

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, June 8, 1981**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building, at 7:11 p.m., Monday, June 8, 1981. President SerVaas in the Chair. Councillor Paula Parker opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-eight members being present, he announced a quorum.

PRESENT: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

ABSENT: Mr. West

CORRECTION OF JOURNAL

The Chair called for additions or corrections to the Journal of April 6, 1981. There being no additions or corrections to the Journal, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

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

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, June 8, 1981, at 7:00 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

**s/Beurt SerVaas, President
City-County Council**

**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 May 28, 1981, and June 4, 1981 a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 219, 220, and 221, 1981, to be held on Monday, June 8, 1981, at 7:00 p.m. in the City-County Building.

Respectfully,

s/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:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on May 28, 1981, and June 4, 1981 a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 245, 246, 247, 248, 249, 250, 236, 252, and 254, 1981, to be held on Monday, June 8, 1981, at 7:00 p.m. in the City-County Building.

Respectfully,

s/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, Mrs. Beverly S. Rippy, the following ordinances and resolution:

FISCAL ORDINANCE NO. 49, 1981, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period July 1, 1981, to December 31, 1981, in anticipation of current taxes levied in the year 1980 and collectible in the year 1981, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon; ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Sanitation Solid Waste District Council in authorizing the making of the temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 50, 1981, amending the City-County Annual Budget for 1981, and appropriating an additional three hundred thousand dollars in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division, and reducing the unappropriated and unencumbered balance in the Flood Control General Fund.

FISCAL ORDINANCE NO. 51, 1981, amending the City-County Annual Budget for 1981, authorizing changes in the personnel compensation schedule of the Marion County Home and Julietta Convalescent Center.

FISCAL ORDINANCE NO. 53, 1981, amending the City-County Annual Budget for 1981, authorizing changes in the personnel compensation schedule of the Marion County Sheriff.

FISCAL ORDINANCE NO. 54, 1981, amending the City-County Annual Budget for 1981, transferring and appropriating seventy-five dollars in the County General fund for purposes of the Marion County Superior Court, Roving Court Reporter and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 55, 1981, amending the City-County Annual Budget for 1981, transferring and appropriating one hundred dollars in the County General Fund for purposes of the Marion County Superior Court, Criminal Division, Probation Department and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 56, 1981, amending the City-County Annual Budget for 1981, authorizing changes in the personnel compensation schedule of the Marion County Sheriff.

GENERAL ORDINANCE NO. 50, 1981, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 9, Section 9-4, "Location of Cemetery."

GENERAL ORDINANCE NO. 51, 1981, amending the "Code of Indianapolis and Marion County, Indiana", by establishing a load limit on Ransdell Street.

SPECIAL ORDINANCE NO. 15, 1981, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1981 (Meridian Mutual Insurance Company Project)" in the principal amount of three million three hundred fifty thousand dollars and approving and authorizing other actions in respect thereof.

SPECIAL ORDINANCE NO. 16, 1981, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1981 (Wulsin Associates Project)" in the principal amount of two hundred thousand dollars and approving and authorizing other actions in respect thereof.

SPECIAL RESOLUTION NO. 35, 1981, expressing appreciation to and honoring Donald Tanselle, Lehman Adams and the entire Tanselle-Adams Commission.

Respectfully,

s/William H. Hudnut, III
MAYOR

INTRODUCTION OF GUESTS

Councillor Parker introduced Mr. & Mrs. Art Callaghan. Councillor Rader acknowledged the members of the Near Eastside Neighborhood Association. Councillor Gilmer introduced Mr. George McKnight. Councillor SerVaas introduced Mr. Douglas Smith who was visiting Indianapolis from Michigan.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 265, 1981. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel compensation schedule of the Lawrence Township Trustee"; and the President referred it to the County & Townships Committee.

PROPOSAL NO. 266, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with economic development bonds in the amount of \$250,000 for Shepard & Poorman Printing Company, Inc." Councillor Tintera requested that this proposal be heard and acted upon during this session of the Council. Consent was given. President SerVaas referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 267, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with economic development bonds in the amount of \$9,000,000 for Cummins Engine Company, Inc." Councillor Tintera requested that this proposal be heard and acted upon during this session of the Council. Consent was given. President SerVaas referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 268, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with economic development bonds in the amount of \$750,000 for Bowers Envelope Company, Inc." Councillor Tintera requested that this proposal be heard and acted upon during this session of the Council. Consent was given. President SerVaas referred it to the Committee of the Whole to be discussed under Special Orders, Final Adoption.

PROPOSAL NO. 269, 1981. Introduced by Councillors Borst, Rhodes, and Page. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE adding a new Article to the Code allowing Outdoor Retail Sales of beverages, flowers and food from carts"; and the President referred it to the Administration Committee.

PROPOSAL NO. 270, 1981. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$136,337 for the Marion County Sheriff to continue funding of the Community Corrections Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE which limits hours when Garfield Park may be open from 6:00 a.m. to 10:00 p.m."; and the President referred it to the Parks and Recreation Committee.

MODIFICATION OF SPECIAL ORDERS

[Clerk's Note: Council consent was given in order that the Council Rules on Preparation, Initiation, and Introduction of Proposals may be suspended and the following ordinances may be introduced, although not timely submitted under the Rules.]

PROPOSAL NO. 272, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of economic development revenue bonds for South Meridian Associates in the amount of \$3,000,000." Councillor Tintera requested that this proposal be heard and acted upon during this session of the Council. Consent was given. President SerVaas referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 273, 1981. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing an intersection control change at Troy Avenue and Harding Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 274, 1981. Introduced by Councillors Durnil and Clark. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Joanna Walker to the Metropolitan Board of Zoning Appeals, Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NOS. 275-278, 1981. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on June 8, 1981"; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 213, 1981. Councillor McGrath requested that this proposal be advanced on the agenda, due to the fact that there were several persons in the audience interested in this proposal. Council consent was given. Councillor McGrath stated that this proposal establishes various intersection control changes. Councillor McGrath explained that the Transportation Committee heard Proposal 213, 1981,

on two occasions and recommended passage on June 3, 1981, by a 4-0 vote. Councillor Rader, the sponsor of this proposal, stated that this ordinance was necessary due to poor visibility for vehicular traffic, as well as pedestrians. Councillor Rader moved, seconded by Councillor McGrath, for adoption. The President called for the vote and Proposal No. 213, 1981, was adopted on the following roll call vote; viz:

24 YEAS: Dr. Borst, Mr. Boyd, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Page, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

5 NOT VOTING: Mrs. Brinkman, Mr. Jones, Mrs. Nickell, Mrs. Parker, Mr. West

Proposal No. 213, 1981, was retitled GENERAL ORDINANCE NO. 52, 1981, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 52, 1981

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 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>
26 Pg. 7	Dearbom St. & E. 11th St.	Dearbom St.	Stop
26 Pg. 14	LaSalle St. & E. 13th St.	LaSalle St.	Stop
26 Pg. 16	Nowland Ave. & Tuxedo St.	Nowland Ave.	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>
26 Pg. 7	Dearbom St. & E. 11th St.		4-Way Stop
26 Pg. 14	LaSalle St. & E. 13th St.		4-Way Stop
26 Pg. 16	Nowland Ave. & Tuxedo St.		4-Way Stop

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and compliance with IC 18-4-5-2.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 219, 1981. Councillor Clark requested on May 11, 1981, that this proposal for a Rezoning Ordinance for Warren Township, Councilmanic District No. 12, 1503 North Mitthoefer Road, Indianapolis, be held out for Public Hearing. PROPOSAL NO. 220, 1981. Councillor Clark requested on May 11, 1981, that this proposal for a Rezoning Ordinance for Warren Township, Councilmanic District No. 12, Behind 1503 North Mitthoefer Road, Indianapolis, be held out for Public Hearing. PROPOSAL NO. 221, 1981. Councillor Clark requested on May 11, 1981, that this proposal for a Rezoning Ordinance for Warren Township, Councilmanic District No. 12, 1703 North Mitthoefer Road, Indianapolis, be held out for Public Hearing.

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal Nos. 219, 220, 221, 1981, (Rezoning Cases 80-Z-96, 80-Z-97 and 80-Z-98) by adding "Said zoning changes shall be subject to the additional commitments filed in each case on June 4, 1981, with the Department of Metropolitan Development that these covenants must be properly recorded prior to the issuance of a location improvement permit."

Councillor Clark

The President called for the vote on Councillor Clark's motion, seconded by Councillor Stewart. President SerVaas advised the Council that it would require at least 20 votes to amend these proposals sent to the Council from the Metropolitan Planning Commission. Proposal Nos. 219, 220, and 221, 1981, were amended on the following roll call vote; viz:

26 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

3 NOT VOTING: Mrs. Journey, Mrs. Parker, Mr. West

Councillor Clark moved, seconded by Councillor Stewart, for the adoption of Proposal Nos. 219, 220, and 221, 1981, As Amended. The President called for the vote and Proposal Nos. 219, 220, and 221, 1981, As Amended, were adopted on the following roll call vote; viz:

27 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

2 NOT VOTING: Mrs. Parker, Mr. West

Proposal Nos. 219, 220, and 221, 1981, As Amended, were retitled REZONING ORDINANCE NOS. 78-80, 1981, respectively, and read as follows:

**REZONING ORDINANCE NO. 78, 1981 80-Z-96 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12**

1503 NORTH MITTHOEFER ROAD, INDIANAPOLIS

American Fletcher National Bank, Executor for estate of Mabel White, by Martha D. Lamkin, requests rezoning of 21.13 acres, being in A-2 district, to D-6 II classification, to provide for multi-family residential development. Said zoning changes shall be subject to the additional commitments filed in each case on June 4, 1981, with the Department of Metropolitan Development that these covenants must be properly recorded prior to the issuance of a location improvement permit.

**REZONING ORDINANCE NO. 79, 1981 80-Z-97 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12**

BEHIND 1503 NORTH MITTHOEFER ROAD, INDIANAPOLIS

American Fletcher National Bank, Executor for estate of Mabel White, by Martha D. Lamkin, requests rezoning of 6.67 acres, being in A-2 district, to D-4 classification, to provide for residential use by platting. Said zoning changes shall be subject to the additional commitments filed in each case on June 4, 1981, with the Department of Metropolitan Development that these covenants must be properly recorded prior to the issuance of a location improvement permit.

**REZONING ORDINANCE NO. 80, 1981 80-Z-98 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 12**

1703 NORTH MITTHOEFER ROAD, INDIANAPOLIS

American Fletcher National Bank, Executor for estate of Mabel White, by Martha D. Lamkin, requests rezoning of 53.42 acres, being in A-2 district, to D-4 classification, to provide for residential use by platting. Said zoning changes shall be subject to the additional commitments filed in each case on June 4, 1981, with the Department of Metropolitan Development that these covenants must be properly recorded prior to the issuance of a location improvement permit.

PROPOSAL NO. 236, 1981. This proposal appropriates \$10,000 for the County Auditor to refund grant money. Councillor Brinkman requested that this proposal be "Postponed until July 6, 1981". Council consent was given.

PROPOSAL NO. 245, 1981. Councillor Gilmer explained that this proposal appropriates \$73,723 for the Eagle Creek Division, Department of Parks and Recreation, for the Youth Program. The Parks and Recreation Committee recommended passage on June 4, 1981, by a vote of 5-0. Councillor Gilmer explained that of the total amount appropriated, \$61,403 represents Federal Funds from the Department

of Natural Resources for the Youth Conservation Corp. Program. This Program employs 48 youths between the ages of 15 and 18 from surrounding Marion County schools. Councillor Gilmer explained that the remaining \$12,320 are 1980 carryover funds, which will pay for the City's portion of health insurance premiums. Parks Department Director Arthur Strong added that the food costs are subtracted from the youths earnings. The President called for public hearing, there being no testimony, he called for the vote and Proposal No. 245, 1981, was adopted on the following roll call vote; viz:

26 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

3 NOT VOTING: Mrs. Coughenour, Mr. Durnil, Mr. West

Proposal No. 245, 1981, was retitled FISCAL ORDINANCE NO. 57, 1981, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Seventy-Three Thousand Seven Hundred Twenty-three dollars (\$73,723) in the Park General Fund for purposes of the Eagle Creek Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park 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 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the Youth Conservation Corp (YCC) program reimbursed by federal funds in the amount of \$61,403 and for the city portion of health insurance premiums for employees.

SECTION 2. The sum of Seventy-three Thousand Seven Hundred Twenty-three dollars (\$73,723) 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>EAGLE CREEK DIVISION, DEPT. OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
21. Contractual Services	\$ 51,003
22. Supplies	1,000
23. Materials	5,900
24. Current Charges	15,820
Total Increase	<u>\$ 73,723</u>

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

<u>EAGLE CREEK DIVISION, DEPT. OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>\$ 73,723</u>
Total Reduction	<u>\$ 73,723</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 246, 1981. Councillor Gilmer stated that this proposal appropriates \$14,000 for the Parks Maintenance Division, Department of Parks and Recreation, to assess status of trees in Center Township. The Parks and Recreation Committee recommended passage by a vote of 6-1 on June 4, 1981. Councillor Gilmer stated that there will be four people working four to eight hours a day who will assess the trees in Center Township. This grant comes from the Department of Natural Resources. Mr. Arthur Strong stated that college graduates are hired to assess the trees. The intent of this project is to avoid law suits due to falling trees. Mr. Strong stated that last year there were \$30,000 worth of law suits due to damages from trees. Concerning the excess wood, Mr. Strong reported that the cut wood is hauled to a center location and sold with proceeds going to the Parks Department. The President called for public hearing. There being no testimony, he called for the vote, and Proposal No. 246, 1981, was adopted on the following roll call vote; viz:

19 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Page, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mr. Strader, Mr. Tintera, Mr. Vollmer*

8 NAYS: *Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Jones, Mr. Miller, Mrs. Nickell, Mr. Schneider, Mrs. Stewart*

2 NOT VOTING: *Mrs. Parker, Mr. West*

Proposal No. 246, 1981, was retitled FISCAL ORDINANCE NO. 58, 1981, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Fourteen Thousand dollars (\$14,000) in the Park General Fund for purposes of Parks Maintenance Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park 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 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to assess current status of street trees in Center Township and prioritize those which require attention.

SECTION 2. The sum of Fourteen Thousand dollars (\$14,000) 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:

PARKS MAINTENANCE DIV., DEPT. OF PARKS AND RECREATION	PARK GENERAL FUND
10. Personal Services	\$ 13,125
25. Current Obligations	<u>875</u>
Total Increase	<u>\$ 14,000</u>

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

PARKS MAINTENANCE DIV., DEPT. OF PARKS AND RECREATION	PARK GENERAL FUND
Unappropriated and Unencumbered Park General Fund	<u>\$ 14,000</u>
Total Reduction	<u>\$ 14,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 247, 1981. Councillor Gilmer stated that this proposal appropriates \$15,000 for the Department of Parks and Recreation for supplies for the Mayor's Garden Program. The Parks and Recreation Committee recommended passage on June 4, 1981, by a 7-0 vote. Councillor Gilmer explained that this \$15,000 will be spent for increased supply costs and represents 1980 rollover funds. The President called for public hearing, there being no testimony, he called for the vote. Proposal No. 247, 1981, was adopted on the following roll call vote; viz:

22 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mr. Strader, Mr. Tintera, Mr. Vollmer

5 NAYS: Mr. Dowden, Mr. Durnil, Mr. Jones, Mr. Schneider, Mrs. Stewart

2 NOT VOTING: Mrs. Parker, Mr. West

Proposal No. 247, 1981, was retitled FISCAL ORDINANCE NO. 59, 1981, and reads as follows:

· CITY-COUNTY FISCAL ORDINANCE NO. 59, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Fifteen Thousand dollars (\$15,000) in the Park General Fund for purposes of Community Recreation Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park 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 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for increased fuel oil costs, supplies for the Mayor's Garden Program and supplies for revenue generating concessions.

SECTION 2. The sum of Fifteen Thousand dollars (\$15,000) 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:

COMMUNITY RECREATION DIVISION	PARK GENERAL
DEPT. OF PARKS AND RECREATION	FUND
22. Supplies	<u>\$ 15,000</u>
Total Increase	<u>\$ 15,000</u>

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

COMMUNITY RECREATION DIVISION	PARK GENERAL
DEPT. OF PARKS AND RECREATION	FUND
Unappropriated and Unencumbered	
Park General Fund	<u>\$ 15,000</u>
Total Reduction	<u>\$ 15,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 248, 1981. This proposal appropriates \$25,000 for the Sports & Special Facilities Division, Department of Parks and Recreation, said funding to be utilized for golf courses and swimming pools. Councillor Gilmer stated that this proposal was heard in the Parks and Recreation Committee on June 4, 1981, and was approved by a vote of 7-0. Councillor Gilmer explained that this money will be used to purchase fertilizers for the golf courses and chemicals for the swimming pools. Mr. Strong stated that the Sports Division had carryover materials from 1980 that were used last summer. Mr. Strong pointed out that 1981 is the first year for the Sports & Special Facilities Division to become actually legalized. When figuring the 1981 budget, the Sports Division did not realize that the budget had been underspent, because of the carryover. The President called for public hearing. There being no testimony, Councillor Tintera moved, seconded by Councillor Howard, for adoption. Proposal No. 248, 1981, was adopted on the following roll call vote; viz:

23 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer

4 NAYS: Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Schneider

2 NOT VOTING: Mr. Strader, Mr. West

Proposal No. 248, 1981, was retitled FISCAL ORDINANCE NO. 60, 1981, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Twenty-five Thousand dollars (\$25,000) in the Park General Fund for purposes of Sports and Special Facilities Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park 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 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for additional maintenance to revenue generation golf courses and swimming pools.

SECTION 2. The sum of Twenty-five Thousand dollars (\$25,000) 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:

SPORTS AND SPECIAL FACILITIES DIV.	PARK GENERAL
DEPT. OF PARKS AND RECREATION	FUND
22. Supplies	\$ 25,000
Total Increase	\$ 25,000

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

SPORTS AND SPECIAL FACILITIES DIV.	PARK GENERAL
DEPT. OF PARKS AND RECREATION	FUND
Unappropriated and Unencumbered	
Park General Fund	\$ 25,000
Total Reduction	\$ 25,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 249, 1981. Councillor Gilmer stated that this proposal appropriates \$750,000 for the Administrative Division, Department of Parks and Recreation, for the construction of a velodrome. Councillor Gilmer reported that the Parks and Recreation Committee recommended passage on June 4, 1981 by a vote of 7-0. Councillor Gilmer noted that \$600,000 was obtained as a grant from Lilly Endowment, \$50,000 was contributed by the Land and Water Conservation Fund of the Department of the Interior, and the remaining \$100,000 was acquired through the Park Land Fund. PROPOSAL NO. 250, 1981, appropriates \$100,000 for the Administrative Division, Department of Parks and Recreation, for the development of a pistol range at Eagle Creek Park. These proposals are companion proposals and were discussed together. The pistol range was previously used only by the Police Department, and this proposal appropriates money from the Land Fund in order to make it safe for the general public. Councillor Gilmer explained that because federal dollars are involved, it must be accessible by the public, as well as the police agencies. After further discussion, the Council recessed to a Committee of the Whole at 8:08 p.m. and reconvened after public testimony at 8:11 p.m. Councillor Gilmer moved, seconded by Councillor Tintera, for the adoption of Proposal No. 249, 1981. Proposal No. 249, 1981, was adopted on the following roll call vote; viz:

24 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer
 3 NAYS: Mrs. Coughenour, Mr. Page, Mr. Schneider
 2 NOT VOTING: Mr. McGrath, Mr. West

Proposal No. 249, 1981, was retitled FISCAL ORDINANCE NO. 61, 1981, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 61, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Seven Hundred Fifty Thousand dollars (\$750,000) in the Park General Fund for purposes of the Administration Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park 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 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to construct a velodrome to be funded by a \$600,000 Lilly Endowment Grant to complete a major portion of the facility and \$150,000 Park Land Funds to develop a pistol range.

SECTION 2. The sum of Seven Hundred Fifty Thousand dollars (\$750,000) 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:

ADMINISTRATION DIVISION, DEPT. OF PARKS AND RECREATION	PARK GENERAL FUND
21. Contractual Services	\$ 750,000
Total Increase	\$ 750,000

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

ADMINISTRATION DIVISION, DEPT. OF PARKS AND RECREATION Unappropriated and Unencumbered Park General Fund	PARK GENERAL FUND
Total Reduction	\$ 750,000
	\$ 750,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 250, 1981. Councillor Gilmer stated that this proposal was recommended for passage by the Parks and Recreation Committee on June 4, 1981, by a vote of 7-0. The President called for public hearing, there being no testimony, he called for the vote. Councillor Gilmer moved, seconded by Councillor Tintera, for the adoption of Proposal No. 250, 1981. Proposal No. 250, 1981, was adopted on the following roll call vote; viz:

24 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer

4 NAYS: Mrs. Coughenour, Mr. Howard, Mr. Page, Mr. Strader

1 NOT VOTING: Mr. West

Proposal No. 250, 1981, was retitled FISCAL ORDINANCE NO. 62, 1981, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 62, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional One Hundred Thousand dollars (\$100,000) in the Park Land Fund for purposes of the Administration Division, Department of Parks and Recreation, and reducing the unappropriated and unencumbered balance in the Park Land Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to develop the pistol range at Eagle Creek Park. The Project is funded by a \$50,000 federal grant and \$50,000 local funds.

SECTION 2. The sum of One Hundred Thousand dollars (\$100,000) 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:

ADMINISTRATION DIVISION, DEPT.	PARK LAND
OF PARKS AND RECREATION	FUND
21. Contractual Services	\$ 100,000
Total Increase	\$ 100,000

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

ADMINISTRATION DIVISION, DEPT.	PARK LAND
OF PARKS AND RECREATION	FUND
Unappropriated and Unencumbered	
Park Land Fund	\$ 100,000
Total Reduction	\$ 100,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 252, 1981. Councillor Borst stated that this proposal appropriates \$70,000 for the Marion County Superior Court, Criminal Division - Room 5, to fund an additional criminal court. Councillor Borst explained that the Public Safety and Criminal Justice Committee recommended passage on May 28, 1981, by a vote of 6-0. Councillor Borst noted that this proposal will cover the personnel and supply expenses of this newly established court. Judge Roy Jones has been appointed to serve as the judge of this court. President SerVaas called for public testimony. There being no testimony, he called for the vote and Proposal No. 252, 1981, was adopted on the following roll call vote; viz:

26 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

1 NAY: Mr. Cottingham

2 NOT VOTING: Mr. Hawkins, Mr. West

Proposal No. 252, 1981, was retitled FISCAL ORDINANCE NO. 63, 1981, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 63, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Seventy Thousand dollars (\$70,000) in the County General Fund for purposes of the Marion County Superior Court, Criminal Division - Room 5, and reducing certain other appropriations for the Marion County Auditor.

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 2.04 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for an additional criminal court.

SECTION 2. The sum of Seventy Thousand dollars (\$70,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY SUPERIOR COURT	COUNTY GENERAL FUND
CRIMINAL DIVISION — ROOM 5	
10. Personal Services	\$ 69,543
22. Supplies	457
Total Increase	\$ 70,000

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

MARION COUNTY AUDITOR	COUNTY GENERAL FUND
50. Properties	\$ 70,000
Total Reduction	\$ 70,000

SECTION 5. Section 2.03 (b) of the City-County Fiscal Ordinance No. 73, 1980, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(b)(6) CRIMINAL DIVISION — ROOM 5

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	1	10,400	5,200
Reporters	2	14,633	12,194
Bailiffs	2	11,954	9,962
Chief Clerk	1	13,876	6,938
Records Clerk	1	10,577	4,405
Clerk	1	10,096	3,365
Secretary	1	11,950	5,975
Public Defenders			21,504

The official responsible for hiring and fixing compensation shall limit the number of personnel or the compensation or both so that the total compensation paid shall not exceed the amount of the total personal services appropriation of \$69,543.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 254, 1981. Councillor McGrath explained that this proposal appropriates \$2,500,000 for the Department of Transportation to fund Market Street improvements. Lilly Endowment and the Commission for Downtown each donated \$1,250,000. The President called for public testimony, there being none, he called for the vote. Proposal No. 254, 1981, was adopted on the following roll call vote; viz:

- 24 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Holmes, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer
 2 NAYS: Mrs. Journey, Mr. Strader
 3 NOT VOTING: Mr. Gilmer, Mr. Hawkins, Mr. West

Proposal No. 254, 1981, was retitled FISCAL ORDINANCE NO. 64, 1981, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 64, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) and appropriating an additional Two Million Five Hundred Thousand dollars (\$2,500,000) in the Arterial Road and Street Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Arterial Road and Street Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for Market Street improvement from the State Capitol to Market Square Arena. The project is being funded by many private sector contributions and the City of Indianapolis.

SECTION 2. The sum of Two Million Five Hundred Thousand dollars (\$2,500,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF	ARTERIAL ROAD AND
TRANSPORTATION	STREET FUND
50. Properties	\$ 2,500,000
Total Increases	<u>\$ 2,500,000</u>

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

DEPARTMENT OF	ARTERIAL ROAD AND
TRANSPORTATION	STREET FUND
Unappropriated and Unencumbered	
Arterial Road and Street Fund	\$ 2,500,000
Total Reductions	<u>\$ 2,500,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 214, 1981. Councillor McGrath stated that this proposal establishes a 35 mph speed limit on portions of New York Street. The Transportation Committee amended this proposal on June 3, 1981, by a vote of 4-0, by adding a 35 mph speed limit on Michigan Street, from State Street to Emerson and New York Street, from State Street to Emerson Avenue. Councillor McGrath moved to delete the introduced version of Proposal No. 214, 1981, and substitute therefore, Proposal No. 214, 1981, "Committee Recommendations", seconded by Councillor Campbell. Consent was given. Councillor Campbell moved, seconded by Councillor Page, for adoption. Councillor Brinkman moved, seconded by Councillor Holmes, to amend this proposal by increasing the speed limit to 40 mph. After discussion, Councillor Brinkman's motion failed on the following roll call vote; viz:

6 YEAS: *Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mrs. Coughenour, Mr. Hawkins, Mr. Holmes*

20 NAYS: *Dr. Borst, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer*

3 NOT VOTING: *Mrs. Journey, Dr. SerVaas, Mr. West*

Councillor Tintera called for the question on the main motion. Proposal No. 214, 1981, As Amended, was adopted on the following roll call vote; viz:

28 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer*

NO NAYS

1 NOT VOTING: *Mr. West*

Proposal No. 214, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 53, 1981, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 1981

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by establishing a 35 mph speed limit on East New York Street from Meridian Street to Arsenal Avenue. (Amends Code Sec. 29-136.)

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 limits, be and the same is hereby amended by the addition of the following, to wit:

New York Street, from State Street to Emerson Avenue, 35 mph

Michigan Street, from State Street to Emerson Avenue, 35 mph

SECTION 2. This ordinance shall be in full force and effect after its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 266, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$250,000 for Shepard & Poorman Printing Company, Inc. The Economic Development Committee recommended passage on June 5, 1981, by a vote of 4-0. Councillor Tintera noted that Shepard & Poorman is located at 4040 West 10th Street, and he explained that this proposal involves the purchasing of more efficient machinery. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 266, 1981, was adopted on the following roll call vote; viz:

27 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer

NO NAYS

2 NOT VOTING: Mr. Strader, Mr. West

Proposal No. 266, 1981, was retitled SPECIAL RESOLUTION NO. 36, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 36, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Shepard & Poorman Printing Co., Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition, installation and equipping of new printing equipment to be installed at 4040 W. 10th Street, Indianapolis, Indiana, (the "Project") and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 5 additional jobs at the end of one year and 21 additional jobs at the end of three years) to be achieved by the acquisition, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$250,000 under the Act to be privately placed and to be guaranteed by the principals of the Company for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Shepard & Poorman Printing Co., Inc. (The "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 267, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$9,000,000 for Cummins Engine Company, Inc. The Economic Development Committee, on June 5, 1981, recommended passage by a vote of 4-0. Councillor Tintera explained that of the \$9,000,000; \$450,000 is the cost of the land, \$4,700,000 is the acquisition of the building, \$3,350,000 is for equipment, and contingencies and the issuance expenses of \$500,000. He noted that the existing 331,932 square foot Chrysler parts depot is located at 30th and Shadeland next to the Chrysler Electric Plant.

Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 267, 1981, was adopted on the following roll call vote; viz:

22 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer

NO NAYS

7 NOT VOTING: Mr. Clark, Mr. Dowden, Mr. Gilmer, Mr. Jones, Mr. McGrath, Mr. Strader, Mr. West

Proposal No. 267, 1981, was retitled SPECIAL RESOLUTION NO. 37, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 37, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Cummins Engine Company, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition, installation and equipping of a parts depot facility located at 6555 E. 30th Street, Indianapolis, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 65 additional jobs at the end of one year and 75 additional jobs at the end of three years) to be achieved by the acquisition, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$9,000,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Cummins Engine Company, Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorizing, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purposes or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 268, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$750,000 for Bowers Envelope Company, Inc. The Economic Development Committee recommended passage on June 5, 1981, by a vote of 4-0. This proposal is for the purchase of a Model 3900 machine for the manufacture of envelopes. Councillor Tintera moved, seconded by Councillor Rhodes, for adoption. Proposal No. 268, 1981, was adopted on the following roll call vote; viz:

25 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

4 NOT VOTING: Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. West

Proposal No. 268, 1981, was retitled SPECIAL RESOLUTION NO. 38, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Bowers Envelope Company, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be acquisition, installation and equipping of printing press equipment at 5331 N. Tacoma Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 4 additional jobs at the end of one year and 7 additional jobs at the end of three years) to be achieved by the acquisition, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$750,000 under the Act to be privately placed for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Bowers Envelope Company, Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 272, 1981. Councillor Tintera stated that this proposal authorizes the issuance of economic development revenue bonds for South Meridian Associates in the amount of \$3,000,000. South Meridian Associates is an Indiana General Partnership. The Economic Development Committee recommended passage on June 5, 1981, by a vote of 4-0. Councillor Tintera noted that this project consists of acquisition and rehabilitation of wholesale-warehouse buildings located at 200-214 South Meridian Street. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 272, 1981, was adopted on the following roll call vote; viz:

27 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer*

NO NAYS

2 NOT VOTING: *Mr. McGrath, Mr. West*

Proposal No. 272, 1981, was retitled SPECIAL ORDINANCE NO. 20, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 20, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Notes, Series 1981 (South Meridian Associates Project)" in the aggregate principal amount of Three Million Dollars (\$3,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for South Meridian Associates, an Indiana General Partnership (hereinafter "Company"), and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 2, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities for South Meridian Associates and the leasing of the economic development facilities complies with the purposes and provisions of Indiana Code 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Note Purchase and Loan Agreement, Economic Development Revenue Notes, Series 1981, Collateral Assignment of Leases and Rents, and Mortgage, Security Agreement and Trust Indenture, Promissory Notes and Letter of Credit (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Note Purchase and Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue notes, the loan of the net proceeds thereof to South Meridian Associates, an Indiana General Partnership, for the purposes of financing the economic development facilities under rehabilitation or to be rehabilitated in Indianapolis, Indiana, and the leasing of the economic development facilities to the general public and the repayment of said loan by South Meridian Associates, an Indiana General Partnership, to be evidenced and secured by a promissory note of South Meridian Associates, an Indiana General Partnership, as well as a Mortgage, Security Agreement and Trust Indenture, Collateral Assignment of Leases and Rents, Promissory Notes and Letter of Credit will be of benefit to the health and welfare of the City of Indianapolis and its citizens does comply with the purposes and provisions of Indiana Code 18-6-4.5.

SECTION 2. The forms of the Note Purchase and Loan Agreement, Economic Development Revenue Notes, Series 1981, Collateral Assignment of Leases and Rents, and Mortgage, Security Agreement and Trust Indenture, Promissory Notes and Letter of Credit approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Notes, Series 1981 (South Meridian Associates Project) in the aggregate principal amount of Three Million Dollars (\$3,000,000) for the purpose of procuring funds to loan to South Meridian Associates, an Indiana General Partnership, in order to finance the economic development facilities, as more particularly set out in the Mortgage, Security Agreement, and Trust Indenture, and Note Purchase and Loan Agreement incorporated herein by reference which Notes will be payable as to principal, premium, if any, and interest solely from the payments made by South Meridian Associates, an Indiana General Partnership, on its promissory note in the principal amount of Three Million Dollars (\$3,000,000) which will be executed and delivered by South Meridian Associates, an Indiana General Partnership, to evidence and secure said loan, from other sources under the Note Purchase and Loan Agreement, and as otherwise provided in the above described Mortgage, Security Agreement and Trust Indenture, Collateral Assignment of Leases and Rents, Promissory Notes and Letter of Credit. The Notes shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller is authorized and directed to sell such Notes to the purchasers thereof at a stated per annum rate of interest on the Notes not to exceed 68% of the prime interest rate charged by Merchants National Bank and Trust Company of Indianapolis on 90-day loans to responsible local and national business borrowers in effect from time to time but not more than 12½% per annum and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Notes authorized herein. The signatures of the Mayor and City Clerk on the Notes may be facsimile signatures. The City Clerk or City Controller is authorized to arrange for the delivery of such Notes to the Merchants National Bank & Trust Company of Indianapolis as agent for undisclosed purchasers thereof, payment for which will be made to the Trustee named in the Mortgage, Security Agreement and Trust Indenture.

SECTION 6. The provisions of this ordinance and the Mortgage, Security Agreement and Trust Indenture securing the Notes shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Notes, Series 1981 (South Meridian Associates Project), and after the issuance of said Notes this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as any of said Notes or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 18-4-5-2.

PROPOSAL NO. 237, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$400,000 for Frederick and John Meyer. Councillor Tintera explained that \$200,000 includes the cost of expansion and \$200,000 is for the purchase of new equipment plus contingencies. The Economic Development Committee approved Proposal No. 237, 1981, by a vote of 3-0 on June 5, 1981. After brief discussion, Councillor Tintera moved, seconded by Councillor Rhodes, for adoption. Proposal No. 237, 1981, was adopted on the following roll call vote; viz:

26 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

3 NOT VOTING: Mr. Durnil, Mr. McGrath, Mr. West

Proposal No. 237, 1981, was retitled SPECIAL RESOLUTION NO. 39, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company and either leased or sub-leased to Users; and

WHEREAS, Frederick E. Meyer and John R. Meyer (the "Meyers") previously had advised the Indianapolis Economic Development Commission and the City that they proposed that the City acquire, construct and equip economic development facilities and sell or lease the same to the Meyers or that the City loan the proceeds of such a financing to the Meyers for such purposes, said economic development facilities to be a 33,000 square foot office, manufacturing and warehousing facility, including the equipment to be installed therein, for the manufacture of vacuum formed plastic parts and the distribution of plastic raw materials, to be located at 5101 East 65th Street, Indianapolis, Indiana, on an approximate 4.3 acre tract of land which would be leased to Meyer Plastics, Inc., solely owned by John R. Meyer, and Thermoset Plastics, Inc., solely owned by Frederick E. Meyer (the "Users") (the "Original Project"); and

WHEREAS, pursuant to the City-County Special Ordinance No. 8, 1979, adopted on October 1, 1979, this City-County Council authorized the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1979 (Frederick E. Meyer and John R. Meyer Project)" in the principal amount of Eight Hundred Thousand Dollars (\$800,000) and approved and authorized other actions in respect thereto and approved the final forms of the Loan Agreement, Note, Lessee's Consent and Agreement to Lease Agreement, Collateral Assignment of Leases and Rentals, and Mortgage and Indenture of Trust, (such documents being herein referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5); and

WHEREAS, Section 10.02 of the Mortgage and Indenture of Trust among Frederick E. Meyer and John R. Meyer, the City of Indianapolis, and The Indiana National Bank, as Trustee, dated as of October 1, 1979, provides in part that additional bonds may be issued, authenticated and delivered for the purpose of providing funds for completing the Project (herein referred to as "Original Project") or making additions to the Project (herein referred to as "Original Project"); and

WHEREAS, the Users have grown and the Meyers have advised the Indianapolis Economic Development Commission and the City that they propose that the City issue additional revenue bonds to construct, expand and equip certain economic development facilities and that the City loan the proceeds of such a financing to the Meyers for such purposes, said economic development facilities to be the expansion of an existing manufacturing facility (the "Original Project") by 8,000 square feet and the addition of certain machinery and equipment to be installed therein, to be located in the current site of the Original Project at 5101 East 65th Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of economic development and increase in job opportunities (approximately 4 new jobs at the end of one year and 10 new jobs at the end of three years) to be achieved by the expansion, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, expansion and construction of the facilities will not have an adverse competitive effect on any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City in an approximate amount of \$400,000 under the Act to be issued pursuant to the provisions of the Mortgage and Indenture of Trust dated as of October 1, 1979, among Frederick E. Meyer and John R. Meyer, the City of Indianapolis and The Indiana National Bank, as Trustee, and the loaning of the proceeds of such financing to Frederick E. Meyer and John R. Meyer (the "Meyers") for such purposes, including the expansion and equipping of the economic development facilities and the lease of the Project to Meyer Plastics, Inc., solely owned by John R. Meyer, and Thermoset Plastics, Inc., solely owned by Frederick E. Meyer will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Meyers to proceed with the acquisition, new construction, expansion and equipping of the Project, the City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Meyers; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Meyers of moneys expended by the Meyers for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter either lease the same to the Meyers or loan the proceeds of such financing to the Meyers for the same purpose or sell the same to the Meyers.

SECTION 5. This resolution shall be in full force and effect upon its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 239, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$700,000 for Bright Sheet Metal Company, Inc. The Economic Development Commission approved this project subject to private placement of the bonds. The Economic Development Committee approved this proposal on June 5, 1981, by a vote of 3-0. After brief discussion, Councillor Tintera moved, seconded by Councillor Rhodes, for adoption. Proposal No. 239, 1981, was adopted on the following roll call vote; viz:

27 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer*

NO NAYS

2 NOT VOTING: *Mr. Clark, Mr. West*

Proposal No. 239, 1981, was retitled SPECIAL RESOLUTION NO. 40, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Bright Sheet Metal Co., Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition, renovation and equipping of a 20,000 square foot building presently used as a tool & die shop for use in the Company's business of industrial and commercial sheet metal fabrication, design and installation and the machinery and equipment to be installed therein to be located at 923 North Illinois Street, Indianapolis, Indiana, on an approximate 0.76 acre tract of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 10 additional jobs at the end of one year and 25 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$700,000 under the Act to be privately placed and to be guaranteed by Riad Shaheen, James Coffey and Donald Cox for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Bright Sheet Metal Co., Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, and equipping of the Project, the City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 240, 1981. Councillor Tintera stated that this proposal authorizes proceedings with economic development bonds in the amount of \$325,000 for Brignotti-Cotter. The Economic Development Committee recommended passage "As Amended" of this proposal on June 5, 1981, by a vote of 3-0. Councillor Tintera stated that the amendment increased the amount of the bonds from \$325,000 to \$345,000. Councillor Tintera moved to delete the introduced version of Proposal

No. 240, 1981, and submit therefore Proposal No. 240, 1981, As Amended, seconded by Councillor Rhodes. Council consent was given. Councillor Tintera explained that this project authorizes Bignotti-Cotter Building Partnership to build a 9,000 square foot shop on 2.5 acres of land at 130 North Roena Street. After brief discussion, Councillor Tintera moved, seconded by Councillor Gilmer, for adoption As Amended. Proposal No. 240, 1981, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: *Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer*

NO NAYS

3 NOT VOTING: *Mr. Boyd, Mr. Schneider, Mr. West*

Proposal No. 240, 1981, As Amended, was retitled SPECIAL RESOLUTION NO. 41, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 41, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Bignotti-Cotter, an Indiana General Partnership (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the construction of a new approximately 9,000 square foot building for use in the Company's business of building and maintenance of race cars, and the machinery and equipment to be installed therein to be located at 130 Roena, Indianapolis, Indiana, on an approximate 2.5 acre tract of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 14 additional jobs at the end of one year and 18 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$345,000 under the Act to be privately placed for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Bignotti-Cotter, an Indiana General Partnership (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, and equipping of the Project, the City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 241, 1981. This proposal authorizes proceedings with economic development bonds in the amount of \$250,000 for Wilson Trailer Councillor Tintera noted that the Economic Development Committee, on June 5, 1981, amended this proposal by restating the name as Wilson Trailer Sales of Indiana, Inc. Councillor Tintera moved to delete the introduced version and submit therefore Proposal No. 241, 1981, As Amended, seconded by Councillor Brinkman. Consent was given. After discussion, Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 241, 1981, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

2 NOT VOTING: Mr. Boyd, Mr. West

Proposal No. 241, 1981, As Amended, was retitled SPECIAL RESOLUTION NO. 42, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 1981

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Wilson Trailer Sales of Indiana, Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition, construction and equipping of a new approximately 6 bay building for use in the Company's business of semi-trailer repair, rebuilding, with some sales and it will also have the capacity to manufacture trailers and the machinery and equipment to be installed therein to be located at 1245 Harding Court, Indianapolis, Indiana, on an approximate 7 acre tract of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 5 additional jobs at the end of one year and 10 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$250,000 under the Act to be privately placed with Toy National Bank (of Sioux City, Iowa) for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Wilson Trailer Sales of Indiana, Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction, and equipping of the Project, the City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell or lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon its adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 242, 1981. Councillor Tintera stated that this proposal authorizes the issuance of \$2,200,000 of economic development bonds for Purolator, Inc. Project. Councillor Tintera noted that the amount was amended down from \$2,200,000 to \$1,700,000. Councillor Tintera also noted other technical amendments that were made. The Economic Development Committee discussed and amended this proposal on June 5, 1981, and recommended passage by a vote of 4-0. Councillor Tintera moved to delete the introduced version, and substitute therefore, Proposal No. 241, 1981, As Amended, seconded by Councillor Brinkman. Consent was given. This proposal is for the construction of a 18,000 square foot facility at 1101 South Girls School Road on 3.3 acres of land and for the purchase of equipment. After brief discussion, Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 242, 1981, As Amended, was adopted on the following roll call vote; viz:

28 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

1 NOT VOTING: Mr. West

Proposal No. 242, 1981, As Amended, was retitled SPECIAL ORDINANCE NO. 17, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 17, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds (Purolator, Inc. Project) Series A" in the principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) and approving and authorizing other actions in respect thereof.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 2, 1981, 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 Purolator, Inc., complies with the purposes and provisions of Indiana Code 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Bond Purchase Agreement, Financing Agreement, Combined Official Statement (but only with respect to matters pertaining to the Project to be located in Indianapolis) and Indenture of Trust, (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Purolator, Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Purolator, Inc. to be evidenced and secured by a promissory note of Purolator, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 18-6-4.5.

SECTION 2. The forms of the Bond Purchase Agreement, Financing Agreement, Combined Official Statement (but only with respect to matters pertaining to the Project to be located in Indianapolis) and Indenture of Trust approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds (Purolator, Inc. Project) Series A in the aggregate principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) for the purpose of procuring funds to loan to Purolator, Inc., in order to finance the economic development facilities, as more particularly set out in the Financing Agreement incorporated herein by reference which bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Purolator, Inc. on its promissory note in the principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) which will be executed and delivered by Purolator, Inc. to evidence and secure said loan, and as otherwise

provided in the above described Bond Purchase Agreement, Financing Agreement, Combined Official Statement (but only with respect to matters pertaining to the Project to be located in Indianapolis) and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis. SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to Dillon, Read & Co. Inc. at a stated per annum rate of interest on the Bonds not to exceed 11 3/4% and at a price not less than 98% of the aggregate principal amount thereof plus accrued interest, if any.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchasers thereof, payment for which will be made to the Trustee named in the Indenture of Trust.

SECTION 6. The provisions of this ordinance and the Indenture of Trust securing the Bonds shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds (Purolator, Inc. Project) Series A and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remain unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 18-4-5-2.

PROPOSAL NO. 243, 1981. Councillor Tintera stated that this proposal authorizes the issuance of \$6,000,000 economic development bonds for Maul Technology Corporation. The Economic Development Committee recommended passage by a vote of 4-0 on June 5, 1981. Councillor Tintera noted that the \$6,000,000 is for financing of equipment necessary for the operations of a sub-contractor for aerospace precision gears including aircraft and helicopters. After brief discussion, Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 243, 1981, was adopted on the following roll call vote; viz:

26 YEAS: *Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer*

NO NAYS

3 NOT VOTING: *Mr. Howard, Mr. Strader, Mr. West*

Proposal No. 243, 1981, was retitled SPECIAL ORDINANCE NO. 18, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1981 (Maul Technology Corporation, Indiana Gearworks Division Project)" in the principal amount of Six Million Dollars (\$6,000,000) and approving and authorizing other actions in respect thereof.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 2, 1981, 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 Maul Technology Corporation, Indiana Gearworks Division complies with the purposes and provisions of Indiana Code 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Security Agreement and Indenture of Trust, Equipment Loan Agreement and Promissory Note, (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Maul Technology Corporation, Indiana Gearworks Division for the purposes of financing the economic development facilities under installation or to be installed in Indianapolis, Indiana, and the repayment of said loan by Maul Technology Corporation, Indiana Gearworks Division, to be evidenced and secured by a promissory note of Maul Technology Corporation, Indiana Gearworks Division, will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 18-6-4.5.

SECTION 2. The forms of the Equipment Loan Agreement, Promissory Note, and Security Agreement and Indenture of Trust approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1981 (Maul Technology Corporation, Indiana Gearworks Division Project) in the principal amount of Six Million Dollars (\$6,000,000) for the purpose of procuring funds to loan to Maul Technology Corporation, Indiana Gearworks Division in order to finance the economic development facilities, as more particularly set out in the Equipment Loan Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Maul Technology Corporation, Indiana Gearworks Division, on its promissory note in the principal amount of Six Million Dollars (\$6,000,000) which will be executed and delivered by Maul Technology Corporation, Indiana Gearworks Division, to evidence and secure said loan, and as otherwise provided in the above described Security Agreement and Indentures of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser thereof at a stated per annum rate of interest on the Bonds not to exceed seventy percent (70%) of the prime commercial lending rate established by Girard Trust Bank, Philadelphia, Pennsylvania, at its principal office, each change in such applicable rate to be effective on the date such change in said prime rate is established, or such higher rate as may be provided for in the Equipment Loan Agreement and Security Agreement and Indenture of Trust, and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the purchasers thereof, payment for which will be made to the Trustee named in the Security Agreement and Indenture of Trust.

SECTION 6. The provisions of this ordinance and the Security Agreement and Indenture of Trust securing the Bonds shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1981 (Maul Technology Corporation, Indiana Gearworks Division Project) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remain unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 18-4-5-2.

PROPOSAL NO. 244, 1981. Councillor Tintera stated that this proposal authorizes the issuance of \$300,000 of economic development bonds for Omega Home Office Company. The Economic Development Committee amended this proposal by deleting the words "an Indiana General Partnership" throughout this proposal. Councillor Tintera moved to delete the introduced version and substitute therefore, Proposal No. 244, 1981, "Committee Recommendations", seconded by Councillor Gilmer. Consent was given. Councillor Tintera explained that Omega is an entity formed to hold real estate for tax purposes and will lease space in the building to the 21 cable television companies owned and operated by Robert Schloss. After discussion, Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 244, 1981, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Durnil, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer

NO NAYS

4 NOT VOTING: Mr. Dowden, Mr. Hawkins, Mr. Schneider, Mr. West

Proposal No. 244, 1981, As Amended, was retitled SPECIAL ORDINANCE NO. 19, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 19, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond, Series 1981 (Omega Home Office Company Project) in the principal amount of Three Hundred Thousand Dollars (\$300,000) and approving and authorizing other actions in respect thereof.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Omega Home Office Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 2, 1981, 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 Omega Home Office Company complies with the purposes and provisions of Indiana Code 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Mortgage and Indenture of Trust, Loan Agreement and Promissory Note, (such documents being hereafter referred to collectively as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Omega Home Office Company for the purposes of financing the economic development facilities under construction and renovation or to be constructed or renovated in Indianapolis, Indiana, and the repayment of said loan by Omega Home Office Company to be evidenced and secured by a promissory note of Omega Home Office Company will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 18-6-4.5.

SECTION 2. The forms of the Loan Agreement, Promissory Note, and Mortgage and Indenture of Trust approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 18-6-4.5) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bond, Series 1981 (Omega Home Office Company Project) in the principal amount of Three Hundred Thousand Dollars (\$300,000) for the purpose of procuring funds to loan to Omega Home Office Company in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Omega Home Office Company on its promissory note in the principal amount of Three Hundred Thousand Dollars (\$300,000) which will be executed and delivered by Omega Home Office Company to evidence and secure said loan, and as otherwise provided in the above described Mortgage and Indenture of Trust. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser thereof at a stated per annum rate of interest on the Bond not to exceed sixty-five percent (65%) of the prime commercial lending rate established by Merchants National Bank and Trust Company at its principal office, each change in such applicable rate to be effective on the next subsequent interest payment date after such change in said prime rate is established, or such higher rate as may be provided for in the Loan Agreement and Mortgage and Indenture of Trust, and at a price not less than 100% of the principal amount thereof.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction, including the Bond authorized herein. The signatures of the Mayor and City Clerk on the Bond shall be manual signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the purchasers thereof, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust.

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust securing the Bond shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bond, Series 1981 (Omega Home Office Company Project) and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remain unpaid.

SECTION 7. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 18-4-5-2.

PROPOSAL NO. 253, 1981. Councillor McGrath stated that this proposal changes intersection controls in Summerfield South Subdivision and on North Pennsylvania Street. The Transportation Committee approved this proposal on June 3, 1981, by a vote of 4-0. Councillor McGrath explained that the intersections of Summerfield Drive and West 34th Street, and Burmaster Court and Summerfield Drive are new subdivisions. The intersections of Pennsylvania Street and 10th Street, and Pennsylvania Street and Sahm Street have not been previously listed with the Department of Transportation. Councillor McGrath moved, seconded by Councillor Rader, for adoption. Proposal No. 253, 1981, was adopted on the following roll call vote; viz:

27 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Vollmer

NO NAYS

2 NOT VOTING: Mr. Tintera, Mr. West

Proposal No. 253, 1981, was retitled GENERAL ORDINANCE NO. 54, 1981, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 54, 1981

A GENERAL ORDINANCE changing intersection controls in Summerfield South Subdivision and on North Pennsylvania Street. (Amends Code Sec. 29-92)

**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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
25 pg. 23	Pennsylvania St. & 10th St.		None
25 pg. 23	Pennsylvania St. & Sahn St.		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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
25 pg. 23	Pennsylvania St. & 10th St.	Pennsylvania St.	Stop
25 pg. 23	Pennsylvania St. & Sahn St.	Pennsylvania St.	Stop
15 pg. 1	Summerfield Dr. & W. 34th St.	W. 34th St.	Stop
15 pg. 1	Burmester Ct. & Summerfield Dr.	Summerfield Dr.	Yield

SECTION 3. This ordinance shall be in full force and effect from and after adoption and compliance with IC 18-4-5-2.

PROPOSAL NO. 255, 1981. Councillor Durnil explained that this proposal provides a legal basis for streamlining the procedure for obtaining development permits. The Metropolitan Development Committee, on June 3, 1981, amended Proposal No. 255, 1981, by deleting Chapters 10½ and 27 of the Code. Councillor Durnil moved to delete the introduced version of Proposal No. 255, 1981, and submit therefore, Proposal No. 255, 1981, "Committee Recommendations", seconded by Councillor Parker. Council consent was given. After discussion, Councillor Durnil moved, seconded by Councillor Parker, for adoption. Proposal No. 255, 1981, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Vollmer

NO NAYS

2 NOT VOTING: Mr. Tintera, Mr. West

Proposal No. 255, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 55, 1981, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 1981

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by amending Chapter 8 to provide a legal basis for the streamlining of the procedures utilized in obtaining development permits.

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

SECTION 1. Chapter 8 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words cross-hatched as follows:

Sec. 8-21. Territorial application.

This chapter shall be applicable throughout the territorial limits of the Consolidated City of Indianapolis, State of Indiana. Article IV, division 2 of this Chapter shall be applicable throughout the territorial limits of Marion County.

Sec. 8-31(e)

~~Any person, partnership or corporation which owns, is a contract purchaser or is a long term lessee of an improved or unimproved parcel of land may obtain a building permit to accomplish construction activity on such parcel carried out through direct efforts of the person or direct efforts of employees or non-compensated volunteers of the person, partnership or corporation. Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV, Division 5 requires licensure. The requirements of section 8-200 and section 8-230 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which article IV, division 3 and 4 require licensure. Such a person must himself apply for the building permit which he is authorized to obtain. Such a partnership must apply for the building permit which it is authorized to obtain through a partner. Such a corporation must apply for the building permit which it is authorized to obtain through an employee having authority to act for the corporation.~~

Any person, partnership or corporation which owns, is a contract purchaser or is a long term lessee of an improved or unimproved parcel of land may obtain a building permit to accomplish construction activity on such parcel carried out through direct efforts of the person or direct efforts of employees or non-compensated volunteers of the person, partnership or corporation. Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV, Division 5 requires licensure. The requirements of section 8-200 and section 8-230 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which article IV, division 3 and 4 require licensure. Such a person must himself apply for the building permit which he is authorized to obtain. Such a partnership must apply for the building permit which it is authorized to obtain through a partner. Such a corporation must apply for the building permit which it is authorized to obtain through an employee having authority to act for the corporation.

Sec. 8-103. Revocation of permits.

The administrator of the division of buildings may revoke a building permit when ~~the application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; and~~

- (a) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; and
- (b) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures; or
- (c) There is a failure to comply with the requirements of section 8-31, 8-32 or 8-36; or
- (d) The contractor has failed to maintain the surety bond or insurance required as a condition of his licensure or listing; or
- (e) The contractor has failed to maintain the insurance required by section 8-32 as a prerequisite for obtaining a building permit for the demolition or removal of a structure in excess of seventy-five (75) feet in height.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. 8-107. Securing payment of bonds and drawing against letters of credit.

Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.

(1) A claim may be asserted by providing written notice of the claim to the surety or financial institution. The written notice must be provided within one year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one year from the date when the fee was first due and owing.

(2) Court actions may be initiated as follows:

a. The Corporation Counsel of the Consolidated City of Indianapolis may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:

(A) 1. As a penalty in an amount to be determined by the court up to five thousand dollars (\$5,000.00) whenever any listing or license issued pursuant to this chapter is suspended or revoked; or

(B) 2. To identify the Consolidated City of Indianapolis against any loss, damage or expense for damages to property of the City caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in section 10-2-9 of this Code), sewer work (as defined in section 29-1 of this Code) or driveway work (as defined in section 28-139 of this Code) while engaged in any construction activity, land alteration, sewer work or driveway work; or

(A) 3. To secure payment of any fees owed to the Consolidated City of Indianapolis pursuant to this chapter, chapter 10-2, section 27-22 or chapter 28, article III, division 2 and 3 of this Code which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.

b. A person, partnership or corporation which holds a property interest in the real estate on which construction activity, a land alteration, sewer work or driveway work has occurred may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state statute, city regulation or this Code which must be met to properly carry out construction activity, a land alteration, sewer work or driveway work, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers, after written notice of the Code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also recover, as part of the judgment, court costs and attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

(b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work or driveway work.

(c) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

(b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work or driveway work.

(c) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

(b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work or driveway work.

(d) If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of section 8-168, 8-194, 8-224 or 8-254. In order to meet the requirements of section 8-168, 8-194, 8-224 or 8-254 the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for listing or licensure by section 8-168, 8-194, 8-224 or 8-254.

Sec. 8-161. Board of contractors.

A board of contractors (hereinafter in this Division referred to as the "board") shall consist of eight (8) members and shall be responsible for carrying out the provisions of this Division relative to listing of contractors. The administrator shall be a non-voting member of the board, ex officio. The seven (7) voting members of the board shall be appointed by the mayor for two (2) year terms in such manner that three (3) terms expire on January 1st of one year and four (4) other terms expire on January 1st of the next year. Six (6) of the seven (7) members appointed by the mayor shall be persons who are listed in accordance with this Division and who have had at least five (5) years' experience as contractors, and the remaining appointed member shall be a person (not listed under this Division) representing the public at large. Appointment of the six (6) listed contractors shall be made in such manner that varied fields of contracting, such as driveway construction, excavation, grading, major construction and one and two family house building, are represented on the board. Each of appointed members shall be a resident of the Consolidated City. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the Consolidated City.

Sec. 8-162. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the Consolidated City and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

Sec. 8-163. Meetings of board.

The board shall hold regular meetings once each month in offices of the Consolidated City if there is some official business to come before the board. Special meetings may be called by the chairman or any three (3) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Four (4) appointed members of the board shall constitute a quorum for the transaction of all business.

Sec. 8-167. Inspector status.

The inspector status is met by a person who is employed full time by the Consolidated City in a position in which he makes or supervises the making of inspections to determine compliance with building standards and procedures, Article II provisions or this division of this chapter , the proper performance of any land alteration (as defined in section 10-2-9 of this Code) in accordance with state law and chapter 10-2 of this Code, the proper performance of all sewer work (as defined in section 27-1 of this Code) in accordance with state law (including rules of the Administrative Building Council), rules and requirements of the Department of Public Works and chapter 27 of this Code and the proper performance of all driveway work chapter 28, article III, divisions 2 and 3 of this Code. Such a person shall not use his listing other than with respect to his employment by the City of Indianapolis. Licensure

Listing under this section terminates by operation of law when the person is no longer employed by the Consolidated City and does not meet the requirements of section 8-168 and section 8-169.

Sec. 8-168. Bond.

(a) Before a listing is issued by the division of buildings to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of five thousand dollars (\$5,000.00). The bond shall be maintained in full force and effect for each period between August 1st and July 31st of the following year (or the balance of the listing period if it is shorter) and shall be:

(A) (1) Issued by a surety authorized to do business in Indiana;

(B) (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;

(C) (3) Conditioned upon:

(1) Compliance with requirements set forth in Article IV of this Chapter which must be met to retain listing and licensure; and

(2) Prompt payment of all fees owed the Consolidated City as set forth in this chapter, chapter 10½, chapter 27 and chapter 28 of this Code; and

(3) Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action, of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration (as defined in section 10½-9 of this Code), sewer work (as defined in section 27-1 of this Code) or driveway work (as defined in section 28-139 of this Code) while engaged in any construction activity, land alteration, sewer work or driveway work; and

(4) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any losses or expenses necessary to correct violations, and court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work or driveway work, on property of the unknown third party obligee, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction activity, land alteration, sewer work or driveway work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute city regulation or this Code, which requirement must be met to properly carry out construction activity, a land alteration, sewer work or driveway work.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undischarged balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undischarged balance of the letter of

credit, the surety or financial institution shall pro rate payment according to the amount of such claims.

Sec. 8-169. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction activity accomplished by the listed contractor or under permits obtained by the listed contractor, any land alteration (as defined in section 10-1/2-9 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, all sewer work (as defined in section 27-1 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, and all driveway work (as defined in section 28-139 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor and thereafter maintains such insurance in full force and effect:

(a) A public liability and property damage insurance policy assuring the listed contractor and naming the Consolidated City of Indianapolis as an "additional assured", and providing for the payment of any liability imposed by law on such listed contractor of the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the listed contractor in the minimum amounts of three hundred thousand dollars (\$300,000.00) for any occurrence relative to which there is injury or death to one or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of buildings.

(b) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the listed contractor. A certificate of such insurance shall be delivered to the administrator of the division of buildings. This provision shall not apply if the listed contractor has no employees and gives appropriate notice to the division of buildings.

The insurance carrier shall give notice both to the listed contractor and the division of buildings at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 8-170. Approval of listing.

Approval of a person, partnership or corporation as a listed contractor shall be by the board or the administrator acting on behalf of the board. Upon receipt of such approval the controller shall issue the listing. The listing shall be for a one year period between August 1st and July 31st of the following year, or for the remainder of the listing period ~~if that is shorter~~, whichever time period is shorter. No listing shall be issued by the controller to any person, partnership or corporation except as provided in this division.

Sec. 8-172. Suspension or revocation of listing for a person.

~~The board may, pursuant to section 8-174, suspend the listing of a person for a period of up to three hundred sixty-five (365) days or revoke the listing of a person if one of the following is shown:~~

~~(1) The listed contractor made any materially false statement of fact on his application for listing;~~

~~(2) The listed contractor failed to post and maintain the surety bond and insurance required by section 8-168 and section 8-169;~~

~~(3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity for which listing is required;~~

~~(4) Construction activity for which listing is required and for which the listed contractor was responsible as obtainer or transferee of the permit, was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures;~~

~~(5) The listed contractor failed to correct a violation of building standards and procedures relative to construction activity for which the listed contractor was responsible as obtainer or transferee of the permit after the administrator of the division of buildings issued a notice of building code violation, revoked a building permit or issued a stop-work order that the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date issuance of the building code violation, revocation of permit or stop-work order or in the instance where a period of ten (10) days was not sufficient such longer period of time as was fixed by the administrator in writing;~~

(6) The listed contractor has consistently failed to apply for or obtained required permits for construction activity accomplished by the listed contractor or under his supervision;

(7) The listed contractor has consistently failed to timely file certificates of completion and compliance for construction activity accomplished pursuant to his listing;

(8) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity as required by section 8-61;

(9) The listed contractor has attempted to conceal violations of building standards and procedures;

(10) The contractor listed under section 8-167 is no longer employed by the division of buildings and has not met the requirements of section 8-166;

(11) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter.

The board may, pursuant to section 8-174, suspend the listing of a person for a period of up to three hundred sixty-five (365) days or revoke the listing of a person if one of the following is shown:

(1) The listed contractor made any materially false statement of fact on his application for listing;

(2) The listed contractor failed to post and maintain the surety bond and insurance required by section 8-168 and section 8-169;

(3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 27-1 of this Code) or driveway work (as defined in section 28-139 of this Code);

(4) Construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the City or provisions of this Code;

(5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the City or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the Consolidated City issued a notice of code violations revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

(6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work or driveway work accomplished by the listed contractor;

(7) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his listing;

(8) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section 8-61 and 27-22 of this Code;

(9) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the City or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work.

(10) The contractor listed under section 8-167 is no longer employed by the Consolidated City and has not met the requirements of section 8-166;

(11) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, chapter 10½, section 27-22 or chapter 28, article III, divisions 2 and 3 of this Code.

Sec. 8-173. Suspension or revocation of listing for partnership or corporation.

The board may, pursuant to section 8-174, suspend the listing of a partnership or corporation for a period of up to three hundred sixty-five (365) days or revoke the listing of a partnership or corporation if one of the following is shown:

(1) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listing contractor;

(2) The listed contractor failed to post and maintain the surety bond and insurance required by section 8-168 and section 8-169;

(3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with construction activity for which listing is required under this chapter;

(4) Construction activity for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet the standards of reasonably workmanship or compliance with building standards and procedures.

(5) The listed contractor failed to correct a violation of building standards and procedures relative to construction activity for which the listed contractor was responsible as obtainer or transferee of the permit after the administrator of the division of buildings issued a notice of building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient such longer period of time as was fixed by the administrator in writing;

(6) The listed contractor has consistently failed to apply for and obtain required permits for construction activity accomplished by the listed contractor;

(7) The listed contractor has consistently failed to give notice of availability for inspection at designated stages of construction activity as required by section 8-61;

(8) The listed contractor has consistently failed to timely file/certificates of completion and compliance, as required, for construction activity accomplished pursuant to his listing;

(9) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued;

(10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this division currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days;

(11) The partnership presently has a partner or the corporation presently has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this division at the time when actions related to policies or practices of the partnership or corporation (occurred which) provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days;

(12) The listed contractor has attempted to conceal violations of building standards and procedures.

The board may, pursuant to section 8-174, suspend the listing of a partnership or corporation for a period of up to three hundred sixty-five (365) days or revoke the listing of a partnership or corporation if one of the following is shown:

(1) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;

(2) The listed contractor failed to post and maintain the surety bond and insurance required by section 8-168 and section 8-169;

(3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 27-1 of this Code) or driveway work (as defined in section 28-139 of this Code);

(4) Construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the City or provisions of this Code;

(5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the City or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the Consolidated City issued a notice of code violation, revoked a permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

(6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work or driveway work accomplished by the listed contractor;

(7) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section 8-61 and section 27-22 of this Code;

(8) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to its listing;

(9) The listed contractor has not properly paid the fee specified by section 8-87 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, chapter 10½, section 27-22 of chapter 28, article III, division 2 and 3 of this Code;

(10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this division currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days;

(11) The partnership presently has a partner or the corporation presently has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this division at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days;

(12) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the City or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work.

Sec. 8-174. Hearing and appeal.

(a) The date and place for a revocation or suspension hearing shall be fixed by the board. At least ten (10) days before such date a written copy of the charges, prepared by the ~~Board of Building and Construction~~ Consolidated City, and notice of the time and place of the hearing thereon shall be served upon the listed contractor, either by hand delivery to the charged listed person or to the partner of a charged listed partnership or officer of a charged listed corporation, or by certified mail with return receipt addressed to the listed contractor at its main place of business as shown by the listed contractor's application for listing. The ten (10) or more days shall run from the date such notice is mailed as shown by the postmark thereon.

(b) The listed contractor may appear in person or by counsel, produce evidence (including testimonial and documentary evidence), make argument and cross-examine witnesses at such hearing. The ~~Board of Building and Construction~~ Consolidated City shall have the same right. The board may cause or allow any other relevant evidence to be introduced. On the basis of the evidence presented at the hearing, the board shall make findings and enter an order in accordance with such findings, which shall not become effective until ten (10) days after notice and a copy thereof has been served upon the listed contractor in the same manner required for notice of the hearing.

(c) On or before ten (10) days after service of said order, the listed contractor may appeal therefrom to the director of the department of metropolitan development, by serving a notice of appeal upon the director either in person or by filing it at his office, with a copy thereof delivered to the board at the office of the administrator of the division of buildings, who shall deliver such copy to the board. Unless such appeal is so taken, the order of the board shall be final.

(d) If so appealed, the order of the board shall be stayed until the appeal is heard and determined by the director of the department of metropolitan development, under the procedures prescribed by statute for hearing on the suspension or revocation of licenses. The director shall thereupon render such decision as he finds justified and sustained by the evidence, either affirming, reversing or modifying the terms of the order of the board. The director's order shall be final and conclusive and be binding upon both the listed contractor and the board.

Sec. 8-175. Improper display.

It shall be unlawful for any person, partnership or corporation accomplishing construction activity, land alteration, sewer work or driveway work to use the word "listed" in connection with its business if such person, partnership or corporation is not a listed contractor. Such a person, partnership or corporation shall not, for example, use the word "listed" on any display used for advertising or identification or on any of its business forms.

Sec. 8-194. Bond.

(a) Before a license is issued by the division of buildings to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ~~two thousand dollars (\$2,000.00)~~ five thousand dollars (\$5,000.00). The bond shall be maintained in full force and effect for each period between January 1st and December 31st (or the balance of the licensure period if it is shorter) and shall be:

(1) Issued by a surety authorized to do business in Indiana;

(2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;

(3) Conditioned upon:

~~(1) Prompt payment of all fees owed the Consolidated City as set forth in this chapter; and~~

(a) Compliance with requirements set forth in this Chapter which must be met to retain licensure; and

(b) Prompt payment of all fees owed the Consolidated City as set forth in this chapter; and

(c) Prompt payment to the Consolidated City of Indianapolis for any loss or expense or damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any electrical work or any related construction activity; and

(d) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

~~(1) losses arising out of violations,~~
~~(2) expenses necessary to correct violations, and~~
~~(3) court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction activity.~~

1. losses arising out of violations,
2. expenses necessary to correct violations, and
3. court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections afforded by the surety bond.

(c) The obligation of the surety financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undischarged balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undischarged balance of the letter of credit, the surety or financial institution shall pro rate payment according to the amount of such claims.

Sec. 8-224. Bond.

(a) Before a license is issued by the division of buildings to any person, partnership or corporation, the administrator shall require the applicant to file a surety in the amount of five thousand dollars (\$5,000.00). The bond shall be maintained in full force and effect for each period between January 1st and December 31st (or the balance of the licensure period if it is shorter) and shall be:

(A) (1) Issued by a surety authorized to do business in Indiana;

(B) (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;

(C) (3) Conditioned upon:

(1) Compliance with requirements set forth in this Chapter which must be met to retain licensure; and

(2) Prompt payment of all fees owed the Consolidated City as set forth in this chapter; and

(3) Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action, of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction activity; and

(4) Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

1. losses arising out of violations,
2. expenses necessary to correct violations, and
3. court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in heating and cooling work or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the Corporation Counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undischarged balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undischarged balance of the letter of credit, the surety or financial institution shall pro rate payment according to the amount of such claims.

Sec. 8-254. Bond.

(a) Before a license is issued by the division of buildings to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license, and ten thousand dollars (\$10,000.00) in the case of a type C license. The bond shall be maintained in full force and effect for each period between January 1st and December 31st (or the balance of the licensure period if it is shorter) and shall be:

(1) Issued by a surety authorized to do business in Indiana;

(b) (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;

(3) Conditioned upon:

~~(1) (1) Issued by a surety authorized to do business in Indiana;~~

a. Compliance with requirements set forth in this Chapter which must be met to retain licensure; and

b. Prompt payment of all fees owed the Consolidated City as set forth in this chapter; and

c. Prompt payment to the Consolidated City of Indianapolis for any loss/expense or damage to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, or employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any wrecking or any related construction activity; and

d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:

~~(1) (1) Issued by a surety authorized to do business in Indiana;~~

1. losses arising out of violations,

2. expenses necessary to correct violations, and

3. court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in wrecking or any related construction activity.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the City Controller approves the obligor financial institution as being financially responsible and if the Corporation Counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro rate payment according to the amount of such claims.

SECTION 2. Notwithstanding what is stated elsewhere in Chapter 8, Article IV, division 2 of this Code, during the calendar year 1981, the mayor shall appoint two additional members of the Board of Contractors for terms which begin on August 1, 1981. One of the members shall serve until January 1, 1982 and the other member shall serve until January 1, 1983. Neither member shall be required to be listed at the time of appointment. Preference in the appointment of these two members shall be given to contractors engaged in excavation, grading or driveway construction.

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

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the valid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. (a) All of the provisions of this ordinance shall be in effect from and after August 1, 1981, except as provided in subsections (b) and (c). (b) The following provisions shall be in effect from and after passage of the ordinance by the Council and compliance with I.C. 18-5-5-2:

Sec. 8-31
Sec. 8-103
Sec. 8-170

(c) The following provisions shall be in effect from and after January 1, 1982:

Sec. 8-194
Sec. 8-224
Sec. 8-254

PROPOSAL NOS. 275-278, 1981. Councillor Schneider moved, seconded by Councillor Dowden, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move that the City-County Council do hold, a further public hearing on Proposal No. 278, 1981, entitled "A Proposal for a REZONING ORDINANCE" as certified by the Metropolitan Development Commission as Docket No. 81-Z-78 that the Council do hereby schedule the same for a public hearing before the full City-County Council at its next regular meeting on July 6, 1981, at 7:00 p.m., or as soon thereafter as the same may be heard; and that the Clerk be and is hereby instructed to cause the proper legal notices of such hearing to be given.

s/Councillor Schneider

The motion carried by unanimous voice vote. There being no action on Proposal Nos. 275-277, 1981, they were retitled REZONING ORDINANCE NOS. 81-83, 1981, and read as follows:

**REZONING ORDINANCE NO. 81, 1981 81-Z-65 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18
925 NORTH HIGH SCHOOL ROAD, INDIANAPOLIS**

Dorothy Voight, by Henry Y. Dein, requests rezoning of 2.02 acres, being in A-2 district, to C-3 classification, to provide for retail, office and a banking center.

REZONING ORDINANCE NO. 82, 1981 81-Z-69 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1

5001 LAFAYETTE ROAD, INDIANAPOLIS

Marathon Oil Company, by James R. Nickels, requests rezoning of 4.40 acres, being in D-4 district, to C-5 classification, to provide for commercial use.

REZONING ORDINANCE NO. 83, 1981 81-Z-70 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 14

3301 EAST WASHINGTON STREET, INDIANAPOLIS

Tom Wood, Inc., by Long John Silver's Seafood Shoppes, by Connie L. Hren, requests rezoning of 0.71 acre, being in I-3-U district, to C-4 classification, to provide for restaurant use.

NEW BUSINESS

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:09 p.m.

We hereby certify that the above and foregoing is a full, true, and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, Indiana, held at its Regular Meeting on the 8th day of June, 1981.

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

ATTEST:



President



Clerk of the City-County Council

(SEAL)