

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

**REGULAR MEETINGS
MONDAY, JUNE 22, 1992**

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 7:09 p.m. on Monday, June 22, 1992, with Councillor SerVaas presiding.

Councillor Golc led 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:

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Coughenour recognized the presence of a group from the Department of Public Works. Councillor Hinkle introduced a former director of the Department of Transportation, Fred Madorin. Councillor Gilmer introduced Amy Bradley, a former Councillor from the west side.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, June 22, 1992, at 7:00 p.m., the purpose 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

June 9, 1992

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, June 11, 1992, a copy of LEGAL NOTICE on General Ordinance Numbers 31 and 32, 1992.

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

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 30, 1992, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated County Fund, during the period July 1, 1992 through December 31, 1992 in anticipation of current taxes levied in the year 1991 and collectible in the year 1992 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 32, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Sixty-six Thousand Six Hundred Sixty-six Dollars (\$66,666) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 33, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Seven Hundred Thousand Six Hundred Seventy-three Dollars (\$700,673) in the State and Federal Grants Fund for purposes of the Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 34, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Fifty-four Thousand One Hundred Sixty-nine Dollars (\$154,169) in the State and Federal Grants Fund for purposes of the Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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FISCAL ORDINANCE NO. 35, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Twenty-three Thousand Five Hundred Sixty-four Dollars (\$123,564) in the Home Detention User Fee Fund for purposes of the Marion County Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

FISCAL ORDINANCE NO. 36, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Forty Thousand Dollars (\$40,000) in the County General Fund for purposes of Voters Registration and reducing certain other appropriations for that Department.

SPECIAL RESOLUTION NO. 46, 1992, remembering the Battle of Midway.

SPECIAL RESOLUTION NO. 47, 1992, recognizing the 60th anniversary of the Richard L. Roudebush Veterans Medical Center.

SPECIAL RESOLUTION NO. 48, 1992, recognizing the 500 Gordon Pipers, Inc.

SPECIAL RESOLUTION NO. 49, 1992, authorizing the amendment of Special Resolution No. 84, 1990, as amended, to extend the expiration date on the Inducement Resolution for Meadows Revival, Inc. to December 31, 1992.

SPECIAL RESOLUTION NO. 50, 1992, authorizing the amendment of Special Resolution No. 72, 1990, as amended, to extend the expiration date on the Inducement Resolution for Homeward Partners, Inc. to December 31, 1992.

GENERAL ORDINANCE NO. 37, 1992, amending the Code by authorizing intersection controls at Illinois Street and 54th Street (District 7).

GENERAL ORDINANCE NO. 38, 1992, amending the Code by authorizing a multi-way stop at Mud Creek Road and Scotch Pine Lane (District 5).

GENERAL ORDINANCE NO. 39, 1992, amending the Code by authorizing a multi-way stop at Blackford Street and North Street (District #16).

GENERAL ORDINANCE NO. 40, 1992, amending the Code by authorizing parking restrictions on a segment of Central Avenue (District 6).

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of June 8, 1992. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 303, 1992. This proposal, sponsored by Councillors Rhodes, Jimison and McClamroch, recognizes the Kiwanis International Convention. Councillor Rhodes read the resolution and presented a framed document to David Blackmer, Director of Public Relations, Kiwanis International, who expressed appreciation for the recognition. Councillor

Jimison moved, seconded by Councillor McClamroch, for adoption. Proposal No. 303, 1992 was adopted by unanimous voice vote.

Proposal No. 303, 1992 was retitled SPECIAL RESOLUTION NO. 51, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 1992

A SPECIAL RESOLUTION recognizing the Kiwanis International Convention.

WHEREAS, Kiwanis International is a service organization for business and professional men and women consisting of 326,750 members in 8,634 local clubs in 81 nations; and

WHEREAS, Kiwanis raised \$69 million and donated over 22 million volunteer hours last year, sponsors Key Clubs in 3,800 high schools and Circle K Clubs in 546 college campuses; and

WHEREAS, the organization's world headquarters is in northwestern Indianapolis employing 130 people who process 20,000 pieces of Kiwanis mail a week; and

WHEREAS, the Kiwanis Club of Indianapolis is the largest local Kiwanis club in the world, and the organization's international President-elect is William L. Lieber of Merrillville, Indiana; and

WHEREAS, for the first time since 1937, Indianapolis is proud to be the host city for the 77th Annual Kiwanis International Convention June 21-25, 1992, attracting 14,000 Kiwanis members and their families to Indiana's capital city; 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 welcomes all who are a part of the 77th Kiwanis International Convention.

SECTION 2. The Council expresses its appreciation that Kiwanis International elects to have its headquarters in Indianapolis, congratulates fellow Hoosier William L. Lieber as Kiwanis International President-elect, and commends the organization and each of its clubs and members for their exceptional volunteer work in hometowns across the world.

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. 304, 1992. This proposal, sponsored by Councillor Gilmer, recognizes Julie Anderson. Councillor Gilmer read the resolution and presented a framed document to Ms. Anderson, who expressed appreciation for the recognition. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 304, 1992 was adopted by unanimous voice vote.

Proposal No. 304, 1992 was retitled SPECIAL RESOLUTION NO. 52, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1992

A SPECIAL RESOLUTION recognizing Julie Anderson.

WHEREAS, Julie Anderson, Manager of the Citizens Services Section of the Indianapolis Department of Transportation retired June 16, 1992, after completing twenty-two years with the Department; and

WHEREAS, she began her service on June 1, 1970, only months after Unified Government came into being, and Richard G. Lugar was newly sworn in as Mayor; and

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WHEREAS, she organized the complaint section of the transportation department which came to be known as the Citizens Services Section, beginning with one phone, one file cabinet, and one summer employee; and

WHEREAS, over the years her section typically processed 35,000 to 45,000 calls per year, and modernized the procedure from sending complaints twice a day by messenger to the work areas of the Department, to today's information flow which utilizes modern computers and FAX machines.

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 recognizes Julie Anderson who for twenty-two years served as an extremely capable bridge between citizens who have questions and complaints, and Indianapolis Department of Transportation officials and work crews to get things done.

SECTION 2. The Council recognizes Julie as an outstanding example of the many proficient and loyal public employees in Indianapolis and Marion County, and wish her well in her retirement avocations of travel, animals, and reading.

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. 305, 1992. This proposal, sponsored by Councillor Coughenour, recognizes Thomas J. Quinn. Councillor Coughenour read the resolution and presented a framed document to Mr. Quinn, who expressed appreciation for the recognition. His wife Barbara was also present. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Proposal No. 305, 1992 was adopted by unanimous voice vote.

Proposal No. 305, 1992 was retitled SPECIAL RESOLUTION NO. 53, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1992

A SPECIAL RESOLUTION recognizing Thomas J. Quinn.

WHEREAS, Thomas J. Quinn served with distinction as Administrator of the Advanced Wastewater Treatment Division of the Indianapolis Department of Public Works from July, 1984, to July, 1992; and

WHEREAS, under his stewardship the water quality of White River improved, electricity costs for water treatment decreased \$1.2 million a year, a complex sludge disposal problem was solved, sludge processing costs were reduced by fifty percent, the total budget for getting the job done is lower than it was eight years ago, and sewer user fees have not increased during those eight years; and

WHEREAS, Mr. Quinn demonstrated a deep personal concern for his employees and constantly emphasized training, professionalism, self-esteem, and customer service; 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 recognizes and thanks Thomas J. Quinn for his dedicated service to the people of Indianapolis.

SECTION 2. The Council wishes him well in his new position in Cincinnati, Ohio.

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.

Councillor Beadling expressed her appreciation to everyone who helped Marion County last week recover from the storm.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 295, 1992. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving an amendment to the Marion County Jail Lease and an amendment to the Marion County Juvenile Detention Center Lease"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 296, 1992. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$4,000 for the Warren Township Assessor to cover gasoline expenses"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 297, 1992. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE concerning the reorganization of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 298, 1992. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$99,960 for the Department of Parks and Recreation to operate a Youth Conservation Corp program funded by a National Park Service Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 299, 1992. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$8,800 for the Department of Parks to conduct youth cultural enrichment programs funded by a Clowes Foundation Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 300, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$297,820 in the County Corrections Fund for the Auditor, Sheriff, Community Corrections, and the Justice Agency to provide for the continuation of various programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 301, 1992. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$15,905 for the Community Corrections Agency to move a position funded by the Community Corrections Fund to the Home Detention User Fee Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 302, 1992. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$350,000 for the Department of Transportation, Operations Division, to increase funding for resurfacing"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 306, 1992. Introduced by Councillors Hinkle, Beadling, Curry, Franklin, Giffin, McClamroch, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith and West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION freezing certain

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salaries for 1992 and limiting salary increases for 1993"; and the President referred it to the Rules and Public Policy Committee.

The President stated that he has appointed an ad hoc committee to study the City-County salaries. Councillor Boyd asked the President to name the members of the ad hoc committee. The President responded that they are Councillors Curry, West and Rhodes, and he will name one more member as soon as he confers with the Minority Leader.

Councillor Rhodes moved, seconded by Councillor Giffin, to reassign Proposal No. 255, 1992 from the Administration and Finance Committee to the Rules and Public Policy Committee. He said that the sponsors, Councillors Jimison and Mullin, concur. This motion passed by an unanimous voice vote.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 307, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on June 19, 1992". The Council did not schedule Proposal No. 307, 1992 for hearing pursuant to IC 36-7-46-608. Proposal No. 307, 1992 was retitled REZONING ORDINANCE NO. 61, 1992 and is identified as follows:

REZONING ORDINANCE NO. 61, 1992. 92-Z-43 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT #07.
2620 RUTH DRIVE (approximate address), INDIANAPOLIS.
BAY DEVELOPMENT CORP., by William F. Lemond, requests the rezoning of 2.0 acres, being in the D-P District, to the C-3 classification to provide for retail sales.

PROPOSAL NOS. 308-314, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on June 19, 1992". The Council did not schedule Proposal Nos. 308-314, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 308-314, 1992 were retitled REZONING ORDINANCE NOS. 62-68, 1992 and are identified as follows:

REZONING ORDINANCE NO. 62, 1992. 92-Z-27 (DP-1) FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT #14.
4402-4502 SOUTH ARLINGTON AVENUE, (approximate address), INDIANAPOLIS.
DURA BUILDERS, INC., by Thomas Michael Quinn, requests the rezoning of 47.3 acres, being in the SU-2 District, to the D-P classification to provide for a planned unit residential development.

REZONING ORDINANCE NO. 63, 1992. 92-Z-36 (DP-3) WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT #02.
8140 SPRING MILL ROAD (approximate address), INDIANAPOLIS.
RESORTS CONDOMINIUMS INTERNATIONAL, INC., by Philip A. Nicely, requests the rezoning of 39.5 acres, being in the SU-1/SU-2/D-S Districts, to the DP classification to provide for residential development by platting.

REZONING ORDINANCE NO. 64, 1992. 92-Z-44 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #04.
8219 EAST 75TH STREET, INDIANAPOLIS.
DENNIS L. and SHERRY M. JOURDAN request the rezoning of 1.0 acre, being in the D-A District, to the D-2 classification to provide for the development of single-family homes.

REZONING ORDINANCE NO. 65, 1992. 92-Z-50 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #12.
7522, 7530 and 7534 EAST 30TH STREET, INDIANAPOLIS.
MICHAEL L. and JEAN RANSBURG OLSON, by Philip A. Nicely, requests the rezoning of 1.01 acres, being in the D-4 District, to the I-2-S classification to provide for industrial development.

REZONING ORDINANCE NO. 66, 1992. 92-Z-51 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #25.
4309 SOUTH HARDING STREET (approximate address), INDIANAPOLIS.
HAROLD S. RIDDLE requests the rezoning of 12.05 acres, being in the I-3-S/FP/FW District, to the C-7/FP/FW classification to provide for the sales and service of semi-tractors and trailers.

REZONING ORDINANCE NO. 67, 1992. 92-Z-54 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #24.
2232 NATIONAL AVENUE (approximate address), INDIANAPOLIS.
OAKLEAF PROPERTIES, an Indiana General Partnership, requests the rezoning of 1.0 acre, being in the D-4 District, to the C-4 classification to provide for mixed retail uses.

REZONING ORDINANCE NO. 68, 1992. 92-Z-55 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT #23.
4837 SOUTH FERGUSON ROAD (approximate address), INDIANAPOLIS.
AL & L, INC. requests the rezoning of 14.04 acres, being in the D-A District, to the D-S classification to provide for residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 232, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 232, 1992 on June 10, 1992. The proposal appropriates \$33,011 for the Superior Court, Juvenile Division/Detention Center, to pay the salaries of an additional court reporter and a bailiff. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it be tabled. Councillor Dowden moved, seconded by Councillor Schneider, to table the proposal. Proposal No. 232, 1992 was tabled by unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NOS. 241, 242 and 244, 1992. Councillor Gilmer asked for consent to vote on these three transportation proposals together. Consent was given. PROPOSAL NO. 241, 1992. The proposal, sponsored by Councillor Black, amends the Code by authorizing parking restrictions on the east side of College Avenue from 225 feet south of 42nd Street to 225 feet north of 42nd Street (District 6). PROPOSAL NO. 242, 1992. The proposal, sponsored by Councillor Black, amends the Code by authorizing parking restrictions on the east side of College Avenue from 275 feet south of 49th Street to 275 feet north of 49th Street (District 6). PROPOSAL NO. 244, 1992. The proposal, sponsored by Councillor Rhodes, amends the Code by authorizing parking restrictions on the east side of College Avenue from 275 feet south of 54th Street to 290 feet north of 54th Street (District 7). Councillor Gilmer reported that the Transportation Committee heard these proposals on June 17, 1992. By a 7-0 vote, the Committee reported the proposals to the Council with the recommendation that they be stricken. Councillor Gilmer moved, seconded by Councillor Black, to strike. Proposal Nos. 241, 242 and 244, 1992 were stricken by unanimous voice vote.

PROPOSAL NO. 263, 1992. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 263, 1992 on June 16, 1992. The proposal, sponsored by Councillors Hinkle and Giffin, establishes an Airport Economic Development Tax Area. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry moved, seconded by Councillor Hinkle, to technically amend Proposal No. 263, 1992 by inserting the Resolution No. "92-061" in the second "Whereas" paragraph. This

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motion passed by unanimous voice vote. Councillor Curry moved, seconded by Councillor Giffin, for adoption. Proposal No. 263, 1992, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

2 NOT VOTING: Coughenour, Williams

Proposal No. 263, 1992, as amended, was retitled SPECIAL ORDINANCE NO. 6, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1992

A SPECIAL ORDINANCE approving the establishing of the Airport Economic Development Tax Area.

WHEREAS, on May 20, 1992, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission") adopted its Airport Economic Development Tax Area Declaratory Resolution, Resolution No. 92-49 (the "Declaratory Resolution"), declaring a certain geographical area located within the Airport Development Zone of the City of Indianapolis, Indiana, as an economic development tax area pursuant to the provisions of IC 36-7-27 (the "Act") and designating said economic development tax area as the Airport Economic Development Tax Area; and

WHEREAS, on June 3, 1992, the Commission, following a public hearing thereon upon notice as required by law, adopted its Airport Economic Development Tax Area Confirmatory Resolution, Resolution No. 92-061 ("Confirmatory Resolution"), declaring the Airport Economic Development Tax Area as an allocation area for the purpose of distribution and allocation of covered local income taxes (as that term is defined in the Act), and confirming the Declaratory Resolution; and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana, has determined that the designation of the Airport Economic Development Tax Area as set forth in the Confirmatory Resolution is of public utility and benefit and in the best interests of the citizens of the City of Indianapolis; now therefore;

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

SECTION 1. The Council hereby approves the determination of the Commission establishing the Airport Economic Development Tax Area as set forth in the Declaratory Resolution and confirmed by the Confirmatory Resolution.

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

PROPOSAL NO. 279, 1992. The proposal authorizes the amendment of previously executed bond documents relating to \$1,000,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Mid State Chemical & Supply Corp. Project) dated as of July 26, 1988. Councillor Giffin asked for consent to table Proposal No. 279, 1992. Consent was given.

PROPOSAL NO. 280, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 280, 1992 on June 3, 1992. The proposal authorizes the issuance of City of Indianapolis, Indiana Economic Development Mortgage Revenue Refinancing Bonds, Series 1992 (James A. House, Jr. and Elizabeth L. House Project) in the aggregate principal amount of \$1,650,000. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Giffin moved, seconded by Councillor Franklin, to amend Proposal No. 280, 1992 by deleting the stricken-through text and inserting the underlined text to read as follows:

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue Economic Development Mortgage Revenue Refunding Bonds, Series 1992 (James A. House, Jr. and Elizabeth L. House Project) in an aggregate principal amount not to exceed One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a partnership for the purpose of refunding bonds issued for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development Mortgage Revenue Refunding Bonds, Series 1992 (James A. House, Jr. and Elizabeth L. House Project) in an aggregate principal amount not to exceed \$1,650,000 (the "Series 1992 Bonds") pursuant to the ~~Mortgage and Trust Indenture dated as of June July 1, 1992~~ (the "Indenture") between the Issuer and Merchants National Bank & Trust Company of Indianapolis, as Trustee (the "Trustee") in order to obtain funds to lend to James A. House, Jr. and Elizabeth L. House (the "Borrower"); pursuant to the Loan Agreement, Mortgage and Security Agreement dated as of June July 1, 1992 (the "Loan Agreement") between the Issuer and the Borrower; for the purpose of affecting a current refunding of the outstanding principal amount of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project) (the "Original Bonds"), which were issued for the purpose of financing the costs of the renovation of an existing seventeen (17) floor plus basement and sub-basement building containing approximately 82,000 square feet for use as an office building and the machinery and equipment to be installed therein located at 32 East Washington Street, Indiana, Indiana (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the ~~Company Borrower~~ of the loan of the proceeds of the Series 1992 Bonds and further provides (i) for the ~~Company's Borrower's~~ repayment obligation to be evidenced by the ~~Company's Borrower's~~ Note, Series 1992 (the "Series 1992 Note") and (ii) such loan and the Series 1992 Note to be secured by the lien and security interest therein provided for; and (iii) for the issuance of the Letter of Credit (as defined in the Loan Agreement) under the ~~Credit Agreement to be dated as of the date of closing of this transaction, such date to be no later than ninety (90) days from the date of this Special Ordinance (the "Credit Agreement")~~ (as defined in the Loan Agreement) among the Company and Merchants National Bank & Trust Company of Indianapolis (the "Letter of Credit Bank"); and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Series 1992 Note without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1992 Bonds which are payable solely and only out of the payments to be made by the Borrower with respect to the Series 1992 Note, and any other Notes issued under the Loan Agreement except to the extent paid out of Bond proceeds and proceeds of condemnation and insurance and the Letter of Credit issued pursuant to the Credit Agreement; and

WHEREAS, the Indianapolis Economic Development Commission on June 3, 1992 adopted a Resolution which Resolution has been previously transmitted hereto, finding that the current refunding of the Original Bonds which were issued to finance the Project which will continue to be owned by the Borrower complies with the purposes and provision of the Act and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Preliminary Placement Memorandum; ~~and 4) the Credit Agreement (and the form of the Letter of Credit attached thereto as Exhibit A); and 5) the form of the Series 1992 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:

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

June 22, 1992

SECTION 1. It is hereby found that the current refunding of 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 the Series 1992 Bonds, the loan of the net proceeds thereof to the Company Borrower for the purposes of affecting the current refunding of the Project, and the repayment of said loan by the Company Borrower will be of benefit to the health or general welfare of the City of Indianapolis 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. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters.

SECTION 4. The City of Indianapolis shall issue its Series 1992 Bonds in an aggregate principal amount not to exceed One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) for the purpose of procuring funds to loan to the Borrower in order to affect a current refunding of the Original Bonds which Series 1992 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Borrower on its Series 1992 Note in the principal amount of equal to the aggregate principal amount of the Series 1992 Bonds which will be executed and delivered by the Borrower to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1992 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Series 1992 Bonds to the purchase or purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, in any, and at a stated per annum rate of interest not to exceed nine percent (9%) per annum. The use of a Placement Memorandum in substantially the same form as the Preliminary Placement Memorandum approved herein is approved for use and distribution by Merchants National Bank & Trust Company of Indianapolis as Placement Agent in connection with the marketing of the Series 1992 Bonds.

SECTION 6. 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 any 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 on the Series 1992 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1992 Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Financing Documents. The Series 1992 Bonds shall be dated the date of closing this transaction, such date to be no later than ninety (90) days from the date of this Special Ordinance. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1992 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 IC 36-7-12-27(a) through (a)(10).

SECTION 7. 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 Series 1992 Bonds and after the issuance of said Series 1992 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 Series 1992 Bonds or the interest thereon remains unpaid.

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

Councillor Giffin's amendment was passed by unanimous voice vote. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 280, 1992, as amended, was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

2 NOT VOTING: *Black, Smith*

Councillor Smith stated that he abstained due to a possible conflict of interest.

Proposal No. 280, 1992, as amended, was retitled SPECIAL ORDINANCE NO. 7, 1992 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 1992

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue Economic Development Mortgage Revenue Refunding Bonds, Series 1992 (James A. House, Jr. and Elizabeth L. House Project) in an aggregate principal amount not to exceed One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a partnership for the purpose of refunding bonds issued for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development Mortgage Revenue Refunding Bonds, Series 1992 (James A. House, Jr. and Elizabeth L. House Project) in an aggregate principal amount not to exceed \$1,650,000 (the "Series 1992 Bonds") pursuant to the Trust Indenture dated as of July 1, 1992 (the "Indenture") between the Issuer and Merchants National Bank & Trust Company of Indianapolis, as Trustee (the "Trustee") in order to obtain funds to lend to James A. House, Jr. and Elizabeth L. House (the "Borrower"); pursuant to the Loan Agreement, Mortgage and Security Agreement dated as of July 1, 1992 (the "Loan Agreement") between the Issuer and the Borrower; for the purpose of affecting a current refunding of the outstanding principal amount of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project) (the "Original Bonds"), which were issued for the purpose of financing the costs of the renovation of an existing seventeen (17) floor plus basement and sub-basement building containing approximately 82,000 square feet for use as an office building and the machinery and equipment to be installed therein located at 32 East Washington Street, Indiana, Indiana (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Series 1992 Bonds and further provides (i) for the Borrower's repayment obligation to be evidenced by the Borrower's Note, Series 1992 (the "Series 1992 Note") and (ii) such loan and the Series 1992 Note to be secured by the lien and security interest therein provided for; and (iii) for the issuance of the Letter of Credit (as defined in the Loan Agreement) under the Credit Agreement (as defined in the Loan Agreement) among the Company and Merchants National Bank & Trust Company of Indianapolis (the "Letter of Credit Bank"); and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Series 1992 Note without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1992 Bonds which are payable solely and only out of the payments to be made by the Borrower with respect to the Series 1992 Note, and any other Notes issued under the Loan Agreement except to the extent paid out of Bond proceeds and proceeds of condemnation and insurance and the Letter of Credit issued pursuant to the Credit Agreement; and

WHEREAS, the Indianapolis Economic Development Commission on June 3, 1992 adopted a Resolution which Resolution has been previously transmitted hereto, finding that the current refunding of the Original Bonds which were issued to finance the Project which will continue to be owned by the Borrower complies with

June 22, 1992

the purposes and provision of the Act and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Preliminary Placement Memorandum; and 4) the form of the Series 1992 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:

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 current refunding of 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 the Series 1992 Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of affecting the current refunding of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the City of Indianapolis 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. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Placement Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters.

SECTION 4. The City of Indianapolis shall issue its Series 1992 Bonds in an aggregate principal amount not to exceed One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) for the purpose of procuring funds to loan to the Borrower in order to affect a current refunding of the Original Bonds which Series 1992 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Borrower on its Series 1992 Note in the principal amount of equal to the aggregate principal amount of the Series 1992 Bonds which will be executed and delivered by the Borrower to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1992 Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Series 1992 Bonds to the purchase or purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, in any, and at a stated per annum rate of interest not to exceed nine percent (9%) per annum. The use of a Placement Memorandum in substantially the same form as the Preliminary Placement Memorandum approved herein is approved for use and distribution by Merchants National Bank & Trust Company of Indianapolis as Placement Agent in connection with the marketing of the Series 1992 Bonds.

SECTION 6. 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 any 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 on the Series 1992 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1992 Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Financing Documents. The Series 1992 Bonds shall be dated the date of closing this transaction, such date to be no later than ninety (90) days from the date of this Special Ordinance. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1992 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 IC 36-7-12-27(a) through (a)(10).

SECTION 7. 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 Series 1992 Bonds and after the issuance of said Series 1992 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 Series 1992 Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 283, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 283, 1992 on June 10, 1992. The proposal approves a contract for the acquisition of professional services to provide a residential community corrections program. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 283, 1992 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Howard, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Black

Proposal No. 283, 1992 was retitled GENERAL RESOLUTION NO. 3, 1992 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 1992

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Agency ("Agency") to contract for professional services to provide a residential community corrections program for eligible offenders.

WHEREAS, the Agency Advisory Board was established pursuant to IC 11-12-2-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, the Agency has adequate funds to enter into a contract for a residential community corrections program; and

WHEREAS, any agreement entered into by the Agency to provide a residential community corrections program for eligible offenders must be approved by the City-County Council; and

WHEREAS, the Agency desires to contract for professional services to provide a residential community corrections program for eligible offenders; 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 of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contract contemplated by the Marion County Community Corrections Agency to obtain professional services to provide a residential community corrections program for eligible offenders.

SECTION 2. This resolution 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, and upon motion duly made and seconded, the meeting adjourned at 8:02 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 22nd day of June, 1992.

June 22, 1992

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

Bert Serwaas

President

ATTEST:

Barry J. Kopy

Clerk of the Council

(SEAL)