplated by the Agreement, the Bonds and the Indenture, and otherwise to effectuate the purposes of these resolutions, and the previous resolutions of the City relating to the Project.

SECTION 8. The Bonds do not constitute a pledge of the general credit or taxing power of the City. All payments of principal, premium, if any, and interest on the Bonds shall be limited to the pledge of revenues under the Indenture.

SECTION 9. Two copies of the Indenture, Agreement, Preliminary Official Statement, Loan Agreement and form of the Bonds are on file in the Office of the Clerk for public inspection.

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

PROPOSAL NO. 403, 1985. This is a proposal for a final bond ordinance authorizing the issuance of \$550,000 Economic Development Revenue Bonds, Series D, and amending Special Ordinance No. 61, 1984, for H & K Realty Company - E & A Industries, Inc. (amends previously authorized but as yet unissued Series D Bonds to reflect a longer amortization schedule of the principal). The bond financing contains the following documents: Series D Loan Agreement, First Amendment to Trust Indenture, First Amendment to Mortgage

and Security Agreement, and First Mortgage Note, Series D. The interest rate will be 75% of the prime rate of interest of Indiana National Bank. Interest payments commence August 1, 1985, and are payable monthly. Principal payments of \$2,291.67 commence February 1, 1986, and are payable monthly to and including December 1, 2006. The Economic Development Committee on July 17, 1985, recommended Proposal No. 403, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Gilmer for adoption. Proposal No. 403, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Curry, Page*

Proposal No. 403, 1985, was retitled SPECIAL ORDINANCE NO. 31, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 31, 1985

A SPECIAL ORDINANCE amending City-County Special Ordinance No. 61, 1984 and authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Project)" in the principal amount of Five Hundred Fifty Thousand Dollars (\$550,000) 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 H & K Realty Company and E & A Industries, Inc. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 3, 1984, and after a meeting on June 5, 1985 and July 17, 1985, adopted Resolutions on those dates, which Resolutions have been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by H & K Realty Company and H & K Realty Company and/or E & A Industries, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of a building containing approximately 30,000 square feet as an addition to the existing facilities and the machinery and equipment to be located therein plus certain site improvements to be located at 1910 South State Street, Indianapolis, Indiana on approximately 1.2 acres of land, which will be used by World Wide Chemicals, Inc. for the manufacturing of automobile reconditioning products such as polishes, waxes and cleaners and by Apex Corporation for precision machinery of parts including aircraft engine parts; the acquisition and installation of

new equipment to be used by Apex Corporation at 2620 Yandes, Indianapolis, Indiana for the precision machinery of parts including aircraft engine parts; the acquisition, construction, renovation, installation and equipping of facilities containing approximately 40,000 to 50,000 square feet located at 2920 Martindale, Indianapolis, Indiana which will be used by Ruline & Company, Inc. for the manufacturing of specialty chemicals and warehousing of its products and the acquisition, renovation, installation and equipping of two existing buildings located at 3010 Martindale Avenue, Indianapolis, Indiana, which will be used by E & A Industries, Inc. and its subsidiaries for office, warehouse and manufacturing of their respective businesses which will be initially owned by H & K Realty Company 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, although the City-County Council adopted City-County Special Ordinance No. 61, 1984 on October 22, 1984, and City-County Special Ordinance No. 20, 1985 on June 10, 1985, the authorized Series D and Series E Bonds have not yet been issued; and

WHEREAS, the Company has requested that the documents relating to the Series D Bonds be amended to reflect a longer amortization schedule of the principal; and

WHEREAS, the Indianapolis Economic Development Commission has previously on October 3, 1984 and June 5, 1985 approved by resolution the final forms of the various Loan Agreements with H & K Realty and various subsidiaries of E & A Industries, Inc., Trust Indenture, Mortgage and Security Agreement, First Mortgage Notes and the form of the City Indianapolis, Indiana Economic Development Revenue Bonds, Series A through E (H & K Realty Company - E & A Industries, Inc. Projects); and has approved the final forms of the Series D Loan Agreement, First Mortgage Note, Series D, First Amendment to Trust Indenture, First Amendment to Mortgage and Security Agreement and City of Indianapolis, Indiana Economic Development Revenue Bonds, Series D (H & K Realty Company - and E & A Industries, Inc. Projects) all as amended by Resolution adopted prior in time to this date; which Resolutions have 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 Series D Loan Agreement all as amended with H & K Realty Company consisting of the acquisition, construction, installation and equipping of a building containing approximately 30,000 square feet as an addition to the existing facilities and the machinery and equipment to be located there plus certain site improvements to be located at 1910 South State Street, Indianapolis, Indiana on 1.2 acres of land, and the modification of the existing World Wide Chemicals, Inc. facility at that location, which will be used by World Wide Chemicals, Inc. for the manufacturing of automobile reconditioning products such as polishes, waxes and cleaners and by Apex Corporation for precision machinery of parts including aircraft engine parts; the acquisition and installation of new equipment to be used by Apex Corporation at 2620 Yandes, Indianapolis, Indiana for the precision machinery of parts including aircraft engine parts; the modification, installation and equipping of facilities containing approximately 40,000 to 50,000 square feet located at 2920 Martindale, Indianapolis, Indiana which will be used by Brulin & Company, Inc. for the manufacturing of specialty chemicals and warehousing of its products (collectively the "Project") previously approved by the Indianapolis Economic Develop-

ment Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to H & K Realty Company 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 H & K Realty Company 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 Series D Loan Agreement, First Amendment to Trust Indenture, First Amendment to Mortgage and Security Agreement, First Mortgage Note, Series D, and the form of the City of Indianapolis Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Project) all as amended 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 Series D Loan Agreement, First Amendment to Trust Indenture, First Amendment to Mortgage and Security Agreement, First Mortgage Note, Series D, and the form of the City of Indianapolis Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Project) all as amended are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Project) all as amended in the principal amount of \$550,000 which will be utilized for the purpose of procuring funds to loan to H & K Realty Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Series D Loan Agreement with H & K Realty Company incorporated herein by reference. The Series D Bonds will be initially dated as of the first day of the month in which they are issued. The Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by H & K Realty Company on its First Mortgage Note, Series D all as amended in the principal amount of \$550,000, which will be executed and delivered by said companies to evidence and secure said loan, and as otherwise provided in the above described Series D Loan Agreement, First Amendment to Trust Indenture, and First Amendment to Mortgage and Security Agreement all as amended. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Series D Bonds all as amended 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 as stated in each Bond, whether fixed or variable, not to exceed twenty percent (20%).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Series D Loan Agreement, First Amendment to Trust Indenture, First Amendment to Mortgage and Security Agreement, the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Project), and the Endorsement to the First Mortgage Note, Series D all as amended 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 as amended. The Mayor and City Clerk may by their execution of the Series D Loan Agreement, First Amendment to Trust Indenture, First Amendment to Mortgage and Security Agreement, the Endorsement to the First Mortgage Note, Series D all as amended and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in the First Mortgage Note, Series D 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 as amended by the First Amendment to Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series D (H & K Realty Company - E & A Industries, Inc. Projects) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 404, 1985. This is a proposal for a final bond ordinance authorizing the execution of an Assignment and Assumption Agreement as well as a Letter of Agreement and exchange Bond No. R-1 for Bond No. R-2 concerning the previously issued \$350,000 Economic Development First Mortgage Revenue Bonds for Laboratory Supply Co., Inc. Councillor Clark explained that the assets of Laboratory Supply Co., Inc. are being sold to Harlan Sprague Dawley, Inc. who will take over payments on the bonds. There is no change in the interest rate or principal payments from the original bond documents; the ordinance merely authorizes amendments to reflect the change in assets. The Economic Development Committee on July 17, 1985, recommended Proposal No. 404, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Rader for adoption. Proposal No. 404, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Campbell, Clark, Curry*

Proposal No. 404, 1985, was retitled SPECIAL ORDINANCE NO. 32, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 32, 1985

A SPECIAL ORDINANCE authorizing the execution and delivery of an Assignment and Assumption Agreement as well as a Letter of Agreement concerning the previously issued \$350,000 City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1981 (Laboratory Supply Co., Inc. Project).

WHEREAS, the Indianapolis Economic Development Commission at its meeting on July 17, 1985 was presented with an Assignment and Assumption Agreement (the "Agreement") dated June 3, 1985, among Laboratory Supply Co, Inc., an Indiana Corporation, (the "Assignor"); Harlan Sprague Dawley, Inc., an Indiana Corporation, (the "Assignee"); City of Indianapolis, Indiana, a municipal corporation organized and existing under the laws of the State of Indiana, (the "City"); Merchants National Bank and Trust Company of Indianapolis, Indiana, a national banking association, Indianapolis, Indiana (the "Trustee"); and The Indiana National Bank, Indianapolis, Indiana (the "Bondholder") as well as a Letter of Agreement; and

WHEREAS, Assignor entered into a Loan Agreement, dated as of September 1, 1981, with the City (the "Loan Agreement"), in connection with the issuance by the City of its \$350,000 Economic Development First Mortgage Revenue Bond, Series 1981 (Laboratory Supply Co., Inc. Project) (the "Bond"), the proceeds of which were loaned to the Assignor by the City to facilitate the acquisition and construction of a two-story animal confinement building of approximately 15,000 square feet of Butler Building design with metal exterior walls and roof, concrete floor and cinder block interior walls located at 3550 South Lynhurst Drive, Indianapolis, Indiana on a 3.444 acre tract of land and certain machinery and equipment to be located therein and all attendant excavation, landscaping and parking lot facilities (the "Project" as defined in the Loan Agreement) which was originally owned and operated by Laboratory Supply Co., Inc. The Assignor, the City and the Trustee also entered into a Mortgage and Indenture of Trust, dated as of September 1, 1981, recorded at Marion County Records at 81-59409 (the "Indenture"), securing the loan to the Assignor with a mortgage on the Project. The Assignor also issued its Series 1981 Note in the principal amount of \$350,000 (the "Note") pursuant to the Loan Agreement and the Indenture to secure its payment obligations on the Bond; and

WHEREAS, Assignor has agreed with Assignee to assign to Assignee all of Assignor's right, title and interest in and to the Loan Agreement, the Indenture and the Project, and Assignee has agreed to assume all of the obligations and duties of Assignor under such documents, as such may be simultaneously therewith amended; and

WHEREAS, the Agreement evidences and confirms the agreement and consent to the transfer of any interest Assignor holds under the Loan Agreement and the indenture to the Assignee, and the assumption by Assignee of all obligations of Assignor under such documents; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Agreement as well as a Letter of Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution and delivery of the Agreement as well as a Letter of Agreement and the performance of the acts provided for therein

previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Agreement as well as a Letter of Agreement approved by the Indianapolis Economic Development Commission is approved and such document shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Agreement as well as a Letter of Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Bond shall continue to never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute Agreement as well as a Letter of Agreement approved herein and Bond No. R-2 in exchange for Bond No. R-1, and such 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 City Clerk or City Controller are authorized to arrange for the delivery of such Agreement as well as a Letter of Agreement and Bond No. R-2 in exchange for Bond No. R-1. The Mayor and City Clerk may by their execution of the Agreement as well as a Letter of Agreement and Bond No. R-2 in exchange for Bond No. R-1 approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 5. The provisions of this ordinance and the Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Bond and after the execution and delivery of the Agreement as well as a Letter of Agreement 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 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 405 and 406, 1985. PROPOSAL NO. 405, 1985, is a special ordinance designating the parcel of land commonly known as 2625 North Meridian Street and 2701 North Meridian Street as an economic development target area. PROPOSAL NO. 406, 1985, is a special ordinance approving extension of the maturity date from August 1, 1985, to December 31, 1985, for the previously issued \$13,530,000 City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project - FHA - Insured Advances) Series 1982 to keep open the option for refunding. Councillor Clark explained that the ordinance allows the maturity to be extended from August 1, 1985, to December

31, 1985, to maintain the refunding option. The target area designation is being requested to comply with a change in state statute. The Economic Development Committee on July 17, 1985, recommended Proposal Nos. 405 and 406, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Journey for adoption. Proposal No. 405, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Cottingham, Curry, Gilmer*

Proposal No. 405, 1985, was retitled SPECIAL ORDINANCE NO. 33, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 33, 1985

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

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

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

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

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

“(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property;

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

- (A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or
- (B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10;

(3) has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11.1, or I.C. 14-3-3.2; or

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

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

WHEREAS, at its meeting on July 17, 1985 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcels commonly known as 2625 North Meridian Street and 2701 North Meridian Street, Indianapolis, Indiana, as an Economic Development Target Area which parcels are more specifically described as:

**2625 North Meridian Street:
PARCEL No. 1**

All of Lots 128 to 133, both inclusive; all of Lots 146 to 150, both inclusive; and portions of Lots 134, 135 and 136, 143, 144, 145, together with so much of a former 15' alley (now vacated) extending south from Twenty-Seventh Street to the southern boundary of the parcel as described; also all of Lots 167, 168, and part of Lots 169, 170, 171, 178, 179, 180, and also part of vacated alley adjacent to said lots as recorded in Heywood's Second Park Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 11, page 113 in the office of the Recorder of Marion County, Indiana; also the South 10 feet of Twenty-Seventh Street from the East line of Meridian Street to the East line of the parcel described; and Pennsylvania Street from the North Line of Fall Creek Parkway to the South line of Twenty-Seventh Street, the entire parcel being described as follows:

Beginning at the Northwest corner of Lot 128 in said Heywood's Second Park Addition to the City of Indianapolis, at the intersection of the East line of Meridian Street with the South line of Twenty-Seventh Street, thence South 00 degrees 00 minutes 00 seconds West (Assumed Bearing), along the East line of Meridian Street, 439.00 feet to a point in the West line of Lot 136 in Heywood's Second Park Addition, distant 11 feet North of the Southwest corner of said Lot 136; thence North 50 degrees 21 minutes 56 seconds East 365.32 feet to the West line of Pennsylvania Street at a point in the East line of Lot 145 in Heywood's Second Park Addition, distant 10 feet South of the Northeast corner of said Lot 145; thence North 49 degrees 13 minutes 27 seconds East, 65.87 feet to the East line of Pennsylvania Street, being 167.7 feet South of the Northwest corner of Lot 167 in Heywood's Second Park Addition; thence

North 89 degrees 10 minutes 38 seconds East, parallel with the South line of Twenty-Seventh Street, 39.15 feet; thence North 56 degrees 54 minutes 28 seconds East, parallel with the North curb line of Fall Creek Parkway 244.24 feet (243.9 feet by Deed); thence North 00 degrees 09 minutes 23 seconds West, parallel with the East line of Pennsylvania Street 37.29 feet (38.28 feet by Deed) to the South line of Twenty-Seventh Street; thence continuing North 00 degrees 09 minutes 23 seconds West, parallel with the East line of Pennsylvania Street, 10.00 feet; thence South 89 degrees 10 minutes 38 seconds West, parallel with and 10 feet North of the South line of Twenty-Seventh Street, 574.92 feet to the East line of Meridian Street; thence South 00 degrees 00 minutes 00 seconds West, along the East line of Meridian Street, 10.00 feet to the Point of beginning.

PARCEL No. 2

Lot 166 and 2 feet off the entire South Side of Lot 165 in Heywood's Second Park Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 11, page 113, in the office of the Recorder of Marion County, Indiana.

2701 North Meridian Street:

A rectangular parcel of land bounded by Meridian, Pennsylvania and 27th Streets, extending 84 feet north from 27th Street and running from Meridian Street to Pennsylvania Street, being Lots 126, 151 and 152 and all but the North four feet of Lot 127 in Heywood's Second Park Addition to the City of Indianapolis as per plat thereof recorded in Plat Book 11, page 113, in the office of the Recorder of Marion County, Indiana, together with any rights the alley between such lots.

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 parcels commonly known as 2625 North Meridian Street and 2701 North Meridian Street, Indianapolis, Indiana, which are more specifically described as:

2625 North Meridian Street:

PARCEL No. 1

All of Lots 128 to 133, both inclusive; all of Lots 146 to 150, both inclusive; and portions of Lots 134, 135 and 136, 143, 144, 145, together with so much of a former 15' alley (now vacated) extending south from Twenty-Seventh Street to the southern boundary of the parcel as described; also all of Lots 167, 168, and part of Lots 169, 170, 171, 178, 179, 180, and also part of vacated alley adjacent to said lots as recorded in Heywood's Second Park Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 11, page 113 in the office of the Recorder of Marion County, Indiana; also the South 10 feet of Twenty-Seventh Street from the East line of Meridian Street to the East line of the parcel described; and Pennsylvania Street from the North Line of Fall Creek Parkway to the South line of Twenty-Seventh Street, the entire parcel being described as follows:

Beginning at the Northwest corner of Lot 128 in said Heywood's Second Park Addition to the City of Indianapolis, at the intersection of the East line of Meridian Street with the South line of Twenty-Seventh Street, thence South 00 degrees 00 minutes 00 seconds West (Assumed Bearing), along the East line of Meridian Street, 439.00 feet to a point in the West line of Lot 136 in Heywood's Second Park Addition, distant 11 feet North of the Southwest corner of said Lot 136; thence North 50 degrees 21 minutes 56 seconds East 365.32 feet to the West line of Pennsylvania Street at a point in the East line of Lot 145 in Heywood's Second Park Addition, distant 10 feet South of the Northeast corner of said Lot 145; thence North 49 degrees 13 minutes 27 seconds East, 65.87 feet to the East line of Pennsylvania Street, being 167.7 feet South of the Northwest corner of Lot 167 in Heywood's Second Park Addition; thence North 89 degrees 10 minutes 38 seconds East, parallel with the South line of Twenty-Seventh Street, 39.15 feet; thence North 56 degrees 54 minutes 28 seconds East, parallel with the North curb line of Fall Creek Parkway 244.24 feet (243.9 feet by Deed); thence North 00 degrees 09 minutes 23 seconds West, parallel with the East line of Pennsylvania Street 37.29 feet (38.28 feet by Deed) to the South line of Twenty-Seventh Street; thence continuing North 00 degrees 09 minutes 23 seconds West, parallel with the East line of Pennsylvania Street, 10.00 feet; thence South 89 degrees 10 minutes 38 seconds West, parallel with and 10 feet North of the South line of Twenty-Seventh Street, 574.92 feet to the East line of Meridian Street; thence South 00 degrees 00 minutes 00 seconds West, along the East line of Meridian Street, 10.00 feet to the Point of beginning.

PARCEL No. 2

Lot 166 and 2 feet off the entire South Side of Lot 165 in Heywood's Second Park Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 11, page 113, in the office of the Recorder of Marion County, Indiana.

2701 North Meridian Street:

A rectangular parcel of land bounded by Meridian, Pennsylvania and 27th Streets, extending 84 feet north from 27th Street and running from Meridian Street to Pennsylvania Street, being Lots 126, 151 and 152 and all but the North four feet of Lot 127 in Heywood's Second Park Addition to the City of Indianapolis as per plat thereof recorded in Plat Book 11, page 113, in the office of the Recorder of Marion County, Indiana, together with any rights the alley between such lots.

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. 406, 1985, was adopted on the following roll call vote; viz:

22 AYES: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, McGrath, Miller, Nickell, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader*

NO NAYS

7 NOT VOTING: *Clark, Curry, Howard, Journey, Page, Schneider, West*

Proposal No. 406, 1985, was retitled SPECIAL ORDINANCE NO. 34, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 1985

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development refunding bonds concerning the previously issued \$13,530,000 City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project - FHA - Insured Advances) Series 1982.

WHEREAS, the City of Indianapolis, Indiana, (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-38, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and renovation of economic development facilities to promote the general welfare of the area in and near the City and to issue its economic development revenue bonds and refunding revenue bonds to pay all costs of acquisition or renovation of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds and refunding bonds, and to secure said bonds pursuant to a Financing Agreement dated as defined in the Act by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement") and the Indenture of Trust by and between the City and a trustee to be named therein (the "Indenture"); and

WHEREAS, said economic development facilities consist of the acquisition, renovation and equipping of an existing building (former Marott Hotel) in which 309,663 square feet of gross floor area were renovated to provide 239 multi-family residential rental units plus certain commercial space and the machinery and equipment to be installed therein plus certain site improvements located at 2625 North Meridian Street, Indianapolis, Indiana, on approximately 2.87 acres of land (the "Project"); and

WHEREAS, Adam-Marott Associates (the "Owner"), is a limited partnership which is organized and existing under the laws of the State of Indiana, with its principal office located in Indianapolis, Indiana, and duly qualified to conduct business in the State of Indiana; and

WHEREAS, the Owner has agreed to acquire and renovate economic development facilities for residential use within the limits of the City in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the City, and make payments pursuant to the Financing Agreement evidencing its loan obligations in an amount sufficient to

pay the principal of and interest on the economic development revenue bonds herein-after authorized; and

WHEREAS, the City-County Council of Indianapolis and of Marion County, Indiana (the "City-County Council") has heretofore, by Ordinance and pursuant to the Act, created the Indianapolis Economic Development Commission (the "Commission") and the members of the Commission have been duly appointed and qualified pursuant to law and the Commission has organized and undertaken the duties imposed upon it by the Act and has found by written resolution that, because of existing insufficient sites developed for residential use, the economic welfare of the City would be benefited by financing the acquisition of economic development facilities for residential use for and on behalf of the Owner; and

WHEREAS, the Commission has approved a report estimating the public services which would be made necessary or desirable, the expense thereof, the number of units developed for residential use on account of the acquisition of the economic development facilities and the cost of the economic development facilities and has submitted such report to the Presiding Officer of the Metropolitan Development Commission of Marion County, Indiana, and, if required by the Act, to the Superintendent of the school corporation where the facilities will be located; and

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the \$13,530,000 City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project - FHA - Insured Advances) Series 1982 previously issued by the City for the purpose of funding a loan from the City to finance, by advances to be made by Puller Mortgage Associates, Inc. to the Owner under a Note (the "Note") and Mortgage (the "Mortgage"), the cost of acquisition of such facilities, the Financing Agreement, Indenture and other documents (the "Financing Documents"); and

WHEREAS, pursuant to the Act, this City-County Council had adopted on May 10, 1982, a resolution finding that the proposed financing of the acquisition of such economic development facilities for residential use by the Owner will be of benefit to the general welfare of the City, approving the proposed financing and authorizing the issuance by the City of Indianapolis Construction Loan Revenue Bonds (Marott Associates Project - FHA - Insured Advances) Series 1982 (the "Bonds") payable solely from sources, having such terms and provisions and secured as provided by the Indenture and the Financing Agreement; and

WHEREAS, the Bonds were issued on January 13, 1983, in the aggregate principal amount of \$13,530,000; and

WHEREAS, the Owner has requested that the City take the necessary steps to issue revenue bonds to refund the outstanding Bonds which includes the extension of the maturity of the outstanding bonds from August 1, 1985 to December 31, 1985; now, therefore:

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

SECTION 1. Public Benefits: The City-County Council of Indianapolis and of Marion County, Indiana hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acqu-

ired and renovated with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act and that acquisition and renovation of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City, and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

SECTION 2. Findings: The City-County Council hereby finds that this Ordinance is of public benefit to the general welfare of the City by tending to overcome the deficiencies previously found to exist, to wit: insufficient housing facilities, and that such benefit is greater than the cost of public facilities (as that phrase is defined in the Act) which will be required by the Project and further that the proposed refunding will be of benefit to the welfare of the City and complies with the purposes and provisions of the Act.

SECTION 3. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of refunding revenue bonds of the City in an amount not to exceed \$13,530,000 under the Act to be privately placed or a public offering with credit enhancement for refunding the previously issued \$13,530,000 City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project - FHA - Insured Advances) Series 1982 for the acquisition, renovation, installation and equipping of the Project and the sale or leasing of the Project to 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 4. The City-County Council further finds, determines, ratifies and confirms that, conditioned upon the consent of 100% of the bondholders, the maturity date contained in the previously issued City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project - FHA Insured Advances) Series 1982 by extended from August 1, 1985 to December 31, 1985 and the Mayor and City Clerk are authorized and directed to execute on behalf of the City of Indianapolis any documents which may be necessary to effect such extension.

SECTION 5. In order to induce the Company to continue with the acquisition, renovation, installation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development refunding revenue bonds subject to the caveat that this ordinance of inducement expires January 31, 1986 unless such refunding revenue bonds have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of this ordinance of inducement; and (iii) it will use its best efforts at the request of the Company to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds and/or refunding revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Revised Project incurred after the passage of City-County Special Resolution No. 27, 1982, on May 10, 1982, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to refinance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to City-County Special Resolution No. 27, 1982 will be permitted to be included as part of the bond issue to refinance the Project.

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

PROPOSAL NO. 407, 1985. This is a proposal for a special ordinance authorizing the refunding of a previously issued \$7,000,000 Economic Development Mortgage Revenue Bond for Pierson Street Associates, Ltd. (modifies principal payment schedule contained in previous bond). The project is the construction of an underground concrete public parking facility. The garage is located under a new seventeen story structure built by R.V. Welsh Investments. Citizens Fidelity Bank and Trust Company of Louisville, Kentucky, is purchasing the bond. The bond financing contains the following: Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, and First Amendment to Loan Agreement. The interest rate will be 9 3/4% from the date of issue to July 31, 1992. From August 1, 1992, to the maturity, the interest rate will be 60% of the prime rate of interest of Citizens Fidelity. The interest is payable monthly starting September 1, 1985. The principal payments of \$60,141.81 are payable monthly and commence June 1, 1988, with the final payment due September 1, 2014. The Economic Development Committee on July 17, 1985, recommended Proposal No. 407, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Howard for adoption. Proposal No. 407, 1985, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, 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: *Curry*

Proposal No. 407, 1985, was retitled SPECIAL ORDINANCE NO. 35, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 35, 1985

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Mortgage Revenue Refunding Bond (Pierson Street Associates, Ltd. Project) in the principal amount of Seven Million Dollars (\$7,000,000) and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana, (the "City") previously issued the City of Indianapolis, Indiana, Economic Development Mortgage Revenue Bond ("Pierson Street Associates, Ltd. Project") (the "Prior Bond"), which was issued in the principal amount of Seven Million Dollars (\$7,000,000) which Prior Bond was issued pursuant to a Leasehold Mortgage Security Agreement and Trust Indenture (the "Original Indenture") dated as of September 1, 1984, among the City, Pierson Street Associates, Ltd. (the "Company") and The Indiana National Bank, as Mortgagee and Standby Trustee (the "Original Purchaser") and City-County Special Ordinance No. 50, 1984, and delivered to the Original Purchaser on September 20, 1984, and the replacement thereof was issued to Citizens Fidelity Bank and Trust Company, a Kentucky corporation with its principal office in Louisville, Kentucky, d/b/a Citizens Fidelity Mortgage Company (the "Purchaser") (The Original Indenture as amended and supplemented by the First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, described below, shall be referred to as the "Indenture"). The proceeds from the Prior Bond were used to fund the construction of a new three-level underground concrete public parking facility, containing approximately 245,000 square feet and 500 parking spaces, and the acquisition, construction and installation of various machinery and equipment therein plus certain related site improvements (the "Project") to be located in the one-half block bounded by Illinois Street on the west, Ohio Street on the south, New York Street on the north and Pierson Street on the east, Indianapolis, Indiana; and

WHEREAS, the Project was initially and will continue to be owned and operated by the Company; and

WHEREAS, the Company and the Purchaser have requested that the City issue its City of Indianapolis, Indiana Economic Development Mortgage Revenue Refunding Bond (Pierson Street Associates, Ltd., Project) (the "Bond") in the principal amount of Seven Million Dollars (\$7,000,000) in exchange for the Prior Bond; and

WHEREAS, the Indianapolis Economic Development Commission has at a meeting held on July 17, 1985 approved the final forms of the Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, First Amendment to Loan Agreement and the Bond 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 refunding financing of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of IC

36-7-12 and IC 5-1-5 (collectively referred to as the "Act").

SECTION 2. The forms of the Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, First Amendment to Loan Agreement, and the Bond approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, First Amendment to Loan Agreement, the Bond, the Original Indenture and the Original Loan Agreement, described below, are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue the Bond in exchange for the Prior Bond. The Bond will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its promissory note in the principal amount of Seven Million Dollars (\$7,000,000), which will be executed and delivered by the Company to evidence and secure said loan, and as otherwise provided in the above described Bond Amendment Agreement, Indenture and a Loan Agreement (the "Original Loan Agreement") dated as of September 1, 1984, by and between the Company and the City as amended and supplemented by the First Amendment to the Loan Agreement (the Original Loan Agreement as amended by the First Amendment to the Loan Agreement shall be referred to as the "Loan 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 deliver the Bond to the Purchaser in exchange for the Prior Bond at a rate or rates of interest on the Bond as determined in the Indenture, the Bond and the Bond Amendment Agreement (such rate setting mechanisms are hereby incorporated herein by reference), but in no event shall the interest rate on the Bond exceed twenty percent (20%) per annum or thirty percent (30%) per annum in the event there has been a Determination of Taxability as defined in the Indenture.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, First Amendment to Loan Agreement, and the Bond approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City. 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 the Bond to the Purchaser in exchange for the Prior Bond. The Mayor and City Clerk may by their execution of the Bond Amendment Agreement, First Supplemental Leasehold Mortgage, Security Agreement and Trust Indenture, First Amendment to Loan Agreement, and imprinting of their facsimile signatures on the Bond or their manual execution thereof approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The Bond shall be issued as a single fully registered Bond in the principal amount of Seven Million Dollars (\$7,000,000), provided that upon the Conversion Date as defined in the Indenture, the replacement bonds may be issued in denominations of Five Thousand Dollars (\$5,000) or integral multiples thereof, and shall mature, be dated and subject to redemption and be payable in the medium and at the place or places and in the manner provided in the Indenture and the Loan Agreement with such provisions being approved by this Ordinance and incorporated herein by reference.

SECTION 7. The provisions of this ordinance and the Bond Amendment Agreement shall constitute a contract binding between the City and the holder of the Bond and after the issuance of the Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as the Bond or the interest thereon remains unpaid.

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

PROPOSAL NO. 408, 1985. This is a proposal for a final bond ordinance amending previously adopted Special Ordinance No. 19, 1985, for Cornelius Printing Company (modifies interest rate). Councillor Clark explained that the bonds have not been issued yet, and the new ordinance authorizes the previous interest rate of 10.75% to be changed to 75% of the prime rate of interest of American Fletcher National Bank. The Economic Development Committee on July 17, 1985, recommended Proposal No. 408, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Rader for adoption. Proposal No. 408, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Cottingham, Curry, Gilmer*

Proposal No. 408, 1985, was retitled SPECIAL ORDINANCE NO. 36, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 36, 1985

A SPECIAL ORDINANCE approving the amendment of financing documents for the previously approved but unissued City of Indianapolis Economic Development Revenue Bond (Cornelius Printing Company Project) in the principal amount of Three Million Dollars (\$3,000,000) and authorizing the City to issue such bond 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 Cornelius Printing Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 5, 1985, adopted a Resolution on that date, which Reso-

lution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Cornelius Printing Company (the "Company") consisting of the acquisition and installation of additional printing equipment that will be located at the Company's existing facility at 2457 East Washington Street, Indianapolis, Indiana which will be used as a part of the Company's printing operation (the "Project") which will be initially owned and operated by Cornelius Printing Company 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 previously on June 5, 1985 approved the forms of the Loan Agreement including the exhibits attached thereto, Bond Purchase Agreement including the exhibits attached thereto, Promissory Note, Security Agreement and the form of the City of Indianapolis Economic Development Revenue Bond (Cornelius Printing Company Project) by Resolution adopted on that date, which Resolution has been transmitted hereto; and

WHEREAS, although the City-County Council on June 10, 1985 adopted Special Ordinance No. 19, 1985 authorizing the City to issue such Bond, the Bond has not yet been issued and the Company and American Fletcher National Bank and Trust Company (the "Bond Purchaser") have requested that the interest rate provided for in the aforesaid documents be changed from a fixed rate to a variable rate; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms, as amended to reflect the interest rate change, of the Loan Agreement including the exhibits attached thereto, Bond Purchase Agreement including the exhibits attached thereto, Promissory Note, Security Agreement and the form of the City of Indianapolis Economic Development Revenue Bond (Cornelius Printing Company Project) by Resolution adopted on July 17, 1985, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition and installation of additional printing equipment that will be located at the Company's existing facility at 2457 East Washington Street, Indianapolis, Indiana which will be used as a part of the Company's printing operation 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 Cornelius Printing Company for the purposes of financing the economic development facilities being acquired and installed or to be acquired and installed in Indianapolis, Indiana, and the repayment of said loan by Cornelius Printing Company 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, as amended to reflect the interest rate change, of the Loan Agreement including the exhibits attached thereto, Bond Purchase Agreement including the exhibits attached thereto, Promissory Note, Security Agreement and the form of the City of Indianapolis Economic Development Revenue Bond (Cornelius Printing Company 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 including the exhibits

attached thereto, Bond Purchase Agreement including the exhibits attached thereto, Security Agreement, Promissory Note and the form of the City of Indianapolis Economic Development Revenue Bond (Cornelius Printing Company Project) all as amended to reflect the interest rate change 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 (Cornelius Printing Company Project) in the principal amount of Three Million Dollars (\$3,000,000) for the purpose of procuring funds to loan to Cornelius Printing Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement approved herein incorporated herein by reference, which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Cornelius Printing Company on its Promissory Note in the principal amount of Three Million Dollars (\$3,000,000), which will be executed and delivered by Cornelius Printing Company, Inc. to evidence and secure said loan, and as otherwise provided in the Assignment of Interests, Security Agreement and the above described Loan Agreement approved herein. 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 or rates of interest as set forth in the Bond Purchase Agreement approved herein and the form of the Bond.

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

SECTION 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 Revenue Bond (Cornelius Printing Company 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. 409, 1985. This proposal is an inducement resolution amending previously adopted Special Resolution No. 36, 1985, to increase the amount of the inducement resolution from \$8,000,000 to an amount not to exceed \$10,000,000 and to modify the description of the Company to also include The Mediplex Group, Inc. or a general or limited partnership in which Cambridge Group, Inc. or The Mediplex Group, Inc. are principals. Councillor Clark stated that it is anticipated that The Mediplex will construct the facility and then lease it back to the Cambridge Group, Inc. The increase in the original inducement amount is being requested to provide for a debt service reserve fund, due to more accurate estimates of the project cost being available now and in part because there have been unexpected costs associated with site preparation due to the project being located in a flood plain. The Economic Development Committee on July 17, 1985, recommended Proposal No. 409, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Boyd for adoption. Proposal No. 409, 1985, was adopted on the following roll call vote; viz:

24 AYES: *Borst, Boyd, Bradley, Campbell, Coughenour, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Clark, Cottingham, Crowe, Curry, Gilmer*

Proposal No. 409, 1985, was retitled SPECIAL RESOLUTION NO. 106, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 106, 1985

A SPECIAL RESOLUTION amending previously adopted City-County Special Resolution No. 36, 1985 to increase amount from \$8,000,000 to an amount not to exceed \$10,000,000 and to modify the definition of the Company to also include The Mediplex Group, Inc. or a general or limited partnership in which Cambridge Group, Inc. or The Mediplex Group, Inc. are principals and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Cambridge Group, Inc. (the "Company") has previously advised the Indianapolis Economic Development Commission and the City that it proposed that the City either acquire, construct, install and equip certain economic development

facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction, installation and equipping of a building containing approximately 65,000 square feet and the machinery and equipment to be installed therein plus certain site improvements to be located at the southwest corner of the intersection of 86th Street and Township Line Road, Indianapolis, Indiana on approximately 38.0 acres of land which will be used as an approximately 120 bed skilled and intermediate care nursing home (the "Project"); and

WHEREAS, the City-County Council on December 10, 1984 adopted Special Resolution No. 106, 1984 concerning the Project; and

WHEREAS, subsequent to the adoption of Special Resolution No. 106, 1984, the project engineer recommended that the building be relocated and slightly reconfigured to minimize the impact of a floodway which passes through the project site; in accordance with the project engineer's recommendation, the project architect revised the plans for the building; in doing so, the project architect increased the size of the proposed building by approximately 8,000 square feet and the bed capacity by 38 beds so that the building will now contain approximately 73,000 square feet and 158 skilled and intermediate care beds (the "Revised Project"); and

WHEREAS, the request has been made to modify the definition of the Company to include The Mediplex Group, Inc. or a general or limited partnership in which Cambridge Group, Inc. or The Mediplex Group, Inc. are principals; and

WHEREAS, the City-County Council on April 15, 1985 adopted Special Resolution No. 36, 1985 amending the Project description to reflect and approve the Revised Project; and

WHEREAS, it has now been determined that the Revised Project costs will exceed the originally estimated \$8,000,000 due to additional costs for site preparation, increased construction costs and the need for a reasonably required debt service reserve fund but the revised project costs will not exceed \$10,000,000; and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 46 at the end of one year and 92 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Revised 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 Revised 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 increased amount not to exceed Ten Million Dollars (\$10,000,000) under the Act for the acquisition, construction, installation and equipping of the Revised Project and the sale or leasing of the Revised Project to Cambridge Group, Inc., The Mediplex Group, Inc. or a general or limited partnership in which Cambridge Group, Inc. or The Mediplex Group, Inc. are principals (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 Revised Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds, 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 Revised 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 February 28, 1986 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; and (iii) it will use its best efforts at the request of the Company to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose "as defined in I.C. 36-7-12-1 et seq."] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Revised Project incurred after the passage of City-County Special Resolution No. 106, 1984, 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, will be permitted to be included as part of the bond issue to finance said Revised Project, and the City will thereafter sell the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NO. 410, 1985. This proposal is an inducement resolution amending previously adopted Special Resolution No. 88, 1984, and Special Resolution No. 39, 1985, by modifying the entity description and extending the expiration date from July 31, 1985, to February 28, 1986. The original entity description was for Clerk-Knoxville-Clark Associates, Inc., and Proposal No. 410 amends that to Vermont Street Associates, a limited partnership. The Economic Development Committee on July 17, 1985, recommended Proposal No. 410, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Howard for adoption. Proposal No. 410, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Clark, Curry, Journey, Stewart*

Proposal No. 410, 1985, was retitled SPECIAL RESOLUTION NO. 107, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 107, 1985

A SPECIAL RESOLUTION amending City-County Special Resolution No. 39, 1985 and 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, City-County Special Resolution No. 88, 1984 as amended by Special Resolution No. 39, 1985 has been previously adopted by the City-County Council of The City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Clark-Knoxville-Clark Associates, Ltd. which Special Resolution as amended set an expiration date of July 31, 1985 unless the economic development revenue bonds for the Project have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of the inducement resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause for extending the aforesaid expiration date and amending the description of the Company to be Vermont Street Associates, a limited partnership; 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 City-County Special Resolution No. 88, 1984 as amended by Special Resolution No. 39, 1985 is hereby amended by deleting the expiration date of July 31, 1985 contained therein and replacing said date with the date of February 28, 1986, and amending the description of the Company to be Vermont Street Associates, a limited partnership.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 88, 1984 as amended by Special Resolution No. 39, 1985 shall remain unchanged and are hereby reaffirmed and confirmed.

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

PROPOSAL NO. 411, 1985. This is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Throgmartin Realty in an approximate amount of \$4,000,000. Councillor Clark described the project as the construction of approximately 30,000 square feet of office space and approximately 100,000 square feet of warehouse space to be located in the 3800 block of East 96th Street on approximately fourteen acres of land. The facility will be built by Throgmartin Realty and leased to Greg Appliance, Inc. for its warehouse and distribution center and corporate general offices. Estimated costs for the \$4 million project are as follows: \$700,000 land, \$2.9 million building, and \$400,000 equipment. Construction should begin in September of 1985 with occupation by March of 1986. The estimated number of additional employment positions at the end of one year total thirty-two jobs with \$640,000 in additional payroll to the community. The three-year job estimate is forty-nine positions with \$940,000 in additional payroll. The Company currently has 130 employees with an approximate yearly payroll of \$3 million. The Economic Development Committee on July 17, 1985, recommended Proposal No. 411, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Howard for adoption. Proposal No. 411, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: Cottingham, Curry, Gilmer, Journey

Proposal No. 411, 1985, was retitled SPECIAL RESOLUTION NO. 108, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 108, 1985

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 "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Throgmartin Realty (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to provide financing to the Applicant for the same, said economic development facilities to be the acquisition, construction, installation and equipping of approximately 30,000 square feet of office space and approximately 100,000 square feet of warehouse space and the machinery and equipment to be installed therein plus certain site improvements to be located in the 3800 block of East 96th Street on approximately 14 acres of land in Indianapolis, Marion County, Indiana which will be used for Greg Appliance, Inc.'s corporate warehouse and distribution center and general offices, for all corporate matters (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 32 at the end of one year and 49 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 Issuer and its citizens; and

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

Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an approximate amount of \$4,000,000 under the Act to be privately placed or a public offering with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (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 Issuer 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 February 28, 1986 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Applicant, the Issuer by official action extends the terms of this inducement resolution; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose or sell the same to the Applicant. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 412 and 413, 1985. PROPOSAL NO. 412, 1985, is a proposal for a special ordinance designating the parcels of land commonly known as 516, 522, 526, 530, 534, 538-540, 544, 522, 556, 558 and 560 Fletcher Avenue; and 525, 529, 549, 553, 555, 557, 559, 561 and 563-565 Lord Street; and 300 South East Street as an economic development target area. PROPOSAL NO. 413, 1985, is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Fletcher Place Properties in an approximate amount of \$5,000,000. Councillor Clark described the project as the development of a total of ninety-three residential rental units in two phases. Estimated costs for the \$5 million project are as follows: \$1.2 million land, \$3.4 million rehabilitation, and \$400,000 other contingencies. Rehabilitation should begin in August of 1985 and be completed before the end of 1985. The construction payroll should be approximately \$1.4 million. The project itself will provide six permanent jobs amounting to \$125,000- \$135,000 in additional payroll to the community. Rental rates should be \$250-\$500 per month for one and two bedroom apartments ranging from 400 to 900 square feet and all buildings associated with the project are currently vacant. Councillor David Page stated that he will be a limited partner; therefore, must disclose all interest in this project and abstain from any of the Council proceedings involving this project. The Economic Development Committee on July 17, 1985, recommended Proposal Nos. 412 and 413, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Gilmer for adoption. Proposal No. 412, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: *Curry, Durnil, Hawkins, Page*

Proposal No. 412, 1985, was retitled SPECIAL ORDINANCE NO. 37, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 37, 1985

A SPECIAL ORDINANCE designating part of the Consolidated City as an Economic Development Target Area, which designation meets the requirements imposed by

I.C. 36-7-12 for allowing industrial development bond financing for economic development facilities used for retail trade, banking, credit agencies or services.

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

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

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

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

"(1) has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration or improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property;

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

- (A) I.C. 36-7-14-15, I.C. 36-7-14-16, and I.C. 36-7-14-17; or
- (B) I.C. 36-7-15.1-8, I.C. 36-7-15.1-9, and I.C. 36-7-15.1-10;

(3) has been designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11.1, or I.C. 14-3-3.2; or

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

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

WHEREAS, at its meeting on July 17, 1985 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcels commonly known as 516, 522, 526, 530, 534, 538-540, 544, 550, 554, 556, 558 and 560 Fletcher Avenue; and 525, 529, 549, 553, 555, 557, 559, 561 and 563-565 Lord Street and 300 South East Street, Indianapolis, Indiana, as an Economic Development Target Area which parcels are more specifically described as:

- 516 Fletcher Avenue (B&B Parking Lot)
Landis Sub L5 0L93
- 522 Fletcher Avenue (B&B Apartments)
50 ft X 133.4 ft Beg 150 ft E of SW cor 0L93
- 526 Fletcher Avenue
30 Ft S Line X 147 10-12 ft Beg 200 ft E of SW cor 0L93
- 530 Fletcher Avenue
35 Ft on South St. X 133 4-12 ft W of 170 ft SE cor of 0L93
- 534 Fletcher Avenue
30 ft S line X 148.33 ft Beg 140 ft of Se cor 0L93
- 538/540 Fletcher Avenue
46 ft X 148.33 ft Beg 94 ft W of SE cor 0L93
- 544 Fletcher Avenue
35 ft S line X 148 4-12 ft Beg 59 ft W of SE cor 0L93
- 550 Fletcher Avenue
0L93 38 X 133.4 ft W of 21 ft E
- 554 Fletcher Avenue
28 ft X 133.4 ft Beg 264 ft E of NE cor L5 0L 92-93
- 556 Fletcher Avenue
53 X 148 ft E of SW cor 0L92
- 558 Fletcher Avenue
53 X 148 ft E of 7 ft SW cor 0L92
- 560 Fletcher Avenue
Sw cor on Fletcher Ave E of 40 ft N 148 4-12 ft W 40 ft S to place of Beg ex 7
1/2 ft N end of alley 0L92
- 525 Lord Street
Jones Sub L7 0L93
- 529 Lord Street
Jesse Jones Sub L8 0L93
- 533 Lord Street
Jones Sub L9 0L93
- 537 Lord Street
Jesse Jones Sub L10 0L93
- 541 Lord Street
Jesse Jones Sub L11 0L93
- 545 Lord Street
Jesse Jones Sub L12 0L93

- 549 Lord Street
Jesse Jones Sub L13 0L93
- 553 Lord Street
40 ft on Lord Street X 118.33 ft middle pt W side 0L92
- 555 Lord Street
22 ft on Lord St X 118 ft ex 3 ft S side Beg 155.6 ft W of W side Cinn St
0L92
- 557 Lord Street
21 ft E of 62 ft E of NE cor of Lot 13 Jones Sub ex 3 ft S S for Alley
0L92
- 559 Lord Street
Jones Sub 28 ft N line X 118 ft Beg 83 ft E of NE cor L13 0L92
- 563 Lord Street
33 3-12 ft on Rockwood St X 117 ft com 111 ft E of W line 0L92
- 300 South East Street
I & C RR Cox. Sub No side 0L93 (81-113-001)
63 ft S side of 135 ft W end 0L93 (81-113-002)

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 parcels commonly known as 516, 522, 526, 530, 534, 538-540, 544, 550, 554, 556, 558 and 560 Fletcher Avenue; and 525, 529, 549, 553, 555, 557, 559, 561 and 563-565 Lord Street and 300 South East Street, Indianapolis, Indiana, which are more specifically described as:

- 516 Fletcher Avenue (B&B Parking Lot)
Landis Sub L5 0L93
- 522 Fletcher Avenue (B&B Apartments)
50 ft X 133.4 ft Beg 150 ft E of SW cor 0L93
- 526 Fletcher Avenue
30 Ft S Line X 147 10-12 ft Beg 200 ft E of SW cor 0L93
- 530 Fletcher Avenue
35 Ft on South St. X 133 4-12 ft W of 170 ft SE cor of 0L93
- 534 Fletcher Avenue
30 ft S line X 148.33 ft Beg 140 ft of Se cor 0L93
- 538/540 Fletcher Avenue
46 ft X 148.33 ft Beg 94 ft W of SE cor 0L93
- 544 Fletcher Avenue
35 ft S line X 148 4-12 ft Beg 59 ft W of SE cor 0L93

- 550 Fletcher Avenue
0L93 38 X 133.4 ft W of 21 ft E
- 554 Fletcher Avenue
28 ft X 133.4 ft Beg 264 ft E of NE cor L5 0L 92-93
- 556 Fletcher Avenue
53 X 148 ft E of SW cor 0L92
- 558 Fletcher Avenue
53 X 148 ft E of 7 ft SW cor 0L92
- 560 Fletcher Avenue
Sw cor on Fletcher Ave E of 40 ft N 148 4-12 ft W 40 ft S to place of Beg ex 7
1/2 ft N end of alley 0L92
- 525 Lord Street
Jones Sub L7 0L93
- 529 Lord Street
Jesse Jones Sub L8 0L93
- 533 Lord Street
Jones Sub L9 0L93
- 537 Lord Street
Jesse Jones Sub L10 0L93
- 541 Lord Street
Jesse Jones Sub L11 0L93
- 545 Lord Street
Jesse Jones Sub L12 0L93
- 549 Lord Street
Jesse Jones Sub L13 0L93
- 553 Lord Street
40 ft on Lord Street X 118.33 ft middle pt W side 0L92
- 555 Lord Street
22 ft on Lord St X 118 ft ex 3 ft S side Beg 155.6 ft W of W side Cinn St 0L92
- 557 Lord Street
21 ft E of 62 ft E of NE cor of Lot 13 Jones Sub ex 3 ft S S for Alley L92
- 559 Lord Street
Jones Sub 28 ft N line X 118 ft Beg 83 ft E of NE cor L13 0L92
- 563 Lord Street
33 3-12 ft on Rockwood St X 117 ft com 111 ft E of W line 0L92
- 300 South East Street
I & C RR Cox. Sub No side 0L93 (81-113-001)
63 ft S side of 135 ft W end 0L93 (81-113-002)

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. 413, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Curry, Durnil, Page*

Proposal No. 413, 1985, was retitled SPECIAL RESOLUTION NO. 109, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 109, 1985

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 “Issuer”) is authorized by I.C. 36-7-12 (the “Act”) to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Fletcher Place Properties, an Indiana Limited Partnership (the “Applicant”) has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, renovate, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to provide financing to the Applicant for the same, said economic development facilities to be the acquisition, construction of 29 units and renovation of 43 existing units for use as multi-family residential rental housing plus certain site improvements to be located at 516, 522, 526, 530, 534, 538-540, 544, 550, 554, 556, 558 and 560 Fletcher Avenue; and 525, 529, 549, 553, 555, 557, 559, 561 and 563-565 Lord Street and 300 South East Street on approximately 1.7 acres of land in Indianapolis, Marion County, Indiana (the “Project”); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 6 at the end of one year and 6 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 Issuer and its citizens and will contribute significantly to the creation of permanent new jobs; 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 Issuer and its citizens; 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 Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an approximate amount of \$5,000,000 under the Act to be privately placed or a public offering with credit enhancement and subject to the Project Site being located in an Economic Development Target Area declared pursuant to I.C. 36-7-12 as amended for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, renovation, installation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (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 February 28, 1986 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Applicant, the Issuer by official action extends the terms of this inducement resolution; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose or sell the same to the Applicant. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 414, 1985. This is a proposal for an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for H & K Realty Co. and E & A Industries, Inc. in an approximate amount of \$3,000,000. Councillor Clark described the project as the construction of a 60,000 square foot addition to the Company's existing 93,000 square foot production, warehouse and office building located at 2920 Martindale. The addition will be used by Brulin & Co., Inc. for manufacturing of janitorial, building maintenance and industrial specialty chemical products consisting primarily of cleaners and floor finishes. Estimated costs for the \$3 million project are as follows: \$2.25 million building and \$750,000 equipment. The project should be completed by August of 1986. The estimated number of additional employment positions at the end of one year total twelve jobs with \$250,000 in additional payroll to the community. The three-year job estimate is twenty-five positions with \$525,000 in additional payroll. The Company currently employs 100 persons with an annual payroll of approximately \$2,760,000. The Economic Development Committee on July 17, 1985, recommended Proposal No. 414, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Rader for adoption.

Councillor Journey informed the Council that this company made a statement last time they came before the Council that they were interested in hiring the local neighborhood people. She sent people to apply for these jobs, and they were not even allowed to fill out an application. She asked who keeps in contact with these companies to make sure that they keep their word. President SerVaas

explained that he corresponds with the companies after they have received their inducement resolution wishing them good luck in their endeavor and encouraging that they should employ local people. President SerVaas stated that he would follow-up on this particular company.

Proposal No. 414, 1985, was adopted on the following roll call vote: viz:

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

NO NAYS

1 NOT VOTING: Curry

Proposal No. 414, 1985, was retitled SPECIAL RESOLUTION NO. 110, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 110, 1985

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 "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, H & K Realty Co. and E & A Industries, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the City that it proposes that the Issuer either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to provide financing to the Applicant for the same, said economic development facilities to be the acquisition, construction, installation and equipping of an approximately 60,000 square foot addition to the 93,000 square feet of production, warehouse and office space owned by the Applicant located at 2920 Martindale Avenue, Indianapolis, Indiana and the machinery and equipment to be installed therein plus certain site improvements which will be used by Brulin & Co., Inc. for the manufacturing of janitorial, building maintenance and industrial specialty chemical products consisting primarily of cleaners and floor finishes (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 12 at the end of one year and 25 at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; 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 Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an approximate amount of \$3,000,000 under the Act to be privately placed or a public offering with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (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 February 28, 1986 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Applicant, the Issuer by official action extends the terms of this inducement resolution; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to

have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose or sell the same to the Applicant. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NOS. 415 and 416, 1985. PROPOSAL NO. 415, 1985, is a special ordinance designating the parcels of land commonly known as 223 McCrear Street as an economic development target area. PROPOSAL NO. 416, 1985, is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Robert A. Borns and Sandra S. Borns in an amount not to exceed \$1,000,000. Councillor Clark described the project as the renovation of the former Jackson Place Apartments. The facility contains approximately 55,000 square feet and will be renovated to office space. Estimated costs for the \$2 million project (\$1 million in equity) are as follows: \$1.85 million building and \$150,000 other contingencies. Renovation should begin immediately with a completion date of July, 1986. The estimated number of additional employment positions at the end of one and three years total eight jobs. The Economic Development Committee on July 17, 1985, recommended Proposal Nos. 415 and 416, 1985, Do Pass by a vote of 6-0. Councillor Clark moved, seconded by Councillor Schneider for adoption. Proposal No. 415, 1985, was adopted on the following roll call vote; viz:

28 AYES: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, 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: *Curry*

Proposal No. 415, 1985, was retitled SPECIAL ORDINANCE NO. 38, 1985, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 38, 1985

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. 36-7-11.9 and 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, finance, insurance, real estate 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 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 15% of the area of the Consolidated City, as an Economic Development Target Area; and

WHEREAS, I.C. 36-7-11.9-4 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 designated as a registered historic district under the National Historic Preservation Act of 1966 or under the jurisdiction of a preservation commission organized under I.C. 36-7-11, I.C. 36-7-11.1, or I.C. 14-3-3.2; or
- (3) encompasses buildings, structures, sites, or other facilities that are:
 - (A) listed on the national register of historic places established pursuant to the National Historic Preservation Act of 1966;
 - (B) listed on the register of Indiana historic sites and historic structures established under I.C. 14-3-3.3; or
 - (C) determined to be eligible for listing on the Indiana register by the Indiana state historic preservation officer."; and

WHEREAS, at its meeting on July 17, 1985 the Indianapolis Economic Development Commission reviewed, considered and favorably recommended to the City-County Council designating the parcel commonly known as 223 McCrea Street, Indianapolis, Indiana, as an Economic Development Target Area which parcel is more specifically described as:

Part of Lots 4 and 5 in Morris Morris' Subdivision of Square 87 in the City of Indianapolis and being more particularly described as follows:

Commencing at the Southwest corner of the aforementioned Lot 5 being the East line of McCrea Street; running thence North 00 degrees 00 minutes 00 seconds East on and along the West line of Lot 5 and the East line of this description; running thence South 89 degrees 46 minutes 53 seconds East parallel to the North line of said Lot 5 a distance of 101.422 feet to the West wall of a certain brick building situated on the land immediately East of the land described herein; running thence North 00 degrees 12 minutes 37 seconds East a distance of 51.25 feet to a point on the South line of Jackson Place as recorded in Street and Alley Opening and Vacation Record No. 8, page 46 in the office of the Recorder of Marion County, Indiana; running thence North 89 degrees 46 minutes 53 seconds West on and along the South line of Jackson Place a distance of 101.61 feet to the West line of said Lot 4 being the East line of McCrea Street; running thence South 00 degrees 00 minutes 00 seconds West along the West line of said Lots 4 and 5 and the East line of McCrea Street a distance of 51.25 feet to the point of beginning.

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 223 McCrea Street, Indianapolis, Indiana, which is more specifically described as:

Part of Lots 4 and 5 in Morris Morris' Subdivision of Square 87 in the City of Indianapolis and being more particularly described as follows:

Commencing at the Southwest corner of the aforementioned Lot 5 being the East line of McCrea Street; running thence North 00 degrees 00 minutes 00 seconds East on and along the West line of Lot 5 and the Eastline of McCrea Street a distance of 33.00 feet to a point that is 33.00 feet South of the Northwest corner of said Lot 5 and the point of beginning of this description; running thence South 89 degrees 46 minutes 53 seconds East parallel to the North line of said Lot 5 a distance of 101.422 feet to the West wall of a certain brick building situated on the land immediately East of the land described herein; running thence North 00 degrees 12 minutes 37 seconds East a distance of 51.25 feet to a point on the South line of Jackson Place as recorded in Street and Alley Opening and Vacation Record No. 8, page 46 in the office of the Recorder of Marion County, Indiana; running thence North 89 degrees 46 minutes 53 seconds West on and along the South line of Jackson Place a distance of 101.61 feet to the West line of said Lot 4 being the East line of McCrea Street; running thence South 00 degrees 00 minutes 00 seconds West along the West line of said Lots 4 and 5 and the East line of McCrea Street a distance of 51.25 feet to the point of beginning.

meet the requirement imposed by I.C. 36-7-11.9-4, 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. 36-7-11.9 and 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. 416, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Crowe, Curry, Hawkins*

Proposal No. 416, 1985, was retitled SPECIAL RESOLUTION NO. 111, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 111, 1985

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 "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Robert A. Borns and Sandra S. Borns or any entity designated by them (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either convert, rehabilitate, construct, install, equip and improve certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to provide financing to the Applicant for the same, said economic development facilities to be the conversion, rehabilitation, construction, installation, equipping and improvement of a facility located at 223 McCrea Street, Indianapolis, Indiana, to be converted into an office building containing approximately 55,000 gross square feet; the acquisition, construction, installation and equipping of various site improvements at the facility; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facility (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 4 at the end of three years) to be achieved by the conversion, rehabilitation, construction, installation, equipping and improvement of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens and will contribute significantly to the creation of permanent new jobs; 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 Issuer and its citizens; and

WHEREAS, the conversion, rehabilitation, construction, installation, equipping and improvement 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 Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$1,000,000 under the Act to be privately placed or a public offering with credit enhancement and subject to the Project Site being located in an Economic Development Target Area declared pursuant to I.C. 36-7-12 as amended for the conversion, rehabilitation, construction, installation, equipping and improvement of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the conversion, rehabilitation, construction, installation, equipping and improvement of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (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 February 28, 1986 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Applicant, the Issuer by official action extends the terms of this inducement resolution; and (iii) it will use its best efforts at the request of the Applicant to

authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, conversion, rehabilitation, construction, installation, equipping and improvement of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose or sell the same to the Applicant. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 417, 1985. This is an inducement resolution authorizing certain proceedings with respect to proposed economic development bond financing for Brigham Holdings, Inc. in an approximate amount of \$3,000,000. Councillor Clark stated that Brigham Holdings, Inc. is a parent company of numerous entities involved in the manufacturing and distribution of sausage, poultry, pickles, and various kosher products. The project is to move the meat processing portion of Brigham's Miami, Florida, facility to Indianapolis and acquire and renovate an existing vacant facility at 602 West Ray Street which would be used for the Company's activities processing, warehousing and distribution of meat products and related food products. The facility, which was formerly used by the Rath Packing Co., has been vacant for two and one-half years. Estimated costs for the \$3.5 million project are as follows: \$200,000 land, \$1,700,000 buildings, \$1,500,000 equipment, and \$100,000 other contingencies. The estimated number of additional employment positions at the end of one year total 108 jobs with \$1,684,800 in additional payroll to the community. The three-year job estimate is 209 positions with \$3,483,480 in additional payroll. The Economic Development Committee on July 17, 1985, recommended Proposal No. 417, 1985, Do Pass by a vote of 5-0. Councillor Clark moved, seconded by Councillor Stewart for adoption. Proposal No. 417, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Curry, Howard

Proposal No. 417, 1985, was retitled SPECIAL RESOLUTION NO. 112, 1985, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 112, 1985

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 "Issuer") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or sub-leased to users of the facilities; and

WHEREAS, Brigham Holdings, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, convert, rehabilitate, construct, install, equip and improve certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to provide financing to the Applicant for the same, said economic development facilities to be the acquisition, conversion, rehabilitation, construction, installation, equipping and improvement of the existing "Rath Packing Plant" containing approximately 375,098 square feet located at 602 West Ray Street, Indianapolis, Indiana, on approximately 8.61 acres of land to be used by the Applicant and its subsidiaries particularly United Beef Packers, Inc. for the processing, warehousing and distribution of meat products and related food products; the acquisition, construction, installation and equipping of various site improvements at the facility; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facility (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (an additional number of jobs of approximately 108 at the end of one year and 209 at the end of three years) to be achieved by the acquisition, conversion, rehabilitation, construction, installation, equipping and improvement of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens and will contribute significantly to the creation of permanent new jobs; 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 Issuer and its citizens; and

WHEREAS, the acquisition, conversion, rehabilitation, construction, installation, equipping and improvement 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 Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an approximate amount of \$3,000,000 under the Act to be privately placed or a public offering with credit enhancement for the acquisition, conversion, rehabilitation, construction, installation, equipping and improvement of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, conversion, rehabilitation, construction, installation, equipping and improvement of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (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 February 28, 1986 unless such bonds have been issued prior to the aforesaid date or unless, upon showing of good cause by the Applicant, the Issuer by official action extends the terms of this inducement resolution; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1 et seq.] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-12.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, conversion, rehabilitation, construction, installation, equipping and improvement of the Project

will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose or sell the same to the Applicant. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NO. 423, 1985. This is a proposal which allows the Board of Parks and Recreation to waive certain regulations to allow certain events to take place on Lake Indy and Eagle Creek. Councillor Durnil reported that Proposal No. 423, will allow the Parks and Recreation Board to permit certain sporting events to take place on Lake Indy. The Coors Light International Water Ski Tournament was to be held further south on White River, but due to the unhealthy environment of the water, it is necessary to change this. With the passage of this proposal, the event will take place on Lake Indy, August 24 and 25, 1985. The Parks and Recreation Committee on July 18, 1985, recommended Proposal No. 423, 1985, Do Pass by a vote of 5-0. Councillor Durnil moved, seconded by Councillor Journey for adoption. Proposal No. 423, 1985, was adopted on the following roll call vote; viz:

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

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

Proposal No. 423, 1985, was retitled GENERAL ORDINANCE NO. 45, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 1985

A GENERAL ORDINANCE concerning the Department of Parks and Recreation's authority to waive certain ordinances concerning lake Indy and Eagle Creek.

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

SECTION 1. Chapter Seven Article III of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new section 7-53 to read as follows:

Sec. 7-53.

The Board of Parks and Recreation is authorized and empowered, by resolution, to waive the provisions of this article in conjunction with special event activities on Lake Indy or Eagle Creek.

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

PROPOSAL NOS. 442-446, 1985. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 5, 1985". No action was taken on Proposal Nos. 442-446, 1985 by the Council; and the proposals were deemed adopted. Proposal Nos. 442-446, 1985, were retitled REZONING ORDINANCE NOS. 87-91, 1985, and read as follows:

REZONING ORDINANCE NO. 87, 1985 85-Z-47 AMENDED WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
202 GASOLINE ALLEY, INDIANAPOLIS
Jack and Lovetta Russell, by David Rogers, request the rezoning of 5.6 acres, being in the A-1 district, to the I-I-S classification, to provide for light industrial use.

REZONING ORDINANCE NO. 88, 1985 85-Z-75 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
6191 NORTH MICHIGAN ROAD, INDIANAPOLIS
Bethesda Temple Apostolic Church and Compucom Development Corporation, by James R. Nickels, request the rezoning of 5.4 acres, being in the D-3 district, to the SU-1 classification, to provide for a church and related uses.

REZONING ORDINANCE NO. 89, 1985 85-Z-76 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19
9213 WEST JACKSON STREET, INDIANAPOLIS
Robert C. Pendelton, by Henry Y. Dein, requests the rezoning of 1.3 acres, being in the A-2 district, to the D-3 classification, to provide for residential use.

REZONING ORDINANCE NO. 90, 1985 85-Z-78 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
115 SOUTH AUDUBON ROAD, INDIANAPOLIS
Historic Landmarks Foundation of Indiana, Inc., requests the rezoning of 0.8 acre, being in the D-6 district, to the C-1 classification, to provide for restoration of the residential structure for professional offices.

REZONING ORDINANCE NO. 91, 1985 85-Z-79 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1

7202 GEORGETOWN ROAD, INDIANAPOLIS

Charles O. Gwaltney requests the rezoning of 21.86 acres, being in the D-3 district, to the I-2-S classification, to provide for light industrial development.

PROPOSAL NOS. 447-463, 1985. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 18, 1985". Councillor Miller requested that Proposal No. 451, 1985, be scheduled for public hearing by the Council at their August 5, 1985, meeting. Consent was given. No action was taken on Proposal Nos. 447-450 and 452-463, 1985 by the Council; and the proposals were deemed adopted. Proposal Nos. 447-450 and 452-463, 1985, were retitled REZONING ORDINANCE NOS. 92-107, 1985, and read as follows:

**REZONING ORDINANCE NO. 92, 1985 85-Z-33A PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

6890 MICHIGAN ROAD, INDIANAPOLIS

The Estate of Randall W. Mitchell, by Thomas Michael Quinn, Jr., requests the rezoning of 6.13 acres, being in the A-2 district, to the SU-1 classification, to provide for church related activities.

**REZONING ORDINANCE NO. 93, 1985 85-Z-33B PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

6880 MICHIGAN ROAD, INDIANAPOLIS

The Estate of Randall W. Mitchell, by Thomas Michael Quinn, Jr., requests the rezoning of 4.39 acres, being in the A-2 district, to the C-S classification, to provide for the construction of mini-warehouses and a resident manager's apartment.

**REZONING ORDINANCE NO. 94, 1985 85-Z-33C PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

6870 MICHIGAN ROAD, INDIANAPOLIS

The Estate of Randall W. Mitchell, by Thomas Michael Quinn, Jr., requests the rezoning of 2.1 acres, being in the A-2 district, to the C-2 classification, to provide for development of permitted uses.

**REZONING ORDINANCE NO. 95, 1985 85-Z-61 AMENDED WASHINGTON
TOWNSHIP**

COUNCILMANIC DISTRICT NO. 4

9375 WHITLEY DRIVE, INDIANAPOLIS

Richard M. and Delores A. Reinbold, by Philip A. Nicely, request the rezoning of 5.11 acres, being in the C-1 and C-4 districts, to the C-S classification, to provide for the construction of an automobile dealership.

**REZONING ORDINANCE NO. 96, 1985 85-Z-74 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19**

1401 SOUTH GIRLS SCHOOL ROAD, INDIANAPOLIS

The Summit Finishing Company, Inc., by Scott A. Lindquist, requests the rezoning of approximately 9.0 acres, being in the I-2-S and D-6 II districts, to the I-3-S classification, to provide for the construction of an electroplating plant.

**REZONING ORDINANCE NO. 97, 1985 85-Z-80 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 17**

3106 WEST 16TH STREET, INDIANAPOLIS

Amoco Oil Company, by John W. Bauer, requests the rezoning of 0.28 acre, being in the D-5 district, to the C-3 classification, to provide for the reconstruction of a gas station with convenience store.

**REZONING ORDINANCE NO. 98, 1985 85-Z-81 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9**

2934 NORTH ILLINOIS STREET, INDIANAPOLIS

Indianapolis Life Insurance Company, by Philip A. Nicely, requests the rezoning of 0.35 acre, being in the D-8 district, to the C-2 classification, to provide additional parking for existing office use.

**REZONING ORDINANCE NO. 99, 1985 85-Z-87 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 10**

2603 NORTH TACOMA AVENUE, INDIANAPOLIS

Department of Metropolitan Development requests the rezoning of 2.43 acres, being in the PK-1 district, to the D-8 classification, to provide for the construction of apartments for the elderly.

**REZONING ORDINANCE NO. 100, 1985 85-Z-88 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25**

4530 SOUTH HARDING STREET, INDIANAPOLIS

Robert DeVaun, by Stephen A. Harlow, requests the rezoning of approximately 5 acres, being in the I-4-S district, to the C-6 classification, to provide for the construction of a budget motel.

**REZONING ORDINANCE NO. 101, 1985 85-Z-89 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

9602 EAST WASHINGTON STREET (REAR), INDIANAPOLIS

Cherry Tree Professional Building, Inc., by James T. Crawford, Jr. and Phillip B. Frank, requests the rezoning of 2.05 acres, being in the D-2 district, to the C-1 classification, to provide for the construction of offices.

**REZONING ORDINANCE NO. 102, 1985 85-Z-90 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6**

6701 WESTFIELD BOULEVARD, INDIANAPOLIS

John W. McIntosh requests the rezoning of approximately 40 acres, being in the C-3, D-S, A-2, SU-3 and SU-16 districts, to the D-2 classification, to provide for residential use.

**REZONING ORDINANCE NO. 103, 1985 85-Z-91 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21**

902 FLETCHER AVENUE, INDIANAPOLIS

Metropolitan Development Commission requests the rezoning of 4.05 acres, being in the D-8, C-5 and SU-2 districts, to the SU-1 classification, to correct a mapping error found relating to rezoning petition 81-Z-143.

**REZONING ORDINANCE NO. 104, 1985 85-Z-92 AMENDED WAYNE
TOWNSHIP**

COUNCILMANIC DISTRICT NO. 1

7901 CRAWFORDSVILLE ROAD, INDIANAPOLIS

Edward Rose of Indiana, by John W. Van Buskirk, requests the rezoning of approximately 1.84 acres, being in the I-4-S district, to the C-3 classification, to provide for the construction of an office building and retail development.

**REZONING ORDINANCE NO. 105, 1985 85-Z-95 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
8701 EAST 96TH STREET, INDIANAPOLIS**
Evergreen Development Corporation, by Philip A. Nicely, requests the rezoning of approximately 39 acres, being in the A-2 district, to the D-2 classification, to provide for residential use by platting.

**REZONING ORDINANCE NO. 106, 1985 85-Z-105 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 7
6403 NORTH KEYSTONE AVENUE, INDIANAPOLIS**
Metropolitan Development Commission requests the rezoning of 0.39 acre, being in the C-3 district, to the C-S classification, to correct a mapping error found relating to rezoning petition 84-Z-122.

**REZONING ORDINANCE NO. 107, 1985 85-Z-132 (85-DP-7) PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
9150 CLEMSON STREET, INDIANAPOLIS**
College Park Corporation, by William F. LeMond, requests the rezoning of 16.49 acres, being in the D-P district, to the D-P classification, to provide for the development of attached dwellings at a density of 2.5 units per acre.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 356, 1985. This proposal appropriates \$23,424 for the Air Pollution Control Division for training and retaining qualified personnel. Councillor West explained that last year the City-County Council consented to raise salaries of certain employees of the Air Pollution Control Division to the city guidelines. These funds were taken out of salaries and placed into contractual services and the Department of Public Works is asking that the funds be moved back. The Public Works Committee on July 11, 1985, recommended Proposal No. 356, 1985, Do Pass by a vote of 3-0. The President called for public testimony at 8:02 p.m. There being no one present to testify, Councillor West moved, seconded by Councillor Journey for adoption. Proposal No. 356, 1985, was adopted on the following roll call vote; viz:

24 AYES: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

5 NOT VOTING: Curry, Dowden, Howard, Nickell, Page

Proposal No. 356, 1985, was retitled FISCAL ORDINANCE NO. 67, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional Twenty-three Thousand Four Hundred Twenty-four Dollars (\$23,424) in the Consolidated County Fund for purposes of the Department of Public Works, Air Pollution Control Division and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the Consolidated County 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 1.02 of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating increased permit revenues for training and retaining qualified personnel.

SECTION 2. The sum of Twenty-three Thousand Four Hundred Twenty-four Dollars (\$23,424) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS	
AIR POLLUTION CONTROL DIVISION	CONSOLIDATED COUNTY FUND
1. Personal Services	<u>\$23,424</u>
TOTAL INCREASE	\$23,424

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

DEPARTMENT OF PUBLIC WORKS	
AIR POLLUTION CONTROL DIVISION	CONSOLIDATED COUNTY FUND
3. Other Services & Charges	\$ 3,054
Unappropriated and Unencumbered	
Consolidated County Fund	<u>20,370</u>
TOTAL REDUCTION	\$23,424

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

PROPOSAL NO. 374, 1985. This proposal appropriates \$1,893,059 for the Division of Employment and Training for the Summer Youth Program. Councillor Coughenour explained that these are additional funds to be used this year. The Private Industry Council is continuing to enroll participants in the

program in accordance with the new funds available. The Division anticipates to employ approximately 2,000 additional youths. The Administration Committee on July 15, 1985, recommended Proposal No. 374, 1985, Do Pass by a vote of 4-0. The President called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Howard for adoption. Proposal No. 374, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Curry, Dowden*

Proposal No. 374, 1985, was retitled FISCAL ORDINANCE NO. 68, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) appropriating an additional One Million Eight Hundred Ninety-three Thousand Ninety-five Dollars (\$1,893,095) in the Manpower Federal Programs Fund for purposes of the Department of Administration, Employment and Training Division and reducing the unappropriated and unencumbered balance in the Manpower Federal Programs Fund.

**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 1.02 of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of appropriating funds for the Summer Youth Program and prior year unexpended or rollover funds.

SECTION 2. The sum of One Million Eight Hundred Ninety-three Thousand Ninety-five Dollars (\$1,893,095) 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 ADMINISTRATION
EMPLOYMENT AND TRAINING DIVISION

MANPOWER FEDERAL PROGRAMS FUND

1. Personal Services	\$ 782,303
3. Other Services & Charges	<u>1,110,792</u>
TOTAL INCREASE	\$1,893,095

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

DEPARTMENT OF ADMINISTRATION

EMPLOYMENT AND TRAINING DIVISION

MANPOWER FEDERAL PROGRAMS FUND

Unappropriated and Unencumbered

Manpower Federal Programs Fund

\$1,893,095

TOTAL REDUCTION

\$1,893,095

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 342, 1985. This proposal approves a petition for transfer of territory within the Consolidated City to the excluded City of Beech Grove. Councillor Borst reported that the Willow Glen Apartments, Phase II, owns 3.746 acres of land within the boundaries of Beech Grove and is requesting that the additional 20.405 acres involved in the Project be annexed. The City of Beech Grove is in favor of this proposal. Mr. Gene Valanzano, planner with the Department of Metropolitan Development, stated that the Department reviews these on a case by case basis, and the Department supports this request. Consultants from the various departments investigated the potential impact on the Consolidated City, and the conclusion drawn is that public services will only be slightly or not affected by the proposed disannexation. The Metropolitan Development Committee on July 17, 1985, recommended Proposal No. 342, 1985, Do Pass by a vote of 5-0. Councillor Borst moved, seconded by Councillor Coughenour for adoption. Proposal No. 342, 1985, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Curry, Nickell*

Proposal No. 342, 1985, was retitled GENERAL ORDINANCE NO. 46, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 1985

A GENERAL ORDINANCE approving a petition for transfer of territory within the Consolidated City to the excluded City of Beech Grove.

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

SECTION 1. The petition for transfer of certain territory described in Section 2 from the Consolidated City to the excluded City of Beech Grove is hereby approved.

SECTION 2. Sec. 2-10 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended as follows:

- (a) The words and figures "Indiana Code 18-4" are deleted and the words and figures "IC 36-3.. is inserted in lieu thereof; and
- (b) A new paragraph (2) is inserted to read as follows:
 - (2) Disannexation to Beech Grove:

PHASE I

Part of the Southwest Quarter of Section 33, Township 15 North, Range 4 East of the Second Principal Meridian in Perry Township, Marion County, Indiana, more particularly described as follows:

Commencing at the Southwest Corner of said Southwest Quarter; thence South 88 degrees 29'55" West on and along the South line of said Southwest Quarter, and the South line of a Tract of land conveyed to the Consolidated City of Indianapolis by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 83-14303 a distance of 1232.75 feet to a point, said point being the Southwest corner of aforesaid tract of land; thence North 01 degrees 30'05" West a distance of 50.00 feet to the POINT OF BEGINNING; said point also being the Northwest corner of aforesaid tract of land; ALSO, said point being the Southeast corner of a tract of land conveyed to Faith United Church of Christ by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 79-24465; ALSO, which point is the Southwestern most corner of a tract of land conveyed to Willow Glen Apartments, an Indiana Limited Partnership, by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 82-38541; (the following two (2) courses are along the common boundary line of said Faith United Church of Christ and Willow Glen Apartments); thence North 01 degrees 30'05" West a distance of 370.00 feet; thence South 88 degrees 29'55" West parallel to the South line of said Southwest Quarter a distance of 120.00 feet to a point, said point being the Southeast corner of a tract of land conveyed to Willow Glen Apartments, Phase II, an Indiana Limited Partnership of Marion County by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 85-31689; (the next two (2) courses are along an East and a South boundary line of said tract of land); thence North 01 degrees 30'05" West a distance of 423.05 feet; thence North 88 degrees 29'55" East parallel with the South line of said Southwest Quarter a distance of 275.32 feet to a point on a line 1100 feet West of and parallel with the East line of said Southwest Quarter, said line being the existing Corporation Limits of City of Beech Grove, the description of which is recorded in the Office of the Recorder of Marion County as a part of Instrument No. 69-65580; thence South 00 degrees 03'35" West on and along said line a distance of

793.35 feet to a point, said point being on the South line of aforesaid Willow Glen Apartments and the North line of aforesaid Tract Deeded to the Consolidated City of Indianapolis; thence South 88 degrees 29'55" West on and along said South and North line and parallel with the South line of said Southwest Quarter a distance of 133.70 feet to the point of beginning, containing 3.7964 Acres (165,371.1840 Square Feet) more or less.

PHASE II

A part of the Southwest Quarter of Section 33, Township 15 North, Range 4 East of the Second Principal Meridian in Perry Township, Marion County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest Quarter; thence South 00 degrees 03'35" West along the East line of said Southwest Quarter a distance of 1999.40 feet to a point, said point being the Southeast corner of a tract of land conveyed to School, City of Beech Grove, as recorded in the Office of the Recorder of Marion County, as Instrument No. 76-23217 and also, the Northeast corner of a tract of land conveyed to Willow Glen Apartments, an Indiana Limited Partnership, by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 82-38541; the next two (2) courses are along the common boundary line of said School, City of Beech Grove and Willow Glen Apartments; thence North 90 degrees 00'00" West a distance of 973.58 feet; thence North 00 degrees 03'35" East parallel with the East line of said Southwest Quarter a distance of 160.00 feet to a Southeast corner of a Tract of land conveyed to Willow Glen Apartments - Phase II, An Indiana Limited Partnership of Marion County, by Deed recorded in the Office of the Recorder of Marion County, as Instrument No. 85-31689; thence South 88 degrees 29'55" West parallel with the South line of said Southwest Quarter and along the North boundary line of said Willow Glen Apartments and a South line of said Willow Glen Apartments - Phase II, a distance of 126.47 feet to the POINT OF BEGINNING; thence continuing South 88 degrees 29'55" West along a common boundary of said Willow Glen Apartments and Willow Glen Apartments - Phase II, a distance of 275.32 feet to the Northwest corner of said Willow Glen Apartments; thence South 01 degrees 30'05" East a distance of 423.05 feet to a point on the North line of a tract of land conveyed to Faith United Church of Christ by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 79-24465; thence South 88 degrees 29'55" West parallel with the South line of said Southwest Quarter and along said North line of Faith United Church of Christ a distance of 10.00 feet to the Southeast corner of a tract of land conveyed to Faith United Church of Christ by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 83-64350; the following three (3) courses are along said tract of land; thence North 00 degrees 03'35" East parallel with the East line of said Southwest Quarter a distance of 50.00 feet; thence South 88 degrees 29'55" West parallel with the South line of said Southwest Quarter a distance of 295.00 feet; thence South 00 degrees 03'35" West parallel with the East line of said Southwest Quarter a distance of 50.00 feet to a point, said point being the Southwest corner of said tract of land and a point on the aforesaid North line of a tract of land conveyed to Faith United Church of Christ; thence South 88 degrees 29'55" West parallel with the South line of said Southwest Quarter a distance of 328.83 feet to the Northwest corner of said tract of land and also a point on the East line of Hilton Manor, First Section, an Addition to the City of Indianapolis as recorded in the Office of the Recorder of Marion County in Plat Book 30, Page 245; thence North 00 degrees 00'00" East along said East line Hilton Manor, First Section and the East line of land conveyed to Bethany Christian Church by Deed recorded in the Office

of the Recorder of Marion County as Instrument No. 67-47833 a distance of 961.03 feet to the Southwest corner of a tract of land conveyed to Redfern Hills Realty Company by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 72-14558; thence North 90 degrees 00'00" East along said South line of said Redfern Hills Realty Company and the South line of a tract of land conveyed to Hall Country Squire Associates by Deed recorded in the Office of the Recorder of Marion County as Instrument No. 81-56056 a distance of 898.29 feet to a point on a line 1000 feet West of and parallel with the East line of the said Southwest Quarter, said line being the existing Corporation Limits of the City of Beech Grove, the description of which is recorded in the Office of the Recorder of Marion County as a part of Instrument No. 69-65580; thence South 00 degrees 03'35" West on and along said Corporation line a distance of 514.31 feet to the point of beginning, containing 16.6086 Acres (723,470.6160 Square Feet), more or less.

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

PROPOSAL NO. 347, 1985. This proposal transfers \$500 for Superior Court, Civil Division, Room Five to purchase equipment. Councillor Dowden explained that these funds are to purchase a four-drawer filing cabinet for court files and a typewriter with memory capability. There have been excessive maintenance problems with the courts old equipment, and future maintenance contracts would be very costly. After May 31, 1985, certain IBM models would not be accepted for trade-in. The Public Safety and Criminal Justice Committee on June 26, 1985, recommended Proposal No. 347, 1985, Do Pass by a vote of 8-0. Councilor Dowden moved, seconded by Councillor Rader for adoption. Proposal No. 347, 1985 was adopted on the following roll call vote; viz:

24 AYES: *Borst, Bradley, Campbell, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

NO NAYS

5 NOT VOTING: *Boyd, Clark, Curry, Hawkins, Journey*

Proposal No. 347, 1985, was retitled FISCAL ORDINANCE NO. 69, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) transferring and appropriating Five Hundred Dollars (\$500) in the County General Fund for purposes of the Marion County Superior Court, Civil Division, Room Five 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 2.02 (b)(18) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of transferring funds to purchase equipment.

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

SECTION 3. The following increased appropriation is hereby approved:
MARION COUNTY SUPERIOR COURT,
CIVIL DIVISION, ROOM FIVE

	COUNTY GENERAL FUND
4. Capital Outlay	<u>\$500</u>
TOTAL INCREASE	<u>\$500</u>

SECTION 4. The said increased appropriation is funded by the following reductions:
MARION COUNTY SUPERIOR COURT,
CIVIL DIVISION, ROOM FIVE

	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$500</u>
TOTAL REDUCTION	<u>\$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. 362, 1985. This proposal changes parking controls on a portion of Senate Avenue. Councillor Gilmer stated that Proposal No. 362, was amended to change the on-street parking regulations on the west side of Senate Avenue in front of the Alpha Home for Aged Men and Women. This was requested to facilitate the movement of emergency vehicles in front of the building. The Transportation Committee on July 17, 1985, recommended Proposal No. 362, 1985, Do Pass As Amended, by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Hawkins for adoption. Proposal No. 362, 1985, as amended, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Clark, Curry, Journey*

Proposal No. 362, 1985, as amended, was retitled GENERAL ORDINANCE NO. 47, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 1985

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following:

Senate Avenue, on the west side, from a point 431 feet south of Senate Boulevard to a point 582 feet south of Senate Boulevard.

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

PROPOSAL NO. 373, 1985. This proposal appoints Ted Robinette to the Equal Opportunity Advisory Board. Councillor Coughenour stated that Mr. Robinette is an attorney in town and could not attend the committee meeting due to a jury trial, but that he is a good member of the Equal Opportunity Advisory Board and did wish to be reappointed. The Administration Committee on July 15, 1985, recommended Proposal No. 373, 1985, Do Pass by a vote of 3-0. Councillor Coughenour moved, seconded by Councillor Holmes for adoption. Proposal No. 373, 1985, was adopted on the following roll call vote; viz:

24 AYES: Borst, Boyd, Campbell, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West

NO NAYS

5 NOT VOTING: Bradley, Clark, Curry, Journey, Nickell

Proposal No. 373, 1985, was retitled COUNCIL RESOLUTION NO. 16, 1985, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 16, 1985

A COUNCIL RESOLUTION appointing Ted Robinette to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board the Council appoints:

TED ROBINETTE

SECTION 2. The appointee shall serve at the pleasure of the Council for a term of two (2) years, ending April 11, 1987, or until a successor is duly appointed.

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

PROPOSAL NO. 377, 1985. This proposal authorizes the Sheriff's Department to exercise law enforcement authority in City Parks. Councillor Durnil explained that this proposal will help prevent court challenges when arrests are made by deputies in various city parks. Special deputies patrol most of the parks, and extra security is hired for some parks but Proposal No. 377 will allow the Parks Department to utilize other law enforcement agencies and exercise arresting powers as is necessary. The Parks and Recreation Committee did technically amend the proposal to delete the words "members of" and add the words "Marion County" in front of Sheriff's Department. The Committee on July 18, 1985, recommended Proposal No. 377, 1985, Do Pass As Amended, by a vote of 5-0. Councillor West pointed out that Proposal No. 377, as amended, did not read properly and the President requested that General Counsel review the amended version of Proposal No. 377 and offer his amendments later in the meeting.

PROPOSAL NO. 378, 1985. This proposal transfers \$1,000 for Superior Court, Civil Division, Room 1 to purchase equipment. Councillor Dowden stated that the funds will be used to purchase a Cannon word processor with a disk drive unit. The word processor will afford great time savings over the two regular typewriters currently being used. The Public Safety and Criminal Justice Committee on June 26, 1985, recommended Proposal No. 378, 1985, Do Pass by a vote of 8-0. Councillor Dowden moved, seconded by Councillor Giffin for adoption. Proposal No. 378, 1985, was adopted on the following roll call vote; viz:

25 AYES: Borst, Bradley, Campbell, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Shaw, Stewart, Strader, West

1 NAY: Boyd

3 NOT VOTING: Clark, Curry, Schneider

Proposal No. 378, 1985, was retitled FISCAL ORDINANCE NO. 70, 1985, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1985

A FISCAL ORDINANCE amending the City-County Annual Budget for 1985 (City-County Fiscal Ordinance No. 65, 1984) transferring and appropriating One Thousand Dollars (\$1,000) in the County General Fund for purposes of the Marion County Superior Court, Civil Division, Room 1 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 2.02 (b)(14) of the City-County Annual Budget for 1985, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of transferring funds to purchase equipment.

SECTION 2. The sum of One Thousand Dollars (\$1,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

MARION COUNTY, SUPERIOR COURT,
CIVIL DIVISION, ROOM 1

COUNTY GENERAL FUND

4. Capital Outlay
TOTAL INCREASE

\$1,000
\$1,000

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

MARION COUNTY SUPERIOR COURT,
CIVIL DIVISION, ROOM 1

COUNTY GENERAL FUND

3. Other Services & Charges
TOTAL REDUCTION

\$1,000
\$1,000

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

PROPOSAL NO. 379, 1985. This proposal establishes a Marion County Forensic Services Agency. Councillor Dowden explained that Proposal No. 379, 1985, evolved through a great deal of cooperation by all of the public safety agencies and when the Forensic Services Agency is full and operational it will be of great benefit. There is no money being appropriated in this proposal. The Public Safety and Criminal Justice Committee on July 10, 1985, recommended Proposal No. 379, 1985, Do Pass As Amended, by a vote of 7-0. The amendments were technical in nature and concerned the members of the board. Councillor Dowden

moved, seconded by Councillor Journey for adoption. Proposal No. 379, 1985, as amended, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Curry, Howard*

Proposal No. 379, 1985, as amended, was retitled GENERAL ORDINANCE NO. 48, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 1985

A GENERAL ORDINANCE creating the Indianapolis-Marion County Forensic Services Agency.

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

SECTION 1. Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Article XII to read as follows:

ARTICLE XII - INDIANAPOLIS-MARION COUNTY FORENSIC SERVICES AGENCY

Sec. 2-505. Definitions.

As used in this article, the following terms shall have the meaning ascribed to them:

- (a) Board means the Indianapolis-Marion County Forensic Services Board.
- (b) Director means the director of the forensic services agency.
- (c) FSA means the Forensic Services Agency of Indianapolis and Marion County.
- (d) Council means the City-County Council of Indianapolis and Marion County.
- (e) Subject Agencies means any and all law enforcement agencies, their officers, offices, boards and commissions which are funded either by the City of Indianapolis or Marion County.

Sec. 2-506. Board created; members; compensation.

(a) There is hereby created the Indianapolis-Marion County Forensic Services Board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) the Coroner;
- (2) the Sheriff;
- (3) the Auditor, who shall serve without a vote;
- (4) the Chief of the Indianapolis Police Department;

- (5) one person, appointed by the mayor, who shall have significant professional experience in forensic medicine, pathology, toxicology, serology, chemistry or other comparable discipline, to serve at the pleasure of the mayor. The mayor's appointee shall be appointed for an initial three-year term and thereafter for a two-year term.
- (6) One person, appointed by the council, to serve at the pleasure of the council. The council's appointee shall be appointed for a two-year term.
- (7) the prosecutor and the director of public safety, for a term of office ending not later than December 31, 1987.

(b) Board members shall serve in person or by a person permanently designated and without compensation.

(c) Board members shall be eligible for reappointment.

Sec. 2-507. Powers and duties of the board.

The board shall have the following powers and duties; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected official:

- (a) to determine the means of financing any forensic services, subject to the approval of the council where applicable, and to fix rates and formulas for invoicing non-subject agencies for forensic services rendered;
- (b) to develop, maintain and communicate forensic services policies and administrative procedures for the agency;
- (c) to recommend to the mayor a director for the forensic services agency, subject to the approval of the council, who shall serve at the pleasure of the mayor, and who shall have such additional duties as established herein;
- (d) to promulgate rules and regulations for the efficient administration of its policies and procedures for all subject agencies;
- (e) to review all budgets prepared by the agency and recommend to the city-county council any revisions the board feels desirable;
- (f) to approve the award and amendment of contracts let by the agency as follows:
 - 1. contracts for the lease or purchase of capital equipment or other property if such lease or purchase is required to be bid under I.C. 36-1-9;
 - 2. contracts for acquisition and lease of real estate;
 - 3. contracts for public construction which must be bid under I.C. 36-1-12;
- (g) to approve the employment of persons engaged by the agency by contract to render professional or consulting services;
- (h) to delegate any functions to the director, subject to review by the board.

Sec. 2-508. Officers, quorum; meetings.

(a) The officers of the board shall consist of a chairman and a secretary, one of whom shall be a county elected official, and the other a city officer. The chairman shall be elected by the board at its first meeting and annually thereafter. The secretary shall be elected by the board. All agreements, contracts, resolutions and official communications of the board shall be in writing and be executed by these officers upon being authorized by motion passed by the board by simple majority vote of its members present.

(b) A quorum of the board for official action shall consist of four (4) voting members, and the board may not transact any official business in the absence of a quorum.

(c) The secretary shall be the recording officer of the board, and shall be responsible for keeping the official minutes of all meetings.

(d) the board shall establish a meeting schedule and may meet at such times and places as may be needed in special session called by the chairman for a particular purpose. All meetings, whether regular or special, shall be open to the public. No official action may be taken by the board except at a public meeting, whether regular or special. Board members may confer from time to time in executive session pursuant to IC 5-14-1.5-6.

Sec. 2-509. Director; qualification; responsibilities.

(a) The mayor shall appoint a director, recommended by the board, subject to approval by the council, who shall serve at the pleasure of the mayor. The director shall have such qualifications and experience as set by the board. The director shall meet with the board as a nonvoting member.

(b) The director shall be the chief administrator of the forensic services agency (FSA) and shall have the following duties:

1. to supervise and coordinate the activities of sections with the agency;
2. to oversee the daily operations of the agency;
3. to prepare and submit the agency's budget to the county auditor as required by IC 36-3-6-4;
4. to appoint deputies or assistants as necessary;
5. to approve the hiring and dismissal of personnel of the agency subject to the limitations prescribed by law in Sec. 3-3(c) of this Code;
6. to manage the personnel of the agency;
7. to delegate to the personnel of the agency authority to act on his behalf;
8. to execute contracts subject to the authority of the board, the Mayor and any other limitations prescribed by law;

(c) The director shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

Sec. 2-510. Forensic Services Agency created.

There is created the Forensic Services Agency (FSA) which shall be under the policy supervision of the Indianapolis-Marion County Forensic Services Board through the director. FSA Shall be the functional operating forensic services facility for such agencies, departments, and divisions of local government as the board may prescribe. The board shall approve the organization of FSA along such lines as are consistent with principles of good management and the provisions of this article. FSA shall operate in accordance with the personnel policies and procedures established by the Central Personnel Division pursuant to Sec. 3-3(c) of this Code, and in accordance with Chapter 23 of this Code.

Sec. 2-511. Agency duties and responsibilities.

(a) FSA shall be responsible for the supervision, management, and operation of the county's criminal forensic scientific laboratory.

(b) FSA shall provide subject law enforcement agencies with forensic laboratory services, including scientific testing, identification evaluation, firearms identification, ballistics, authenticating documents, polygraph examinations, tool and die mark comparisons, photography, video and laser techniques, and evidence recovery. FSA shall furnish expert testimony in these areas if requested by subject agencies.

Sec. 2-512. Duties of director with respect to agency.

FSA shall be managed and supervised by the director. The director will be responsible for the planning, organization and management of FSA, within organization plans and policies approved by the board.

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

PROPOSAL NO. 382, 1985. This proposal changes parking controls on a portion of 11th Street. Councillor Gilmer stated that this will allow parking on both sides of 11th Street between Senate and Capital. This proposal was amended by the Transportation Committee. The original proposal allowed parking except between the hours of 3:00 p.m. and 6:00 p.m. The Transportation Committee on July 17, 1985, recommended Proposal No. 382, 1985, Do Pass As Amended by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Hawkins for adoption. Proposal No. 382, 1985, as amended, was adopted on the following roll call vote; viz:

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

2 NOT VOTING: Cottingham, Curry

Proposal No. 382, 1985, as amended, was retitled GENERAL ORDINANCE NO. 49, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 1985

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

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

Eleventh Street, on the both sides, from the Penn-Central Railroad to Capitol Avenue.

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

PROPOSAL NO. 383, 1985. This proposal changes intersection controls at North Catherwood Avenue and Windsor Drive. Councillor Gilmer explained that Councillor Stewart introduced this proposal in response to the neighborhood group in this area. There have been several accidents at this intersection and Proposal No. 383, 1985, will change the control from a two-way stop to a four-way stop. The Transportation Committee on July 17, 1985, recommended Proposal No. 383, 1985, Do Pass by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Stewart for adoption. Proposal No. 383, 1985, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Curry, Nickell, Schneider*

Proposal No. 383, 1985, was retitled GENERAL ORDINANCE NO. 50, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 1985

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>REFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 6	N. Catherwood Ave. & Windsor Dr.	Windsor Dr.	STOP

26, Pg. 6 N. Catherwood Ave. & N. Catherwood Ave. STOP
 E. 24th St.

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 6	N. Catherwood Ave. & Windsor Dr.		4-WAY STOP
26, Pg. 6	N. Catherwood Ave. & E. 24th St.		4-WAY STOP

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

PROPOSAL NO. 388, 1985. This proposal amends performance bond requirements in the ordinance regulation construction activities in the right-of-way. Councillor Gilmer explained that Proposal No. 388 will reduce the amount of bond for contractors and agencies from \$100,000 to \$10,000 for multiple cuts. The Transportation Committee on July 17, 1985, recommended Proposal No. 388, 1985, Do Pass by a vote of 5-0. Councillor Gilmer moved, seconded by Councillor Cottingham. Proposal No. 388, 1985, was adopted on the following roll call vote; viz:

23 AYES: *Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Dowden, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, West*

NO NAYS

6 NOT VOTING: *Borst, Clark, Curry, Durnil, Hawkins, Strader*

Proposal No. 388, 1985, was retitled GENERAL ORDINANCE NO. 51, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 1985

A GENERAL ORDINANCE concerning the Right-of-way Activities Ordinance.

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

SECTION 1. Section 1 of G.O. 24, 1985, as passed by the City-County Council on March 28, 1985, is hereby amended by deleting the language crosshatched and inserting the language underscored to read as follows:

Sec. 28-323. Duties and responsibilities of the transportation board.

(a) The Transportation Board ("Board") shall, in accordance with the procedures specified in subsection (b) of this Sec. 28-323, adopt regulations deemed necessary and appropriate in order for the Board and the DOT to carry out their duties and responsibilities under this Article, including, but not limited to, regulations establishing:

- (1) standards for traffic controls for construction and maintenance operations or activities in, on, under and over the public rights-of-way containing streets dedicated to and accepted by the City, which standards shall be designed to protect members of the public using such public rights-of-way and to be consistent, to the extent practicable, with the "Indiana Manual on Uniform Traffic Control Devices", the "Indiana State Highway Standard Specifications, 1985 Edition", and all other State and Federal statutes, recognizing, however, that traffic controls for projects within public rights-of-way subject to the jurisdiction of the DOT may be less stringent than the traffic controls required in connection with work on State or Federal highways where traffic will be traveling at much greater speeds;
- (2) restrictions with respect to when and how work should be performed in public rights-of-way containing streets dedicated to and accepted by the City in certain geographical areas, such as the area around Monument Circle, Hoosier Dome and Convention Center or in areas during times when special events, such as the 500 Mile Race and State Fair, are being held;
- (3) time periods when work in, under, on or over public rights-of-way containing streets dedicated to and accepted by the City should, except in cases of emergencies, be prohibited, such as during rush hours;
- (4) minimum standards for compaction or deflection testing or both; ~~and~~
- (5) a schedule of fees for the enforcement of the provisions of this Article or the regulations duly adopted by the Board and
- (6) standards for requiring additional bonding or insurance for single cuts with an area in excess of 100 square feet.

(b) Before any regulation is adopted by the Board pursuant to this Sec. 28-323, the Board shall cause a notice to be published in at least two (2) newspapers of general circulation printed and published in Marion County, Indiana at least twenty-one (21) days prior to the date set for a hearing on the proposed regulation. Said notice shall include a statement of the time and place of said hearing, a reference to the subject matter of the proposed regulation or regulations and refer to the fact that a copy of said regulation or regulations is on file in the office of the Board where it may be examined. At the same time said notice is sent to the newspapers for publication, a copy thereof shall be mailed to each public utility serving in Marion County. At least five (5) copies of said proposed regulation or regulations shall be on file at the office of the Board from the date of the first publication of said notice continuously until the said hearing and any interested person shall be given an adequate opportunity to examine a copy of said proposed regulation or regulations. On the date set for hearing, any interested party in person or by attorney shall be afforded an adequate opportunity to participate in the formulation of the proposed regulation or regulations through the presentation of facts or argument or the submission of written data or

views. All relevant matter presented shall be given full consideration by the Board. If the Board, following the hearing and consideration and all relevant matter presented, adopts the regulation or regulations, either as proposed or as proposed with modifications or amendments, the regulation or regulations adopted by the Board shall be submitted to the Corporation Counsel of the City for his approval as to legality. When the regulation or regulations have been approved by the Corporation Counsel of the City, the regulation or regulations shall be filed with the clerk of the Council for publication. The regulation or regulations shall become effective thirty (30) days after the date filed with the clerk of the Council, unless the council prior thereto amends the regulations or suspends their effective date. If the Board desires to repeal, rescind or amend any regulation adopted by it, the same procedure shall be followed as prescribed herein for adoption of a regulation.

(c) The Transportation Board, in cooperation with the Department of Transportation, shall establish a program pursuant to which instruction shall be provided to individuals who will be making, restoring or inspecting excavations in public right-of-way. Said program will consist of instruction concerning the proper methods of making and restoring excavations as set forth in this Article. The instruction program shall be conducted by competent individuals who are not individuals who will be making, restoring or inspecting excavations in the public rights-of-way in accordance with this Article. The cost associated with such instructional program shall be recovered as admission fees from those individuals attending such program. Persons attending and satisfactorily completing such instructional program shall receive a certificate to that effect. The instruction program established pursuant to this paragraph shall be implemented so that the first instruction program is conducted within ninety (90) days following the effective date of this ordinance. The program shall be offered at such frequencies so as to ensure that all individuals who will be making, restoring and inspecting excavations in the public rights-of-way after September 1, 1985, will be able to attend and complete the instructional program by that date. All DOT inspectors shall be required to attend the instructional program.

(d) There may be circumstances where it will be appropriate for the Board to grant a temporary exception or a permanent variance from either the standards established by this Article or the provisions of the regulations adopted by the Board. The Board should only grant exceptions or variances which it determines would be consistent with public safety and interest, would not frustrate the intent and policies expressed by this Article or the Board's regulations and would not endanger the traveling public using the public rights-of-way. The procedure concerning exceptions or variances shall be as follows:

- (1) Any person or entity subject to the provisions of this Article or the regulations adopted by the Board may submit a written application to the Board requesting a temporary exception or a permanent variance from a specific minimum standard established by this Article or a provision of a regulation adopted by the Board, setting forth the reasons why the exception or variance should be granted. Copies of the application shall also be provided to the Director of the DOT and to the Permit Section of the DOT.
- (2) The Board shall consider said application at its next regularly scheduled meeting held more than seven (7) days following receipt of the application and, by written order, grant said application if it determines that such action would be consistent with the public safety and interest, would not frustrate the intent and policies expressed by this Article or the Board's regulations and would not endanger the traveling public using the public rights-of-way. The Board may prescribe alternative measures to be used in lieu of those from which it granted

an exception or variance. If the Board denies the application, it shall set forth in its order the reasons for the denial. The order granting or denying the application shall be mailed to the applicant by certified mail, return receipt requested.

- (3) If the exception or variance is approved by the Board, the Board shall certify its order to the Clerk of the Council. The exception or variance shall become effective thirty (30) days thereafter, unless the Transportation Committee of the Council shall reject or modify the order of the Board.
- (4) Exceptions or variances granted by the Board may be revoked by the vote of a majority of the Board upon finding after notice and hearing, that the person or entity granted the exception or variance is violating the terms of the Board's order granting the exception or variance or that the action of such person or entity pursuant to the exception or variance unreasonably jeopardizes the public safety or interest. The revocation of an exception or variance shall not affect the validity of any other exception or variance in effect for that person or entity.

Sec. 28-325. Application for right-of-way excavation permit.

(a) Application. The application for a right-of-way excavation permit shall be submitted to the Permit Section of the Department of Transportation and shall include the following:

- (1) a properly executed permit application, in the form designated by the department, including but not limited to, the following information:
 - (A) the name and address of the applicant;
 - (B) the name and address of the person performing the work to be done in the right-of-way, if other than the applicant;
 - (C) the nature of, and the reason for, the work to be performed;
 - (D) the location of the worksite and the dimensions of the excavation;
 - (E) the anticipated length of time to complete the work;
 - (F) the method of traffic control to be used by the applicant at the worksite;
 - (G) any other pertinent information requested by the department of transportation; and
 - (H) after September 1, 1985, certification that the work to be performed under the right-of-way excavation permit will be under the supervision of a person who has attended and satisfactorily completed the instructional program established pursuant to Sec. 28-323 (c).
- (2) a general liability insurance policy as described in subsection (c), unless the applicant is a public utility or already has a statement of insurance on file;
- (3) a performance or maintenance bond as specified in subsection (d), unless the applicant is a public utility;
- (4) an indemnification agreement as specified in subsection (e), unless the applicant is a public utility and already has an approved indemnification agreement on file; and
- (5) written approval from the department of public works as specified in subsection

(f), if the proposed work involves a sanitary sewer, storm sewer, or affects drainage within the public right-of-way.

(b) Permit fee. A permit fee of forty dollars (\$40.00) for a single cut shall be paid when application is submitted and is not refundable. Additional cuts on a new multiple-cut permit shall require an additional payment of twenty dollars (\$20.00) per cut.

(c) General liability insurance policy. The applicant shall either file or have on file with the City of Indianapolis a general liability insurance policy. The statement of insurance shall be on file with either the Division of Development Services of the Department of Metropolitan Development or the DOT Permit Section. The insurance company shall be licensed to do business in the State of Indiana. The amount of insurance shall be not less than five hundred thousand dollars (\$500,000.00) for injury to one person and not less than one million dollars (\$1,000,000.00) for injuries to more than one person and not less than two hundred fifty thousand dollars (\$250,000.00) for damages to property. The insurance policy shall have a Rider attachment for all listed general contractors to be covered on right-of-way excavation permit.

(d) Performance bond. The performance bond posted with respect to each permit shall not be released until an approved inspection is received on the restoration of the public right-of-way. The applicant shall either file or have on file with either the Division of Development Services of the Department of Metropolitan Development or the DOT Permit Section a performance/maintenance bond. The company writing the bond shall be licensed to do business in the State of Indiana. The bond shall be in the penal amount of not less than ten thousand dollars (\$10,000.00) for ~~unlimited multiple street cuts in any year.~~ The bond shall continue to be in effect for a duration of (13) months no less than one (1) year from the date of final inspection. The Transportation Board may, by regulation, require an additional performance bond prior to the issuance of a permit for any single cut with an area in excess of 100 square feet.

(e) Indemnification agreement form. The applicant for a right-of-way excavation permit shall either file or have on file with either the Division of Development Services of the Department of Metropolitan Development or the Permit Section of the DOT an indemnification agreement in which the applicant agrees to indemnify and hold harmless the City from and against all claims, actions, damages and expenses, including reasonable attorneys' fees, based on any alleged injury (including death) to any person or damage to any property arising, or alleged to have arisen out of any act of commission or omission with respect to the activity or work of the applicant (or persons, corporations or firms authorized by the applicant) in a public right-of-way subject to the City's jurisdiction pursuant to a right-of-way excavation permit issued by the DOT.

(f) Drainage approval. The applicant for a right-of-way excavation permit shall submit a letter or form of approval from the Department of Public Works with the application when the proposed work involves a sanitary sewer, storm sewer or affects drainage within a public right-of-way. The permit holder shall be responsible for maintaining adequate drainage flow during and after the work authorized by the right-of-way excavation permit.

(g) Exemptions. The requirements of subsections (b), (c), (d) and (e) shall not

apply to applications on behalf of the Departments of Transportation or Public Works, if the work is to be performed by city employees.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 377, 1985. This proposal authorizes the Sheriff's Department to exercise law enforcement authority in City Parks. Mr. Elrod, General Counsel, offered the following language change:

~~the Indianapolis Police, the Marion County Deputy Sheriffs~~ / ~~Departments,~~ state law enforcement officers,

Councillor Rhodes moved, seconded by Councillor Journey, the above mentioned amendment. The motion passed by a unanimous voice vote.

Councillor Durnil moved, seconded by Councillor Rhodes, for adoption. Proposal No. 377, 1985, as amended, was adopted on the following roll call vote; viz:

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

3 NOT VOTING: *Clark, Curry, Nickell*

Proposal No. 377, 1985, as amended, was retitled GENERAL ORDINANCE NO. 52, 1985, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 1985

A GENERAL ORDINANCE amending the Code concerning law enforcement responsibility in the Department of Parks and Recreation parks.

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

SECTION 1. Sec. 22-21 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 22-21. Enforcement of this chapter.

The board of parks and recreation, the director of parks and recreation, park superintendents, recreation supervisors, park police, ~~police, sheriffs, state law enforcement officers, and health authorities~~ Indianapolis Police, Marion County Deputy Sheriffs, state law enforcement officers, ~~and health authorities~~, all health authorities and the custodians and other employees of the department of parks and recreation holding special police powers are authorized and empowered to enforce any and all provisions of this chapter and laws of the state and city in all places under the control of the department of parks and recreation.

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

SPECIAL SERVICE DISTRICT COUNCILS

There being no business before any of the Special Service District Councils, none of the Special Service District Councils convened.

NEW BUSINESS

President SerVaas passed the gavel to Vice President Miller and reported to the Council that another Grand Jury Report had been filed regarding the deplorable conditions of the Juvenile Detention Center. The Prosecutor stated that this Grand Jury was more upset than the last one; and if someone could have been

indicted this time, they would have indicted someone. He suggested that an Ad Hoc Committee of the Council be formed to investigate this matter and report back with their findings and suggestions.

Councillor Nickell, a member of the Juvenile Detention Advisory Board, stated that the Advisory Board has been trying for some time to get improvements made, and it was not until a mandate from the Fire Marshall did anything even start to change. She went on to give her support for the Ad Hoc Committee and volunteered to serve on it.

President SerVaas asked that all Councillors interested in serving on this Ad Hoc Committee to corresponde with him and he would proceed as soon as possible.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business and upon motion duly made and seconded, the meeting adjourned at 9:05 p.m.

We hereby certify that the above and foregoing is 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 Collection Special Service District Councils on the 22nd day of July, 1985.

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


Brent SerVaas

President


Gary J. Kypis
Clerk of the City-County Council

ATTEST:

(SEAL)