

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

**REGULAR MEETINGS
MONDAY, APRIL 24, 1989**

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 7:10 p.m. on Monday, April 24, 1989, with Councillor SerVaas presiding.

Councillor Rhodes lead the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams
1 ABSENT: Schneider

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUEST AND VISITORS

President SerVaas congratulated Councillor Betty Stewart on her recent marriage. He announced that her new name is Betty Ruhmkorff.

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:

Journal of City-County Council

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, April 24, 1989, 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
Beurt SerVaas, President
City-County Council

April 11, 1989

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 Thursday, April 13, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 214, 218, 219, 220 and 221, 1989, to be held on Monday, April 24, 1989, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

April 6, 1989

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 Tuesday, April 11, 1989, a copy of LEGAL NOTICE regarding General Ordinance No. 23, 1989.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

April 18, 1989

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

Ladies and Gentlemen:

April 24, 1989

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

FISCAL ORDINANCE NO. 35, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Seven Hundred Four Thousand One Hundred Thirty Dollars (\$704,130) in the City Market Fund for purposes of the Department of Administration, Office of the Director, and reducing the unappropriated and unencumbered balance in the City Market Fund.

FISCAL ORDINANCE NO. 36, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twenty-nine Thousand Two Hundred Dollars (\$29,200) in the Consolidated County Fund for purposes of the Department of Administration, Purchasing Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

FISCAL ORDINANCE NO. 37, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the Park Land Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park Land Fund.

FISCAL ORDINANCE NO. 38, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Three Hundred Twenty-six Thousand Five Hundred Seventy-six Dollars (\$326,576) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 39, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eighty Thousand Dollars (\$80,000) in the Prosecutor's Law Enforcement Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Prosecutor's Law Enforcement Fund.

FISCAL ORDINANCE NO. 40, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Thirty-three Thousand Four Hundred Twenty-five Dollars (\$33,425) in the State and Federal Grants Fund for purposes of the prosecuting Attorney, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

GENERAL ORDINANCE NO. 27, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Article IX, Chapter 2, Section 2-358, County Corrections Fund.

GENERAL ORDINANCE NO. 28, 1989, amending the "Code of Indianapolis and Marion County, Indiana", by amending Section 1 of Part 1 of Appendix B to add an additional holiday for police officers and by adding a new Section 5 to provide for death leave for police officers.

GENERAL ORDINANCE NO. 29, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 30, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys designated.

GENERAL ORDINANCE NO. 31, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 32, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

Journal of City-County Council

GENERAL ORDINANCE NO. 33, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys designated.

GENERAL ORDINANCE NO. 34, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 35, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limit.

GENERAL RESOLUTION NO. 3, 1989, authorizing the Department of Parks and Recreation to purchase certain real property.

SPECIAL RESOLUTION NO. 20, 1989, honoring Lawrence North High School for winning the 1989 IHSAA Boys Basketball State Championship.

SPECIAL RESOLUTION NO. 21, 1989, honoring Angelo Franceschina.

SPECIAL RESOLUTION NO. 22, 1989, supporting efforts by the City of Indianapolis to host Super Bowl XXVI in 1992.

SPECIAL RESOLUTION NO. 23, 1989, amending City-County Special Resolution No. 46, 1988, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 24, 1989, requesting the City-County Administrative Board to make a public purpose grant in the amount of \$704,130 to the Indianapolis City Market Corporation.

SPECIAL RESOLUTION NO. 25, 1989, approving the sale of certain real estate of the Department of Parks and Recreation.

SPECIAL RESOLUTION NO. 26, 1989, authorizing the Mayor of the City of Indianapolis, Indiana to execute a Service Lease Agreement between the City of Indianapolis and Marion County, Indiana and Ameritech Credit Corporation for the purpose of financing the Service Agreement between the City and Indiana Bell Telephone Company, Incorporated providing for the Enhanced 911 telephone service for Marion County.

Respectfully submitted,
s/William H. Hudnut, III
William H. Hudnut, III

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

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

PROPOSAL NO. 258, 1989. This proposal honors Joseph A. Slash. Councillor Strader read the resolution and presented a framed document to Deputy Mayor Slash. He expressed his appreciation for the recognition. Councillor Strader moved, seconded by Councillor West, for adoption. Proposal No. 258, 1989, was adopted by unanimous voice vote.

April 24, 1989

Proposal No. 258, 1989, was retitled SPECIAL RESOLUTION NO. 27, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1989

A SPECIAL RESOLUTION honoring Joseph A. Slash.

WHEREAS, Joseph A. Slash has served eleven years as Deputy Mayor for the City of Indianapolis, and was responsible for on-going management review programs. He has provided executive oversight in the reorganizing of several departments and divisions of City government, greatly increasing the efficiencies of these departments. He has addressed many human service challenges, particularly the City's infant mortality problem as well as the task force on Children at Risk; and

WHEREAS, Joseph A. Slash has served on the Board of Directors of Indianapolis Urban League, Indianapolis Business Development Foundation, Center for leadership Development, Indiana Repertory Theatre, Board of Trustees of YWCA, the Greater Indianapolis Progress Committee, Governor's Committee on Youth Employment, Governor's Select Welfare Advisory Commission and the Advisory Committee to the Secretary, U. S. Department of Labor; Executive Committee for the Pan American Games and Board of Directors for the First Indoor World Championships, and is currently serving on the Board of Directors of the United Way of Greater Indianapolis, Board of Directors of the First Indoor World Championships, Indiana Employment and Training Coordinating Council and Advisory Board of the Indianapolis Urban League; and

WHEREAS, Joseph A. Slash will now serve as Vice President, General Services at the Indianapolis Power and Light Company with a variety of corporate activities to perform; now therefore:

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

SECTION 1. The Indianapolis City-County Council hereby honors and expresses appreciation to Deputy Mayor Joseph A. Slash for his strong administrative support over the years and commends his outstanding service to the citizens of his community in helping to make our City grow and become a better place in which to live.

SECTION 2. The Council wishes him well in his new executive activities.

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

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

PROPOSAL NO. 223, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 223, 1989, on April 12, 1989. The proposal appoints J. Lloyd Grannan to the Animal Control Board. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 223, 1989, was adopted by unanimous voice vote.

Proposal No. 223, 1989, was retitled COUNCIL RESOLUTION NO. 37, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 1989

A COUNCIL RESOLUTION appointing J. Lloyd Grannan to the Animal Control 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 Animal Control Board, the Council appoints:

J. Lloyd Grannan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 224, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 224, 1989, on April 12, 1989. The proposal appoints Mitchell E. Daniels, Sr. to the Animal Control Board. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 224, 1989, was adopted by unanimous voice vote.

Proposal No. 224, 1989, was retitled COUNCIL RESOLUTION NO. 38, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 1989

A COUNCIL RESOLUTION appointing Mitchell E. Daniels, Sr. to the Animal Control 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 Animal Control Board, the Council appoints:

Mitchell E. Daniels, Sr.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 240, 1989. Introduced by Councillor Irvin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an application for designation of the Indianapolis Rubber Company as an Industrial Recovery Site"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 241, 1989. Introduced by Councillor Irvin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving an application for designation of the Schwitzer Building as an Industrial Recovery Site"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 254, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$35,000 for the Department of Public Safety, Police Division, to purchase a Driver Analyzer Training System to provide better retraining and training on driving techniques"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 255, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Tonya Williams to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 256, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing David Wittenstein to the Animal Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 257, 1989. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the

April 24, 1989

Code by authorizing a 4-way stop at the intersection of Doris Drive and Farley Drive"; and the President referred it to the Transportation Committee.

Councillor Borst moved, seconded by Councillor Gilmer to suspend the rules to hear Proposal Nos. 240 and 241, 1989. Without objection, the motion carried.

PROPOSAL NOS. 240 and 241, 1989. Councillor Borst reported that the Metropolitan Development Committee heard Proposal Nos. 240 and 241, 1989, on April 17, 1989. PROPOSAL NO. 240, 1989, approves an application for designation of the Indianapolis Rubber Company as an Industrial Recovery Site. PROPOSAL NO. 241, 1989, approves an application for designation of the Schwitzer Building as an Industrial Recovery Site. By a 6-0 vote, the Committee reported Proposal No. 240, 1989, to the Council with the recommendation that it do pass. By a 5-0-1 vote, the Committee reported Proposal No. 241, 1989, to the Council with the recommendation that it do pass.

Councillor Borst explained that the two proposals allow the buildings to become Industrial Recovery Sites under the Obsolete Building Reinvestment Act, which provides incentives to bring large, vacant buildings back into productive use.

President SerVaas clarified that he at one time owned the Indianapolis Rubber Company, but no longer had any interest in the site. He stated that turning the building into an Industrial Recovery Site would be a good investment for that area.

Councillor Borst moved, seconded by Councillor Gilmer, for adoption. Proposal No. 240, 1989, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dumil, Giffin, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

3 NOT VOTING: Dowden, Holmes, Schneider

Proposal No. 240, 1989, was retitled SPECIAL ORDINANCE NO. 7, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1989

A SPECIAL ORDINANCE approving an application for designation of the Indianapolis Rubber Company as an Industrial Recovery Site.

WHEREAS, the City of Indianapolis and the near southeast side has suffered an economic loss with the closing of the Indianapolis Rubber Company factory on _____; and

WHEREAS, IC 6-3.1-11 and IC 6-3.1-20.7 provide a mechanism to encourage developers to seek alternative uses for such vacant facilities and provide for certain limited incentives to developers who seek to utilize such facilities; and

WHEREAS, IC 6-3.1-20.7 provides that one of the incentives which may be provided is a property tax credit for increased inventory located on industrial recovery sites; and

WHEREAS, IC 6-3.1-11 provides that another incentive which may be provided is an industrial recovery tax credit, which would apply against the owner's state tax liability; and

WHEREAS, IC 6-3.1-11 provides that in order to qualify for such credits the vacant industrial facility must be designated as an "industrial recovery site" by the Indiana Enterprise Zone Board; and

Journal of City-County Council

WHEREAS, the Enterprise Zone Board may only designate a facility as an industrial recovery site if it has received an application from the executive of the municipality in which the facility is located; and

WHEREAS, the executive of the municipality may make such an application only after receiving the approval of the legislative body of the community in which the facility is located; and

WHEREAS, Mansur Development intends to redevelop the Indianapolis Rubber Company facility to productive use; and

WHEREAS, the Mayor and the City-County Council believe that it is in the best interests of Indianapolis and Marion County to encourage the productive use of the now vacant Indianapolis Rubber Company site; and

WHEREAS, the incentives provided by IC 6-3.1-11 and IC 6-3.1-20.7 will make it feasible for the project to move forward; 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 hereby authorizes and gives its approval of efforts by Mayor William H. Hudnut, III, to make application to the Indiana Enterprise Zone Board for designation as an industrial recovery site of the Indianapolis Rubber Company facility located as shown on the attached drawing.

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

Proposal No. 241, 1989, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

2 NOT VOTING: Howard, Schneider

Proposal No. 241, 1989, was retitled SPECIAL ORDINANCE NO. 8, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1989

A SPECIAL ORDINANCE approving an application for designation of the Schwitzer Building as an Industrial Recovery Site.

WHEREAS, the City of Indianapolis and the near east side has suffered an economic loss with the closing of the Schwitzer Building and the loss of its manufacturing jobs; and

WHEREAS, IC 6-3.1-11 and IC 6-3.1-20.7 provide a mechanism to encourage developers to seek alternative uses for such vacant facilities and provides for certain limited incentives to developers who seek to utilize such facilities; and

WHEREAS, IC 6-3.1-20.7 provides that one of the incentives which may be provided is a property tax credit for increased inventory located on industrial recovery sites; and

WHEREAS, IC 6-3.1-11 provides that another incentive which may be provided is an industrial recovery tax credit, which would apply against the owner's state tax liability; and

WHEREAS, IC 6-3.1-11 provides that in order to qualify for such credits the vacant industrial facility must be designated as an "industrial recovery site" by the Indiana Enterprise Zone Board; and

WHEREAS, the Enterprise Zone Board may only designate a facility as an industrial recovery site if it has received an application from the executive of the municipality in which the facility is located; and

WHEREAS, the executive of the municipality may make such an application only after receiving the approval of the legislative body of the community in which the facility is located; and

WHEREAS, B & E Realty, Inc. intends to redevelop the Schwitzer Building to productive use; and

April 24, 1989

WHEREAS, the Mayor and the City-County Council believe that it is in the best interests of Indianapolis and Marion County to encourage the productive use of the now nearly vacant Schwitzer Building; and

WHEREAS, the incentives provided by IC 6-3.1-11 and IC 6-3.1-20.7 will make it feasible for the project to move forward; 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 hereby authorizes and gives its approval of efforts by Mayor William H. Hudnut, III, to make application to the Indiana Enterprise Zone Board for designation as an industrial recovery site of the Schwitzer Building located at 1125 Brookside as shown on the attached drawing.

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 251, 1989. In Councillor Schneider's absence, Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 251, 1989, on April 12, 1989. The proposal is an inducement resolution authorizing certain proceedings under revenue bond authorization of I.C. 36-7-11.9 and 36-7-12 of the Economic Development Commission (Bowes Seal Fast Corporation). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 251, 1989, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

2 NOT VOTING: Dowden, Schneider

Proposal No. 251, 1989, was retitled SPECIAL RESOLUTION NO. 28, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1989

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development revenue bonds for Bowes Seal Fast Corporation pursuant to I.C. 36-7-11.9 and I.C. 36-7-12.

WHEREAS, the City of Indianapolis, Indiana, (the "Issuer") is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the renovation, construction, installation and equipping of said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, Bowes Seal Fast Corporation (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either renovate, 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 the Applicant for the same, said economic development facilities to consist of a building addition adjacent to a current manufacturing facility located at 5902 East 34th Street in Indianapolis, Indiana, such addition to contain approximately 76,213 square feet and to be located on approximately 2.5 acres of land, and such addition to be used by H-N Advertising & Display Co., Inc., a division of Bowes Seal Fast Corporation, in its operations of manufacturing point-of-purchase advertising displays made of metal and/or wire; the renovation, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, and furnishing for use in the facilities (the "Project"); and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately 9 at the end of one year and 19 at the end of three years) and the creation of business opportunities to be achieved by the renovation, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

Journal of City-County Council

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

WHEREAS, the renovation, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis, Indiana; now therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in the City of Indianapolis, Indiana, is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Commission and said Issuer take such action as it lawfully may to encourage diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in the City of Indianapolis.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$2,500,000 under the Act to be privately placed or publicly offered with credit enhancement for the renovation, construction, installation and equipping of the Project 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 renovation, construction, installation and equipping of the Project, this Commission 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 (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires October 31, 1989 unless such bonds have been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such 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 (a) this inducement resolution is still in effect and (b) 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, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted, and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; 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 the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during renovation, underwriting expenses, attorney and bond counsel fees, renovation, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purpose. 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. 252, 1989. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 252, 1989, on April 12, 1989. The proposal is a special ordinance authorizing the modification of the maturity dates, the payment dates, and the mandatory redemption dates relating to economic development revenue bonds authorized for issuance for Marleigh Corporation, in an aggregate principal amount not to exceed \$1,400,000; such bond issuance having been approved by the City-County Council on February 27, 1989, and approving and authorizing other actions in respect thereto. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by

April 24, 1989

Councillor Ruhmkorff, for adoption. Proposal No. 252, 1989, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

2 NOT VOTING: Coughenour, Schneider

Proposal No. 252, 1989, was retitled SPECIAL ORDINANCE NO. 9, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1989

A SPECIAL ORDINANCE approving the City of Indianapolis to issue its "Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project)" in an aggregate principal amount not to exceed \$1,090,000 and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147 (f) of the Internal Revenue Code of 1986, as amended, on February 8, 1989, 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 Marleigh Corporation (the "Company") consisting of the acquisition, renovation, construction, installation and equipping of a six (6) story apartment building located at 1434 North Delaware Street, Indianapolis, Indiana, containing approximately 32,230 square feet and located on approximately 0.76 acres of land, which is currently a vacant apartment building, is in need of renovation and will continue to be used for apartments after renovation; the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, and furnishings for use in the facilities (the "Project"); which will be initially owned and operated by Marleigh Corporation complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such financing will be of benefit to the health and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, on February 8, 1989, the Indianapolis Economic Development Commission approved substantially final forms of the Indenture of Trust, Financing Agreement, Regulatory Agreement, Bond Purchase Agreement, Preliminary Official Statement, and the form of the City of Indianapolis, Indiana Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project) (the "Previously Approved Bonds") (hereinafter referred to collectively as the "Previously Approved Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; and

WHEREAS, the City-County Council passed Special Ordinance No. 5, 1989 (the "Ordinance") at its meeting conducted February 27, 1989, and the Ordinance was signed by Mayor William H. Hudnut, III, on March 9, 1989; and

WHEREAS, the Ordinance authorized the issuance of the Previously Approved Bonds; and

WHEREAS, subsequent to March 9, 1989, it was determined that a modification of the maximum aggregate principal amount, the maturity dates, payment dates, and mandatory redemption provisions of the Previously Approved Bonds (the "Modifications") would be of benefit to the Company and provide additional financial security for the Previously Approved Bonds, and the Previously Approved Bonds have not yet been issued; and

WHEREAS, the Modifications require approval by the Indianapolis Economic Development Commission (the "Commission") and the City-County Council pursuant to I.C. 36-7-12-27 (a)(1) through (a)(10); and

WHEREAS, on April 12, 1989, the Indianapolis Economic Development Commission approved substantially final forms, including the Modifications, of the Indenture of Trust, Financing Agreement, Regulatory Agreement, Bond Purchase Agreement, Preliminary Official Statement, and the form of the City of Indianapolis, Indiana, Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

Journal of City-County Council

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 Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of its revenue bonds, the loan of the net proceeds thereof to the Company for the purpose of financing the Project, and the repayment of said loan by the Company will be of benefit to the health and general welfare of the City and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents 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 Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed \$1,090,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued, which Promissory Note will be executed and delivered by Marleigh Corporation to evidence and secure said loan and as otherwise provided in the above described Financing Documents. 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 and City Controller are authorized and directed to sell such Bonds to the Underwriter designated in the Bond Purchase Agreement at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed eight and one-half percent (8.5%). The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Underwriter designated in the Bond Purchase Agreement, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk 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)(10).

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Bonds, and after the execution of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. The provisions of this Ordinance do not in any way repeal or amend City-County Special Ordinance No. 5, 1989, except to the extent of modifying the maximum aggregate principal amount, the maturity dates, payment dates, and mandatory redemption provisions of the Previously Approved Bonds and modifying the Financing Documents as necessary to accomplish the modification to the terms of the Previously Approved Bonds.

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

PROPOSAL NO. 253, 1989. Councillor Gilmer reported that the Economic Development Committee heard Proposal No. 253, 1989, on April 12, 1989. The proposal is a special ordinance authorizing the remarketing of a portion of the bonds originally issued in the aggregate principal amount of \$12,245,000 for Westside Christian Retirement Village, Inc., dated September 1, 1980, and approving and authorizing other actions in respect thereto. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

April 24, 1989

Councillor Gilmer asked that the proposal be postponed until May 8, 1989, because of financial technicalities.

Councillor Ruhmkorff stated that the Committee had a special meeting for this proposal, because they were told it needed to be passed by April 25. If that is true, then why is it being postponed. Jay Rose, Counsel to the Economic Development Commission and Special Counsel to the City of Indianapolis, explained that Bank One is asking for an extension, and the financial documents required to close the deal are not ready for Council approval. If the court does not allow the extension, the building will be purchased without Economic Development bonds. Mr. Rose also clarified that the bondholders will receive the same payment either through the Bonds or by a private financial institution loan.

Without objection, Proposal No. 253, 1989, was postponed until May 8, 1989. (Councillors SerVaas, Mukes-Gaither, and Williams abstained from voting, due to possible conflicts of interest.)

PROPOSAL NOS. 259 - 265, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 20, 1989". The Council did not schedule Proposal Nos. 259 - 265, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 259 - 265, 1989, were retitled REZONING ORDINANCE NOS. 90 - 96, 1989, and are identified as follows:

REZONING ORDINANCE NO. 90, 1989. 89-Z-65 (AMENDED) WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12
8920 EAST 21ST STREET, INDIANAPOLIS.

EDWARD L. McVAY, by Philip A. Nicely requests the rezoning of 11.75 acres, being in the C-S district, to the C-S classification to provide for a combination office-commercial-industrial park with resident manager's apartment for mini-warehouses.

REZONING ORDINANCE NO. 91, 1989. 89-Z-66 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
111 EAST STOP ELEVEN ROAD, INDIANAPOLIS.

MELVIN SHUFFLEBARGER, by G. Thomas Blankenship, requests the rezoning of 1.90 acres, being in the A-2 district, to the D-6 classification to provide for multi-family residential development (pursuant to rezoning petition 88-Z-180).

REZONING ORDINANCE NO. 92, 1989. 89-Z-67 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 22
629 EAST ARCH STREET, INDIANAPOLIS.

JAMES R. McCARROLL requests the rezoning of 0.46 acres, being in the D-10/RC district, to the D-8/RC classification to provide for single family residential development.

REZONING ORDINANCE NO. 93, 1989. 89-Z-68 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
5309 MADISON AVENUE (REAR), INDIANAPOLIS.

BLAZEK PROPERTIES, AN INDIANA GENERAL PARTNERSHIP, by Michael J. Kias, requests the rezoning of 3.72 acres, being in the C-4 district, to the D-11 classification to permit the development of a mobile home park.

REZONING ORDINANCE NO. 94, 1989. 89-Z-72 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
11860 EAST 75TH STREET, INDIANAPOLIS.

KIRBY INVESTMENTS, INC., by J. Murray Clark, requests the rezoning of 16.62 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 95, 1989. 89-Z-86A PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
7301 U.S. 31, SOUTH, INDIANAPOLIS.

CENTRE PROPERTIES, by Brian J. Tuohy, requests the rezoning of 25.1 acres, being in the C-1, D-3, and A-2 districts, to the C-4 classification to provide for development of a retail shopping center.

Journal of City-County Council

REZONING ORDINANCE NO. 96, 1989. 89-Z-86B PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 20
7301 U.S. 31, SOUTH, INDIANAPOLIS.
CENTRE PROPERTIES, by Brian J. Tuohy, requests the rezoning of 4.68 acres, being in the C-1 and A-2 districts, to the D-3 classification.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 175, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 175, 1989, on April 11, 1989. The proposal appropriates \$6,200 for the Washington Township Assessor to use temporary outside services to complete reassessment. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption. Proposal No. 175, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams*
0 NAYS
3 NOT VOTING: *Borst, Clark, Schneider*

Proposal No. 175, 1989, was retitled FISCAL ORDINANCE NO. 41, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Six Thousand Two Hundred Dollars (\$6,200) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (u) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Washington Township Assessor to use temporary outside services to complete reassessment.

SECTION 2. The sum of Six Thousand Two Hundred Dollars (\$6,200) 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:

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services & Charges	\$6,200
TOTAL INCREASE	\$6,200

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered Property Reassessment Fund	\$6,200
TOTAL REDUCTION	\$6,200

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

April 24, 1989

PROPOSAL NO. 214, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 214, 1989, on April 11, 1989. The proposal appropriates \$18,000 for the Lawrence Township Assessor to extend office hours and hire three additional people. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption. Proposal No. 214, 1989, was adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

4 NOT VOTING: Borst, Clark, Irvin, Schneider

Proposal No. 214, 1989, was retitled FISCAL ORDINANCE NO. 42, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eighteen Thousand Dollars (\$18,000) in the Property Reassessment Fund for purposes of the Lawrence Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (q) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Lawrence Township Assessor to extend office hours and hire three additional people because the State Tax Board did not certify land values to Marion County, Lawrence Township is scheduled to receive their data from Cole-Layer-Trumble last, and Form 11's must be sent in by August and appeals heard in August, September and October.

SECTION 2. The sum of Eighteen Thousand Dollars (\$18,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>LAWRENCE TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	\$ 7,000
3. Other Services & Charges	<u>11,000</u>
TOTAL INCREASE	\$18,000

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

	<u>PROPERTY REASSESSMENT FUND</u>
Unappropriated and Unencumbered Property Reassessment Fund	<u>\$18,000</u>
TOTAL REDUCTION	\$18,000

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

PROPOSAL NO. 218, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 218, 1989, on April 12, 1989. The proposal appropriates \$8,356 for the Marion County Community Corrections Agency to provide the completion of payments on the electronic monitoring contract. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:57 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 218, 1989, was adopted on the following roll call vote; viz:

- 24 YEAS: *Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Durnil, Giffin, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams*
- 1 NAY: *Gilmer*
- 4 NOT VOTING: *Clark, Cottingham, Irvin, Schneider*

Proposal No. 218, 1989, was retitled FISCAL ORDINANCE NO. 43, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Thousand Three Hundred Fifty-six Dollars (\$8,356) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (aaa) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Community Corrections Agency to provide the completion of payments on the electronic monitoring contract.

SECTION 2. The sum of Eight Thousand Three Hundred Fifty-six Dollars (\$8,356) 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:

<u>MARION COUNTY</u>	
<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANT FUND</u>
3. Other Services & Charges	<u>\$8,356</u>
TOTAL INCREASE	\$8,356

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grant Fund	<u>\$8,356</u>
TOTAL REDUCTION	\$8,356

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

PROPOSAL NO. 219, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 219, 1989, on April 12, 1989. The proposal appropriates \$109,980 for the Prosecutor's Child Support IV-D Agency for their annual summer project and to purchase a voice response system. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden explained that the voice response system will help direct calls where they are supposed to go, and not tie up all the phone lines. The Prosecutor and County Clerk both are having phone lines tied up and are not being able to properly service the public.

April 24, 1989

Councillor Williams asked if this is a \$90,000 system. Councillor Dowden said that it was. Councillor Williams asked if the system will enable the number of employees to be reduced. Councillor Dowden answered that it will not, but the public will get the information that they called about.

The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Shaw, for adoption. Proposal No. 219, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West*

1 NAY: *Williams*

3 NOT VOTING: *Clark, Irvin, Schneider*

Proposal No. 219, 1989, was retitled FISCAL ORDINANCE NO. 44, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Hundred Nine Thousand Nine Hundred Eighty Dollars (\$109,980) 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.

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 2.01 (x) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Prosecutor's Child Support IV-D Agency for their annual summer project and to purchase a voice response system.

SECTION 2. The sum of One Hundred Nine Thousand Nine Hundred Eighty Dollars (\$109,980) 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:

<u>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$ 500
3. Other Services & Charges	49,480
4. Capital Outlay	<u>60,000</u>
TOTAL INCREASE	\$109,980

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>\$109,980</u>
TOTAL REDUCTION	\$109,980

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

PROPOSAL NO. 220, 1989. Councillor Dowden reported that this Proposal has not been heard in the Public Safety and Criminal Justice Committee. He asked that it be postponed until May 8, 1989. Without objection, Proposal No. 220, 1989, was postponed until May 8, 1989.

PROPOSAL NO. 221, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 221, 1989, on April 12, 1989. The

proposal approves the purchase and lease-back of real estate by the Indianapolis-Marion County Building Authority from the County of Marion on behalf of the Sheriff's Department. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Irvin, for adoption. Proposal No. 221, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West*

1 NAY: *Williams*

3 NOT VOTING: *Clark, Howard, Schneider*

Proposal No. 221, 1989, was retitled GENERAL RESOLUTION NO. 4, 1989, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 1989

A GENERAL RESOLUTION approving the purchase and lease-back of real estate by the Indianapolis - Marion County Building Authority from the County of Marion and the long-term lease between Marion County, on behalf of the Marion County Sheriff's Department, and the Building Authority of real estate commonly referred to as 4423 North Shadeland Avenue and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference ("Real Estate").

WHEREAS, Marion County holds title to the Real Estate and desires to convey it to the Indianapolis - Marion County Building Authority (hereinafter referred to as "Authority") which has been created under the provisions of IND. CODE 36-9-13-1 et seq., which Authority has expertise in financing, acquiring, improving, constructing, renovating, equipping, operating and leasing real estate to governmental units within the boundaries of Marion County for public governmental purposes; and

WHEREAS, Marion County desires to convey the subject Real Estate to the Authority and be reimbursed by the Authority for the purchase price together with cost of improvements and repairs to date and administrative cost of purchase of the property; and

WHEREAS, the Authority is an independent municipal corporation which is authorized to acquire, renovate, remodel, and manage governmental properties in Marion County for the benefit of governmental entities and to finance the cost for such acquisitions and work pursuant to its statutory authority; and

WHEREAS, the Authority intends to lease the subject Real Estate back to Marion County for use by Sheriff's Department as a multi-purpose facility; and

WHEREAS, the Authority, Marion County and the Marion County Sheriff's Department have negotiated such a lease purchase agreement entitled "Marion County Sheriff's Shadeland Avenue Roll Call Site Lease", which Lease must be the subject of a public hearing before the Council; 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, in accordance with IND. CODE 36-1-10.5-1 et seq., authorizes the transfer of the Real Estate commonly known as 4423 North Shadeland Avenue, in Marion County, Indiana, from Marion County to the Authority to be held by the Authority and leased to Marion County as a multi-purpose facility for the Marion County Sheriff's Department.

SECTION 2. The City-County Council, having held a public hearing pursuant to notice as provided by Statute, hereby approves the terms and conditions of a certain Marion County Sheriff's Shadeland Avenue Roll Call Site Lease between the Authority and Marion County, which Lease is attached hereto and incorporated herein by reference as Exhibit "B", and authorizes the proper County officials to execute the same with such changes, if any, which such officials determine to be in the interests of the County.

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

April 24, 1989

EXHIBIT A

LAND DESCRIPTION
OVERALL BOUNDARY DESCRIPTION
SHERIFF'S DEPT./POWERS-DAVIS
FEBRUARY 3, 1989

A part of the Northwest quarter of Section 13, Township 16 North, Range 4 East located in Lawrence Township, Marion County, Indiana, being bounded as follows:

Beginning at a point on the West line of the Northwest Quarter of Section 13, Township 16 North, Range 4 East, said place of beginning being the Northwestern Corner of Tract No. 4 of the Amended Plat of Glidden Survey (ref.: Town Lot Record 1521, Page 677 and 678 in the Office of the Recorder of Marion County, Indiana) and being South 00 degrees 00 minutes 00 seconds (assumed bearing), 013.50 feet from the Northwestern Corner of said Northwest Quarter; thence South 89 degrees 06 minutes 24 seconds East 285.00 feet along the Northern line of said Tract No. 4 to its Northeastern Corner; thence South 00 degrees 00 minutes 00 seconds 88.43 feet along the Eastern line of said Tract No. 4 to its southeastern Corner and the Northern line of the 0.468 acre Tract of Land described in a Warranty Deed Recorded as Instrument No. 66 12877 in the Office of the Recorder of Marion County, Indiana; thence South 89 degrees 06 minutes 24 seconds East 55.00 feet along the Northern line of said 0.468 Acre Tract of Land to its Northeastern Corner; thence South 00 degrees 00 minutes 00 seconds 60.00 feet along the Eastern Line of said 0.468 Acre Tract of Land to its Southeastern Corner and a point on the Westerly Extension of the Northern Line of the 14.714 Acre Tract of Land described in a Warranty Deed Recorded as Instrument No. 78 72 in the Office of the Recorder of Marion County, Indiana; thence South 89 degrees 06 minutes 24 seconds East 20.04 feet along the Westerly Extension of the Northern Line of said 14.714 Acre Tract of Land to its Northwestern Corner; thence South 00 degrees 00 minutes 00 seconds 180.00 feet along the Western Line of said 14.714 Acre Tract of Land to its Point of Intersection with the Easterly Extension of the Northern Line of the 0.826 Acre Tract of Land Described in a Warranty Deed Recorded as Instrument No. 72 64023 in the Office of the Recorder of Marion County, Indiana; thence North 89 degrees 06 minutes 24 seconds West 360.04 feet along the Easterly Extension of the Northern Line of said 0.826 Acre Tract of Land and along the Northern Line of said 0.826 Acre Tract of Land to its Northwestern Corner and the West Line of said Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds 100.00 feet along the West line of said Northwest Quarter to the Southwestern Corner of the 0.36 Acre Tract of Land described in a Special Warranty Deed Recorded February 6, 1964, as Instrument No. 6211 in the Office of the Recorder of Marion County, Indiana. The next three courses are along the Boundary of said 0.36 Acre Tract of Land: 1) thence South 89 degrees 06 minutes 24 seconds East 3200.00 feet; 2) thence North 00 degrees 00 minutes 00 seconds 80.00 feet; 3) thence North 89 degrees 06 minutes 24 seconds West 200.00 feet to the West Line of said Northwest Quarter; thence North 00 degrees 00 minutes 00 seconds 148.43 feet along the West Line of said Northwest Quarter to the Place of Beginning containing 2.167 Acres, more or less.

EXHIBIT B

MARION COUNTY SHERIFF'S SHADELAND AVENUE
ROLL CALL SITE LEASE

THIS INDENTURE OF LEASE, made and executed as of this _____ day of _____, 1989; by and between INDIANAPOLIS-MARION COUNTY BUILDING AUTHORITY, a body corporate and politic organized and existing under the Indiana Code 36-9-13 (hereinafter called the "Authority"), and the COUNTY OF MARION, INDIANA, (hereinafter called the "County"),

WITNESSETH:

WHEREAS, the Authority has been created under and in pursuance to the provisions of Indiana Code 36-9-13 (hereinafter referred to as the "Act"), for the purpose of financing, acquiring, improving, constructing, reconstructing, renovating, equipping, operating and leasing to eligible government entities within the territorial boundaries of the County of Marion, lands and buildings for public and governmental purposes; and

WHEREAS, the County has recently acquired a site at 4423 North Shadeland Avenue, Indianapolis, Indiana, for the use of the Sheriff of Marion County with intention of conveying such site as so used to the Authority in accordance with the Authority's purposes, which site is described on Exhibit A attached hereto and made a part hereof; and

WHEREAS, the County as an eligible entity, as defined in IC36-9-13-1, has requested the Authority to acquire the site so purchased by Marion County at 4423 North Shadeland Avenue, Indianapolis, Indiana (hereinafter called "Roll Call Site"), for financing under its statutory authority and for subsequent lease to Marion County (the acquisition of the Roll Call Site and its conversion to use by the Sheriff hereinafter sometimes called the "Roll Call Site Project"); and

Journal of City-County Council

WHEREAS, the Authority has agreed to undertake the Roll Call Site Project and to this end the County has advanced funds to the Authority to meet preliminary expenses, repairs, and other costs necessary to be expended prior to the making of a loan by the Authority for the financing of the Roll Call Site Project; and

WHEREAS, to provide such a facility for the Marion County Sheriff's Department, Section 29 of the Act authorizes the County to sell lands and buildings owned by the County to the Authority for its cost of acquisition and related expenses and to then lease from the Authority such facility for a term of years following completion of the Roll Call Site Project; and

WHEREAS, the land described in Exhibit A attached hereto in the City of Indianapolis, Marion County, is now owned in fee by the County and is currently used as the Roll Call Site facility under a temporary interim management contract with the Authority; and

WHEREAS, the County and the Sheriff's Department plan to continue to use the Roll Call Site in substantially its present condition, there are no plans and specifications of construction necessary as part of the Roll Call Site Project; and

WHEREAS, the total cost of the Roll Call Site Project, including, but not limited to, costs of acquisition, repairs and alterations heretofore, or hereafter to be, accomplished, legal and financing expenses, certain expenses of operation of the Authority during pre-acquisition management and repayment of funds advanced by the County to meet preliminary expenses necessary to be paid prior to making of a loan by the Authority, is estimated to be \$380,000.00; and

WHEREAS, the fixed lease rentals to be paid under this Lease by the County will be pledged by the Authority to repay funds borrowed by the Authority to finance the Roll Call Site Project; and

WHEREAS, public hearings have been held by the City-County Council of the Consolidated City of Indianapolis and Marion County, after due publication of notice thereof, upon the necessity for the execution of this Lease and whether the basis for the determination of lease rentals hereunder is fair and reasonable, and said governing body acting on behalf of the County has duly authorized the execution of this Lease by General Resolution No. ____, 1989, entered in the official records of said governing body;

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES, as follows:

ARTICLE I

Conveyance of Site by County to Authority

Section 1.01. Sale of Site. The County shall by deed convey fee simple title of the Roll Call Site to the Authority, as such Site is described in Exhibit A attached hereto.

Section 1.02. Site Cost. The Authority shall pay to the County for its acquisition of the Roll Call Site and all existing improvements thereon the sum of Two Hundred Seventy-seven Thousand Five Hundred Dollars (\$277,500.00) plus the cost to the County of the repair of the roof and certain renovation and other expenses of the Roll Call Site, determined to be approximately \$82,500.00, for a total purchase price of approximately \$360,000.00 to be paid by the Authority and the receipt and sufficiency of such purchase price shall be acknowledged by the County at the time of such conveyance.

ARTICLE II

Financing by Authority of the Project

Section 2.01. Finance. Upon the execution of this Lease, the Authority shall forthwith take all steps required to obtain funds to pay the cost of the acquisition by the Authority and all other related expenses of the Roll Call Site Project and, only upon obtaining such funds, shall it proceed with the acquisition of the Site from the County and the commencement of the term of this Lease.

ARTICLE III

Lease of Roll Call Site By Authority to County

Section 3.01. Demise of Site. In consideration of the rentals and other terms and conditions herein specified, the Authority does hereby let, demise and lease to the County the Roll Call Site, together with any equipment or furnishings as may be provided by the Authority: TO HAVE AND TO HOLD, for a term beginning on the date of the conveyance of the Roll Call Site to the Authority by the County in accordance with Section 1.01 hereof and ending on December 31, 1999.

April 24, 1989

Section 3.02. Operation and Maintenance. The Authority shall operate and maintain the Roll Call Site and any equipment and furnishings thereof provided by the Authority pursuant to this Lease, commencing with the term of this Lease. Operation and maintenance shall be deemed to include, but shall not be limited to, heating, air-conditioning, light, power, water, other utility services, repair, cleaning, snow removal, janitor and caretaker services, administrative expenses of the Authority allocable to the facility, premiums on the insurance which the Authority may carry, replacement of fixtures and reasonable reserves. The Authority shall furnish such heat, air-conditioning, water, power and cleaning service as in its judgment is reasonably necessary for the use and occupancy of the leased Site for its intended purposes. No failure to furnish any of the foregoing utilities or service shall be construed as an eviction of the County nor shall it work an abatement of the rent or in anywise render the Authority liable for damages to person or property suffered by governmental units, their employees, licensees, invitees, or sublessees by reason of such failure, or release the County from the prompt fulfillment of its covenants hereunder. The Authority and the County may enter into agreements from time to time concerning details and responsibilities of the operation, occupancy and maintenance of the structure and Site for their mutual benefit.

Section 3.03. Ownership of Site. The Site and the structure and its appurtenances located on the Site shall be and remain the property of the Authority until such time as title thereto passes to the County in accordance with the terms of this Lease.

ARTICLE IV

Rentals Payable by County

Section 4.01. Fixed Annual Rentals and Adjustment. The fixed annual rent to be paid by the County to the Authority for use of the Roll Call Site as repaired or improved, and any equipment and furnishings provided hereunder, shall be the sum of Fifty-five Thousand Nine Hundred Twenty-two Dollars (\$55,922.00) payable in equal semi-annual installments for the term of this Lease.

The first semi-annual installment of the fixed annual rent shall be due and payable on January 1, 1990. Thereafter, the fixed rentals shall be payable by the County in equal semi-annual installments on the first days of July and January during the term of this Lease. In all events, the last installment of fixed rent shall be payable by December 31, 1999.

Provided, however, whenever the funds borrowed by the Authority to finance the Roll Call Site Project have been repaid in full with all interest, whether from fixed rentals or otherwise, the rental payable under this Section 4.01 shall cease and the only rent obligations of the County shall be those set forth in Section 4.02.

All fixed rent payable under the requirements of this Lease may be paid by the County to the bank or other financial institution selected by the Authority as lender for the purpose of providing funds to pay the cost of the Roll Call Site Project. All payments so made by the County shall be considered as payment to the Authority of the fixed annual rent payable hereunder.

If the net interest cost on loan of the Authority taken and made by it to pay the costs of the Roll Call Site Project is less than 8% per annum, the annual fixed rental shall be reduced to an amount equal to the multiple of \$1,000 next higher than the highest sum of principal and interest due on the loan in any year. Such amount of reduced annual rental shall be endorsed on this Lease by an amendment thereof by the parties hereto as soon as the same can be done after the making of such loan by the Authority, and such endorsement shall be recorded as an addendum to this Lease in the Office of the Recorder of Marion County.

Section 4.02. Additional Annual Rentals. The County shall pay to the Authority as additional rent amounts sufficient to cover the cost of operation and maintenance of the Roll Call Site commencing with the beginning date of the term of this Lease as provided in Section 3.01. The amount of additional rent for operation and maintenance shall be calculated as provided in Section 4.03 hereof, and shall be payable semi-annually in advance on the due dates of the installments of the fixed annual rentals provided for in Section 4.01 hereof; provided, however, the additional rent payable for the period from the commencement of the term to December 31, 1989, shall be prorated on a monthly basis and paid on the commencement date of the term of this Lease.

Section 4.03. Annual Budget of Authority. For the purpose of determining the cost of the operation and maintenance of the Roll Call Site, the Authority shall operate on a fiscal year beginning on July 1 of each year and ending on June 30 of the following year. The Authority shall, on or before June 15 of each year commencing with the year 1989, prepare and adopt a budget in which it shall set forth in reasonable detail its estimated operation and maintenance expenses of the Roll Call Site for its fiscal year commencing on July 1 in the next ensuing calendar year, and shall promptly transmit a copy thereof to the County through the office of the County Auditor. Prior to the time such budget is to be submitted to the City-County Council, the Authority and the Auditor, acting on behalf of the Marion County Sheriff, shall consider such budget in detail and shall undertake to resolve any budgetary differences.

In preparing such budget, the Authority shall take into account any amounts on hand which will be available for application on such operation and maintenance costs, and shall also take into account any deficiency in funds arising through operation and maintenance expenses exceeding the amount budgeted therefor in any prior year. For

Journal of City-County Council

such budget the Authority shall consider the costs of operation and maintenance of a facility meeting all local, state or federal standards applicable to such facility. It shall take into account the costs of operating and maintaining structures of comparable character and shall provide for reasonable salaries and wages and efficient management with a view to maintaining the Roll Call Site in first-class condition at the lowest feasible cost. Any such budget shall make provision for a reasonable working balance and a reserve account. Such reserve shall be determined in accordance with accepted accounting practice for non-recurring general maintenance, improvement or replacement. The budget shall specify the amounts which the County shall be required to pay as additional rental to cover the operation and maintenance costs during the fiscal year for which the budget is prepared. The County shall include in its budget adopted in 1989 for the next calendar year, and in its budgets adopted in each year thereafter for submission to the City-County Council, amounts sufficient to pay its total annual rental obligations under this Lease, including both the fixed annual rent under Section 4.01 and the additional annual rent under Section 4.02, payable during each year. The County shall levy annually a tax sufficient to produce each year the necessary funds with which to pay the annual rentals provided for in this Lease.

Section 4.04. Destruction and Abatement of Rent. In the event the Roll Call Site shall be partially or totally destroyed, whether by fire or by any other casualty, so as to render the same unfit, in whole or in part, for use and occupancy by the County, it shall then be the obligation of the Authority to restore and rebuild as promptly as may be done, strikes and other causes beyond the control of the Authority excepted; provided, however, that the Authority shall not be obligated to expend on such restoration or rebuilding more than the amount of the proceeds received by the Authority from the insurance provided for in Section 5.01 hereof. Except as provided in Section 5.01, the fixed annual rental shall be abated for the period during which the Roll Call Site, or any part thereof, is unfit for occupancy, and shall be in proportion to the percentage of the improvements which are unfit for occupancy. Similarly, the additional annual rentals shall be adjusted or abated in the appropriate fashion.

ARTICLE V

Insurance

Section 5.01. Insurance Coverage. Out of additional rental payable, the Authority shall, during the full term of the Lease, keep the Roll Call Site and any personal property furnished by the Authority insured against physical loss or damager, however caused, with such exceptions and deductions as are ordinarily required by insurers of buildings or facilities of a similar type for similar uses. Such hazard insurance shall be in an amount equal to 110% of the full replacement cost of the Roll Call Site Project as certified by a registered architect, registered engineer, or professional appraisal engineer, selected by the Authority, on the effective date of this Lease and annually thereafter. Such reappraisal may be based upon a recognized index of conversion factors. During the fixed rental period of this Lease the Authority shall also, out of additional rental payable, maintain rent or rental value insurance in an amount equal to the full fixed rental of the Roll Call Site for a period of one (1) year against physical loss or damage of the type insured against pursuant to the preceding requirements of this Section. Such policy or policies shall be for the benefit of the Authority, any lender having an insurable interest in the lease, and the County, and shall be made payable to the Authority or to such other person or persons as the Authority may designate. Such policy or policies shall be countersigned by an agent of the insurer who is a resident of the State of Indiana, and such policy or policies, together with a certificate of the Insurance Commissioner certifying that the persons countersigning are duly qualified in the State of Indiana as resident agents of the insurer on whose behalf they may have signed, shall be held by the Authority.

If, at any time, the County fails to pay sufficient additional rental to carry such insurance, such insurance may be obtained by the Authority from available funds and the amount paid therefore shall be added to the amount of additional rental thereafter payable by the County under this Lease; provided, however, that the Authority shall be under no obligation to obtain such insurance if the County fails to pay sufficient additional rental and any action or non-action of the Authority in this regard shall not relieve the County of any consequence of its default in failing to pay sufficient additional rental, including its obligation to continue the fixed annual rental payments in case of total or partial destruction of the Roll Call Site as provided in Section 4.01 hereof. The County shall at all times have the right to inspect insurance policies carried on the Roll Call Site and may at any time request that additional coverage or higher policy limits be carried, provided, such additional premiums be added to the additional rent paid under Section 4.02.

Section 5.02. Reconstruction. In the event of destruction or damage to the Roll Call Site or its personal property provided by the Authority, or both, by an insured peril, the Authority shall cause the proceeds received from insurance to be applied to the repair and restoration of the Roll Call Site and aforesaid personal property to their former condition, unless such proceeds shall not be sufficient in amount to pay the cost thereof, or unless the County shall consent to a different application of such proceeds. In the event the proceeds received from insurance shall not be sufficient in amount to pay the cost for such repair and restoration, the Authority shall not be under any obligation to repair or restore unless additional funds are made available by the County. Any surplus remaining from such insurance proceeds after the discharge or payment by the Authority of all its outstanding obligations with respect to the Roll Call Site shall be paid over to the County.

Section 5.03. Liability and Workmen's Compensation Insurance. The Authority shall provide workmen's compensation insurance with respect to its employees assigned to the Roll Call Site. The Authority shall also provide such

April 24, 1989

liability insurance for personal injury and property damage as it shall determine. All such insurance premiums shall be paid for out of additional rent budgeted and payable annually by the County.

Section 5.04. Subrogation. Each party to this Lease releases the other from all liability for damage to the property of the other party or loss of use thereof, and for all other losses insured, resulting from any peril or event normally covered by insurance or workmen's compensation coverage, regardless of whether such damage or loss is caused by the negligence of the other party, its invitees, its agents or employees.

ARTICLE VI

Options to Renew and Purchase

Section 6.01. Option to Renew. In the event that the County shall not have exercised the option to purchase provided for in Section 6.02 of this Lease, the County, upon written notice given to the Authority not more than one (1) year nor less than six (6) months prior to the expiration of the term of this Lease, shall have an option to renew this Lease for a like or lesser term upon the terms and conditions of this Lease, except that with respect to such extended term the provisions of Section 1.02 and 4.01 hereof shall not apply, and the only obligations of the County to pay rentals for such extended term shall be those set forth in Section 4.02 hereof.

Section 6.02. Option to Purchase During Term of Lease. During the term of this Lease, the County shall, upon not less than six (6) months' written notice to the Authority, have an option to purchase the Roll Call Site and the equipment and furnishings covered by this Lease on any rental payment date from and after one (1) year from the date of the commencement of the term of this Lease and prior to the expiration of the term hereof. The purchase price shall be equal to the amount required to enable the Authority to pay all outstanding debt incurred to finance the Roll Call Site Project, including any premiums payable on the prepayment thereof and all accrued and unpaid interest, and to pay all other indebtedness or obligations of the Authority attributable to the operation and maintenance of the Roll Call Site. Upon the request of the County, the Authority shall furnish an itemized statement setting forth the amounts required to be paid in order to effect such a purchase. Upon any such purchase the Roll Call Site shall revert to the County free of this Lease, which transfer of title shall be evidenced by a quitclaim deed executed and delivered by the Authority.

Section 6.03. Ownership of Project at Expiration of Lease. In the event the County shall not have exercised during the term of this Lease the option to purchase provided by Section 6.02, and the County having made the payments of rentals as provided in Sections 4.01 and 4.02 hereof during the full term or renewal term, then the County shall reacquire the Roll Call Site free and clear of all obligations of this Lease upon its expiration, provided there shall have been paid by the County to the Authority upon the expiration of the Lease a sum sufficient to enable the Authority to pay any outstanding debt payable out of the rent and other income of the Roll Call Site and all accrued and unpaid interest, and to pay all other indebtedness or obligations of the Authority attributable to the operation and maintenance of the Roll Call Site. The Authority shall evidence such ownership by executing and delivering a quitclaim deed in favor of the County.

ARTICLE VII

Miscellaneous

Section 7.01. Use of Building, Indemnification, etc. The County shall not permit the use of the Roll Call Site for any purpose which will result in a violation of State or Federal laws, rules, regulations or ordinances of any local governmental unit, now or thereafter in force and applicable thereto. The County shall, to the extent permitted by law, keep the Authority harmless and indemnified at all times against any loss, cost, damage or expense by reason of any accident, loss, casualty or damage resulting to any person or property through any use, misuse or non-use of the Roll Call Site or by reason of any act or thing done or not done on, in or about the leased premises or in relation thereto. Such liability of the County shall, however, be limited to any loss or damage in excess of any amount recovered by the Authority from any insurance or any other source by reason of such causes. The County shall observe the building rules and regulations which may be adopted from time to time by the Authority for the operation of the physical facility.

Section 7.02. Authority's Right of Entry. The Authority, its agents and employees shall have the right at all reasonable times to enter the Roll Call Site to examine the same or to make any repairs, alterations or improvements which the Authority shall deem necessary for the safety, preservation or maintenance of the premises. The Authority shall be allowed to take all material into and upon the premises that may be required to make such repairs, alterations, improvements or maintenance and the rent reserved and payable under Article IV hereof shall in no wise abate while any repair, alteration, improvement or maintenance is being accomplished. All such work shall be done during ordinary business hours, barring an emergency, but if any such work at the request of the County is to be done during any other hours, the County shall pay for any applicable premium or overtime costs. The County or the Sheriff's Department may reasonably limit the time, place and manner of activity by employees or agents of the Authority doing such work at the Roll Call Site in order to provide for the security, safety and health of the employees or agents of the Authority, the County and other occupants. The Authority recognizes that confidential information and

Journal of City-County Council

property may be kept at the Roll Call Site and agrees to abide by all rules and regulations of the Marion County Sheriff designed to maintain the security of files, information and property. Further, the employees of the Authority or of its agents who have access to the building may be subject to the collection of background information by the Sheriff for submission to the Authority for its consideration.

Section 7.03. Assignment and Sublease. The leasehold rights of the County hereunder shall not be assigned or sublet in whole or in part during the term of this Lease unless (1) the assignee or sublessee shall assume the duties and obligations of the assignor or sublessor with respect to the leasehold rights assigned or sublet, and (2) the written consent of the Authority to such assignment or sublease shall be first obtained. The County shall, nevertheless, remain primarily liable to perform all covenants and conditions of this Lease by its assignee or subtenant.

Section 7.04. Title to Site. The County warrants to the Authority that it currently holds title to the Roll Call Site in fee simple; that the conveyance to the Authority as herein provided is in fee simple; the Authority shall hold quiet possession thereof and that the site is zoned for the intended use by the County. Upon request by the Authority, the County shall furnish to the Authority title insurance, the cost of which shall be part of the Roll Call Project cost.

Section 7.05. Remedies. If the County shall fail to include in its budget for any calendar year during the term of this Lease amounts sufficient to pay its total annual rental obligations hereunder, and levy a tax therefor, the Authority shall have the right to pursue administrative remedies as well as the judicial remedy of mandamus or any other appropriate legal action to compel the levy and collection of the necessary tax.

Section 7.06. Mortgage. The Authority may mortgage the Roll Call Site to secure any indebtedness incurred by it to finance the Roll Call Site Project, but which mortgage shall be subordinate to this Lease and shall be for a term no greater than the term of this Lease.

Section 7.07. Successors and Assigns. All covenants, promises and agreements by the parties hereto shall be binding upon their successors and assigns.

Section 7.08. Construction. All provisions contained herein shall be construed in accordance with the provisions of the Act and to the extent of inconsistencies, if any, between the covenants and agreements in this Lease and the provisions of the Act, the provisions of said Act shall be deemed to be controlling and binding upon the parties.

Section 7.09. Counterparts and Recording. This Lease may be executed in several counterparts, each of which so executed shall be deemed to be an original, and all such counterparts shall together constitute but one and the same instrument. This Lease shall be recorded with the Recorder of Marion County.

Section 7.10. Severability. In the event that any part or parts of this Lease are held to be invalid by a Court of competent jurisdiction, this Lease shall continue to be valid for the remainder thereof.

Section 7.11. Section Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their duly authorized officers as of the day and year first above written.

INDIANAPOLIS-MARION COUNTY
BUILDING AUTHORITY

By: _____
Maynard R. Hokanson
President of the Board of
Directors

Attest:
By: _____
William F. Fox
Secretary of the Board of Directors

MARION COUNTY

By: _____
William H. Hudnut III
County Executive

and _____
Curtis L. Coonrod
Auditor of Marion County

Attest:
By: _____
Clerk, City-County Council

April 24, 1989

Approved as to form and legality:

Corporation Counsel,
Consolidated City of Indianapolis

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 40, 1989. Councillor SerVaas passed the gavel to Councillor West and proposed the following amendment:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 40, 1989, be amended by substituting a semicolon for the period at the end of Section 3, and adding the following: "provided the signals shall not be placed in operation until thirty days after the Transportation Board shall have approved and certified to the Council the methods of activation and times and days of automatic signal control of traffic at these intersections".

Councillor Beurt SerVaas

Councillor SerVaas stated that he would like to keep Kessler Blvd. open and not put signals at all the side streets, because many people take Kessler to work during rush hours. He believes that one car on the ramp should not be able to stop a major thoroughfare.

Councillor West asked why the amendment has this proposal going to the Transportation Board instead of the Transportation Committee. Robert Elrod, General Counsel, explained because that is the way he was asked to draft the amendment and also the way it has been done in the past. However, it could go to the Transportation Committee if they so choose.

Councillor Howard moved, seconded by Councillor McGrath, to send Proposal No. 40, 1989, back to Committee.

Councillor SerVaas withdrew his amendment.

Proposal No. 40, 1989, was sent back to Committee on the following roll call vote; viz:

20 YEAS: Borst, Boyd, Clark, Cottingham, Curry, Dowden, Dumil, Giffin, Gilmer, Hawkins, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader

8 NAYS: Brooks, Coughenour, Golc, Holmes, Irvin, Shaw, West, Williams

1 NOT VOTING: Schneider

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 592, 1988. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 592, 1988, on April 17, 1989. The proposal designates Belmont Avenue from Washington Street to 16th Street "Rev. Mozel Sanders Memorial Way". By a 3-0-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Borst explained that a park has been renamed for Rev. Mozel Sanders. Councillor Borst moved, seconded by Councillor Irvin, to strike Proposal No. 592, 1988. The proposal was stricken by consent.

PROPOSAL NO. 19, 1989. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 19, 1989, on April 17, 1989. The proposal amends the Code by adding a new Section 28-351, Memorial streets created, to provide for Memorial Streets. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst explained that the City did not have a good system in handling Memorial Streets. This proposal establishes guidelines for Memorial Ways for the future. Councillor Irvin explained that currently the Memorial Streets were very confusing for the public. This proposal helps establish a plan for future occurrences of Memorials.

Councillor Irvin explained that a technical change needed to be made in the proposal. Therefore, Councillor Irvin moved, seconded by Councillor Borst, to amend Proposal No. 19, 1989, by changing the wording "memorial way" to "memorial area" in Sec. 28-353, paragraph (b). Councillor SerVaas stated that because it was only a technical error, it was not necessary to be voted on. He noted that the change would be made.

Councillor Howard thanked Councillor Irvin, Councillor Borst, and the members of the Metropolitan Development Committee for all the hard work that they have put into this proposal.

Councillor Irvin moved, seconded by Councillor Borst, for adoption. Proposal No. 19, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Coughenour, Curry, Giffin, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams
5 NAYS: Cottingham, Dowden, Durnil, Gilmer, Holmes
1 NOT VOTING: Schneider

Proposal No. 19, 1989, was retitled GENERAL ORDINANCE NO. 36, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Chapter 28, Sections 28-351 through 28-355, by adding a new Article VIII.

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", be, and the same is hereby amended by adding a new Article VIII in Chapter 28, Sections 28-351 through 28-355, to read as follows:

Article VIII - Memorial Areas

Sec. 28-351. Designated memorial areas authorized.

To encourage the citizens of Indianapolis to remember certain exemplary role-model persons who in some positive way touched the lives of Indianapolis' people, the Council may memorialize such persons by designation of "memorial areas" in memory of such persons. "Memorial areas" for purposes of this article are either: (i) existing named or numbered streets or (ii) a geographic area identified and designated by the city-county council in its general resolution establishing such memorial area, in response to a petition filed pursuant to sec. 28-353.

Sec. 28-352. Criteria for designated memorial areas.

(a) No living person shall be honored by these designated memorial areas. If the area is dedicated to the memory of a person, that person shall have been deceased for a minimum of three (3) years. The person must have

April 24, 1989

been a generally recognized local community leader, or someone from outside of the community who significantly influenced Indianapolis in a high moral, physical or inspirational manner.

(b) A designated memorial area shall be either (i) one specific street up to one-half (1/2) mile long, or (ii) a contiguous cluster of streets with no circumference limitations forming an area in the close proximity of the honored person's geographical area of special influence (such as home, church, business).

Sec. 28-353. Procedure for memorial designations.

(a) Persons desiring the designation of a memorial area shall file with the clerk of the council a petition in support of the proposed designation signed by at least two-thirds (2/3) of the property owners of record abutting the proposed designated memorial area:

(1) The petition shall designate one person as the spokesperson for the petitioners.

(2) The petition shall recite the exact name, history and rationale for such a memorial designation, a map showing the preferred location of the proposed street or area, and a list of all property owners of record with addresses abutting the streets in the area involved.

(3) A fee of five hundred dollars (\$500) to assist in the costs for manufacture and placement of the memorial signs shall accompany the petition. This fee shall be placed in the "grants and gifts" fund maintained by the city controller, and shall be available to the department of transportation upon designation of the memorial area. The fee shall be refunded if the council fails to pass a resolution within twelve (12) months designating the memorial area.

(4) Professional or amateur-generated, camera-ready artwork of a silhouette likeness of the memorialized person, and/or an identifying symbol or logo for the proposed signs shall be submitted which is acceptable to the department of transportation for safety, reproduction and other reasonable considerations. Said artwork shall be free of any copyright or trademark interests and shall save and hold harmless Indianapolis, Marion County and all appendages thereof from any and all claims brought by any entity asserting copyright or trademark interests relating to that rendering.

(b) A councillor may introduce a proposal for a general resolution designating the memorial area. Such proposal is to be assigned to the metropolitan development committee (or to its most direct successor committee), which shall hold a public hearing on the proposal.

(c) No less than twenty-three (23) days prior to the hearing, the petitioner shall send by first class mail to all property owners of record and to all registered neighborhood organizations within the proposed memorial area, information about the proposal and the hearing. The petitioner shall file with the clerk a notarized statement that these notices were sent, when they were mailed, to whom, and a copy of the mailed notice.

Sec. 28-354. Memorial signs.

(a) If the Council adopts a general resolution designating a memorial area, the area shall be marked by memorial signs.

(b) Signs shall be twenty-four by thirty inches (24" x 30") in size which are not likely to be confused with regular street signs and shall be placed by the department of transportation along such designated streets.

(c) The signs are to display a silhouette likeness of the person being memorialized, or an appropriate symbol identifying the subject of memorialization. The signs should convey educational information to the public such as an identifying name of the memorialized subject, birth and death years, date of any significant event, or other brief pertinent facts.

(d) Memorial signs shall be placed at the beginning and at the end of the designated area, and shall not exceed a total number of eight (8) signs.

(e) The department of transportation shall retain final decision authority concerning memorial sign locations, height and colors for transportation safety, visibility and other related traffic and pedestrian considerations.

Sec. 28-355. Other provisions.

(a) Each designated memorial area enabling authorization shall expire fifteen (15) years after it is passed by the city-county council.

(b) After fifteen (15) years, the signs may be given to appropriate individuals, organizations or sponsoring entities. The petitioning process for any designated memorial area may be renewed every fifteen (15) years for an indefinite number of times. A new enabling ordinance is required, but no fee nor petitions are necessary.

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

PROPOSAL NO. 212, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 212, 1989, on April 11, 1989. The proposal transfers and appropriates \$560 for the Franklin Township Assessor for forms and supplies for the copy machine purchased for that office. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption. Proposal No. 212, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West*

0 NAYS

3 NOT VOTING: *Gole, Schneider, Williams*

Proposal No. 212, 1989, was retitled FISCAL ORDINANCE NO. 45, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Five Hundred Sixty Dollars (\$560) in the County General Fund for purposes of the Franklin Township Assessor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (p) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Franklin Township Assessor because having their own copying machine, they no longer use the contractual copying machine, and their charges for forms and supplies have increased.

SECTION 2. The sum of Five Hundred Sixty Dollars (\$560) 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:

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$560
TOTAL INCREASE	\$560

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

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	\$560
TOTAL REDUCTION	\$560

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

PROPOSAL NO. 213, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 213, 1989, on April 11, 1989. The proposal transfers and appropriates \$290 for the County Surveyor for stationery and office supplies. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption. Proposal No. 213, 1989, was adopted on the following roll call vote; viz:

April 24, 1989

22 YEAS: *Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West*

1 NAY: *Durnil*

6 NOT VOTING: *Borst, Golc, Howard, Schneider, Shaw, Williams*

Proposal No. 213, 1989, was retitled FISCAL ORDINANCE NO. 46, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Two Hundred Ninety Dollars (\$290) in the County General Fund for purposes of the County Surveyor and reducing certain other appropriations for that office.

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 2.01 (j) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the County Surveyor for stationery and office supplies.

SECTION 2. The sum of Two Hundred Ninety Dollars (\$290) 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:

<u>COUNTY SURVEYOR</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$290
TOTAL INCREASE	\$290

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

<u>COUNTY SURVEYOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services & Charges	\$290
TOTAL REDUCTION	\$290

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

PROPOSAL NO. 216, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 216, 1989, on April 12, 1989. The proposal transfers and appropriates \$1,000 for the Superior Court, Criminal Division, Room IV, because additional employees are needed to assist with sequestered juries during June and July. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 216, 1989, was adopted on the following roll call vote; viz:

20 YEAS: *Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Golc, Hawkins, Holmes, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Solenberg, Strader, West, Williams*

0 NAYS

9 NOT VOTING: *Borst, Boyd, Brooks, Gilmer, Howard, Irvin, Ruhmkorff, Schneider, Shaw*

Proposal No. 216, 1989, was retitled FISCAL ORDINANCE NO. 47, 1989, and reads as follows:

Journal of City-County Council

CITY-COUNTY FISCAL ORDINANCE NO. 47, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Thousand Dollars (\$1,000) in the County General Fund for purposes of the Superior Court, Criminal Division, Room IV, 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 2.01 (gg) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of Superior Court, Criminal Division, Room IV, because additional employees are needed to assist with sequestered juries during June and July.

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:

<u>SUPERIOR COURT</u>		
<u>CRIMINAL DIVISION, ROOM IV</u>		<u>COUNTY GENERAL FUND</u>
1. Personal Services		\$1,000
TOTAL INCREASE		\$1,000

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

<u>SUPERIOR COURT</u>		
<u>CRIMINAL DIVISION, ROOM IV</u>		<u>COUNTY GENERAL FUND</u>
4. Capital Outlay		\$1,000
TOTAL REDUCTION		\$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. 217, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 217, 1989, on April 12, 1989. The proposal transfers and appropriates \$6,130 for the Marion County Community Corrections Agency to pay the 27th pay period in this fiscal year, due to an increase in pay periods because of the leap year. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 217, 1989, was adopted on the following roll call vote; viz:

27 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams
0 NAYS
2 NOT VOTING: Borst, Schneider

Proposal No. 217, 1989, was retitled FISCAL ORDINANCE NO. 48, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Six Thousand One Hundred Thirty Dollars (\$6,130) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Agency and reducing certain other appropriations for that Agency.

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

April 24, 1989

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (aaa) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Marion County Community Corrections Agency to pay the 27th pay period in this fiscal year, due to an increase in pay periods because of the leap year.

SECTION 2. The sum of Six Thousand One Hundred Thirty Dollars (\$6,130) 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:

<u>MARION COUNTY</u>	
<u>COMMUNITY CORRECTIONS AGENCY</u>	
1. Personal Services	<u>\$6,130</u>
TOTAL INCREASE	\$6,130

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

<u>MARION COUNTY</u>	
<u>COMMUNITY CORRECTIONS AGENCY</u>	
3. Other Services & Charges	<u>\$6,130</u>
TOTAL REDUCTION	\$6,130

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

PROPOSAL NO. 226, 1989. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 226, 1989, on April 11, 1989. The proposal amends the Code by adding a new Article IX in Chapter 20, dealing with the sale of tickets for the National Football League's "1992 Super Bowl" exhibition at the Hoosier Dome. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McGrath moved, seconded by Councillor Borst, for adoption. Proposal No. 226, 1989, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS

1 NOT VOTING: *Schneider*

Proposal No. 226, 1989, was retitled GENERAL ORDINANCE NO. 37, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Article IX in Chapter 20.

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 20, be, and is hereby amended by adding a new Article IX to read as follows:

ARTICLE IX

SALE OF TICKETS FOR THE NATIONAL FOOTBALL LEAGUE'S "1992 SUPER BOWL" EXHIBITION AT THE HOOSIER DOME

Sec. 20-208. Findings.

The City-County Council finds:

(a) The taxpayers of the City of Indianapolis and of exhibition have constructed and maintained facilities for the exhibition of sporting events;

Journal of City-County Council

(b) In the event that the demand for seating at any particular exhibition in such facilities exceeds the available supply, the resulting premium price that can be demanded for resale of tickets encourages persons to purchase such tickets solely for the purpose of resale and not with the intent to use the facilities;

(c) It is anticipated that demand for seating in the Hoosier Dome will greatly exceed the available supply for the 1992 National Football League's championship game commonly referred to as the Super Bowl (the "Super Bowl") and therefore the resulting premium price that can be demanded for resale of such Super Bowl tickets solely for the purpose of resale and not with the intent to use the facility;

(d) Purchasing such Super Bowl tickets with the intent of resale is detrimental to the citizens of Indianapolis and of Marion County, who have financed through taxation such facility, in that it deprives them of the opportunity to purchase such Super Bowl tickets at the retail price;

(e) The only effective means to discourage the purchasing of such Super Bowl tickets with the intent of resale is to prohibit the resale of such Super Bowl tickets at a premium price;

(f) The resale of such Super Bowl ticket at a premium price should be prohibited.

Sec. 20-209. Sale of tickets to the National Football League's 1992 Super Bowl exhibition at the Hoosier Dome.

(a) Tickets to the 1992 Super Bowl, to be held at a publicly owned facility, shall have printed thereon the retail price thereof.

(b) It shall be unlawful for any person to sell or offer for sale any such Super Bowl ticket at a price greater than the retail price printed thereon, exclusive of reasonable fees or service charges for sale of such tickets not to exceed Ten Dollars (\$10.00) per ticket at regular ticket outlets.

Sec. 20-210. Resale of tickets to the National Football League's 1992 "Super Bowl" exhibition at the Hoosier Dome.

It shall be unlawful for any person to resell or to offer to resell for profit any 1992 Super Bowl ticket for admission to such exhibition at the Hoosier Dome. "Profit" shall not include a maximum fee or service charge of Ten Dollars (\$10.00) per ticket.

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 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. 227, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 227, 1989, on April 19, 1989. The proposal amends the Code by authorizing an increase in loading zone rental fees from \$10.00 to \$20.00 per linear foot. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 227, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams*

1 NAY: *Curry*

3 NOT VOTING: *Coughenour, Strader, Schneider*

April 24, 1989

Proposal No. 227, 1989, was retitled GENERAL ORDINANCE NO. 38, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

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 29-331, Subsection (c), Passenger and materials loading zones, be, and the same is hereby amended by deleting the language stricken-through and adding the language underscored below:

(c) Upon approval of the establishment of a zone as provided in subsection (b), the transportation board shall cause the applicant to be notified of the action of the transportation board thereon and the amount due for the first year's rental of the signs and zones in order for a permit to be issued by the permit section of the department of transportation. The first year's rental fee shall be ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per foot of the zone, and a sixty-five dollar (\$65.00) installation cost. Thereafter, the annual rental fee shall be ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) per foot of the zone. The department of transportation shall furnish and cause signs to be located and maintained at each end of the zone and mark the zone by distinctive paintings on the curb as authorized by the transportation board. The signs shall be of uniform general design throughout the city and in compliance with the criteria as described in The Indiana Manual on Uniform Traffic Control Devices. The department of transportation shall not issue the permit or place such signs, or cause the zone to be marked and designated until the person requesting its establishment shall have presented to the permit section of the department of transportation payment of the first year's rental fee and installation cost.

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

PROPOSAL NOS. 229, 230, and 231, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 229, 230, and 231, 1989, on April 19, 1989. PROPOSAL NO. 229, 1989, amends the Code by authorizing the speed limit to be reduced from 40 MPH to 35 MPH on High School Road between Crawsfordville Road and 46th Street. PROPOSAL NO. 230, 1989, amends the Code by authorizing a traffic signal at the intersection of Allisonville Road and 52nd Street. PROPOSAL NO. 231, 1989, amends the Code by authorizing a three-way stop at the intersection of E. Pleasant Run Parkway South Drive and Kitley Avenue. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Solenberg, for adoption. Proposal No. 229, 1989, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Solenberg, Strader, West

2 NAYS: Cottingham, Shaw

2 NOT VOTING: Schneider, Williams

Proposal No. 229, 1989, was retitled GENERAL ORDINANCE NO. 39, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 1989

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

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

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

Journal of City-County Council

North High School Road, from Crawfordsville Road
to West Forty-sixth Street, 40 MPH;

High School Road, from Forty-sixth Street
to Fifty-sixth Street, 40 MPH;

North High School Road, from Crawfordsville Road
to East Forty-sixth Street, 40 MPH.

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

High School Road, from Crawfordsville Road
to Gateway Drive, 35 MPH;

High School Road, from Gateway Drive
to Fifty-sixth Street, 40 MPH.

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

Proposal Nos. 230 and 231, 1989, were adopted on the following roll call vote; viz:

18 YEAS: Boyd, Clark, Coughenour, Dowden, Giffin, Gilmer, Golc, Holmes, Howard, McGrath, Moriarty, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams
1 NAY: Brooks
10 NOT VOTING: Borst, Cottingham, Curry, Durnil, Hawkins, Irvin, Jones, Mukes-Gaither, Schneider, Strader

Proposal No. 230, 1989, was retitled GENERAL ORDINANCE NO. 40, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 1989

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12, Pg. 1	Allisonville Rd & E. 52nd St	Allisonville Rd	Stop

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>
12, Pg. 1	Allisonville Rd & 52nd St	None	Signal

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

Proposal No. 231, 1989, was retitled GENERAL ORDINANCE NO. 41, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 1989

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

April 24, 1989

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 7	E. Pleasant Run Parkway South Dr & N. Kitley Av	None	None

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>
27, Pg. 7	Kitley Av & Pleasant Run Parkway South Dr	None	Stop

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

ANNOUNCEMENTS AND ADJOURNMENT

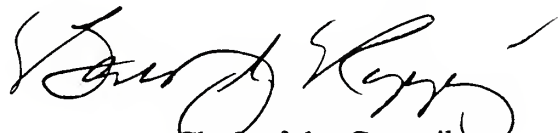
There being no further business, upon motion duly made and seconded, the meeting adjourned at 8:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 24th day of April, 1989.

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


President

ATTEST:


Clerk of the Council

(SEAL)