

**CITY-COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Monday, July 19, 1982**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:15 p.m., Monday, July 19, 1982. President SerVaas in the Chair. Mr. Wayne E. Rader opened the meeting with a prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

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

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

**CORRECTION OF THE JOURNAL**

The Chair called for additions or corrections to the Journal of June 21, 1982. There being no additions or corrections, the minutes of June 21, 1982, were approved as distributed.

**OFFICIAL COMMUNICATIONS**

The President called for the reading of 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, July 19, 1982, 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 Indiana COMMERCIAL on July 8, 1982, and July 15, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 235, 236, 237, and 238, 1982, to be held on Monday, July 19, 1982, 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 resolutions:

FISCAL ORDINANCE NO. 40, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981), appropriating an additional Seventy-eight Thousand Forty-four dollars (\$78,044) in the Crime Control Fund for purposes of the Marion County Prosecutor and Marion County Auditor and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

FISCAL ORDINANCE NO. 41, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981), transferring and appropriating Three Thousand Six Hundred Fifteen dollars (\$3,615) in the County General Fund for purposes of the Marion County Cooperative Extension Service and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 42, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981), transferring and appropriating Ten Thousand dollars (\$10,000) in the County General Fund for purposes of the Marion County Auditor, reducing certain other appropriations for that division and authorizing changes in the personnel compensation schedule.

FISCAL ORDINANCE NO. 43, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981), transferring and appropriating Fourteen Thousand Three Hundred Sixty-three dollars (\$14,363) in the County General Fund for purposes of the Marion County Prosecutor's Child Support Division and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 55, 1982, enlarging the boundaries of the Fire Special Service District and the Police Special Service District of the City of Indianapolis, by amending the "Code of Indianapolis and Marion County, Indiana," and fixing a time when the same shall be effective.

GENERAL ORDINANCE NO. 56, 1982, amending City-County General Ordinance No. 68, 1981, authorizing changes in the personnel schedule of the Washington Township Trustee's Office.

GENERAL ORDINANCE NO. 57, 1982, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

**SPECIAL ORDINANCE NO. 10, 1982, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 (Wolverine World Wide, Inc. Project)," in the principal amount of One Million Four Hundred Thousand dollars (\$1,400,000) and approving and authorizing other actions in respect thereto.**

**SPECIAL ORDINANCE NO. 11, 1982, authorizing the City of Indianapolis to issue its "Economic Development Revenue Notes, Series 1982 (301 Massachusetts Avenue Project)," in the aggregate principal amount of Two Hundred Forty Thousand dollars (\$240,000) and approving and authorizing other actions in respect thereto.**

**SPECIAL ORDINANCE NO. 12, 1982, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1982 (Cabot Corporation Project)," in the principal amount of One Million dollars (\$1,000,000) and approving and authorizing other actions in respect thereto.**

**SPECIAL RESOLUTION NO. 37, 1982, commending the contributions of Dr. Karl Kalp.**

**SPECIAL RESOLUTION NO. 38, 1982, commending Sharyn Seitz.**

**SPECIAL RESOLUTION NO. 39, 1982, urging the Indiana delegation to the United States Congress to consider action to amend the antitrust laws.**

**SPECIAL RESOLUTION NO. 40, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 41, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 42, 1982, approving the disposal of certain real estate of the Department of Parks and Recreation.**

**SPECIAL RESOLUTION NO. 43, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 44, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 45, 1982, approving the disposal of certain real estate of the Department of Public Works.**

**SPECIAL RESOLUTION NO. 46, 1982, urging the Indiana General Assembly to amend the Code to allow counties to enact a flat fixed dollar tax on motor vehicles.**

Respectfully submitted,

s/William H. Hudnut, III  
Mayor

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

**Ladies and Gentlemen:**

The ten days within which I have the power to sign Ordinances enacted by the City-County Council into law have elapsed, and I have decided not to affix my signature to Proposal No. 562, 1981, pertaining to permitting two-way traffic on College Avenue between Virginia Avenue and Massachusetts Avenue.



In reviewing the message, a copy of which I attach, to you under the date April 18, 1980, outlining the reasons vetoing an identical Ordinance at that time, it seemed to me that the reasons enumerated then still have merit. To be sure, times have changed a little bit; there is a little bit more neighborhood development now and will be more in the future; and traffic flow congestion has possibly been relieved somewhat by the additional two years of experience with the interstate system around this corridor. Nonetheless, I believe that the basic reasoning still remains.

It seems to me that it is imprudent to ask D.O.T. to spend approximately \$100,000 on this project, given the stringent circumstances facing D.O.T. in financing its regular street maintenance programs. I do not see how we can justify asking D.O.T. to spend this amount of money when there are an awful lot of streets that need to be resurfaced out of their budget, and we have just enacted a wheel tax to enhance the revenues available to that department for street repair and improvement.

Additionally, I have some question about the propriety of the procedures involved in bringing this Ordinance to a vote. It is my understanding that there was no opportunity provided for a public hearing on this subject at which the pros and cons could be discussed, and that the Transportation Committee of the City-County Council had not made a recommendation on it one way or the other.

Finally, it seems to me that it might be time for the Department of Transportation to be asked to begin a new overall study of traffic flow and congestion in the inner-loop area, in light of the construction of the interstate system, the imminent changes in West Street, the possible construction of a Washington Street Mall, and the development of many new residential units in the northeast quadrant of the inner-loop area. It seems to me that it is quite possible that the traffic flow requirements will be different than they were when the two-way pair system was adopted back in the 1950's. That system has served us well, but there is nothing sacrosanct about it, and it is conceivable as time change, some things ought to be altered. However, to alter them in a piecemeal fashion, rather than to adopt an overall master plan, seems to me to be unwise. It would be preferable if we could take a look at the whole area before deciding on which streets should be changed so far as traffic flow on them is concerned.

For these reasons, it seems to me best not to sign the above referenced proposal into law. I realize my decision will not be pleasing to some of the Councillors, but I must do what I think is right.

Sincerely yours,

s/William H. Hudnut, III  
Mayor

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

PROPOSAL NO. 280, 1982. Councillor Gilmer introduced and read the proposal honoring Benjamin Mordecai and his contributions to downtown Indianapolis and the Indiana Repertory Theatre, and moved for its adoption. Proposal No. 280, 1982, was adopted by unanimous voice vote. Councillor Gilmer presented Mr. Mordecai with a copy of Special Resolution No. 47, 1982. Also present with Mr. Mordecai was his wife, Sherry, and his daughter, Rachael. SPECIAL RESOLUTION NO. 47, 1982, reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 47, 1982**

**A SPECIAL RESOLUTION honoring Benjamin Mordecai.**

**WHEREAS, the talents and aspirations of Benjamin Mordecai have helped bring to fruition eleven seasons of Repertory Theatre in Indianapolis; and**

**WHEREAS, the Indiana Repertory Theatre (IRT) under the tutelage of co-founder and producing Director Benjamin Mordecai has developed a sizeable annual audience attending downtown professional performances; and**

**WHEREAS, the cornerstone of developing Indianapolis as a regional center is enhanced by the desire of entrepreneurs to realize visions such as Ben Mordecai's in establishing IRT; and**

**WHEREAS, IRT has gained national recognition as a growing regional theatre under the leadership of Benjamin Mordecai; and**

**WHEREAS, friends, followers and admirers wish Ben Mordecai well in his endeavors as Managing Director of the Yale University Repertory Theatre; now, therefore:**

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

**SECTION 1. The City-County Council commends Benjamin Mordecai for his contributions to revitalize downtown Indianapolis.**

**SECTION 2. The City-County Council expresses its appreciation of Mr. Mordecai's considerable talents and hereby congratulates him on his appointment as Managing Director of the Yale University Repertory Theatre in New Haven, Connecticut.**

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

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

PROPOSAL NO. 281, 1982. Councillor McGrath introduced and read the proposal commending Anthony D. Mangine for his service to the City of Indianapolis as payroll manager, and moved for its adoption. Proposal No. 281, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 48, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 48, 1982**

**A SPECIAL RESOLUTION commending Anthony D. Mangine for his service to the City of Indianapolis.**

**WHEREAS, Anthony D. Mangine served as Payroll Manager for the City of Indianapolis from April, 1979, until July, 1982; and**

**WHEREAS, as paymaster for the City, Mr. Mangine executed his duties in a proficient and timely manner; and**

**WHEREAS, Anthony D. Mangine has decided to relocate outside the City, thus ending his dedicated service to the City of Indianapolis; now, therefore:**

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

**SECTION 1.** The City-County Council commends Anthony D. Mangine for his prudent management of the City's payroll.

**SECTION 2.** The Mayor is invited to join with the Council by affixing his signature hereto.

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

PROPOSAL NO. 282, 1982. Councillor Parker introduced and read the proposal honoring Keven Enders, A'lia Haley, Steve Parson, Angela Brown, Karmen Owens, Charles Walton, and Johnny DeWalt for their outstanding participation in the Afro-Academic Cultural Technological Scientific Olympics. Councillor Parker presented each of the students with a copy of the resolution. She then moved for adoption. Proposal No. 282, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 49, 1982, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 49, 1982**

**A SPECIAL RESOLUTION honoring seven outstanding students.**

**WHEREAS,** the Afro-Academic Cultural Technological Scientific Olympics, known as ACT-SO, is a NAACP Program designed to generate the same respect for Black scholastics and cultural achievers that is already enjoyed by sports heroes; and

**WHEREAS,** the Indianapolis competition co-sponsored by the NAACP, Indiana Black Expo, and the I.U.P.U.I. School of Engineering and Technology produced seventeen students who represented Indianapolis in nineteen categories in the national competition in Boston, Massachusetts, at the NAACP National Convention; and

**WHEREAS,** the excellence of seven of these students afforded Indianapolis eight medals, more than any of the eighty cities represented at the competition; now, therefore:

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

**SECTION 1.** The City-County Council of Indianapolis and Marion County, Indiana, salutes:

<b>Gold Medalists:</b>	Keven Enders, Math A'lia Haley, Film Making Steve Parson, Painting
<b>Silver Medalists:</b>	Angela Brown, Vocal Music Karmen Owens, Oratory Charles Walton, Playwriting and Energy
<b>Bronze Medalist:</b>	Johnny DeWalt, Electronics

**SECTION 2.** The City-County Council encourages the entire City to join in and salute these young people who have shown Indianapolis to be a leader in educational excellence.

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

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

PROPOSAL NO. 290, 1982. Councillor Strader introduced and read the proposal commending the Clearstream Gardens' "Repair a Month Plan". Councillor Strader



moved for its adoption, and it was adopted by unanimous voice vote. He presented Barbara Cross, Michael Goodman, Francis Edwards, Annie Downs, Joyce Edwards, and Gaynell Winzenread with a copy of SPECIAL RESOLUTION NO. 50, 1982, which reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 50, 1982**

**A SPECIAL RESOLUTION commending the Clearstream Gardens' "Repair a Month Plan".**

**WHEREAS, the active participation of tenants in maintenance activities of Indianapolis residential projects is a worthwhile goal; and**

**WHEREAS, the Clearstream Gardens' Pulling Together Committee and the Indiana Nutrition Campaign have provided tenants with a "Repair A Month Plan" guided by J. W. Summerhill of the Indianapolis Housing Authority; and**

**WHEREAS, the cooperation of citizens' groups, tenants' associations, city agencies and federal housing concerns has realized this opportune program to assure safe and decent housing for concerned residents; and**

**WHEREAS, the "Repair A Month Plan" enables Clearstream Gardens' tenants to learn repair and maintenance skills which may save the Indianapolis Housing Authority at least \$10,000 in labor costs on small repairs; and**

**WHEREAS, Clearstream tenants will supply at least 34% of the labor and IHA the tools and materials needed to make all necessary repairs on the occupied apartments at Clearstream Gardens; now, therefore:**

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

**SECTION 1. The City-County Council expresses its appreciation for the dedicated services of J. W. Summerhill of the Indianapolis Housing Authority for his work in assisting the residents of Clearstream Gardens.**

**SECTION 2. The City-County Council expresses its appreciation for the efforts of the Clearstream Gardens' Pulling Together Committee and the Indiana Nutrition Campaign for devising the "Repair A Month Plan".**

**SECTION 3. The Mayor is invited to join with the Council by affixing his signature hereto.**

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

PROPOSAL NO. 292, 1982. Councillor Boyd introduced and read the proposal inviting the National Office of Alpha Phi Alpha Fraternity to relocate in Indianapolis, Indiana. Councillor Boyd moved, seconded by Councillor Parker, for adoption. Proposal No. 292, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 51, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 51, 1982**

**A SPECIAL RESOLUTION inviting the National Office of Alpha Phi Alpha Fraternity to relocate in Indianapolis, Indiana.**

**WHEREAS, Alpha Phi Alpha fraternity is the oldest Greek letter fraternity organized originally for black college men; and**

WHEREAS, Alpha Phi Alpha has been and is the fraternity of such notable Americans as Supreme Court Justice Thergood Marshall; U. S. Senator Edward Brooke; Urban League President Whitney Young; Olympic Medal Winner Jesse Owens; U.N. Ambassador Andrew Young; Nobel Prize Winner Dr. Martin Luther King; Publisher John H. Johnson; Composer-Conductor Duke Ellington; and numerous others who have made their contributions in government, medicine, science and industry, religion, letters, entertainment and the arts; and

WHEREAS, Indianapolis based Iota Lambda Chapter now takes an initiative in getting the national fraternity, as part of its August, 1982, deliberations concerning relocation, to positively consider Indianapolis as a permanent home; now, therefore:

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

**SECTION 1.** The Indianapolis City-County Council as the representative body of the citizens of Indianapolis, joins with the members of Iota Lambda Chapter of Alpha Phi Alpha Fraternity in inviting the national office to relocate in Indianapolis.

**SECTION 2.** The Indianapolis City-County Council encourages the support in this effort of other Indianapolis individual and corporate citizens.

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

### INTRODUCTION OF GUESTS

Councillor Clark introduced Mr. P. E. MacAllister, President of the Capital Improvements Board, who was present to testify regarding Proposal No. 224, 1982.

### INTRODUCTION OF PROPOSALS

PROPOSAL NO. 247, 1982. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a new Section 20-120 to curb indecent solicitations in public areas"; and the President referred it to the Administration Committee.

PROPOSAL NO. 248, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to allow certain probationers of the Municipal Court to perform work for the Consolidated City"; and the President referred it to the Administration Committee.

PROPOSAL NO. 249, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning the preparation of the 1983 Annual Budget for City and County Government." Councillor Dowden moved to Suspend the Rules to allow action to be taken on this proposal in this session of the Council. Council consent was given. The President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.



PROPOSAL NO. 250, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$84,000 for the County Auditor to hire personnel and an audit firm to prepare annual reports"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 251, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Marion County Coroner"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 252, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$1,616 for the Lawrence Township Assessor to pay cost of a CRT terminal and increased utility cost"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 253, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Marion County Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 254, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$825,000 Economic Development Revenue Bonds, Series 1982, for Design Printing Company, Inc." Councillor Tintera moved to Suspend the Rules to allow action to be taken on this proposal in this session of the Council. Consent was given. The President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 255, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$400,000 Economic Development Revenue Bonds, Series 1982, for Down-town Leasing Company, Inc."; and the President referred it to the Economic Development Committee.

[Clerk's Note: Proposal Nos. 256-262, 1982, were unanimously recommended for passage by the Economic Development Committee on July 16, 1982. Councillor Tintera moved that the Rules be Suspended to allow action to be taken on the above noted proposals during this session of the Council. Consent was given. President SerVaas referred Proposal Nos. 256-262, 1982, to the Committee of the Whole to be discussed under Special Orders, Final Adoption.]

PROPOSAL NO. 256, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$550,000 Economic Development Revenue Bonds for 47 South Meridian Company Project."

PROPOSAL NO. 257, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$4,780,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Firethorn Apartments Project - Phase II."

PROPOSAL NO. 258, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$6,500,000 Construction Loan Revenue Bonds, Series 1982, for Willow Glen Apartments Project."

PROPOSAL NO. 259, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$13,800,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Marott Apartments Project."

PROPOSAL NO. 260, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$8,250,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Chelsea Village Apartments Project."

PROPOSAL NO. 261, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$9,070,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for The Woods of Castleton Apartments Project."

PROPOSAL NO. 262, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with respect to economic development bonds for Devington Associates, Ltd. in an amount not to exceed \$1,000,000."

PROPOSAL NO. 263, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION formalizing the participation of the City in a regional hazardous materials emergency prevention and response program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 264, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE raising the impoundment fees for animals impounded by the Department of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 265, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,000 for the County Prosecutor, Child Support Division, for temporary employees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 266, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$5,737 for Marion County Circuit Court to purchase supplies and maintain dictation equipment and furniture"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 267, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$2,500 for Superior Court, Civil Division-Room 5, to purchase furniture and a copy machine"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,140 for Superior Court, Criminal Division - Room 2, for the typing of Pauper Appeal transcripts and other increases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$88,503 for the County Sheriff and Auditor to continue the operation of the Community Corrections Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 271, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls in Walnut Farms, Eagle Creek Parkway, Parkdale Place, Eastbrook Meadows and Yorkshire subdivisions"; and the President referred it to the Transportation Committee.



PROPOSAL NO. 272, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Ohio Street and Worth Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 273, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on Ohio and Meridian Streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 274, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limits on 25th Street between Post Road and German Church Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 275, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the load limit on a portion of 65th Street between Keystone Avenue and Allisonville Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 276, 1982. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a new Section 29-380, Notice of motor vehicle removal"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 277, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE adding a traffic signal at La Salle Street and English Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 278, 1982. Introduced by Councillor Page. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a 4-way stop at the intersection of Elm Street and Grove Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 279, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking regulations in various areas"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 280, 1982. This proposal honors Benjamin Mordecai and was adopted and retitled SPECIAL RESOLUTION NO. 47, 1982.

PROPOSAL NO. 281, 1982. This proposal honors Anthony D. Mangine and was adopted and retitled SPECIAL RESOLUTION NO. 48, 1982.

PROPOSAL NO. 282, 1982. This proposal honors seven students for their educational excellence and was adopted and retitled SPECIAL RESOLUTION NO. 49, 1982.

#### 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 proposals may be introduced, although not timely submitted under the Rules.]

PROPOSAL NO. 283, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to allow the payment of expenses of City Officials"; and the President referred it to the Administration Committee.

PROPOSAL NOS. 284-287, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on July 8, 1982"; and the President referred them to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 288, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$5,277 for the Jury Pool to purchase audio visual equipment and slide program"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 289, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION rendering advice to the Hospital Authority concerning participation with various other Hospital Authorities to provide tax exempt revenue bond financing for equipment"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 290, 1982. This proposal commends the Clearstream Gardens' "Repair A Month Plan," and was adopted and retitled SPECIAL RESOLUTION NO. 50, 1982.

PROPOSAL NO. 291, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the disposal of certain real estate of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 292, 1982. This proposal invites the National Office of Alpha Phi Alpha Fraternity to relocate in Indianapolis, Indiana, and was adopted and retitled SPECIAL RESOLUTION NO. 51, 1982.

### SPECIAL ORDERS, PUBLIC HEARING

[Clerk's Note: Proposal Nos. 235 and 238, 1982, were jointly considered. Both Proposals appropriate \$1,100,000 for the purchase of vehicles.]

PROPOSAL NO. 238, 1982. This proposal appropriates \$1,100,000 for Central Equipment Management Division to purchase D.O.T. vehicles. Councillor Schneider explained that the Transportation Committee recommended passage of this proposal by a vote of 5-0-1 on July 14, 1982. He pointed out that \$800,000 of the total amount of this proposal came as a result of a change in the gasoline tax formula which resulted in an overage of collections for 1981. The remaining \$300,000 came from D.O.T. contracts where more money was appropriated than actually needed and carried over from the 1981 Budget. The Department of Transportation has approximately fifty to fifty-five trucks down in their fleet for service daily. The Department of Transportation proposes to purchase 30 single-axle dump trucks with plows and salt spreaders. The last time D.O.T. purchased trucks for their fleet was in 1978-79. PROPOSAL NO. 235, 1982, appropriates \$1,100,000 for the Central Equipment Management Division to purchase D.O.T. vehicles. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 6-0 on June 30, 1982. Councillor Schneider moved, seconded by Councillor McGrath, for adoption. The President called for public testimony at 8:03 p.m. There being no one present to testify, the President called for a vote on Proposal Nos. 235 and 238, 1982, and they were adopted on the following roll call vote; viz:

25 YEAS: *Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*

2 NAYS: *Durnil, Strader*

2 NOT VOTING: *Borst, Boyd*

Proposal Nos. 235 and 238, 1982, were retitled FISCAL ORDINANCE NOS. 44 and 45, 1982, respectively, and read as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 44, 1982

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1982 (City-County Fiscal Ordinance No. 78, 1981), appropriating an additional One Million One Hundred Thousand dollars (\$1,100,000) in the City General Fund for purposes of the Department of Administration, Central Equipment Management Division, and reducing the unappropriated and unencumbered balance in the City 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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to purchase replacement vehicles for the Department of Transportation, which will provide the additional revenue to the City General Fund through the Central Garage billing system.

SECTION 2. The sum of One Million One Hundred Thousand dollars (\$1,100,000) 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:

DEPARTMENT OF ADMINISTRATION CENTRAL EQUIPMENT MANAGEMENT DIV.	CITY GENERAL FUND
4. Capital Outlay	<u>\$1,100,000</u>
Total Increase	<u>\$1,100,000</u>

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

DEPARTMENT OF ADMINISTRATION CENTRAL EQUIPMENT MANAGEMENT DIV.	CITY GENERAL FUND
Unappropriated and Unencumbered City General Fund	<u>\$1,100,000</u>
Total Reduction	<u>\$1,100,000</u>

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

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1982

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1982 (City-County Fiscal Ordinance No. 78, 1981), appropriating an additional One Million One Hundred Thousand dollars (\$1,100,000) in the Transportation General Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the purchase of approximately thirty trucks to replace similar vehicles that are eight or more years old. Funds are available due to the underspending of the 1981 budget.

SECTION 2. The sum of One Million One Hundred Thousand dollars (\$1,100,000) 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:

DEPARTMENT OF TRANSPORTATION	TRANSPORTATION GENERAL FUND
3. Other Services & Charges	<u>\$1,100,000</u>
Total Increase	<u>\$1,100,000</u>

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

DEPARTMENT OF TRANSPORTATION	TRANSPORTATION GENERAL FUND
Unappropriated and Unencumbered Transportation General Fund	<u>\$1,100,000</u>
Total Reduction	<u>\$1,100,000</u>

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

PROPOSAL NO. 236, 1982. This proposal appropriates \$14,992 for the County Auditor to pay six months rent on the space vacated by the Warren Township Assessor. This proposal was postponed until August 2, 1982, by consent of the Council.

PROPOSAL NO. 237, 1982. Councillor Gilmer pointed out that this proposal appropriates \$30,000 for the Community Recreation Division to operate food and drink concessions and was recommended for passage by the Parks and Recreation Committee on July 15, 1982, by a vote of 7-0. The Parks and Recreation Department presently collects only 10 percent of the revenue generated by the vendors in the concession operations at the different locations around the City. The Parks Department can generate 10 to 20 percent more in net revenues by operating its own concessions at key locations versus private vendors. There would be two part-time employees. Mr. Arthur Strong, Director of the Parks Department, stated that they are paying for the utilities and are only receiving 10 percent from the vendors. The Department would like to take over concession operations at the various Parks and generate some revenues off of this operation. Following discussion, President SerVaas called for public testimony at 8:35 p.m. Mr. John McClain felt that the concession operation should stay in the hands of the private vendors. Councillor Gilmer moved, seconded by Councillor Clark, for adoption. Proposal No. 237, 1982, was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Gilmer, Holmes, Howard, Journey, McGrath, Nickell, Rader, Rhodes, SerVaas, Strader, Tintera, Vollmer, West*

10 NAYS: *Coughenour, Dowden, Durnil, Hawkins, Jones, Miller, Page, Parker, Schneider, Stewart*

Proposal No. 237, 1982, was retitled FISCAL ORDINANCE NO. 46, 1982, and reads as follows:

**CITY—COUNTY FISCAL ORDINANCE NO. 46, 1982**

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1982 (City-County Fiscal Ordinance No. 78, 1981), appropriating an additional Thirty Thousand dollars (\$30,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Community Recreation Division, 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 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the Department of Parks and Recreation to operate food and drink concessions in order to generate additional revenues, which will fund the increase and also provide additional revenue and better control.

**SECTION 2.** The sum of Thirty Thousand dollars (\$30,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

**SECTION 3.** The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION COMMUNITY RECREATION DIVISION		PARK GENERAL FUND
2. Supplies		<u>\$30,000</u>
Total Increase		\$30,000

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

DEPARTMENT OF PARKS AND RECREATION COMMUNITY RECREATION DIVISION		PARK GENERAL FUND
Unappropriated and Unencumbered Park General Fund		<u>\$30,000</u>
Total Reduction		\$30,000

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

### SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 281, 1981. This proposal amends the Code regulating dealers in secondhand goods. Councillor Dowden reported that the Administration Committee recommended that this proposal be stricken on June 30, 1982, by a vote of 4-0. Councillor Dowden moved, seconded by Councillor West, to Strike Proposal No. 281, 1982, and it was stricken by voice vote.

PROPOSAL NO. 216, 1982. This proposal amends the Code dealing with false alarms. Councillor West reported that the Public Safety and Criminal Justice Committee recommended that this proposal be stricken on June 23, 1982, by a vote of 3-2-1. He noted, however, that Councillor Coughenour has an amendment which states that private residence alarm systems would automatically shut off within 15 minutes after being activated. Councillor Coughenour expressed that it was her intent to stop waste of police power by answering false alarms. She added that her amendment would not require a private residence to obtain a permit if the alarm system automatically shuts off. Councillor West reiterated that it was the Committee recommendation to Strike this proposal, however, he deferred this motion to have the Committee study the ordinance with the amendment. Councillor Coughenour moved, seconded by Councillor Howard, the following:

#### CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 216, 1982, by substituting for the amendments made to the proposal, a new amendment, as follows:

Section 21½-3(a) and (c) of the "Code of Indianapolis and Marion County, Indiana," be amended to read as follows:



(a) It shall be unlawful for a person in control of property to operate, cause to be operated, or permit the operation of an alarm system on the property unless a current alarm system permit has been obtained from the City Controller, provided, no permit shall be required for a private residence alarm system which operates so as to automatically shut-off within 15 minutes after being activated.

(c) Any person who operates an alarm system at the time this ordinance becomes effective shall have thirty (30) days after the effective date of this ordinance to apply for an alarm system permit; if required by this section.

s/Councillor Coughenour

Council consent was given on the amendment. Proposal No. 216, 1982, was sent back to the Public Safety and Criminal Justice Committee by consent and postponed in Council until August 2, 1982.

PROPOSAL NO. 222, 1982. This proposal revises parking regulations and parking meter zones on New Jersey and Wabash Streets. Councillor Schneider reported that the Transportation Committee recommended passage by a vote of 6-0 on July 14, 1982. He explained that Proposal No. 222, 1982, makes available additional on-street parking spaces for abutting business and to insure that moving traffic lanes would be available during the evening hours when events are held in Market Square Arena. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 222, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Brinkman*

Proposal No. 222, 1982, was retitled GENERAL ORDINANCE NO. 59, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 59, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Section 29-271, Stopping, standing and parking prohibited at these locations on certain days and hours.

**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 29-271, Stopping, standing and parking prohibited at these locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY  
FROM 4:00 P.M. TO 7:00 A.M.**

New Jersey Street, on the east side, from Market Street to Ohio Street.

**SECTION 2.** That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

New Jersey Street, on the east side, from Ohio Street to New York Street.

New Jersey Street, on the west side, from Market Street to Vermont Street.

**SECTION 3.** That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-283, Parking meter zones designated, be, and the same is hereby amended by the deletion of the following, to wit:

**ONE HOUR**

New Jersey Street, on both sides, from Washington Street to Pearl Street.

**SECTION 4.** That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY  
FROM 4:00 P.M. TO 7:00 A.M.**

New Jersey Street, on the east side, from Wabash Street to New York Street.

New Jersey Street, on the west side, from Wabash Street to New York Street.

**SECTION 5.** That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

New Jersey Street, on the west side, from Market Street to Wabash Street.

New Jersey Street, on the west side, from New York Street to Vermont Street.

**SECTION 6.** That the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-283, Parking meter zones designated, be, and the same is hereby amended by the addition of the following, to wit:

**TWO HOURS**

Wabash Street, on the south side, from a point 135 feet east of the east curb line of New Jersey Street to East Street.

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

PROPOSAL NO. 224, 1982. This proposal asks the Capital Improvements Board to reconsider and report a more appropriate name for the Convention Center Expansion. Councillor Gilmer stated that he introduced this proposal in response to many citizens who were disappointed regarding the name. He stated that a general consensus is that it lacks "punch and class." Councillor Clark reported that the Municipal Corporations Committee recommended passage of this resolution by a vote of 4-1 on June 23, 1982. Councillor Vollmer stated that the Capital Improvements Board is one of the finest units in metropolitan government and they manage their operations very effectively. However, he felt that there was a lot to be said about

the name given to this facility and he felt that "Hoosier" had negative connotations. Councillor Vollmer read the rules that were used for the contest and contended that those rules were not followed in the final decision making process. Councillor Borst said that Indianapolis was fortunate to have a facility like this coming to Indianapolis. He conveyed his disappointment regarding the rules of the contest and reflected the pride that the citizens have displayed towards Indianapolis due to the large number of names sent to the contest including the name "Indianapolis." Councillor Clark reiterated the Committee's decision and noted that Channel 8 had an editorial requesting response to the name given to the facility and they had approximately 1,200 letters, 73 percent of which were against the name. Councillor Clark moved, seconded by Councillor Borst, for adoption of Proposal No. 224, 1982. Councillor Jones said that he was in support of the decision made by the Capital Improvements Board. Councillor Brinkman stated that this contest has been blown out of proportion and there are never any guarantees to those who participate in contests. She added that probably most of those participating were hoping for free season tickets. Councillor Brinkman was pleased that there were so many people who were proud of Indianapolis that they wanted it to be a part of the name, but it is time to go on. Councillor West stated that if Indianapolis were to be a part of the name for the stadium, then that should have been determined beforehand. He added that since Council does not have an alternate name they should accept "Hoosier Dome." Councillor West said that the Capital Improvements Board could add Indianapolis to the title at a later time. Councillor Dowden accounted that during the last session of the Council a business and cultural leader in this City who is involved in amateur athletics, Mr. Ollan Cassell, had stated that he was proud to be an "adopted Hoosier," and Councillor Dowden concluded by stating that the name dispute should die. Councillor Tintera said that he was disappointed in the name, but the building is more important than the name and added that people are out trying to sell this facility and the Council should support the C.I.B. in their efforts. Councillor Miller expressed that his personal opinion is one that reflects pride in his citizenship in this State and he hoped that even when the Capital Improvements Board takes a second look at the name given to the dome that they leave it as the "Hoosier Dome." In closing, Councillor Clark reiterated that Indianapolis will have a beautiful stadium and it needs a great name; the contest rules were not followed properly; and year after year representatives for Marion County go to the State Legislature, but they do not have much time for Marion County and it is the people of Indianapolis that have had to "bite the bullet." Councillor Gilmer accounted that it is not too late to reconsider the renaming of the dome and he urged passage of this resolution. Mr. P. E. MacAllister stated that upon the passage of this resolution the Board will meet the third Monday in August. Mr. MacAllister asked the Council what their alternate name should be. After discussion, President SerVaas called for the vote on Proposal No. 224, 1982, and it was adopted on the following roll call vote; viz:



15 YEAS: *Borst, Boyd, Campbell, Clark, Gilmer, Hawkins, Howard, Journey, McGrath, Nickell, Page, Rader, Strader, Tintera, Vollmer*

14 NAYS: *Brinkman, Cottingham, Coughenour, Dowden, Durnil, Holmes, Jones, Miller, Parker, Rhodes, Schneider, SerVaas, Stewart, West*

Proposal No. 224, 1982, was retitled SPECIAL RESOLUTION NO. 52, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 52, 1982**

A SPECIAL RESOLUTION conveying the desire of the City-County Council that the Capital Improvements Board of the Convention Center Bureau reconvene to consider a more appropriate name for the Domed Stadium Convention Center Expansion.

WHEREAS, Indianapolis is witnessing a revitalization of its downtown whereby an atmosphere conducive to recreation, leisure and business is being established; and

WHEREAS, the citizens of the City of Indianapolis and Marion County and their elected representatives on the City-County Council have supported the planning and building of several facilities which will improve the ambiance of the downtown area; and

WHEREAS, the Domed Stadium Convention Center Expansion is one such facility which will improve the ambiance of the downtown area; and

WHEREAS, those who have accepted the financial burden of constructing this multi-purpose facility through payment of a food and beverage sales tax, placed their faith in the Capital Improvements Board of the Convention Center Bureau that a name reflecting the location of the stadium in Indianapolis might be developed; and

WHEREAS, it is fitting that those citizens, who have directly supported this facility should desire that an appropriate image of the City be expressed in the name of the Domed Stadium Convention Center Expansion; and

WHEREAS, the Capital Improvements Board has breached the faith of those who will finance the stadium by adopting a name which does not indicate that the stadium is located in Indianapolis; now, therefore:

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

SECTION 1. The City-County Council having heard and considered the report of the Capital Improvements Board recommending a name for the Domed Stadium Convention Center Expansion does hereby convey its desire that the Board reconvene to consider a more appropriate name for the Domed Stadium.

SECTION 2. The City-County Council hereby offers the participation of one or more Councillors in the reconvened meeting in which alternate names are discussed and one name selected as more fitting for the Domed Stadium Convention Center Expansion.

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

PROPOSAL NO. 225, 1982. Councillor Dowden reported that this proposal allows cart sales on sidewalks less than fourteen feet wide, and the Administration Committee recommended passage on June 30, 1982, by a vote of 6-0. There has been interest in creating two additional districts in the sports center area and at the I. U.

Med Center. The area has sidewalks less than 14 feet wide, but would not create safety hazards. Councillor Dowden moved, seconded by Councillor Jones, for adoption. Proposal No. 225, 1982, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Brinkman, Campbell, Clark, Coughenour, Dowden, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

1 NAY: *Durnil*

5 NOT VOTING: *Boyd, Cottingham, Gilmer, Jones, Parker*

Proposal No. 225, 1982, was retitled GENERAL ORDINANCE NO. 60, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 60, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Section 17-809, which restricts the operation of outdoor retail sales of beverages, flowers and food from carts.

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

SECTION 1. Section 17-809 of Division 1 of Article XXJII of Chapter 17 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined, as follows:

**Sec. 17-809. Restrictions on operation.**

Each licensee, his agents and employees, shall comply with the following restrictions on cart operation:

- (1) Only beverages, flowers and food may be carried on or sold from a cart.
- (2) No cart may be located in any public park or plaza, without written authorization from the governmental agency with general jurisdiction or control over said park or plaza.
- (3) The licensee, his agents and employees shall be required to obey the commands of law enforcement officers or firemen with respect to activity carried out on the sidewalks or public area, including the removal of the cart and cessation of such retail sales.
- (4) The cart must be taken from the sidewalk or public area when such retail sales are not being conducted.
- (5) No cart may be permanently or temporarily affixed to any fixed object, including but not limited to buildings, trees, signs, telephone poles, streetlight poles, traffic-signal poles or fire hydrants.
- (6) Efforts shall be made by the licensee to protect the sidewalk or public area against littering. Each cart must have an adequate trash receptacle which is emptied sufficiently often to allow disposal of litter and waste by the public at any time. The trash receptacle on the car shall not be emptied into trash receptacles owned by the city.
- (7) Such retail sales shall not be accomplished by crying out or hawking.
- (8) Pedestrians shall not be exposed to any undue safety or health hazard nor shall a public nuisance be created.
- (9) A device may not be used which would amplify or direct sound and attention may not be drawn to such retail sales by any aural means or a light-producing device.
- (10) Such retail sales may not be made to any person in or on any motorized vehicle.

- (11) Beverages, dispensed in disposable cans, shall having any separable opening tabs removed at the time the cans are sold, unless otherwise requested by the purchaser.
- (12) The operator of a cart may not dispense beverages or food on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail food establishment unless written approval is first obtained from the operator of such establishment and filed with the office of the controller. The operator of a cart may not sell flowers on the same side of the street within fifty (50) feet of a primary entry way into a ground level retail flower establishment unless written approval is first obtained from the operator of such establishment and filed with the office of the controller.
- (13) No cart may be located or make such retail sales in that part of a right-of-way utilized for motor vehicle traffic (commonly referred to as a street), a street median strip or an alleyway.
- (14) Carts may be placed and such retail sales may be made only on sidewalks which provide at least fourteen (14) feet of width from the curb line to the property line. Provided that, a person licensed under this article may petition the City Controller to allow operation of a cart on a specified sidewalk having a width of less than fourteen (14) feet. Such petition may be approved by the City Controller only after the Department of Transportation and the Department of Metropolitan Development have approved the petition.
- (15) No cart may be placed nor may such retail sales be made within twenty (20) feet of any posted bus stop, taxi stand, crosswalk, driveway or alleyway, within twenty (20) feet of the point at which the right-of-way lines of two (2) or more streets intersect or within six (6) feet of any building entrance, display window or walk-up window.
- (16) Each cart must prominently display the license allowing such retail sales for public inspection at all times.
- (17) Each cart is to be operated by one and only one person and shall not be left unattended.
- (18) No cart may be parked or located nor may beverages, flowers or food be dispensed in a manner which would significantly impede or prevent the use of any sidewalk or public area, or which would endanger the safety or property of the public.
- (19) No cart may be used to advertise the product or service of another.
- (20) No cart shall display advertising decals or decorative embellishments not included in the original design approval.
- (21) Each cart shall be maintained free and clear of dirt, and finishes shall not be chipped, faded or unduly marred.

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

PROPOSAL NO. 226, 1982. This proposal sets the salaries of the officers and employees of the various township trustees. The County and Townships Committee met on July 13, 1982, and sent Proposal No. 226, 1982, to the Council "Amended, Without Recommendation." Councillor Brinkman reported that the Committee granted all new fire personnel that were requested. Elected officials were granted two percent across the board, with the exception of adjustments made to bring some of the trustees into alignment. Councillor Borst moved, seconded by Councilor McGrath, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 226, 1982, by deleting the version entitled "Proposal No.



226, 1982, As Amended" and substituting therefor the proposal entitled, "Proposal No. 226, 1982, As Amended, County and Townships Committee, AMENDED."

s/Councillor Borst

Councillor Borst noted that the caseload in Center Township is down 1,000 cases per month. He informed the Council that the two employees that presented the Center Township Trustee's budget were contractual employees and this township has five contractual employees. Councillor Borst explained that his motion would retain the Center Township Trustee at the current 1982 level in order that the Committee take another look at their budget. The motion carried by voice vote. Councillor Borst moved, seconded by Councillor McGrath, for adoption. Proposal No. 226, 1982, AMENDED, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Brinkman, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, Jones, McGrath, Miller, Nickell, Parker, Rader, Rhodes, SerVaas, Strader, Tintera, West*

8 NAYS: *Boyd, Campbell, Hawkins, Howard, Page, Schneider, Stewart, Vollmer*

1 NOT VOTING: *Journey*

Proposal No. 226, 1982, AMENDED, was retitled GENERAL ORDINANCE NO. 61, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 61, 1982**

A GENERAL ORDINANCE fixing the salaries to be paid all elected and appointed officers and employees of the various townships in Marion County, Indiana, pursuant to IC 36-6-6-10.

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

**SECTION 1. AUTHORITY EXERCISED.** The maximum salaries to be paid all elected and appointed officers and employees of the various townships in Marion County, Indiana, excluding constables, township assessors, and the deputies and employees of the township assessor, are hereby fixed at the amounts hereinafter stated in this ordinance pursuant to the authority and duty established by IC 36-6-6-10, each of which salaries is not more than the minimum salary provided by law.

**SECTION 2. CENTER TOWNSHIP.** The maximum salaries of the elected and appointed officers and employees of the Center Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate Of Compensation	Total Compensation
Township Trustee	1	23,750	23,750
Township Clerk	1	16,421	16,421
Advisory Board Members	3	1,204	3,612
Clerk for Justice of the Peace Class II	2	10,736	21,472
Small Claims Court Clerk	1	9,800	9,800
Clerk for Justice of the Peace Class I	1	10,270	10,270
Judge for Small Claims Court	1	17,410	17,410
<b>SUB-TOTAL</b>	<b>10</b>		<b>102,735</b>

POOR RELIEF PERSONNEL

Chief Supervisor	1	21,592	21,592
Suprs. of Investigators	3	15,739	47,217
Suprs. of Assistants	2	15,739	31,478
Asst. Supervisor	1	15,318	15,318
District Supervisor	1	15,318	15,318
Bookkeeper Supervisor	1	12,903	12,903
Super. of Domestic Fac.	1	12,590	12,590
Surveillance Supervisor	1	11,990	11,990
Gen. Maintenance Foreman	1	12,590	12,590
Personnel Specialist	1	12,903	12,903
Poor Relief Training Dir.	1	16,277	16,277
Coord. of Special Services	1	17,082	17,082
Staff Consultant I	1	16,758	16,758
Asst. Staff Consultant	1	16,277	16,277
Mental Health II	1	15,610	15,610
Mental I	1	14,507	14,507
Reg. Pharmaceutical Consul.	1	11,990	11,990
Employment Specialist	2	11,677	23,354
Employment Analyst	1	14,082	14,082
Bookkeeper, Rev. Sharing	1	12,903	12,903
Sr. Clerk-typist Rev. Sharing	1	12,903	12,903
Consumer Protection Analyst	1	14,082	14,082
Abnormal Behavior Analyst	1	14,082	14,082
Housing Relocation Analyst	1	14,082	14,082
Investigators, V	10	12,903	129,030
Investigators, IV	6	12,690	76,140
Investigators, III	7	12,476	87,332
Special Investigators, II	2	12,903	25,806
Executive Secretaries	3	11,952	35,856
Legal Secretary II	1	11,554	11,554
Payroll Bookkeeper II	1	11,256	11,256
Payroll Bookkeeper	1	9,335	9,335
Bookkeeper II	3	10,290	30,870
Bookkeeping Machine Operator II	2	9,362	18,724
Bookkeeping Machine Operator I	2	8,471	16,942
Sr. Accountant Clerk	3	10,692	32,076
Account Clerks	2	10,315	20,630
Senior Stenographers	8	10,335	82,680
Clerk-Typists, III	3	10,290	30,870
Technical Lead Clerk	13	10,834	140,842
Senior Clerks	20	10,328	206,560
Clerk II	5	10,065	50,325
Record File Clerks II	3	8,536	25,608
Record File Clerk I	2	7,789	15,578
Supply Specialist	1	11,554	11,554
Messenger	1	10,290	10,290
Security Personnel	3	9,362	28,086
Maintenance Asst. II	1	9,915	9,915
Maintenance I	2	9,362	18,724
Housekeeper Asst. II	1	8,592	8,592
Housekeeper I	2	8,114	16,228
Mechanical Technician	1	16,619	16,619
Receptionists	6	9,361	56,166
SUB-TOTAL	<u>143</u>		<u>1,642,076</u>
TOTAL	<u>153</u>		<u>1,744,811</u>

SECTION 3. Decatur Township. The maximum salaries of the elected and appointed officers and employees of Decatur Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	9,600	9,600
Township Clerk (part-time)	1	8,750	8,750
Advisory Board Members	3	650	1,950
Court Clerk (Chief)	1	11,900	11,900
Court Clerk	1	11,300	11,300
Judge for Small Claims Court	1	14,300	14,300

**POOR RELIEF PERSONNEL**

Supr. & Invest. (part-time)	1	9,300	9,300
Investigator (part-time)	1	1,000	1,000
<b>TOTAL</b>	<b>10</b>		<b>68,100</b>

SECTION 4. Franklin Township. The maximum salaries of the elected and appointed officers and employees of Franklin Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	3,000	3,000
Township Clerk (part-time)	1	1,800	1,800
Advisory Board Members	3	350	1,050

**FIRE DEPARTMENT PERSONNEL**

Chief of Township Fire Prev. Bureau	1	4,680	4,680
Clerk of Township Fire Prev. Bureau	1	520	520

**POOR RELIEF PERSONNEL**

Supervisor of Investigators (part-time)	1	1,440	1,440
<b>TOTAL</b>	<b>8</b>		<b>12,490</b>

SECTION 5. Lawrence Township. The maximum salaries of the elected and appointed officers and employees of Lawrence Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	8,000	8,000
Township Clerk	1	8,488	8,488
Township Clerk - part-time	1	2,040	2,040
Advisory Board Members	3	700	2,100
Small Claims Court Judge	1	14,541	14,541
Judge for Small Claims Court Pro-tem (\$25 a day)		500	500
Small Claims Court Clerks	3	9,089	27,267

**FIRE DEPARTMENT PERSONNEL**

Lead Firefighter	1	20,300	20,300
Master Firefighter	11	19,200	211,200
E.M.T.	(13)	500	6,500

**POOR RELIEF PERSONNEL**

Supervisor of Investigators	1	15,078	15,078
Investigators Clerk Temp. (Part-time)	varies	15,810	15,810

**OTHER EMPLOYEES**

Coordinator of Township Fire Prev. Bureau & Training	1	19,657	19,657
Part-time Clerk for Fire Prev. Bureau	1	1,836	1,836
<b>TOTAL</b>	<b>25</b>		<b>353,317</b>



SECTION 6. Perry Township. The maximum salaries of the elected and appointed officers and employees of Perry Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	15,500	15,500
Township Clerk	1	13,567	13,567
Advisory Board Members	3	1,204	3,612
Small Claims Court Clerks	3	12,900	38,700
Small Claims Court Judge	1	18,201	18,201

**FIRE DEPARTMENT PERSONNEL**

Fire Administrator	1	21,021	21,021
Director of Maintenance	1	20,425	20,425
Secretary	1	13,567	13,567
Private	2	16,794	33,588
Private 1st Class	1	17,548	17,548
Civilian Dispatchers	4	10,000	40,000
Probation	1	16,051	16,051
Chauffeurs	23	18,305	421,015
Extra Comp. for Paramedics	(4)	1,500	6,000
Extra Comp. for EMT	(14)	300	4,200
Total Longevity		11,000	11,000

**POOR RELIEF PERSONNEL**

Suprs. of Investigators	1	13,567	13,567
Investigators	1	13,567	13,567

**OTHER EMPLOYEES**

Custodian of Twp. Office & Caretaker of Cemeteries	1	7,794	7,794
<b>TOTAL</b>	<b>46</b>		<b>728,923</b>

SECTION 7. Pike Township. The maximum salaries of the elected and appointed officers and employees of the Pike Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	12,000	12,000
Township Clerk	1	9,295	9,295
Advisory Board Members	3	559	1,677
Small Claims Court Judge	1	21,133	21,133
Office Supervisor	1	13,477	13,477
Clerks for Small Claims Court			
Clerk I	5	12,564	62,820
Clerk II	2	10,052	20,104
Clerk (part-time)	4	3,000	12,000
Longevity Pay for Court Employees		3,672	3,672

**POOR RELIEF PERSONNEL**

Investigators	1	8,268	8,268
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**OTHER EMPLOYEES**

Fire Chief	1	29,342	29,342
Assistant Chief	1	25,460	25,460
Captain	1	22,293	22,293
Lieutenants	4	21,287	85,148
Chauffeurs	14	20,657	289,198
Probation	18	13,500	243,000
Private	20	18,626	372,520
Longevity		1,800	1,800
<b>TOTAL</b>	<b>78</b>		<b>1,233,207</b>

SECTION 8. Warren Township. The maximum salaries of the elected and appointed officers and employees of Warren Township, Marion County, Indiana, for the calendar year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	12,100	12,100
Township Admin. Asst.	1	13,738	13,738
Advisory Board Members	3	698	2,094
Clerk for Small Claims Court	1	13,738	13,738
Secretaries for Small Claims Court	4	11,169	44,676
Small Claims Court Judge	1	18,360	18,360
<b>FIRE DEPARTMENT PERSONNEL</b>			
First Class Firefighter	27	20,700	558,900
Clerk Fire Prev. Office	1	12,845	12,845
Secretary-Clerk for Fire Prev. Office	1	11,169	11,169
Secretary-Bookkeeper Pension Fund (part-time)	1	500	500
<b>POOR RELIEF PERSONNEL</b>			
Investigator	2	11,169	22,338
<b>TOTAL</b>	<b>43</b>		<b>710,458</b>

SECTION 9. Washington Township. The maximum salaries of the elected and appointed officers and employees of Washington Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	16,000	16,000
Township Clerk	1	13,403	13,403
Advisory Board Members	3	1,229	3,687
Asst. Township Clerk	1	10,611	10,611
Small Claims Court Clerks	2	10,610	21,220
Small Claims Court Sr. Clerk	1	11,730	11,730
Part-time Clerk-typist for Small Claims Court		5,138	5,138
Small Claims Court Judge	1	17,870	17,870
<b>FIRE DEPARTMENT PERSONNEL</b>			
Fire Chief	1	29,342	29,342
Deputy Chief	1	25,460	25,460
Asst. Chief	4	23,733	94,932
Captain	8	22,293	178,344
Lieutenant	9	21,287	191,538
Chauffeurs	39	20,657	805,623
Privates	13	18,626	242,138
Probationary	18	13,500	243,000
Secretary	1	10,611	10,611
Extra Comp. for Paramedics	(16)	1,500	24,000
Total Year Longevity		36,500	36,500
Paid Holidays (7 at \$30 for 28 employees)		5,880	5,880
Part-time Compensation		8,000	8,000
<b>POOR RELIEF PERSONNEL</b>			
Suprs. of Investigators	1	13,403	13,403
Investigators (full-time)	4	10,611	42,444
Investigators (part-time)		5,305	5,305
<b>TOTAL</b>	<b>109</b>		<b>2,056,179</b>

SECTION 10. Wayne Township. The maximum salaries of the elected and appointed officers and employees of Wayne Township, Marion County, Indiana, for the calendar and fiscal year beginning January 1, 1983, and ending December 31, 1983, are fixed as follows:

Position	Number of Personnel	Annual Rate of Compensation	Total Compensation
Township Trustee	1	17,000	17,000
Township Clerk	1	15,079	15,079
Advisory Board Members	3	1,229	3,687
Small Claims Court Clerks	3	10,396	31,188
Small Claims Court Judge	1	16,196	16,196
<b>POOR RELIEF PERSONNEL</b>			
Suprs. of Investigators	1	15,079	15,079
Investigators	4	13,196	52,784
<b>OTHER EMPLOYEES</b>			
Groundskeeper - Cemetery	1	8,935	8,935
Groundskeeper (part-time)	1	4,000	4,000
<b>TOTAL</b>	<b>16</b>		<b>163,948</b>

SECTION 11. The Clerk of the Council is directed to certify a copy of the salaries fixed by this ordinance to the Trustees of the respective townships within three (3) days after adoption of this ordinance.

PROPOSAL NO. 228, 1982. Councillor Tintera stated that this proposal approves proceedings with respect to proposed economic development revenue bonds for Eagle Magnetic Company, Inc. in an amount not to exceed \$800,000. He continued that the Economic Development Committee voted 5-0 on July 16, 1982, in favor of passing this resolution. The project allows for construction of a 20,000 square foot addition adjacent to the Company's present facility located at 7400 Crawfordsville Road. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 228, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Schneider, SerVaas, Strader, Tintera, Vollmer, West*

NO NAYS

3 NOT VOTING: *Coughenour, Rhodes, Stewart*

Proposal No. 228, 1982, was retitled SPECIAL RESOLUTION NO. 53, 1982, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1982**

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

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

WHEREAS, Eagle Magnetic 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 facilities to be the



acquisition, construction and equipping of an approximately 20,000 square foot expansion of an existing facility for the manufacturing of electromagnetic and electrostatic shielding products for the electronic industry and the machinery and equipment to be installed therein plus certain site improvements located at 7400 Crawfordsville Road, Indianapolis, Indiana, on approximately 2 acres 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 15 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, construction and equipping 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 OF MARION COUNTY, INDIANA:**

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

**SECTION 2.** The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$800,000 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 Eagle Magnetic 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, this City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; 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 renovation, underwriting expenses, attorney and bond counsel fees, acquisition, renovation 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 adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 229, 1982. Councillor Schneider reported that this proposal prohibits parking on Virginia Avenue between Delaware and Alabama Streets except for designated persons and was amended and recommended for passage by the

Transportation Committee by a vote of 6-0 on July 14, 1982. Councillor Schneider moved, seconded by Councillor Hawkins, the following:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

I move to amend Proposal No. 229, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 229, 1982, Committee Recommendations."

s/Councillor Schneider

The amendment was adopted by voice vote. Councillor Schneider explained that approximately 22 meters would be removed to allow additional parking space for Sheriff Deputies. The amendment was included to better handle the rush-hour traffic. After discussion, Councillor Schneider moved, seconded by Councillor Hawkins, for adoption. Proposal No. 229, 1982, As Amended, was adopted on the following roll call vote; viz:

15 YEAS: *Borst, Boyd, Brinkman, Coughenour, Dowden, Hawkins, Holmes, Howard, Journey, McGrath, Rader, Schneider, Stewart, Strader, Tintera*

13 NAYS: *Campbell, Clark, Cottingham, Durnil, Gilmer, Jones, Miller, Nickell, Page, Parker, Rhodes, SerVaas, Vollmer*

1 NOT VOTING: *West*

Proposal No. 229, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 62, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 62, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," prohibiting parking on Virginia Avenue except to designated persons.

**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 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY EXCEPT SUNDAY**

**SEVEN a.m. to NINE a.m.**

Virginia Avenue, on the northeast side, from Maryland Street to Prospect Street.

**ON ANY DAY EXCEPT SATURDAY AND SUNDAY**

**SIX a.m. to NINE a.m.**

Virginia Avenue, on the northeast side, from Maryland Street to South Street.

**THREE p.m. to SIX p.m.**

Virginia Avenue, on the southwest side, from Maryland Street to South Street.

**FOUR p.m. to SIX p.m.**

Virginia Avenue, on the southwest side, from Maryland Street to Prospect Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-283, Parking meter and zone designated, be, and the same is hereby amended by the deletion of the following, to wit:

**ONE HOUR**

Virginia Avenue, on both sides, from Maryland Street to the intersection of Maryland Street with Alabama Street.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY AND SUNDAY**

**SIX a.m. to NINE a.m.**

Virginia Avenue, on the northeast side from Alabama Street to Prospect Street.

**FOUR p.m. to SEVEN p.m.**

Virginia Avenue, on the southwest side, from Alabama Street to Prospect Street.

SECTION 4. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-266, Special parking privileges for certain persons or vehicles in certain locations, be, and the same is hereby amended by the addition of the following, to wit:

- (a) Notwithstanding any prohibitions or restrictions elsewhere in this Chapter upon parking or temporary stops applicable to the general public, the following persons or vehicles are hereby granted the special parking privileges set out in this section, at and within the locations designated:
  - (1) Any vehicles, so marked, of the city police department, the county sheriff, the state police and the United States Marshall, and no others, may park at any time in the following locations:

Virginia Avenue, on both sides from Maryland Street to Alabama Street.

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

PROPOSAL NO. 230, 1982. Councillor Schneider reported that this proposal, establishing a loading zone on Maryland Street, was recommended for passage by the Transportation Committee by a vote of 6-0 on July 14, 1982. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 230, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Holmes, SerVaas*

Proposal No. 230, 1982, was retitled GENERAL ORDINANCE NO. 63, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 63, 1982**

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



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

**SECTION 1.** The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-331, Passenger and materials loading zones, be, and the same is hereby amended by the addition of the following, to wit:

On the north side of Maryland Street beginning at a point 47 feet east of the curbline of Pennsylvania Street to a point 72 feet east of Pennsylvania Street.

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

PROPOSAL NO. 231, 1982. Councillor Schneider reported that this proposal provides for a traffic signal at the intersections of Ditch and Westlane Roads and Harcourt and Westlane Roads and was recommended for passage by the Transportation Committee by a vote of 6-0 on July 14, 1982. He added that both intersections warrant a signal. He then moved, seconded by Councillor Brinkman, for adoption. Proposal No. 231, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Stewart*

Proposal No. 231, 1982, was retitled GENERAL ORDINANCE NO. 64, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 64, 1982**

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10 Pg. 4	Harcourt Rd. and Westlane Rd.	Westlane	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>
10 Pg. 2	Ditch Rd. and Westlane Rd.		SIGNAL
10 Pg. 4	Harcourt Rd. and Westlane Rd.		SIGNAL

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

PROPOSAL NO. 239, 1982. Councillor Tintera stated that this proposal renders advice to the Hospital Authority of Marion County regarding financing in the amount of \$20,590,000 for University Heights Hospital, Inc. He advised that the Economic Development Committee amended the proposal from the original request of \$20,000,000 to \$20,590,000 and recommended passage by a vote of 4-1-1 on July 16, 1982. Council consent was given on the amendment. Councillor Tintera explained that University Heights Hospital, Inc., presently located at 3350 Carson Avenue near St. Francis Hospital, plans to move to 1400 East County Line Road South, and will construct a new 150-bed hospital with emergency room facilities. When asked about giving free service to indigents, Mr. Harry Haver, Administrator of the Hospital, replied that the Hospital will retain charity obligations under the Hill-Burton Act. He reported that the new hospital will employ approximately 400 full-time employees, of which 95% will be present employees. In time, they will employ 40 new employees. Councillor Jones expressed his concerns that the employees be from Marion County. After discussion, Councillor Tintera moved, seconded by Councillor Parker, for adoption. Proposal No. 239, 1982, As Amended, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Campbell, Clark, Cottingham, Durnil, Gilmer, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Tintera, Vollmer, West*  
6 NAYS: *Brinkman, Coughenour, Dowden, Hawkins, Holmes, Stewart*  
1 NOT VOTING: *Strader*

Proposal No. 239, 1982, As Amended, was retitled SPECIAL RESOLUTION NO. 54, 1982, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1982**

**A SPECIAL RESOLUTION rendering advice to the Hospital Authority of Marion County regarding financing in the amount of Twenty Million Five Hundred Ninety Thousand dollars (\$20,590,000) for University Heights Hospital, Inc.**

**WHEREAS, the City-County Council of the City of Indianapolis, Indiana, by City-County General Resolution No. 4, 1979, adopted June 4, 1979, created the Hospital Authority of Marion County (hereafter "Authority") pursuant to the provisions of the Indiana Hospital Authority Act (IC 1971, 5-1-4-1 et seq. as amended); and**

**WHEREAS, the Judge of the Circuit Court of Marion County, Indiana, duly appointed directors to the Authority, who, after taking their respective oaths of office and qualifying, held various organizational meetings; and**

**WHEREAS, the directors of the Authority, pursuant to their By-Laws, adopted Rules of Procedure which provide in part that "Prior to the Authority finally authorizing any bond issue, the Authority will seek an advisory resolution from the Indianapolis City-County Council"; and**

WHEREAS, the Authority has investigated a request from University Heights Hospital, Inc. (hereinafter "U.H.H.") for the Authority to issue its tax exempt bonds in the principal amount of Twenty Million Five Hundred Ninety Thousand dollars (\$20,590,000) to be used by U.H.H. for the construction and equipping of a new hospital (the "Project") to replace its existing facility. The new hospital to be located at 1400 East County Line Road, South, in Indianapolis, Indiana; now, therefore:

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

SECTION 1. It is hereby found that the issuance by the Hospital Authority of Marion County of its tax exempt bonds in the aggregate principal amount of Twenty Million Five Hundred Ninety Thousand dollars (\$20,590,000) for University Heights Hospital, Inc. is for the benefit of the people of Marion County, Indiana, the increase of said people's commerce, welfare and prosperity and the improvement of their health and living conditions; and

SECTION 2. The City-County Council of the City of Indianapolis, Marion County, Indiana, hereby recommends to the Hospital Authority of Marion County the approval of the foregoing financing; and

SECTION 3. The Clerk of the City-County Council is hereby instructed to transmit a copy of this Special Resolution to the President of the Hospital Authority of Marion County.

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

PROPOSAL NO. 246, 1982. Councillor Coughenour stated that this proposal amends Code Chapter 10½ dealing with drainage and sediment control. She stated that the Public Works Committee amended the proposal, substituting a revised version by City Legal. Councillor Cottingham moved, seconded by Councillor Vollmer, the following:

**CITY—COUNTY COUNCIL MOTION**

Mr. President:

I move to amend Proposal No. 246, 1982, by deleting the introduced version and substituting therefor the proposal entitled: "Proposal No. 246, 1982, Committee Recommendations."

s/Councillor Coughenour

Consent was given on the amendment. Councillor Coughenour moved, seconded by Councillor Vollmer, for adoption. Proposal No. 246, 1982, As Amended, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West  
NO NAYS

3 NOT VOTING: McGrath, Parker, Strader

Proposal No. 246, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 65, 1982, and reads as follows:



CITY—COUNTY GENERAL ORDINANCE NO. 65, 1982

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Chapter 10½, which deals with drainage and sediment control.

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

SECTION 1. Section 10½-30 of Division 2 of Article II of Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched, as follows:

Sec. 10½-30. Required, exceptions; when to be obtained.

(a) No person, partnership or corporation shall undertake or accomplish any land alteration without having in force a written drainage permit obtained from the Department of Public Works of the City of Indianapolis; provided, however, that a drainage permit shall not be required for:

- (1) Excavation of cemetery graves;
- (2) Refuse disposal sites where storm drainage is controlled by other regulations;
- (3) Excavation for wells, excavation and backfills for poles, conduits and wires of utility companies;
- (4) Exploratory excavation or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (5) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;
- (6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;
- (7) Fill and grading of former basement site after the demolition of a structure, to conform to adjacent terrain;
- (8) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
- (9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, which does not exceed fifty (50) cubic yards per acre and does not obstruct drainage;
- (10) Maintenance of drainage facilities;
- (11) Installation of septic systems, when a proper permit has been obtained;
- (12) Construction of a driveway, when a proper permit has been obtained;
- (13) Installation of building sewers, when a proper permit has been obtained;
- (14) An enlargement or exterior change that does not exceed twenty-five (25) square feet in floor area to an existing structure, when no part of the structure, or the enlargement or exterior change to the structure, is located in an impacted drainage area;
- (15) Placement of an accessory structure, not exceeding one hundred twenty (120) square feet in floor area, to a one or two family dwelling, when the accessory structure is not located on a permanent foundation;
- (16) Exterior changes to a structure which do not change the ground floor area of the structure, unless the roof of the building is part of a retention-detention system.
- (17) Construction of a deck which extends over open ground at least eight (8) feet above grade or which is constructed so that water freely and directly flows through the deck to the ground below the deck.

(b) The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures of materials.

SECTION 2. Division 1 of Article II of Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Section 10½-20 to read as follows:

Sec. 10½-20. Maintenance of drainage facilities.

The owner of property is responsible for maintenance of the property's drainage facilities. The granting of an easement to the City of Indianapolis does not alter the property owner's duty to maintain the property's drainage facilities.

SECTION 3. Division 1 of Article III of Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Section 10½-101 to read as follows:

Sec. 10½-101. Relief from drainage standards and regulations for additions and detached accessory structures.

The requirements of Division 3 and Division 4 of this Article and pertinent regulations may be modified or waived, in accordance with Section 10½-80, for land alterations made in connection with the following kinds of construction activity to the extent that the applicant for the drainage permit makes a substantial showing that the minimum drainage standard or regulation is infeasible or unreasonably burdensome:

- (1) Alterations, enlargements, extensions or reconstructions of any building which constitutes a non-conforming use as authorized by the Flood Control Districts Zoning Ordinance of Marion County;
- (2) Construction of a detached accessory structure as authorized in the Flood Control District Zoning Ordinance of Marion County.

SECTION 4. Section 10½-127 of Division 3 of Article III of Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 10½-127. ~~Habitables~~ Structures to be free from 100-year floods.

(a) The drainage facility shall be such that all ~~habitable~~ structures are free from a 100-year flood.

(b) This section shall not apply to a non-conforming use, a detached accessory structure or an attached non-habitable structure as defined in the Flood Control Districts Zoning Ordinance of Marion County.

SECTION 5. Section 10½-155 of Division 4 of Article III of Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 10½-155. ~~Habitables~~ Structures to be free from 100-year floods.

(a) The drainage facility shall be such that all ~~habitable~~ structures are free from a 100-year flood.

(b) This section shall not apply to a non-conforming use, a detached accessory structure or an attached non-habitable structure as defined in the Flood Control Districts Zoning Ordinance of Marion County.

SECTION 6. 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 can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 249, 1982. Councillor Dowden stated that this proposal amends the Code concerning the preparation of the 1983 Annual Budget for City and County Government. He explained that in prior years the City and County agencies presented the Council with a 3-Level Budget; this proposal eliminates two levels and provides that they present a single-level balanced budget. After brief discussion, Councillor Dowden moved, seconded by Councillor Rhodes, for adoption. Proposal No. 249, 1982, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Tintera, Vollmer, West  
NO NAYS

4 NOT VOTING: Boyd, Brinkman, Jones, Schneider

Proposal No. 249, 1982, was retitled GENERAL ORDINANCE NO. 66, 1982, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 1982

A GENERAL ORDINANCE establishing rules and procedures for preparation of the 1983 Annual Budgets for City and County Government.

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 2, Division 4 of Article X, be, and is hereby amended by adding the words underlined and deleting the words ~~crosshatched~~ as follows:

DIVISION 4. ANNUAL BUDGET SUBMISSION

Sec. 29-395. Definitions.

As used in this division, the following words and phrases are defined as follows:

(a) "Annual Budget Ordinances" means the ordinance or ordinances adopted by the City-County Council in September of one year, establishing the appropriations, tax levies and tax rate for the calendar and fiscal year beginning the following January 1, and extending until the next December 31.

(b) "Budget Year" means the calendar or fiscal year beginning the following January 1, and extending through December 31 of that year.

(c) "Current Budget" means the budget for the calendar year beginning the first day of January of the current calendar year and extending through December 31 of the current calendar year.

(d) "Current Year Appropriations" means the total appropriations by fund as approved by the State Board of Tax Commissions with respect to the current budget.

(e) "Fiscal Officer" means and refers to the County Auditor with respect to the government of Marion County and to the City Controller with respect to the government of the Consolidated City of Indianapolis.

(f) "Maximum tax levy" means the maximum permissive ad valorem property tax levy for the budget year computed in accordance with IC 6-3.5-1-3.

(g) "Principal Administrative Official" shall mean the person required by IC 36-3-6-4 to estimate the necessary expenses for the proposed budget, i.e., the directors of the departments of the City of Indianapolis, every county officer and the supervisor of every other county agency.

(h) "Proposed Budget" means the financial data required to be submitted by the operating agencies to the respective fiscal officers prior to the first Tuesday after the first Monday of July of each year estimating the necessary expenditures for such agencies for the fiscal or calendar year beginning January 1 of the next calendar year.

Sec. 2-396. General requirement.

To assure that the annual budget ordinances submitted pursuant to IC 36-3-6-4 comply with the tax limitations in IC 6-3.5-2-3, the additional requirements of this Division shall be effective beginning with the submission of the proposed budget for the fiscal year beginning January 1, ~~1982~~ 1983.

Sec. 2-397. Balanced budgets required.

The annual budget ordinances for the City and County as prepared by the Fiscal Officers with the assistance of the General Counsel of the City-County Council, shall balance with the maximum tax levy for the budget year.

Sec. 2-398. ~~The~~ Proposed Budget ~~Is~~ Required.

To assist the Fiscal Officers in preparing such proposed ordinance or ordinances, the Principal Administrative Official shall submit to the respective Fiscal Officer's a proposed budget ~~s~~ with ~~it~~ an optional proposal of appropriation as specified in Section 2-399.



Sec. 2-399. These Proposed budget ~~is~~ determined. The proposed budget ~~is~~ to be determined shall be determined as follows:

(a) The proposed budget ~~is~~ shall not exceed the applicable percentage of the current year appropriations as established by the respective Fiscal Officers based on such Fiscal Officer's ~~best~~ best estimate of revenues for the budget year.

~~(b) (1) If the proposed budget is in excess of the amount specified by the Fiscal Officer, as required by this division, the respective Fiscal Officer shall so modify the budget of that agency so that the expenditures proposed for such agency in the proposed budget ordinance shall not exceed the proposed budget.~~

(b) ~~(1) If the proposed budget is in excess of the amount specified by the Fiscal Officer, as required by this division, the respective Fiscal Officer shall so modify the budget of that agency so that the expenditures proposed for such agency in the proposed budget ordinance shall not exceed the proposed budget.~~ This optional data shall include such increased levels of spending as the Principal Administrative Official may deem necessary for that respective governmental agency provided such Official suggests the source of financing any expenditures in excess of ~~the~~ the proposed budget by either (i) demonstrating that such expenditures are within the statutory provisions of IC 6-3.5-1-12 for a tax levy in excess of the limits in IC 6-3.5-1-3, or (ii) identifies a source of new or increased revenue not included in either the current budget or the revenues projected in the Fiscal Officer's estimates for the ~~the~~ proposed budget percentage, or (iii) identifies specific appropriations in the current budget which should be reduced because of a lower priority than the proposed increases.

Sec. 2-400. Balance budget submitted.

The proposed budget submitted by the Fiscal Officers for introduction to the City-County Council shall be within the total of revenues by fund specified for ~~the~~ the proposed budget.

Sec. 4-401. Authority of fiscal officers.

If the budget presented by any Principal Administrative Official ~~is~~ is in excess of the amount specified by the Fiscal Officer, as required by this division, the respective Fiscal Officer shall so modify the budget of that agency so that the expenditures proposed for such agency in the proposed budget ordinance shall not exceed ~~the~~ the proposed budget.

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

PROPOSAL NO. 254, 1982. Councillor Tintera stated that this proposal authorizes the issuance of \$825,000 Economic Development Revenue Bonds, Series 1982, for Design Printing Company, Inc., and that the Economic Development Committee recommended passage by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 254, 1982, was adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, SerVaas, Stewart, Strader, Tintera, Vollmer, West

1 NAY: Borst

3 NOT VOTING: Rhodes, Jones, Schneider

Proposal No. 254, 1982, was retitled SPECIAL ORDINANCE NO. 13, 1982, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 13, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project)," in the principal amount of Eight Hundred Twenty-five Thousand dollars (\$825,000) 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 Design Printing Company, 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 July 7, 1982, 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 Design Printing Company, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission, has approved the final forms of the Promissory Note and Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), and the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), the Security Agreement and Indenture of Trust, Guaranty Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

**SECTION 1.** It is hereby found that the 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 Design Printing Company, Inc. 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 Design Printing Company, 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 36-7-12.

**SECTION 2.** The forms of the Promissory Note and Loan Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Security Agreement and Indenture of Trust, Guaranty Agreement, and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), the Security Agreement and Indenture of Trust and Guaranty Agreement are on file in the office of the Clerk of the Council for public inspection.

**SECTION 3.** The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), in the principal amount of Eight Hundred Twenty-five Thousand dollars (\$825,000) for the purpose of procuring funds to loan to Design Printing Company, Inc. in order to finance the economic development facilities, as more particularly set out in the 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 Design Printing Company, Inc. on its promissory note in the principal amount of Eight Hundred Twenty-five Thousand dollars (\$825,000) which will be executed and delivered by Design Printing Company, Inc. to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, Security Agreement and Indenture of Trust and Guaranty Agreement. 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 price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the bonds equal to seventy percent (70%) of the prime rate of interest quoted and announced by American Fletcher National Bank & Trust Company from time to time (the "prime rate") or at such higher rate as may be provided for in the Loan Agreement, Security Agreement and Indenture of Trust or the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), and the Security Agreement and Indenture of Trust approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be by facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Security Agreement and Indenture of Trust, payment for which will be made to the Trustee named in the Security Agreement and Indenture of Trust. The execution and delivery of the Bonds shall occur within one hundred twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, Security Agreement and Indenture of Trust, Guaranty Agreement, and imprinting of their facsimile signatures on the Bonds, or their manual execution thereof, approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12(a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Security Agreement and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1982 (Design Printing Company, Inc. Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 256, 1982. Councillor Tintera explained that this proposal authorizes the issuance of \$550,000 Economic Development Revenue Bonds for 47 South Meridian Company Project and was recommended for passage by the Economic Development Committee by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor West, for adoption. Proposal No. 256, 1982, was adopted on the following roll call vote; viz:

29 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*  
NO NAYS

Proposal No. 256, 1982, was retitled SPECIAL ORDINANCE NO. 14, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 14, 1982**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), in the principal amount of (\$200,000) and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), in the principal amount of (\$350,000) and approving and authorizing other actions in respect thereto.



WHEREAS, 47 South Meridian Company, an Indiana limited partnership (the "Company"), previously had advised the Indianapolis Economic Development Commission and the City that it proposed that the City acquire, renovate and equip certain economic development facilities and sell or lease the same to the Company or that the City loan the proceeds of such a financing to the Company for such purposes, said economic development facility to be an approximate 58,000 square foot office building including possible retail space on the ground floor and possible restaurant space in the basement, to be leased or sub-leased to the general public, and the machinery and equipment to be installed therein, to be located at 47 South Meridian Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, pursuant to the City-County Special Ordinance No. 9, 1979, adopted on October 1, 1979, the City-County Council authorized the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1979 (47 South Meridian Company Project)," in the principal amount of One Million Seven Hundred and Fifty Thousand dollars (\$1,750,000) and approved and authorized other actions in respect thereto, and approved the final forms of the Loan Agreement, Mortgage and Indenture of Trust, Bond Purchase Agreement, Bond Guaranty Agreement, Note and Assignment of leases; and

WHEREAS, Section 2.12 of the Mortgage and Indenture of Trust among 47 South Meridian Company, the City of Indianapolis, and Merchants National Bank & Trust Company of Indianapolis, as Trustee, dated as of October 2, 1979 (Original Indenture), provides in part that additional bonds may be issued, authenticated and delivered for the purpose of providing funds for completing the Project or making additions to the Project; and

WHEREAS, the Company has advised the Indianapolis Economic Development Commission and the City that it proposes that the City issue additional revenue bonds to complete the renovation and equipping of certain economic development facilities and that the City loan the proceeds of such a financing to the Company for such purposes; and

WHEREAS, a true and correct copy of the Original Indenture was recorded as Instrument Number 79-75202 in the Office of the Recorder of Marion County, Indiana; and

WHEREAS, the holder of the Series 1979 Bond has, pursuant to Section 10.02 of the Original Indenture, given its prior written consent to the execution and delivery of the Supplemental Indenture by the parties hereto and the issuance of Additional Bonds upon the terms and conditions set forth in the Original Indenture as amended, and the provisions of Section 2.12 of the Original Indenture have been satisfied; and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed additional financing of economic development facilities for 47 South Meridian 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 July 7, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the additional financing of certain economic development facilities to be completed by 47 South Meridian Company complies with the purposes and provisions of Indiana Code 36-7-12, and that such additional 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 First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, Series 1982-A Note and Series 1982-B Note (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana

Code 36-7-12), and the Supplemental Mortgage and Indenture of Trust, First Amendment to Assignment of Leases and Rents, City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the additional financing of the economic development facilities referred to in the First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, 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 47 South Meridian Company for the purpose of completing the financing of the acquisition, renovation, and equipping of various improvements comprising the economic development facilities located in Indianapolis, Indiana, and the repayment of said loan by 47 South Meridian Company will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, Series 1982-A Note and Series 1982-B Note (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Supplemental Mortgage and Indenture of Trust, First Amendment to Assignment of Leases and Rents, and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents 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. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), the Supplemental Mortgage and Indenture of Trust and First Amendment to Assignment of Leases and Rents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), in the principal amount of (\$200,000) and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), in the principal amount of (\$350,000) for the purpose of procuring funds to loan to 47 South Meridian Company in order to complete the financing of the economic development facilities, as more particularly set out in the First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by 47 South Meridian Company on its Series 1982-A Note and Series 1982-B Note, which will be executed and delivered by 47 South Meridian Company to evidence and secure said loan, and as otherwise provided in the above described Supplemental Mortgage and Indenture of Trust, First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, Series 1982-A Note, Series 1982-B Note and First Amendment to Assignment of Leases and Rents. 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 the City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), in the principal amount of \$200,000 to the purchaser thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest equal to twelve and one-half percent (12½%), and the City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), in the principal amount of \$350,000 to the purchaser

thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, at a stated per annum rate of interest equal to fourteen percent (14%) or at such higher rate as may be provided for in the Supplemental Mortgage and Indenture of Trust, First Amendment of, and Supplement to, Loan Agreement dated as of October 2, 1979, Series 1982-A Note, Series 1982-B Note, City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), or City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), and Supplemental Mortgage and Indenture of Trust approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to Merchants National Bank & Trust Company of Indianapolis, as Trustee, payment for which will be made to Merchants National Bank & Trust Company of Indianapolis, as Trustee. The execution and delivery of the Bonds shall occur within one hundred twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, Supplemental Mortgage and Indenture of Trust, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof, approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12(a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance, the Supplemental Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the City of Indianapolis Economic Development Revenue Bonds, Series 1982-A (47 South Meridian Company Project), and City of Indianapolis Economic Development Revenue Bonds, Series 1982-B (47 South Meridian Company Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 257, 1982. This proposal authorizes the issuance of \$4,780,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Firethorn Apartments Project - Phase II, and was recommended for passage by the Economic Development Committee on July 16, 1982, by a vote of 6-0. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 256, 1982, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Dumil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

1 NAY: *Schneider*

Proposal No. 257, 1982, was retitled SPECIAL ORDINANCE NO. 15, 1982, and reads as follows:



CITY-COUNTY SPECIAL ORDINANCE NO. 15, 1982

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of revenue bonds up to the principal amount of Four Million Seven Hundred Eighty Thousand dollars (\$4,780,000) and the loaning of the proceeds derived therefrom to Firethorn Associates to finance the costs of construction of an economic development facility.

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City"), is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (hereinafter called the "Act"), is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and construction of economic development facilities to promote the general welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Financing Agreement dated as of July 1, 1982, by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement"), and the Indenture of Trust dated as of July 1, 1982, by and between the City and a trustee to be named therein (the "Indenture"); and

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

WHEREAS, the Owner has agreed to acquire and construct economic development facilities for residential use within the limits of the City in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the area of the City, and make payments pursuant to the Financing Agreement evidencing its loan obligations in an amount sufficient to pay the principal of and interest on the economic development revenue bonds hereinafter authorized; and

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

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

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued by the City for the purpose of funding a loan from the City to finance, by advances to be made by Puller Mortgage Associates, Inc. to the Owner under a Note dated May 28,

1982 (the "Note") and Mortgage dated May 28, 1982 (the "Mortgage"), the cost of acquisition of such facilities, the Financing Agreement, Indenture and other documents (the "Financing Documents"), two copies of which resolution and Financing Documents and information pertaining to the proposed financing have been transmitted to the City-County Council by the Secretary of the Commission; and

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

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

**SECTION 1. Public Benefits:** The City-County Council of Indianapolis and of Marion County, Indiana, hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act, and that acquisition and construction of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City, and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

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

**SECTION 3. Authorization of Economic Development Revenue Bonds:** In order to pay the cost of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered as provided in the Bond Purchase Agreement, and shall mature on December 1, 1984, and bear interest at a rate not to exceed 12% per annum. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and shall have impressed or imprinted thereon the official seal of the City and be attested with the manual or facsimile signature of its Clerk of the City-County Council (the "Clerk"). All authorized facsimile signatures shall have the same force and effect as if manually signed. It is hereby recognized that, pursuant to the terms of the Financing Agreement, any balance of the cost of the Project will be paid for by the Owner.

**SECTION 4. Definitions:** In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Financing Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Financing Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the City-County Council and to keep them on file.

**SECTION 5. Terms of the Bonds:** The total principal amount of the Bonds that may be issued is hereby expressly limited to \$4,780,000 and such Bonds shall be in \$5,000 denominations or any integral multiple thereof. The Bonds shall be dated as of July 1, 1982, shall be registered form and shall have the redemption provisions set forth in the Indenture.

The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by the Owner pursuant to the Financing Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment



Contract with respect to the Project from GNMA to Puller Mortgage Associates, Inc., except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders.

By the Indenture, the City will assign to the Trustee the City's rights under the Financing Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and approval of the instrument.

The Financing Agreement, Note, and Mortgage of the Owner, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

**SECTION 6. Authorization of Bonds:** That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of up to \$4,780,000 Construction Loan Revenue Bonds (Firethorn Apartments, Phase II Project—FHA Insured Advances) Series 1982, of the City of Indianapolis, Indiana, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds shall not constitute nor give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

**SECTION 7. Indenture:** That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form marked as Exhibit A on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, including the terms of redemption, is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor and the Clerk, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, including specifically but without limitation, authorization of the issuance of the Bonds in an amount less than \$4,780,000 and at a rate less than 12% per annum, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

**SECTION 8. Financing Agreement:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreement in substantially the form marked as Exhibit B on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Financing Agreement now before this meeting.

**SECTION 9. Bond Purchase Agreement:** That the sale of the Bonds to Boettcher & Company pursuant to the Bond Purchase Agreement, substantially the form marked as Exhibit C on file in the office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions from the form of the Bond Purchase Agreement now before this meeting. The Bonds shall be executed and delivered at a time or times corresponding to the requirements of the Bond Purchase Agreement.



**SECTION 10. Inducement Letter:** That the Mayor is hereby authorized and directed to accept the Inducement Letter in substantially the form marked as Exhibit D on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Inducement Letter now before this meeting.

**SECTION 11. General Partners' Security Agreement:** That the Mayor is hereby authorized and directed to accept the General Partners' Security Agreement in substantially the form marked as Exhibit E on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the General Partners' Security Agreement now before this meeting.

**SECTION 12. Official Statement:** That the use of a Preliminary Official Statement in substantially the form marked as Exhibit F on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance, be and the same is hereby authorized, and the Mayor is authorized to execute a final Official Statement in substantially the same form with such changes, modifications, additions or deletions herein as shall seem necessary, desirable or appropriate, the Mayor's execution thereof to constitute conclusive evidence of this approval of the form and content of the final Official Statement.

**SECTION 13. Additional Documents:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds, and the execution and delivery of said Financing Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this Bond Ordinance.

**SECTION 14. Severability:** That the provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provision (including the Exhibits hereto, which are made a part hereof and incorporated herein by this reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Two copies of the Exhibits herein referenced and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party.

**SECTION 15. Conflicting Ordinances:** That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 16. Modification of Financing Documents:** All changes, modifications, additions or deletions which the Mayor and Clerk are authorized to approve to the Financing Documents, including the Bonds, may be approved without further approval of this City-County Council or of the Indianapolis Economic Development Commission if such changes, modifications, additions or deletions do not affect the terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

**SECTION 17. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 258, 1982. Councillor Tintera stated that this proposal authorizes the issuance of \$6,500,000 Construction Loan Revenue Bonds, Series 1982, for Willow Glen Apartments Project and was recommended for passage by the Economic Development Committee by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 258, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Schneider, SerVaas, Strader, Tintera, Vollmer, West*

NO NAYS

3 NOT VOTING: *Holmes, Rhodes, Stewart*

Proposal No. 258, 1982, was retitled SPECIAL ORDINANCE NO. 16, 1982, and reads as follows:

**CITY—COUNTY SPECIAL ORDINANCE NO. 16, 1982**

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of revenue bonds up to the principal amount of Six Million Five Hundred Thousand dollars (\$6,500,000) and the loaning of the proceeds derived therefrom to Willow Glen Apartments to finance the costs of construction of an economic development facility.

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (hereinafter called the "Act"), is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and construction of economic development facilities to promote the general welfare of the area in and near Marion County and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Financing Agreement dated as of June 1, 1982, by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement"), and the Indenture of Trust dated as of June 1, 1982, by and between the City and American Fletcher National Bank and Trust Company, a trustee (the "Trustee") (the "Indenture"); and

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

WHEREAS, the Owner has agreed to acquire and construct economic development facilities for residential use within the limits of Marion County in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the area of the City, and make payments pursuant to the Financing Agreement evidencing its loan obligations in an amount sufficient to pay the principal of and interest on the economic development revenue bonds hereinafter authorized; and

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

WHEREAS, the Commission has approved a report estimating the public services which would be made necessary or desirable, stating that no public facilities will be necessary or desirable on account of the proposed facility because such facilities will be provided by either the Owner or the private facilities involved, and has submitted such report to the Presiding Officer of the Metropolitan Development Commission of Marion County, Indiana, and, if required by the Act, to the Superintendent of the school corporation where the facilities will be located; and

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued by the City for the purpose of financing the costs of acquisition of such facilities, the Financing Agreement and the Indenture, two copies of which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the City-County Council by the Secretary of the Commission; and

WHEREAS, pursuant to the Act, this City-County Council had adopted on June 21, 1982, a resolution finding that the proposed financing of the acquisition of such economic development facilities for residential use by the Owner will be of benefit to the general welfare of Marion County, approving the proposed financing and authorizing the issuance by the City of Construction Loan Revenue Bonds (Willow Glen Apartments Project) Series 1982 (the "Bonds"), in a principal amount which is not to exceed \$6,500,000, payable solely from the sources, having such terms and provisions and secured as provided by the Indenture and the Financing Agreement; and

WHEREAS, the City of Beech Grove, in which the Project will partially be located, has consented to the exercise of jurisdiction by the City in connection with the issuance of the Bonds to finance the Project; now, therefore:

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

**SECTION 1. Public Benefits:** The City-County Council of Indianapolis and of Marion County, Indiana, hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act, and that acquisition and construction of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near Marion County, will encourage and promote expansion of industry, trade and commerce in the area in and near Marion County and the location of other new economic development facilities in such area.

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

**SECTION 3. Authorization of Economic Development Revenue Bonds:** To pay the cost of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered provided that the Bonds shall mature on November 1, 1984, and bear interest at the Interest Rate as defined in the Indenture. The Bonds shall be executed and delivered at a time or times corresponding to the requirements of the Bond Purchase Agreement. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and shall have impressed or imprinted thereon the official seal of the City and be attested with the manual or facsimile signature of its Clerk of the City-County Council (the "Clerk"). All authorized facsimile signatures shall have the same force and effect as if manually signed. It is hereby recognized that, pursuant to the terms of the Financing Agreement, any balance of the cost of the Project will be paid for by the Owner.

**SECTION 4. Definitions:** In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Financing Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Financing Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the City-County Council and to keep them on file.



**SECTION 5. Terms of the Bonds:** The total principal amount of the Bonds that may be issued is hereby expressly limited to \$6,500,000. The terms of the Bonds will be such as are set forth in the Indenture, and such terms are adopted herein by reference and approval of the Indenture.

The Bonds are not in any respect a general obligation of the City, nor are they payable in any manner from funds raised by taxation. The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by Willow Glen Apartments pursuant to the Financing Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment Contract with respect to the Project by and between GNMA and First American Mortgage Corporation, except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders. No additional bonds are to be issued prior to or on parity with the lien of the Indenture.

By the Indenture, the City will assign to the Trustee the City's rights under the Financing Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and approval of the instrument.

The Financing Agreement, Note, and Mortgage of the Owner, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

**SECTION 6. Authorization of Bonds:** That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of up to \$6,500,000 Construction Loan Revenue Bonds (Willow Glen Apartments Project) Series 1982, of the City of Indianapolis, Indiana, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds shall not constitute nor give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

**SECTION 7. Indenture:** That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form marked as Exhibit A on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor ("Mayor") and the City Clerk ("Clerk"), with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

**SECTION 8. Financing Agreement:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreement in substantially the form marked as Exhibit B on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Financing Agreement now before this meeting.

**SECTION 9. Bond Purchase Agreement:** That the sale of the Bonds to American Fletcher National Bank and Trust Company pursuant to the Bond Purchase Agreement, substantially the form marked as Exhibit C on file in the office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions

set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions from the form of the Bond Purchase Agreement now before this meeting.

**SECTION 10. Additional Documents:** That the Mayor is hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds, and the execution and delivery of said Financing Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this Bond Ordinance.

**SECTION 11. Severability:** That the provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provision (including the Exhibits hereto, which are made a part hereof and incorporated herein by this reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Two copies of the Exhibits herein referenced and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party.

**SECTION 12. Conflicting Ordinances:** That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 13. Modification of Financing Documents:** All changes, modifications, additions or deletions which the Mayor and Clerk are authorized to approve to the Financing Documents, including the Bonds, may be approved without further approval of this City-County Council or of the Indianapolis Economic Development Commission if such changes, modifications, additions or deletions do not affect the terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

**SECTION 14. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 259, 1982. This proposal authorizes the issuance of \$13,800,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Marott Apartments Project. Councillor Tintera said that this proposal was recommended for passage by the Economic Development Committee by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor West, for adoption. Proposal No. 259, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Strader, Tintera, Vollmer, West*

1 NAY: *Schneider*

1 NOT VOTING: *Stewart*

Proposal No. 259, 1982, was retitled SPECIAL ORDINANCE NO. 17, 1982, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 17, 1982

**A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of revenue bonds up to the principal amount of Thirteen Million Eight Hundred Thousand dollars (\$13,800,000) and the loaning of the proceeds derived therefrom to Marott Associates to finance the costs of construction of an economic development facility.**

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (hereinafter called the "Act"), is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and renovation of economic development facilities to promote the general welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or renovation of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Financing Agreement dated as of July 1, 1982, by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement"), and the Indenture of Trust dated as of July 1, 1982, by and between the City and a trustee to be named therein (the "Indenture"); and

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

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

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

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

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued by the City for the purpose of funding a loan from the City to finance, by advances to be made by Puller Mortgage Associates, Inc. to the Owner under a Note anticipated to be dated July 27, 1982 (the "Note"), and Mortgage dated July 27, 1982 (the "Mortgage"), the cost of acquisition of such facilities, the Financing Agreement, Indenture and other documents (the "Financing Documents"), two copies of which resolution and Financing Documents and information pertaining to the proposed financing have been transmitted to the City-County Council by the Secretary of the Commission; and

WHEREAS, pursuant to the Act, this City-County Council had adopted on May 10, 1982, a resolution finding that the proposed financing of the acquisition of such economic development facilities for residential use by the Owner will be of benefit to the



general welfare of the City, approving the proposed financing and authorizing the issuance by the City of Construction Loan Revenue Bonds (Marott Associates Project--FHA Insured Advances) Series 1982 (the "Bonds"), payable solely from the sources, having such terms and provisions and secured as provided by the Indenture and the Financing Agreement; now, therefore:

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

**SECTION 1. Public Benefits:** The City-County Council of Indianapolis and of Marion County, Indiana, hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and renovated with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act and that acquisition and renovation of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City, and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

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

**SECTION 3. Authorization of Economic Development Revenue Bonds:** In order to pay the cost of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered as provided in the Bond Purchase Agreement, and shall mature on July 1, 1985, and bear interest at a rate not to exceed 13% per annum. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and shall have impressed or imprinted thereon the official seal of the City and be attested with the manual or facsimile signature of its Clerk of the City-County Council (the "Clerk"). All authorized facsimile signatures shall have the same force and effect as if manually signed. It is hereby recognized that, pursuant to the terms of the Financing Agreement, any balance of the cost of the Project will be paid for by the Owner.

**SECTION 4. Definitions:** In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Financing Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Financing Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the City-County Council and to keep them on file.

**SECTION 5. Terms of the Bonds:** The total principal amount of the Bonds that may be issued is hereby expressly limited to \$13,800,000 and such Bonds shall be in \$5,000 denominations or any integral multiple thereof. The Bonds shall be dated as of July 1, 1982, shall be registered form and shall have the redemption provisions set forth in the Indenture.

The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by the Owner pursuant to the Financing Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment Contract with respect to the Project from GNMA to Puller Mortgage Associates, Inc., except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders.

By the Indenture, the City will assign to the Trustee the City's rights under the Financing Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and approval of the instrument.

The Financing Agreement, Note and Mortgage of the Owner, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

**SECTION 6. Authorization of Bonds:** That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of up to \$13,800,000 Construction Loan Revenue Bonds (Marott Apartments, Project--FHA Insured Advances) Series 1982, of the City of Indianapolis, Indiana, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds shall not constitute nor give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

**SECTION 7. Indenture:** That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form marked as Exhibit A on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, including the terms of redemption, is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor and the Clerk, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, including specifically but without limitation, authorization of the issuance of the Bonds in an amount less than \$13,800,000 and at a rate less than 13% per annum, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

**SECTION 8. Financing Agreement:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreement in substantially the form marked as Exhibit B on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Financing Agreement now before this meeting.

**SECTION 9. Bond Purchase Agreement:** That the sale of the Bonds to Boettcher & Company pursuant to the Bond Purchase Agreement, substantially the form marked as Exhibit C on file in the office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions from the form of the Bond Purchase Agreement now before this meeting. The Bonds shall be executed and delivered at a time or times corresponding to the requirements of the Bond Purchase Agreement.

**SECTION 10. Inducement Letter:** That the Mayor is hereby authorized and directed to accept the Inducement Letter in substantially the form marked as Exhibit D on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Inducement Letter now before this meeting.



**SECTION 11. General Partners' Security Agreement:** That the Mayor is hereby authorized and directed to accept the General Partners' Security Agreement in substantially the form marked as Exhibit E on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the General Partners' Security Agreement now before this meeting.

**SECTION 12. Official Statement:** That the use of a Preliminary Official Statement in substantially the form marked as Exhibit F on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance, be and the same is hereby authorized, and the Mayor is authorized to execute a final Official Statement in substantially the same form with such changes, modifications, additions or deletions herein as shall seem necessary, desirable or appropriate, the Mayor's execution thereof to constitute conclusive evidence of this approval of the form and content of the final Official Statement.

**SECTION 13. Additional Documents:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds, and the execution and delivery of said Financing Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this Bond Ordinance.

**SECTION 14. Severability:** That the provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provision (including the Exhibits hereto, which are made a part hereof and incorporated herein by this reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Two copies of the Exhibits herein referenced and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party.

**SECTION 15. Conflicting Ordinances:** That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 16. Modification of Financing Documents:** All changes, modifications, additions or deletions which the Mayor and Clerk are authorized to approve to the Financing Documents, including the Bonds, may be approved without further approval of this City-County Council or of the Indianapolis Economic Development Commission if such changes, modifications, additions or deletions do not affect the terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

**SECTION 17. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 260, 1982. This proposal authorizes the issuance of \$8,250,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for Chelsea Village Apartments Project. Councillor Tintera reported that the Economic Development Committee recommended passage by a vote of 5-0 on July 16, 1982. He moved, seconded by Councillor Brinkman, for adoption. Proposal No. 260, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: *Campbell*

Proposal No. 260, 1982, was retitled SPECIAL ORDINANCE NO. 18, 1982, and reads as follows:



CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1982

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of revenue bonds up to the principal amount of Eight Million Two Hundred Fifty Thousand dollars (\$8,250,000) and the loaning of the proceeds derived therefrom to Chelsea Village to finance the costs of construction of an economic development facility.

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (hereinafter called the "Act"), is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and construction of economic development facilities to promote the general welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Financing Agreement dated as of July 1, 1982, by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement"), and the Indenture of Trust dated as of July 1, 1982, by and between the City and a trustee to be named therein (the "Indenture"); and

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

WHEREAS, the Owner has agreed to acquire and construct economic development facilities for residential use within the limits of the City in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the area of the City, and make payments pursuant to the Financing Agreement evidencing its loan obligations in an amount sufficient to pay the principal of and interest on the economic development revenue bonds hereinafter authorized; and

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

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

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued by the City for the purpose of funding a loan from the City to finance, by advances to be made by Mount Vernon Mortgage Company, a limited partnership, to the Owner under a Note dated July 1, 1982 (the "Note"), and Mortgage dated July 1, 1982 (the "Mortgage"), the cost of acquisition of such facilities, the Financing Agreement, Indenture and other documents (the "Financing Documents"), two copies of which resolution

and Financing Documents and information pertaining to the proposed financing have been transmitted to the City-County Council by the Secretary of the Commission; and

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

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

**SECTION 1. Public Benefits:** The City-County Council of Indianapolis and of Marion County, Indiana, hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act, and that acquisition and construction of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City, and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

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

**SECTION 3. Authorization of Economic Development Revenue Bonds:** In order to pay the cost of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered as provided in the Bond Purchase Agreement, and shall mature on January 1, 1985, and bear interest at a rate not to exceed 12% per annum. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and shall have impressed or imprinted thereon the official seal of the City and be attested with the manual or facsimile signature of its Clerk of the City-County Council (the "Clerk"). All authorized facsimile signatures shall have the same force and effect as if manually signed. It is hereby recognized that, pursuant to the terms of the Financing Agreement, any balance of the cost of the Project will be paid for by the Owner.

**SECTION 4. Definitions:** In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Financing Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Financing Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the City-County Council and to keep them on file.

**SECTION 5. Terms of the Bonds:** The total principal amount of the Bonds that may be issued is hereby expressly limited to \$8,250,000 and such Bonds shall be in \$5,000 denominations or any integral multiple thereof. The Bonds shall be dated as of July 1, 1982, shall be registered form and shall have the redemption provisions set forth in the Indenture.

The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by the Owner pursuant to the Financing Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment Contract with respect to the Project from GNMA to Mount Vernon Mortgage Company, a limited partnership, except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders.



By the Indenture, the City will assign to the Trustee the City's rights under the Financing Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and approval of the instrument.

The Financing Agreement, Note and Mortgage of the Owner, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

**SECTION 6. Authorization of Bonds:** That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of up to \$8,250,000 Construction Loan Revenue Bonds (Chelsea Village Apartments--FHA Insured Advances) Series 1982, of the City of Indianapolis, Indiana, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds shall not constitute nor give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

**SECTION 7. Indenture:** That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form marked as Exhibit A on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, including the terms of redemption, is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor and the Clerk, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, including specifically but without limitation, authorization of the issuance of the Bonds in an amount less than \$8,250,000 and at a rate less than 12% per annum, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

**SECTION 8. Financing Agreement:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreement in substantially the form marked as Exhibit B on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Financing Agreement now before this meeting.

**SECTION 9. Bond Purchase Agreement:** That the sale of the Bonds to Boettcher & Company pursuant to the Bond Purchase Agreement, substantially the form marked as Exhibit C on file in the office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions from the form of the Bond Purchase Agreement now before this meeting. The Bonds shall be executed and delivered at a time or times corresponding to the requirements of the Bond Purchase Agreement.

**SECTION 10. Inducement Letter:** That the Mayor is hereby authorized and directed to accept the Inducement Letter in substantially the form marked as Exhibit D on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by



execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Inducement Letter now before this meeting.

**SECTION 11. General Partners' Security Agreement:** That the Mayor is hereby authorized and directed to accept the General Partners' Security Agreement in substantially the form marked as Exhibit E on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the General Partners' Security Agreement now before this meeting.

**SECTION 12. Official Statement:** That the use of a Preliminary Official Statement in substantially the form marked as Exhibit F on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance, be and the same is hereby authorized, and the Mayor is authorized to execute a final Official Statement in substantially the same form with such changes, modifications, additions or deletions herein as shall seem necessary, desirable or appropriate, the Mayor's execution thereof to constitute conclusive evidence of this approval of the form and content of the final Official Statement.

**SECTION 13. Additional Documents:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds, and the execution and delivery of said Financing Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this Bond Ordinance.

**SECTION 14. Severability:** That the provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provision (including the Exhibits hereto, which are made a part hereof and incorporated herein by this reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Two copies of the Exhibits herein referenced and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party.

**SECTION 15. Conflicting Ordinances:** That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 16. Modification of Financing Documents:** All changes, modifications, additions or deletions which the Mayor and Clerk are authorized to approve to the Financing Documents, including the Bonds, may be approved without further approval of this City-County Council or of the Indianapolis Economic Development Commission if such changes, modifications, additions or deletions do not affect the terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

**SECTION 17. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 261, 1982. This proposal authorizes the issuance of \$9,070,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances, for The Woods of Castleton Apartments Project and was recommended for passage by the Economic Development Committee by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 261, 1982, was adopted on the following roll call vote; viz:

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

1 NAY: *Schneider*

Proposal No. 261, 1982, was retitled SPECIAL ORDINANCE NO. 19, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 19, 1982**

A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of revenue bonds up to the principal amount of Nine Million Seventy Thousand dollars (\$9,070,000) and the loaning of the proceeds derived therefrom to The Woods of Castleton to finance the costs of construction of an economic development facility.

WHEREAS, the City of Indianapolis, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (hereinafter called the "Act"), is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and construction of economic development facilities to promote the general welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of acquisition or construction of such economic development facilities, including engineering, legal fees, and all other expenses relating thereto during construction, including the costs of issuing the bonds, and to secure said bonds pursuant to a Financing Agreement dated as of July 1, 1982, by and between the City and the Owner (as hereinafter defined) (the "Financing Agreement"), and the Indenture of Trust dated as of July 1, 1982, by and between the City and a trustee to be named therein (the "Indenture"); and

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

WHEREAS, the Owner has agreed to acquire and construct economic development facilities for residential use within the limits of the City in the State of Indiana and thereby promote the general economic welfare of the area in and near the City and provide diversification of housing in and near the area of the City, and make payments pursuant to the Financing Agreement evidencing its loan obligations in an amount sufficient to pay the principal of and interest on the economic development revenue bonds hereinafter authorized; and

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

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

WHEREAS, after giving notice in accordance with the Act, the Commission held on July 7, 1982, a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the purposes and provisions of the Act, approving the financing and approving the form and terms of the Bonds proposed to be issued

by the City for the purpose of funding a loan from the City to finance, by advances to be made by Mount Vernon Mortgage Company, a limited partnership, to the Owner under a Note dated April 26, 1982 (the "Note"), and Mortgage dated April 26, 1982 (the "Mortgage"), the cost of acquisition of such facilities, the Financing Agreement, Indenture and other documents (the "Financing Documents"), two copies of which resolution and Financing Documents and information pertaining to the proposed financing have been transmitted to the City-County Council by the Secretary of the Commission; and

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

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

SECTION 1. Public Benefits: The City-County Council of Indianapolis and of Marion County, Indiana, hereby finds and determines that the real estate, interests in real estate, other improvements thereon and other machinery and equipment, to be acquired and constructed with the proceeds of the Bonds herein authorized are "economic development facilities" as that phrase is used in the Act, and that acquisition and construction of the Project will increase the number of sites developed for residential use in and near the City, will improve and promote the economic stability, development and the general welfare of the area in and near the City, and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of other new economic development facilities in such area.

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

SECTION 3. Authorization of Economic Development Revenue Bonds: In order to pay the cost of acquiring and constructing the Project, the Bonds are hereby authorized to be issued, sold and delivered as provided in the Bond Purchase Agreement, and shall mature on July 1, 1985, and bear interest at a rate not to exceed 12% per annum. The Bonds shall be executed on behalf of the City with the manual or facsimile signature of its Mayor and shall have impressed or imprinted thereon the official seal of the City and be attested with the manual or facsimile signature of its Clerk of the City-County Council (the "Clerk"). All authorized facsimile signatures shall have the same force and effect as if manually signed. It is hereby recognized that, pursuant to the terms of the Financing Agreement, any balance of the cost of the Project will be paid for by the Owner.

SECTION 4. Definitions: In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Indenture and Financing Agreement unless the context or use indicates another or different meaning or intent and the form of the Bonds and the forms of the Financing Agreement and Indenture, which forms are before the meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk is hereby directed to insert them into the minutes of the City-County Council and to keep them on file.

SECTION 5. Terms of the Bonds: The total principal amount of the Bonds that may be issued is hereby expressly limited to \$9,070,000 and such Bonds shall be in \$5,000 denominations or any integral multiple thereof. The Bonds shall be dated as of July 1, 1982, shall be registered form and shall have the redemption provisions set forth in the Indenture.



The Bonds are limited obligations of the City, payable solely from payments of principal and interest made by the Owner pursuant to the Financing Agreement, or proceeds from the Government National Mortgage Association ("GNMA") Commitment Contract with respect to the Project from GNMA to Mount Vernon Mortgage Company, a limited partnership, except to the extent that the principal of and interest on the Bonds may be paid out of money attributable to Bond proceeds or, from temporary investments, or from other moneys, if any, accruing to the Trustee for the benefit of the bondholders.

By the Indenture, the City will assign to the Trustee the City's rights under the Financing Agreement, including the right of the City to receive payments thereunder, all as security for the payment of the Bonds. The Bonds will be secured as provided in the Indenture and the terms of said instrument are adopted herein by reference and approval of the instrument.

The Financing Agreement, Note and Mortgage of the Owner, and documents executed thereunder, will constitute the sole security for the Bonds. The Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project.

The Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City.

**SECTION 6. Authorization of Bonds:** That there is hereby authorized and directed the following:

(a) The execution, issuance, sale and delivery of up to \$9,070,000 Construction Loan Revenue Bonds (The Woods of Castleton Apartments Project-FHA Insured Advances) Series 1982, of the City of Indianapolis, Indiana, for the purposes expressed herein, having substantially the form, details and specifications set out in the Indenture, which Bonds shall not constitute nor give rise to a pecuniary liability of the City or a charge against the general credit or taxing powers of the City.

(b) The execution of the Bond Purchase Agreement providing for the purchase and sale of the Bonds.

**SECTION 7. Indenture:** That for the purpose of further securing the Bonds and to provide the details thereof and to prescribe the terms and conditions upon which the Bonds are to be secured, executed, authenticated, accepted and held, the Indenture in substantially the form marked as Exhibit A on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, including the terms of redemption, is hereby authorized to be executed, attested, sealed and delivered on behalf of the City by its Mayor and the Clerk, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, including specifically but without limitation authorization of the issuance of the Bonds in an amount less than \$9,070,000 and at a rate less than 12% per annum, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form of the Indenture now before this meeting, and said officials are hereby authorized and directed to cause said Indenture to be accepted, executed and acknowledged by the Trustee thereunder. Said Indenture shall constitute and is hereby made a part of this authorizing bond ordinance.

**SECTION 8. Financing Agreement:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver the Financing Agreement in substantially the form marked as Exhibit B on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions therein from the form of the Financing Agreement now before this meeting.

**SECTION 9. Bond Purchase Agreement:** That the sale of the Bonds to Boettcher & Company pursuant to the Bond Purchase Agreement, substantially the form marked as Exhibit C on file in the office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein, is hereby authorized, approved and confirmed, and the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver said Bond Purchase Agreement, with such changes, modifications, additions and deletions therein as shall seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes and modifications, additions or deletions from the

form of the Bond Purchase Agreement now before this meeting. The Bonds shall be executed and delivered at a time or times corresponding to the requirements of the Bond Purchase Agreement.

**SECTION 10. Inducement Letter:** That the Mayor is hereby authorized and directed to accept the Inducement Letter in substantially the form marked as Exhibit D on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Inducement Letter now before this meeting.

**SECTION 11. General Partners' Security Agreement:** That the Mayor is hereby authorized and directed to accept the General Partners' Security Agreement in substantially the form marked as Exhibit E on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance and containing substantially the terms and provisions set forth therein for and on behalf of the City by execution thereof with such changes, modifications, additions or deletions therein as shall seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the General Partners' Security Agreement now before this meeting.

**SECTION 12. Official Statement:** That the use of a Preliminary Official Statement in substantially the form marked as Exhibit F on file in the Office of the Clerk as stated in Section 14 of this Bond Ordinance, be and the same is hereby authorized, and the Mayor is authorized to execute a final Official Statement in substantially the same form with such changes, modifications, additions or deletions herein as shall seem necessary, desirable or appropriate, the Mayor's execution thereof to constitute conclusive evidence of this approval of the form and content of the final Official Statement.

**SECTION 13. Additional Documents:** That the Mayor and the Clerk are hereby authorized and directed to execute, attest, seal and deliver any and all documents and do any and all things deemed necessary in order to effect the issuance and sale of said Bonds, and the execution and delivery of said Financing Agreement, Indenture and Bond Purchase Agreement and to carry out the intent and purposes of this Bond Ordinance.

**SECTION 14. Severability:** That the provisions of this Bond Ordinance are hereby declared to be separable and if any section, phrase or provision (including the Exhibits hereto, which are made a part hereof and incorporated herein by this reference) shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Two copies of the Exhibits herein referenced and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party.

**SECTION 15. Conflicting Ordinances:** That all Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 16. Modification of Financing Documents:** All changes, modifications, additions or deletions which the Mayor and Clerk are authorized to approve to the Financing Documents, including the Bonds, may be approved without further approval of this City-County Council or of the Indianapolis Economic Development Commission if such changes, modifications, additions or deletions do not affect the terms set forth in I.C. 36-7-12-27(a)(1) through (a)(11).

**SECTION 17. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 262, 1982. This proposal authorizes proceedings with respect to economic development bonds for Devington Associates, Ltd. in an amount not to exceed \$1,000,000, and was recommended for passage by the Economic Development Committee by a vote of 6-0 on July 16, 1982. Councillor Tintera moved, seconded by Councillor Gilmer, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 262, 1982, to add the following underlined words to Section 2:

SECTION 2. The City-County Council futher finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$1,000,000 under the Act to be privately placed for the acquisition, construction and equipping of the Project (said Project to be designated as part of an Urban Development Action Grant Project receiving an Urban Development Action Grant in an amount not less than \$712,000, the Urban Development Action Grant Project to receive a grant from Lilly Endowment, Inc. of not less than \$250,000, an investment of not less than \$150,000 from the Local Incentives Support Corporation and privately placed financing for the balance of the debt structure) and an assignment of that portion of the lease payments from the Project's tenant as may be required by the bondholders and the sale or leasing of the Project to Devington Associates, Ltd., an Indiana Limited Partnership (the "Company"), or the loaning of the proceeds of such financing to the Company for such purposes and the lease of the Project to The Kroger Co., will serve the public purposes referred to above, in accordance with the Act.

s/Councillor Tintera

Council consent was given on the amendment. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 262, 1982, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Cottingham, Coughenour, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Parker, Rader, Rhodes, SerVaas, Stewart, Strader, Tintera, Vollmer, West*  
4 NAYS: *Campbell, Clark, Durnil, Schneider*

Proposal No. 262, 1982, As Amended, was retitled SPECIAL RESOLUTION NO. 55, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 55, 1982

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

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

WHEREAS, Devington Associates, Ltd., an Indiana Limited Partnership (the "Company"), has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction and equipping of an approximately 37,230 square foot building in the Devington Shopping Center which is located at the northeast corner of 46th Street and Arlington Avenue in Indianapolis, Indiana, which will be leased to The Kroger Co. for use as a grocery store (the "Project"). The Project is



part of a proposed purchase and redevelopment of the entire Devington Shopping Center to eliminate blight and improve the quality of life in this neighborhood area; and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 37 additional jobs at the end of one year and 41 additional jobs at the end of three years in addition to saving the 28 existing jobs) to be achieved by the acquisition, construction, equipping and leasing of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing and leasing 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, construction, equipping and leasing 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 OF MARION COUNTY, INDIANA:

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

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$1,000,000 under the Act, to be privately placed for the acquisition, construction and equipping of the Project (said Project to be designated as part of an Urban Development Action Grant Project receiving an Urban Development Action Grant in an amount not less than \$712,000, the Urban Development Action Grant Project to receive a grant from Lilly Endowment, Inc. of not less than \$250,000, an investment of not less than \$150,000 from the Local Incentives Support Corporation and privately placed financing for the balance of the debt structure) and an assignment of that portion of the lease payments from the Project's tenant as may be required by the bondholders and the sale or leasing of the Project to Devington Associates, Ltd., an Indiana Limited Partnership (the "Company"), or the loaning of the proceeds of such financing to the Company for such purposes and the lease of the Project to The Kroger Co., 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, equipping and leasing of the Project, this City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

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 the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

PROPOSAL NOS. 283-287, 1982. Proposals for Rezoning Ordinances certified from the Metropolitan Development Commission on July 8, 1982. Consent was given. Proposal Nos. 284-287, 1982, were adopted by unanimous voice vote, retitled REZONING ORDINANCE NOS. 44-47, 1982, respectively, and read as follows:

**REZONING ORDINANCE NO. 44, 1982 82-Z-29 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 3**

**7402 HAGUE ROAD, INDIANAPOLIS**  
Shadeland Station Developers, by Charles Pechette, by Thomas Michael Quinn, Jr., requests rezoning of 27.74 acres, being in DP district, to D-6 classification, to provide for zero lotline attached homes.

**REZONING ORDINANCE NO. 45, 1982 82-Z-31 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1**

**8043 GEORGETOWN ROAD, INDIANAPOLIS**  
Indianapolis Power & Light Co. and Springmill Development Corp., by Philip A. Nicely, request rezoning of 54.28 acres, being in D-2 district, to D-3 classification, to provide for single-family residential use.

**REZONING ORDINANCE NO. 46, 1982 82-Z-46 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 17**

**1930 LAFAYETTE ROAD, INDIANAPOLIS**  
Rust Control Centre, Inc., by Mark E. Bell, requests rezoning of 0.52 acre, being in D-5 district, to C-4 classification, to provide for a rust proofing facility with outdoor sales.

**REZONING ORDINANCE NO. 47, 1982 82-Z-51 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1**

**7999 WEST 10TH STREET, INDIANAPOLIS**  
Merchants National Bank & Trust Co., by William Adams, requests rezoning of 7.00 acres, being in C-2 district, to C-ID classification, to provide for self-storage mini-warehouses.

### NEW BUSINESS

PROPOSAL NO. 562, 1981. This proposal changes College Avenue to a two-way street between Virginia and Massachusetts Avenue, and was adopted by the Council on June 21, 1982. Councillor Page requested that a Council vote be taken to override the veto by the Mayor on Proposal No. 562, 1981. After discussion, President SerVaas called for the vote. The Mayor's veto was sustained on the following roll call vote; viz:

*12 YEAS: Boyd, Brinkman, Campbell, Hawkins, Howard, Jones, Journey, Page, Schneider, SerVaas, Strader, Vollmer*

*17 NAYS: Borst, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, McGrath, Miller, Nickell, Parker, Rader, Rhodes, Stewart, Tintera, West*

### ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:50 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 19th day of July, 1982.

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

ATTEST:

*Burt Sewer*  
President

*Joseph Kyjz*  
Clerk of the City-County Council

(SEAL)