

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, October 11, 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 7:11 p.m., Monday, October 11, 1982. President SerVaas in the Chair. Councillor Donald W. Miller opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

[Clerk's Note: Councillor Parker was married since the last session of the Council. She will hereinafter be referred to as Councillor Sawyers.]

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, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journal of September 27, 1982. There being no additions or corrections, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

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

**TO THE 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, October 11, 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 Indianapolis COMMERCIAL on September 23 and 30, 1982, a copy of NOTICE TO TAXPAYERS on General Ordinance No. 70, 1982.

Respectfully,

s/Beverly S. Rippy
City Clerk

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on September 30, 1982, and October 7, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 323 and 383, 1982, to be held on Monday, October 11, 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. 65, 1982, adopting the City-County Annual Budget of 1983, appropriating amounts necessary to defray expenses for the operating of every facet of government of the Consolidated City of Indianapolis and of Marion County, for the calendar and fiscal year beginning January 1, 1982, and ending December 31, 1982, establishing the method of financing such expenses by allocating anticipated revenues and expenses, and establishing salaries, wages, and compensation rates and limitations with respect to certain employees of the City and County.

FISCAL ORDINANCE NO. 66, 1982, levying taxes and fixing the Rate of Taxation for the purpose of raising revenue to meet the necessary expenses of Indianapolis and Marion County Government and its institutions for the calendar year 1983.

SPECIAL RESOLUTION NO. 69, 1982, authorizing and directing the appropriate officers of Marion County to cause to be prepared and executed an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for Marion County.

SPECIAL RESOLUTION NO. 70, 1982, authorizing and directing the appropriate officers of the Consolidated City of Indianapolis to cause to be prepared and executed an appeal to the State Board of Tax Commissioners and the Indiana Local Government Tax Control Board for authority for excess levies for the Consolidated City of Indianapolis-Marion County.

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:

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

FISCAL ORDINANCE NO. 67, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Four Thousand Four Hundred Forty dollars (\$4,440) in the Crime Control Fund for purposes of the Juvenile Detention Center and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

FISCAL ORDINANCE NO. 68, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Three Thousand Three Hundred Twenty dollars (\$3,320) in the Crime Control Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for that division.

SPECIAL RESOLUTION NO. 67, 1982, approving a Sister-City Relationship between Stuttgart, Baden-Wuerttemberg, West Germany and Indianapolis, Indiana in extending an invitation to the Mayor of Stuttgart for his City to join with Indianapolis in this cooperative relationship.

SPECIAL RESOLUTION NO. 68, 1982, honoring National 4-H week.

SPECIAL RESOLUTION NO. 71, 1982, to formalize the participation of the City of Indianapolis and Marion County in a regional hazardous materials emergency prevention and response program.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

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

PROPOSAL NO. 414, 1982. Councillor Tintera read the proposal honoring the Indianapolis Indians. He moved, seconded by Councillor Borst, for adoption. Proposal No. 414, 1982, was adopted by unanimous voice vote. Councillor Tintera presented a copy of the resolution to Mr. Max Schumacher, General Manager, and Mr. Henry Warren, Chairman of the Board. Proposal No. 414, 1982, was retitled **SPECIAL RESOLUTION NO. 72, 1982**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 1982

A SPECIAL RESOLUTION honoring the Indianapolis Indians as American Association Champions.

WHEREAS, the Indianapolis Indians have won the 1982 American Association Baseball Title by defeating Omaha four games to two games on September 5, 1982; and

WHEREAS, the Indianapolis Indians had earlier become the Eastern Division Champions by having the best record in their division; and

WHEREAS, the Indianapolis Indians won 75 games and lost 61 games during the 1982 season; and

WHEREAS, General Manager Max Schumacher, Manager George Scherger, the entire team and staff have done an outstanding job representing the Indianapolis Indians and should be commended for their championship, now, therefore:

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

SECTION 1. The Council congratulates General Manager Max Schumacher, Manager George Scherger, and the entire team and staff of the Indianapolis Indians on their 1982 American Association Baseball Championship.

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

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

PROPOSAL NO. 415, 1982. Councillor Tintera read the proposal honoring the Indianapolis Checkers. He moved, seconded by Councillor Gilmer, for adoption. Proposal No. 415, 1982, was adopted by unanimous voice vote. Councillor Tintera presented a copy of the resolution to Mr. Rick Heliste, representing the Checkers. Proposal No. 415, 1982, was retitled SPECIAL RESOLUTION NO. 73, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 73, 1982

A SPECIAL RESOLUTION honoring the Indianapolis Checkers as champions of the Central Hockey League.

WHEREAS, the Indianapolis Checkers were awarded the Adams Cup after winning the 1982 Central Hockey League Title by defeating Dallas four games to two games in the final championship round; and

WHEREAS, General Manager and Coach Fred Creighton was named "Coach of the Year" by the Central Hockey League and Goaltender, Kelly Hrudehy was named "Most Valuable Player" of the championship playoffs; and

WHEREAS, the Checkers finished the season with 42 wins, 33 losses and 5 ties; and

WHEREAS, the Indianapolis Checkers began their 1982-1983 season against Birmingham in the Coliseum on October 9; now, therefore:

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

SECTION 1. The Council congratulates General Manager and Coach Fred Creighton and the Indianapolis Checkers on their 1981-1982 Central Hockey League Championship.

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

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

PROPOSAL NO. 419, 1982. Councillor Brinkman read the proposal honoring Rita J. Deneault. She moved, seconded by Councillor West, for adoption. Proposal No. 419, 1982, was adopted by unanimous voice vote. Councillor Brinkman presented Ms. Deneault with a copy of the resolution. Proposal No. 419, 1982, was retitled SPECIAL RESOLUTION NO. 74, 1982, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 74, 1982

A SPECIAL RESOLUTION honoring Rita J. Deneault.

WHEREAS, Rita J. Deneault has served as an employee of the City-County Council since April 28, 1980; and

WHEREAS, Ms. Deneault through her tireless efforts was instrumental in preparing the final copies of the journals of the City-County Council of Indianapolis and Marion County, Indiana, for the year 1976 and the years 1978 through the present for publication; and

WHEREAS, Ms. Deneault has made an exemplary contribution to the local legislative process in Indianapolis; and

WHEREAS, Ms. Deneault has resigned to pursue her career goals with the Maui County Legislature, Maui, Hawaii; 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 hereby commends Rita J. Deneault for her outstanding service to the City of Indianapolis and the City-County Council of Indianapolis and Marion County.

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

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

INTRODUCTION OF PROPOSALS

[Clerk's Note: Council consent was given to advance Proposal Nos. 393, 397 and 398, 1982, on the agenda.]

PROPOSAL NO. 386, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$700,000 for the Employment and Training Division for contractual services which are less expensive than utilizing in-house personnel"; and the President referred it to the Administration Committee.

PROPOSAL NO. 387, 1982. Introduced by Councillor Sawyers. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule for the Marion County Welfare Department"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 388, 1982. Introduced by Councillor Sawyers. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the issu-

ance of tax anticipation time warrants for the County Welfare Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 389, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel compensation schedule for the Lawrence Township Trustee"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 390, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE transferring \$1,950 for the Surveyor to replace equipment which was stolen"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 391, 1982. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$14,992 for the Auditor for the building rent payment for the first half of 1983"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 392, 1982. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing the issuance of tax anticipation time warrants for the County General Fund"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 393, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of a \$4,500,000 Economic Development Revenue Note for Philips Industries Inc."; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 394, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with respect to proposed economic development bonds for EFB Development Company in an amount not to exceed \$4,500,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 395, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with respect to proposed economic development bonds for Hotel International in an amount not to exceed \$9,500,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 396, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing proceedings with respect to proposed economic development bonds for Midwest Management, an Indiana Partnership, in an amount not to exceed \$1,650,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 397, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$200,000 Economic Development Revenue Notes, Series 1982, for Calvin Fletcher Realty Company"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 398, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$2,500,000 Economic Development Mortgage Revenue Bonds for James A. House, Jr. and Elizabeth L. House"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 399, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$795,446 for the Economic and Housing Development Division for contractual services, home improvement loans and supplies"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 400, 1982. Introduced by various Councillors including Campbell, Dowden, Durnil, McGrath, Page and Schneider. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION concerning the direction and control of the Health and Hospital Corporation"; and the President referred it to the Municipal Corporation Committee.

PROPOSAL NO. 401, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$90,000 for the Parks Management Division for pool maintenance, tree cutting and replacement vehicles"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 402, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$22,000 for the Eagle Creek Division for the construction of shelters"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 403, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$75,000

for the Sports and Special Facilities Division for increased utility costs and supplies"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 404, 1982. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$52,000 for the Community Recreation Division for paint sealing of the Community Center at Southeastway Park and rental payments"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 405, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$195 for the Law Library for increased telephone costs and shipping of superceded volumes to the publisher for credit"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 406, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by limiting the length of time individuals may hold certain council offices"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 407, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls in Fox Ridge at Eagle Valley Pass and Hunters Path"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 408, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the intersection controls at Graham Road and 71st Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 409, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for the GENERAL ORDINANCE changing the speed limit on Churchman Avenue and Churchman Bypass"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 410, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the parking controls at College and Fletcher Avenues"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 411, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls in the Sherman Oak Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 412, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Tibbs Avenue and 16th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 413, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the intersection controls at Kentucky Avenue and Lynhurst Drive"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 414, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled Special Resolution No. 72, 1982.

PROPOSAL NO. 415, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled Special Resolution No. 73, 1982.

PROPOSAL NO. 416, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Castleton Corner Drive and East 86th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 417, 1982. Introduced by Councillor Rader. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the intersection controls where East 12th and 16th Streets meet North Euclid Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 418, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a REZONING ORDINANCE certified from the Metropolitan Development Commission on October 7, 1982"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 419, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled Special Resolution No. 74, 1982.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 383, 1982. This proposal for a rezoning ordinance for Center Township, Councilmanic District 23, 2008-10 South State Avenue, was called out by Councillor Strader at the meeting of September 27, 1982. Councillor Strader

reported that the issue has been resolved to his satisfaction. He then moved, seconded by Councillor Holmes, for adoption. Proposal No. 383, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Brinkman, Gilmer*

Proposal No. 383, 1982, was retitled REZONING ORDINANCE NO. 63, 1982, and reads as follows:

**REZONING ORDINANCE NO. 63, 1982 82-Z-70 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 23
2008-10 SOUTH STATE AVENUE, INDIANAPOLIS
Robert J. & Angelea C. Coffman, By Michael LeGrand, request rezoning of 0.23 acre,
being in C-1 district, to SU-9 classification, to provide for employee parking for the
Garfield Station Post Office.**

PROPOSAL NO. 297, 1982. This proposal appropriates \$52,326 for the Municipal Court to increase the number of public defender and interns required by state legislation. Councillor West moved, seconded by Councillor Borst, to postpone Proposal No. 297, 1982, until October 25, 1982. Council consent was given.

PROPOSAL NO. 323, 1982. This proposal appropriates \$17,025 for the Civil Defense Division to continue current operations and for the Hazardous Materials Study. The amendment had previously been adopted by consent of the Council on September 13, 1982. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage, as amended, by a vote of 3-0 on September 24, 1982. He moved, seconded by Councillor Tintera, for adoption. The President called for public testimony at 7:35 p.m. There being no one present to testify, he called for the vote. Proposal No. 323, 1982, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Brinkman, Gilmer, Jones,*

Proposal No. 323, 1982, As Amended, was retitled FISCAL ORDINANCE NO. 69, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Seventeen Thousand Twenty-five dollars (\$17,025) in the Consolidated County Fund for purposes of the Department of Public Safety, Civil Defense Division and reducing certain other appropriations for the Department of Metropolitan Development, Office of the Director and the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of transferring \$6,800 to continue current operations and appropriating \$10,225 for the Hazardous Materials Study to be reimbursed by a federal grant.

SECTION 2. The sum of Seventeen Thousand Twenty-five dollars (\$17,025) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC SAFETY CIVIL DEFENSE DIVISION	CONSOLIDATED COUNTY FUND
2. Supplies	8,075
3. Other Services & Charges	<u>8,950</u>
Total Increase	\$17,025

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

DEPARTMENT OF PUBLIC SAFETY CIVIL DEFENSE DIVISION	CONSOLIDATED COUNTY FUND
Unappropriated and Unencumbered Consolidated County Fund	\$10,225
DEPARTMENT OF METROPOLITAN DEVELOPMENT OFFICE OF THE DIRECTOR	
1. Personal Service	<u>6,800</u>
Total Reduction	\$17,025

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

PROPOSAL NO. 350, 1982. This proposal appropriates \$527,151 for the Finance Division, City Debt Service, to meet bond maturities due January 1, 1983. Councilor Dowden reported that the Administration Committee recommended passage on September 29, 1982, by a vote of 6-0. The President called for public testimony at 7:37 p.m. There being no one present to testify, he called for the vote. Proposal No. 350, 1982, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Brinkman, Gilmer

Proposal No. 350, 1982, was retitled FISCAL ORDINANCE NO. 70, 1982, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 70, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Five Hundred Twenty-seven Thousand One Hundred Fifty-one dollars (\$527,151) in the Metropolitan Thoroughfare District Sinking Fund for purposes of the Department of Administration, Finance Division - City Debt Service and reducing the unappropriated and unencumbered balance in the Metropolitan Thoroughfare District Sinking 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 1.05 (a)(5) 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 meet bond maturities due January 1, 1983.

SECTION 2. The sum of Five Hundred Twenty-seven Thousand One Hundred Fifty-one dollars (\$527,151) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION FINANCE DIV. - CITY DEBT SERVICE	METRO. THOROUGHFARE DISTRICT SINKING FUND
3. Other Services & Charges	<u>\$527,151</u>
Total Increase	\$527,151

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

DEPARTMENT OF ADMINISTRATION FINANCE DIV. - CITY DEBT SERVICE	METRO. THOROUGHFARE DISTRICT SINKING FUND
Unappropriated and Unencumbered Metropolitan Thoroughfare District Sinking Fund	<u>\$527,151</u>
Total Reduction	\$527,151

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

PROPOSAL NO. 353, 1982. This proposal appropriates \$41,000 for the Information Services Agency for increased cost in Voter's Registration and the Tax Billing System. Councillor Cottingham reported that the County and Townships Committee recommended passage by a vot of 3-1-1 on September 28, 1982. The President called for public testimony at 7:39 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Borst, for adoption. Proposal No. 353, 1982, was adopted on the following roll call vote; viz:

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

1 NAY: Boyd

2 NOT VOTING: Brinkman, West

Proposal No. 353, 1982, was retitled FISCAL ORDINANCE NO. 71, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Forty-one Thousand dollars (\$41,000) in the County General Fund for purposes of the Information Services Agency and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (c)(1) 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 increased cost in Voter's Registration and the tax billing system.

SECTION 2. The sum of Forty-one Thousand dollars (\$41,000) 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:

INFORMATION SERVICES AGENCY	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$41,000</u>
Total Increase	\$41,000

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

INFORMATION SERVICES AGENCY	COUNTY GENERAL FUND
Unappropriated and Unencumbered County General Fund	<u>\$41,000</u>
Total Reduction	\$41,000

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

PROPOSAL NO. 354, 1982. This proposal appropriates \$27,942 for the County Auditor to pay the fringe benefits of employees paid with Crime Control Funds. Councillor Cottingham reported that the County and Townships Committee recommended passage by a vote of 5-0 on September 28, 1982. The President called for public testimony at 7:42 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Hawkins, for adoption. Proposal No. 354, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Campbell, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS
3 NOT VOTING: *Brinkman, Clark, Coughenour*

Proposal No. 354, 1982, was retitled FISCAL ORDINANCE NO. 72, 1982, and reads as follows:

CITY—COUNTY FISCAL ORDINANCE NO. 72, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Twenty-seven Thousand Nine Hundred Forty-two dollars (\$27,942) in the Crime Control Fund for purposes of the Marion County Auditor and reducing the unappropriated and unencumbered balance in the Crime Control Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (e) 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 Crime Control Funds in the Marion County Auditor's Budget for fringe benefits of employees in other county offices paid with Crime Control Funds.

SECTION 2. The sum of Twenty-seven Thousand Nine Hundred Forty-two dollars (\$27,942) 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:

MARION COUNTY AUDITOR	CRIME CONTROL FUND
31. Personnel (Fringe Benefits)	<u>\$27,942</u>
Total Increase	\$27,942

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

MARION COUNTY AUDITOR	CRIME CONTROL FUND
Unappropriated and Unencumbered Crime Control Fund	<u>\$27,942</u>
Total Reduction	\$27,942

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

SPECIAL ORDERS, UNFINISHED BUSINESS

PROPOSAL NO. 362, 1982. This proposal transfers \$204,000 for the Sheriff for increased utility expenses, to complete renovation for the lock-up and to continue Criminal Investigations. Councillor West moved, seconded by Councillor Borst, to postpone Proposal No. 362, 1982, in Council until October 25, 1982. Council consent was given.

PROPOSAL NO. 368, 1982. This proposal supports the Federation of Multi-Service Centers. Councillor Sawyers moved, seconded by Councillor Tintera, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 368, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 368, 1982, Committee Recommendations."

s/Councillor Sawyers

Council consent was given on the amendment. Councillor Sawyers moved, seconded by Councillor Rader, for adoption as amended. The Chairman called for discussion. After considerable discussion regarding the concept of the Federation, Councillor Tintera called for the question. Councillor West proposed an amendment, however, it was not in the proper form of a motion and the Chair ruled to continue with the regular order of business and upon completion of the amendment by Councillor West, return to Proposal No. 368, 1982. Councillor Jones moved to overrule the Chair regarding proceeding with the regular order of business, seconded by Councillor West. The Chair instructed the Council to record its vote, with a YEA vote representing Council's desire to continue with the regular order of business and a NAY vote representing Council's desire to overrule the Chair. The vote to overrule the Chair and continue discussion on Proposal No. 368, 1982, passed on the following roll call vote; viz:

9 YEAS: *Clark, Dowden, Durnil, Gilmer, Holmes, Miller, Schneider, SerVaas, Stewart*

17 NAYS: *Boyd, Brinkman, Campbell, Cottingham, Hawkins, Howard, Jones, Journey, McGrath, Page, Rader, Rhodes, Sawyers, Strader, Tintera, Vollmer, West*

3 NOT VOTING: *Borst, Coughenour, Nickell*

Councillor Durnil moved, seconded by Councillor Dowden, to adjourn. The motion failed by voice vote. Councillor Brinkman moved, seconded by Councillor Sawyers, for adoption of Proposal No. 368, 1982, As Amended. Councillor Durnil moved, seconded by Councillor Dowden, to recess. Councillor Durnil's motion failed by voice vote. Councillor West moved, seconded by Councillor Clark, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 368, 1982, be further amended, as follows:

SECTION 1 to be amended to read as follows:

SECTION 1. That a Federation of the City, County, United Way and individual service centers has the support of the City-County Council. Such a Federation shall develop a single human services work program for Marion County as a composite policy of the United Way of Greater Indianapolis and the City of Indianapolis to be reviewed annually by the City-County Council and the Board of Director of the United Way.

s/Councillor West

Councillor Brinkman moved, seconded by Councillor Tintera, the question on the amendment. Consent was given and the Chair called for a vote on Councillor West's motion. The motion failed on the following roll call vote; viz:

8 YEAS: Clark, Dowden, Durnil, Gilmer, Miller, Schneider, SerVaas, West
19 NAYS: Borst, Boyd, Brinkman, Campbell, Cottingham, Hawkins, Holmes
Howard, Jones, Journey, McGrath, Page, Rader, Rhodes, Sawyers, Stewart, Strader
Tintera, Vollmer
2 NOT VOTING: Coughenour, Nickell

President SerVaas then called for the vote on Proposal No. 368, 1982, As Amended, and it was adopted on the following roll call vote; viz:

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

Proposal No. 368, 1982, As Amended, was retitled SPECIAL RESOLUTION NO 75, 1982, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 1982

A SPECIAL RESOLUTION supporting the Federation of Multi-Service Centers.

WHEREAS, a 1976-1977 City-County Council study of multi-service centers and a Community Service Council study of 1979 set a format for a network of neighborhood services in Marion County as a key delivery system for human services; and

WHEREAS, there are 12 centers; United Way has supported six through Indianapolis Settlements, Inc., as well as Flanner House and the Near Eastside Multi-Service Center (the latter since 1980). The rest have relied on support from the City of Indianapolis; and

WHEREAS, in 1981, the Coalition of Human Services Planning headed by Mayor Hudnut proposed creation of a single, strong Federation to take in all centers and a new funding partnership for the Federation, namely, the City of Indianapolis, the State of Indiana and United Way; and

WHEREAS, a model for the new Federation has been completed and a five year funding plan has been prepared for the main sponsors; and

WHEREAS, individual centers will continue to own their own property, administer their endowments and conduct programs in their own catchment areas. The Federation will assume responsibility for obtaining and administering financial resources, setting program standards and monitoring the results thereof, personnel administration, transportation and staff development; now, therefore:

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

SECTION 1. That a Federation of service centers will have the support of the City-County Council.

SECTION 2. That a Federation of service centers will be created to provide basic access services and other programs.

SECTION 3. That any organization wishing to provide access services with the use of funds provided by the City of Indianapolis shall submit such requests to the Federation.

SECTION 4. That the Federation shall commence operations on January 1, 1983.

SECTION 5. That the Federation is to be controlled by a board of directors composed of twenty-seven members, of which one member is to be appointed by each of the twelve service centers; five members are to be appointed by the United Way; five members are to be appointed by the State of Indiana; and five members are to be appointed by the City of Indianapolis. Of the five members to be appointed by the City of Indianapolis, two are to be appointed by the Mayor and three by the City-County Council. No more than half of the Mayor's appointments shall be from the same political party. No more than two of the Council's three appointments shall be from the same political party. No more than three of the five State appointments shall be from the same political party. All appointments to the Federation's board of directors should be residents of Marion County.

SECTION 6. The Mayor of Indianapolis is hereby invited to share in this resolution supporting the Federation of Multi-Service Centers, by affixing his signature hereto.

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

SPECIAL ORDER, FINAL ADOPTION

PROPOSAL NO. 352, 1982. This proposal authorizes changes in the personnel schedule of the Marion County Auditor. Councillor Brinkman reported that the proposal was recommended for passage by the County and Townships Committee by a vote of 3-0. Councillor Brinkman moved, seconded by Councillor Cottingham, for adoption. Proposal No. 352, 1982, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Brinkman, Campbell, Cottingham, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Vollmer, West*

1 NAY: *Durnil*

8 NOT VOTING: *Clark, Coughenour, Dowden, Gilmer, Nickell, Page, Schneider, Tintera*

Proposal No. 352, 1982, was retitled FISCAL ORDINANCE NO. 73, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Auditor's Office.

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

SECTION 1. Section 2.03 (a) of City-County Fiscal Ordinance No. 78, 1981, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(a) (2) MARION COUNTY AUDITOR

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Auditor	1	33,965	33,965
Chief Deputy	1	30,822	30,822
Assistant Chief Deputy	1	26,845	26,845

Assistant Auditor	3	25,000	75,000
Administrative Deputy	1	18,000	18,000
Department Manager	9	17,476	129,328
Assistant Depart. Mgr.	5	11,431	57,000
Administrative Secretary	4	14,002	46,043
General Office Clerical	14	10,455	132,438
Accounts Payable Clerk	2	10,797	21,000
Temporary Help			40,000
<u>IV-D Reimb. Pursuer</u>	<u>IN 1</u>	<u>N/12,000</u>	<u>NO/12,000</u>
Vacancy Factor			(68,000)
TOTAL	<u>IN 42</u>		<u>IN/42,144</u> \$554,441

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

PROPOSAL NO. 374, 1982. This proposal transfers \$14,000 for the Records Division from the Human Rights Commission for the salaries of current employees. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 6-0 on September 29, 1982. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 374, 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, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
 NO NAYS

3 NOT VOTING: *Coughenour, Nickell, Page*

Proposal No. 374, 1982, was retitled FISCAL ORDINANCE NO. 74, 1982, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 1982

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Fourteen Thousand dollars (\$14,000) in the Consolidated County Fund for purposes of the Department of Administration, Records Division and reducing certain other appropriations for the Department of Administration, Human Rights Commission.

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 salaries of current employees during the last portion of 1982, due to the reduction in the Consolidated County Fund by the State Board of Tax Commissioners.

SECTION 2. The sum of Fourteen Thousand dollars (\$14,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION	CONSOLIDATED COUNTY FUND
RECORDS DIVISION	
1. Personal Services	<u>\$14,000</u>
Total Increase	<u>\$14,000</u>

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

DEPARTMENT OF ADMINISTRATION	CONSOLIDATED COUNTY FUND
HUMAN RIGHTS COMMISSION	
1. Personal Services	<u>\$14,000</u>
Total Reduction	<u>\$14,000</u>

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

PROPOSAL NO. 375, 1982. This proposal transfers \$7,800 for the Purchasing Division for the salaries of current employees. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 6-0 on September 29, 1982. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 375, 1982, was adopted on the following roll call vote, viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS
4 NOT VOTING: *Coughenour, Nickell, Page, Rader*

Proposal No. 375, 1982, was retitled **FISCAL ORDINANCE NO. 75, 1982**, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 75, 1982

A **FISCAL ORDINANCE** amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Seven Thousand Eight Hundred dollars (\$7,800) in the Consolidated County Fund for purposes of the Purchasing Division, Department of Administration and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 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 salaries of current employees during the last portion of 1982, due to the reduction in the Consolidated County Fund by the State Board of Tax Commissioners.

SECTION 2. The sum of Seven Thousand Eight Hundred dollars (\$7,800) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF ADMINISTRATION	CONSOLIDATED COUNTY
PURCHASING DIVISION	FUND
1 Personal Services	<u>\$7,800</u>
Total Increase	<u>\$7,800</u>

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

DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION
2. Supplies
Total Reduction

CONSOLIDATED COUNTY
FUND
\$7,800
\$7,800

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

PROPOSAL NO. 418, 1982. No action was taken by the Council on Proposal No. 418, 1982, and it was retitled REZONING ORDINANCE NO. 64, 1982, and reads as follows:

**REZONING ORDINANCE NO. 64, 1982 82-Z-81 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25
7976 MADISON AVENUE, INDIANAPOLIS**

Convenient Industries of America, Inc., by Michael S. Miller, requests rezoning of 2.00 acres, being in A-2 district, to C-3 classification, to accommodate usage of existing structure as a Convenient Food Mart with a two pump gasoline island.

PROPOSAL NO. 393, 1982. This proposal authorizes the issuance of a \$4,500,000 Economic Development Revenue Note for Philips Industries Inc., and the Economic Development Committee recommended passage by a vote of 4-0 on October 8, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 393, 1982, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS

4 NOT VOTING: *Cottingham, Coughenour, Nickell, Page*

Proposal No. 393, 1982, was retitled SPECIAL ORDINANCE NO. 28, 1982, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 28, 1982

A SPECIAL ORDINANCE authorizing the issuance and sale to the First National Bank and Trust Company of Oklahoma City of a \$4,500,000 Economic Development Revenue Note of the City of Indianapolis, Indiana, pursuant to a note purchase contract; authorizing the City to loan the proceeds from the sale of said project note to Philips Industries Inc. to assist said company in financing a manufacturing facility; authorizing a loan agreement defining the terms and conditions of said loan and providing for revenues to said city sufficient to pay principal of, premium, if any, and interest on said project note; authorizing a servicing agreement; authorizing the city's acceptance of a promissory note evidencing the company's indebtedness under said loan agreement; authorizing the assignment to the holder of said promissory note and of the City's right in said loan agreement: and authorizing the issuance of additional notes on a parity with said project note.

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

WHEREAS, the Indianapolis Economic Development Commission has prepared and filed with the Metropolitan Development Commission of Marion County,

Indiana its report entitled "Report of the Indianapolis Economic Development Commission Concerning the Proposed Financing of Economic Development Facilities for Philips Industries Inc., Lau Division" and the Metropolitan Development Commission of Marion County, Indiana has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 6, 1982, adopted a Resolution on the same date, two copies of which Resolution have been transmitted to this City-County Council, finding that the financing of certain economic development facilities of Philips Industries Inc. complies with the purpose and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code of 1971, as supplemented and amended (the "Act"), and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has heretofore approved and recommended to the City-County Council that it adopt this form of Ordinance and has approved the forms of and has transmitted for approval by this City-County Council the Loan Agreement (the "Agreement") between the Issuer and the Company, the Servicing Agreement (the "Servicing Agreement") between the Issuer and The First National Bank and Trust Company of Oklahoma City, as servicing agent (the "Servicing Agent") the Assignment of Loan Agreement and Note (the "Assignment") from the Issuer to the Initial Holder (as hereinafter defined), the Project Note (as hereinafter defined), and the Note Purchase Contract (the "Note Purchase Contract") among the Issuer, the Company, and The First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma, as the Initial Holder (the "Initial Holder") and the Promissory Note of the Company (the "Promissory Note"), two (2) copies of which are on file in the Office of the Clerk of the City-County Council for public inspection; and

WHEREAS, the Issuer wishes to issue its \$4,500,000 Economic Development Revenue Note (Philips Industries Inc. Project) (herein called the "Project Note") and to loan the proceeds from the sale of the Project Note to the Company pursuant to the terms of the Agreement to be used by the Company to acquire land located in the City of Indianapolis, Indiana (the "Site") and to construct, fixture and equip a building on the Site (the "Project") for use by the Company as a manufacturing facility; and

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

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

SECTION 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance (herein "Note Legislation"), all initially capitalized terms and words used herein shall have the same meaning as in the Agreement and/or the Servicing Agreement unless the context or use clearly indicates another or different meaning or intent.

SECTION 2. Determinations by the Legislative Authority. The Legislative Authority hereby determines that the Project is an "economic development facility" as defined in the Act, that the financing thereof will be of benefit to the health and welfare of the Issuer and that such financing is consistent with the purposes of the laws of the State of Indiana and with the purposes of the Act.

SECTION 3. Authorizations. (a) The Issuer is hereby authorized to issue the Project Note, to deliver the Project Note to the Initial Holder in accordance with the terms and conditions of the Servicing Agreement and to sell the Project Note to the Initial Holder at the price of \$4,500,000 and on the terms and conditions set forth in the Note Purchase Contract, which terms and conditions are hereby approved. The Project Note shall have the terms set forth in Section 4 of this Note Legislation. The proceeds from the sale of the Project Note shall be used by the Issuer to make the Loan to the Company to assist the Company in financing the Cost of the Project, which Loan is hereby authorized and is hereby determined to be necessary to accomplish the purposes contemplated by the Act.

(b) To secure the payment of the Project Note, the Issuer is authorized to enter into, and to perform its obligations under, the Agreement, the Assignment, the Note Purchase Contract and the Servicing Agreement and to endorse the Promissory Note of the Company in substantially the forms approved by the Indianapolis Economic Development Commission and submitted to the Issuer but with such changes therein as (i) are not inconsistent with this Note Legislation, (ii) are not substantially adverse to the Issuer, (iii) are permitted by the Act and (iv) are approved by the officers of the Issuer executing and delivering such agreements and instruments, all of which facts shall be conclusively evidenced by such officers' execution and delivery of such agreements and instruments.

(c) The Project Note shall be executed by the Mayor of the Issuer and the Clerk of the Issuer and sealed with the Issuer's official seal; provided that any or all of such signatures may be facsimiles. The Agreement, the Assignment, the Note Purchase Contract and the Servicing Agreement shall be executed, acknowledged (where appropriate) and delivered, and the Company Note shall be endorsed to effect its assignment to the Initial Holder by the Mayor of the Issuer and the Clerk of the Issuer, and each such officer is hereby authorized and directed to do the same.

(d) The Mayor and the Clerk of the Issuer are hereby authorized and directed to take all steps necessary to effect due delivery and securing the Project Note under the terms of this Note Legislation, the Note Purchase Contract, the Assignment and the Servicing Agreement.

(e) The Clerk of the Issuer shall cause to be furnished to the Initial Holder a true, certified transcript of proceedings and with reference to the issuance of the Project Note, such transcript to include such information from such officer's records as is necessary to determine the regularity and validity of the issuance of said Project Note.

(f) The Issuer is hereby authorized to enter into, and to perform its obligations under, such other agreements, instruments and documents, and to take such other actions as are, in the opinion of Bond Counsel, necessary (i) to perfect the liens, security interest, pledges and other encumbrances created by the Assignment and the Mortgage, (ii) to assign certain of the Issuer's right, title and interest in such liens, security interests, pledges and other encumbrances to the Initial Holder and (iii) to consummate the transactions provided for in, or contemplated by, this Note Legislation, the Agreement, the Assignment, the Note Purchase Contract, the Mortgage and/or the Servicing Agreement. The Mayor, Clerk and/or any Assistant Clerk are hereby authorized and directed to execute and deliver such agreements, instruments and documents and to take such action by and on behalf of the Issuer including endorsement of the Promissory Note.

SECTION 4. Terms of Project Note. (a) The Project Note shall be designated "City of Indianapolis, Indiana Economic Development Revenue Note (Philips Industries Inc. Project)" and shall be in the aggregate principal amount of \$4,500,000. The Project Note shall be substantially in the form of the note attached hereto as Exhibit A, with appropriate variations, omissions and insertions.

(b) The Project Note initially delivered shall be dated the date of its delivery and shall bear interest payable semi-annually on the first days of each June and December commencing on December 1, 1982, until the Project Note is paid.

(c) The Project Note shall be issuable only as a fully registered note without coupons in the denomination of \$4,500,000 (unless a lesser denomination shall be required because of partial redemption). The Servicing Agent shall act as Note Registrar and shall maintain books at its principal office for the registration and registration of transfer of the Project Note. The Note Registrar shall not be required to accept the Project Note for registration of transfer during the 15 days prior to any Interest Payment Date or, in the case of any proposed redemption of the Project Note, after the Project Note has been selected for redemption. No charge shall be made for any transfer or exchange; provided that any tax, fee or other governmental charge applicable in connection therewith shall be paid as a condition to the exercise of such privilege. In the event the Project Note is mutilated, lost, stolen, or destroyed, the

Issuer shall execute a new Project Note in accordance with the provisions therefor in the Servicing Agreement. The Issuer and the Servicing Agent may charge the Holder or owner of the Project Note their reasonable fees and expenses in this connection, and in the case of lost or destroyed Project Note, the Holder may be required to provide the Issuer, the Servicing Agent and the Company with evidence of such loss or destruction and appropriate indemnity.

(d) Except as provided in the Servicing Agreement, the principal of, interest and premium, if any, on the Project Note shall be payable at the corporate trust office of the Servicing Agent.

(e) The Project Note shall bear interest at the rate of 65% of the Prime Rate (adjusted simultaneously with each change in the Prime Rate), provided that in the absence of a Determination of Taxability the rate of interest shall not be less than 7% nor more than 14%, and shall be subject to mandatory redemption on the dates and in the amounts as follows:

<u>DUE DATE</u>	<u>AMOUNT</u>
June 1, 1985	\$100,000
December 1, 1985	100,000
June 1, 1986	125,000
December 1, 1986	125,000
June 1, 1987	175,000
December 1, 1987	175,000
June 1, 1988	250,000
December 1, 1988	250,000
June 1, 1989	300,000
December 1, 1989	300,000
June 1, 1990	350,000
December 1, 1990	350,000
June 1, 1991	450,000
December 1, 1991	450,000
June 1, 1992	1,000,000

The foregoing mandatory redemption schedule is subject to modification at the option of the Holder of the Project Note by mailing by certified mail, return receipt requested, a written notice to the Company between January 1, 1988 and January 31, 1988, both inclusive. If such option is exercised, the remaining mandatory redemption schedule will be as follows:

<u>DUE DATE</u>	<u>AMOUNT</u>
June 1, 1988	\$500,000
December 1, 1988	500,000
June 1, 1989	600,000
December 1, 1989	600,000
June 1, 1990	700,000
December 1, 1990	700,000
June 1, 1991	100,000
December 1, 1991	-0-
June 1, 1992	-0-

Overdue payments shall bear interest at the Interest Rate for Advances. Upon the occurrence of a Determination of Taxability, the Interest Rate shall increase to the Prime Rate plus 1%.

(f) The Project Note shall be subject to redemption by the Issuer at the direction of the Company in whole at any time or in part on any Interest Payment Date at 100% of the principal amount so redeemed plus accrued interest to the redemption date.

(g) The Project Note shall be subject to extraordinary redemption at the option of the Company prior to maturity upon the occurrence of any of the following events:

(i) The Project shall have been damaged or destroyed (in whole or in part) by fire or other casualty to such extent that, in the Company's opinion (i) it is not practicable or desirable to rebuild, repair or restore the Project within a period of six consecutive

months following such damage or destruction, or (ii) the Company is or will be prevented thereby from carrying on its normal operations at the Project for a period of six consecutive months.

(ii) Title to, or the temporary use of, all or substantially all the Project shall have been taken under the exercise of the power of eminent domain by any governmental authority, or person, firm or corporation acting under governmental authority (including such a taking or takings as results, or is likely to result, in the Company's opinion, in the Company's being prevented from carrying on its normal operations at the Project for a period of six consecutive months or results or is likely to result in rendering the Project unsuitable for use by the Company.

(iii) As a result of (x) any changes in the Constitution of the State or the Constitution of the United States of America, (y) legislative or administrative action (whether state or Federal) or (z) any final decree, judgment or order of any court of administrative body (whether state or Federal) entered after the contest thereof by the Company in good faith, the Agreement shall have become void, unenforceable or impossible of performance in accordance with the intent and purposes of the parties as expressed in the Agreement.

(iv) As a result of any one or more of the events described in (iii) (x), (y) or (z), above, unreasonable burdens or excessive liabilities shall have been imposed on the Issuer or the Company, including without limitation Federal, state or other ad valorem, property, income or other taxes not being imposed on the date of the Agreement.

(v) The operation of the Project shall no longer be suitable or economically viable in the opinion of Company management because of changes in the economic availability of material, supplies, labor, equipment or other properties which the Company cannot reasonably control or overcome; provided that the Company shall use reasonable efforts to lease or sell the Project to another person or entity which shall intend to use the Project in a manner which would constitute an "economic development facility" within the meaning of the Act.

(vi) Any court or administrative body shall enter a judgment, order or decree requiring the Company to cease all or any substantial part the Project, to such extent that, in the Company's opinion, the Company is or will be prevented thereby from carrying on its normal operations at the Project for a period of six consecutive months.

(vii) Interest on the Project Note shall become subject to Federal income taxation because of a Determination of Taxability.

(h) The Project Note shall be subject to special mandatory redemption if the Project Note shall become void, unenforceable or impossible of performance as a result of any of the changes set forth in subparagraph (g) (iii) of this Section 4.

In any of the events specified in subparagraphs (g) or (h) of this Section 4, the Project Note shall be callable in accordance with the provisions of the Servicing Agreement, in whole, but not in part, at 100% of the principal amount thereof plus accrued interest to the redemption date.

(i) In the event of any redemption, the Servicing Agent shall mail by registered or certified mail notice of redemption at least 30 and not more than 60 days prior to the date fixed for redemption to the registered owner of such Project Note at its address as it may appear on the registration books of the Servicing Agent and to each Holder of such Project Note whose address is shown on the Noteholder List maintained by the Servicing Agent. Failure to mail such notice or any defect therein shall not, however, affect the validity of the proceedings for the redemption of the Project Note. The Project Note or portion thereof so called for redemption shall cease to bear interest on the specified redemption date, provided funds for its redemption are on deposit at the place of payment at that time, and such Project Note or portion thereof shall no longer be protected by the Mortgage or the Assignment or deemed outstanding. Failure to give such notice by mailing, or any defect therein, shall not affect the validity of proceedings for the redemption of any Project Note or portion thereof with respect to which no such failure has occurred.

SECTION 5. Security Pledged for Project Note. As provided herein, the Project Note and any Additional Notes shall be equally and ratably payable solely from the Pledged Receipts and shall be secured by the Mortgage with respect to the Project and Project Site, by a pledge of and lien on moneys deposited in the Acquisition Fund and Note Fund, by a pledge and assignment by the Assignment of other moneys constituting

Pledged Receipts, and by the pledge of the Note. Anything in this Note Legislation, the Agreement, the Assignment, the Note Purchase Contract, the Servicing Agreement, the Mortgage, the Company Note, the Project Note and any Additional Notes to the contrary notwithstanding, neither this Note Legislation, the Agreement, the Company Note, the Assignment, the Mortgage, the Project Note and any Additional Notes, the Note Purchase Contract nor the Servicing Agreement shall constitute a debt or a pledge of the faith and credit of the Issuer or the State or of any political subdivision thereof, and the Holder or owners of the Project Note shall have no right to have taxes levied by the General Assembly of the State, by the Legislative Authority of the Issuer, or by the legislative authority of any other political subdivision of the State for the payment of the principal of, premium, if any, or interest on the Project Note. The Project Note is payable solely from the Pledged Receipts and the Project Note shall contain on the face thereof a statement to that effect; provided, however, that nothing herein shall be deemed to prohibit the Issuer, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Servicing Agreement, this Note Legislation or the Project Note. No covenant or agreement contained in the Project Note, the Agreement, the Assignment, the Servicing Agreement, Note Purchase Contract, Promissory Note, Mortgage or this Note Legislation shall be deemed to be a covenant or agreement of any member of the Indianapolis Economic Development Commission ("Commission") or of the Legislative Authority of the Issuer or of any officer or employee of the Issuer or its Legislative Authority in his or her individual capacity, and neither the members of the Commission or the Legislative Authority of the Issuer nor any officer or employee of the Issuer executing the Project Note shall be liable personally on the Project Note or be subject to any personal liability or accountability by reason of the issuance of the Project Note.

SECTION 6. Construction Fund. (a) There is hereby created by the Issuer and ordered maintained as a separate deposit account (except when invested as provided in Article VII of the Servicing Agreement) in the custody of the Servicing Agent in the custody of the Servicing Agent a deposit fund to be designated "City of Indianapolis, Indiana Construction Fund (Philips Industries Inc. Project)" (herein called the "Construction Fund"). After deducting the accrued and capitalized interest, if any, on the Project Note required by Section 7 of this Note Legislation to be paid into the Note Fund, the balance of the proceeds of the Project Note shall be deposited in the Construction Fund and shall be disbursed by the Servicing Agent in accordance with the provisions of the Agreement and the Servicing Agreement, and the Servicing Agent is hereby authorized and directed to issue its check for each disbursement required by the provisions of the Agreement.

(b) The moneys to the credit of the Construction Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the Servicing Agent.

SECTION 7. Source of Payment--Note Fund. (a) There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as provided in Article VII of the Servicing Agreement) in the custody of the Servicing Agent a deposit fund to be designated "City of Indianapolis, Indiana Note Fund (Philips Industries Inc. Project)" (herein called the "Note Fund"). The Note Fund and the moneys and investments therein are hereby pledged to and shall be used solely and exclusively for the payment of Note Service Charges as they fall due at stated maturity or by redemption or pursuant to any mandatory debt service fund requirements, all as provided herein, in the Servicing Agreement and in the Agreement; provided that no part thereof (other than any amounts paid as and for any mandatory debt service fund requirements, and except as may otherwise be provided for herein or in the Servicing Agreement or in the Agreement) shall be used to redeem, prior to maturity, the Project Note.

(b) The moneys to the credit of the Note Fund shall, pending application thereof as above set forth, be subject to a lien and charge in favor of the Servicing Agent.

(c) As provided in the Agreement, Loan Payments sufficient in time and amount to pay the Note Service Charges as they come due are to be paid by the Company directly to the Servicing Agent for the account of the Issuer and are to be deposited in the Note Fund.

(d) On or before each date when Note Service Charges are due and payable, the Servicing Agent shall transmit to the other Paying Agents, if any, from moneys in the Note Fund amounts sufficient to meet payments to be made by such Paying Agents of Note Service Charges then to be due and payable; provided that to the extent that the amount needed by any other Paying Agent is not sufficiently predictable, the Servicing Agent may make credit arrangements with such Paying Agent so as to permit the meeting of such payments.

(e) The Issuer hereby covenants and agrees that so long as the Project Note is outstanding it will deposit, or cause to be deposited, in the Note Fund, Loan Payments sufficient in time and amount to pay the Note Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that, so long as any portion of the Project Note is outstanding and upon receipt of indemnity satisfactory to it, it will diligently and promptly proceed in good faith, and use its best efforts, to enforce the Agreement. Should there be an Event of Default under the Agreement, the Issuer shall fully cooperate with the Servicing Agent and the Holder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Note Service Charges any funds or revenues from any source other than the Pledged Receipts.

(f) The Issuer covenants and agrees that, whenever the moneys and investments in the Note Fund (or otherwise held by the Servicing Agent for such purpose) are sufficient in amount to redeem all of the Project Note then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, the Issuer shall take and cause to be taken, at the direction of the Company, the necessary steps to redeem all of said Project Note on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

SECTION 8. Other Documents. The Mayor and the Clerk are hereby further authorized and directed to execute, deliver and appropriately file (a) the election provided in Section 11 hereof (b) financing statements, assignments and other instruments including those which are, in the opinion of the counsel to the Issuer and bond counsel, necessary to perfect the pledges of the Issuer's rights and (c) such other documents and instruments which are necessary to consummate the transactions provided for in the Servicing Agreement, the Note Purchase Contract, the Assignment and the Agreement.

SECTION 9. Additional Notes. At any time while the Issuer is not in default under the Agreement or the Servicing Agreement, subject to the Holder's right of first refusal described in the following sentences and receipt by the Holder of the documents listed below, the Issuer may issue one or more series of Additional Notes for the purpose, to the extent then permitted by the Act and/or other applicable law, of (1) financing the cost of completing the Project, (2) financing the Cost of the Project for additional facilities at the Site or (3) refunding the Project Note or any series of Additional Notes so long as the tax-exempt status of interest on the Project Note or any series of Additional Notes shall not be adversely affected; provided that, when such Additional Notes are issued for such purposes, the Issuer shall comply with this Section 9 and the Company shall comply with Section 4.1 of the Agreement. Before entering into any agreement for the purchase of any Additional Notes, the Company shall give the Holder an exact copy of the proposed offer of purchase. The Holder shall have five (5) business days after receipt of such copy in which to notify the Company, verbally or in writing, of its intention to meet, or offer terms more favorable than, the terms of such offer of purchase. Such right of first refusal shall apply to each series of Additional Notes. Each such series of Additional Notes shall be issued pursuant to a supplement to this Note Legislation and shall be equally and ratably secured under the Mortgage and the Assignment with the Project Note and any other series of Additional Notes, without preference, priority or distinction of the Project Note or any Additional Notes over any other. Unless provided otherwise in a supplement hereto, all such Additional Notes shall be in substantially the same form as the Project Note, but shall be of such denomination or denominations, bear such date or dates, bear interest at such rate or rates, have such maturity date or dates and such redemption dates and redemption premiums, contain an appropriate series designation, and be issued at such prices as shall be approved by the Company. The Issuer shall execute and deliver such Additional Notes, but only upon receipt of the Holder of the following:

(a) A certificate of the Issuer stating that as of the date of such delivery, to the best of the knowledge of the signor, no event or condition has happened or existed, or is hap-

pening or existing, which constitutes, or which, with notice or lapse of time or both, would constitute, an Event of Default under the Servicing Agreement or the Agreement.

(b) A certificate of the Company, requesting the issuance and approving the terms of such Additional Notes and stating that as of the date of such delivery no event or condition has happened or existed, or is happening or existing, which constitutes, or which, with notice or lapse of time or both, would constitute, an Event of Default under the Agreement.

(c) A certified copy of the ordinance of the Issuer authorizing (i) the execution and delivery of any amendment to the Agreement, (ii) the execution and delivery of an amendment to the Servicing Agreement, and (iii) the issuance, award, execution and delivery of such Additional Notes.

(d) An original executed counterpart of any amendment to the Agreement providing, among other things, for adjusting the amount payable by the Company under the Agreement to an amount sufficient to provide for the payment of principal, the premium, if any, and interest on such Additional Notes.

(e) Original executed counterparts of any amendment to the other documents delivered in connection with the authorization, issuance, sale and delivery of the Project Note.

(f) An Opinion of Counsel that any amendments to the Agreement, the Mortgage and the Servicing Agreement have been properly authorized, executed and recorded and that any amendment to any other document has been properly authorized and executed.

(g) A written opinion of Bond Counsel that the issuance of such Additional Notes has been duly authorized and that the issuance of such Additional Notes will have no adverse effect upon the exemption from Federal income taxation of interest on the Project Note or any Additional Notes then outstanding.

(h) If required, a copy of the election of the Issuer to have the provisions of Section 103(b) (6) (D) of the Code apply to the Additional Notes and satisfactory evidence that such election shall have been appropriately filed.

(i) The original executed additional Company Note or Notes with such variations in principal amounts, interest rates, interest payment and maturity dates and prepayment provisions as may be appropriate to correspond to such provisions of the Additional Notes, which additional Company Note or Notes shall:

(i) be payable to the Issuer and assigned to the Holder;

(ii) be issued in an aggregate principal amount equal to the aggregate principal amount of the related Additional Notes;

(iii) provide for payments of interest equal to the payments of interest on the corresponding Additional Notes (except that payments shall be due on the business day immediately preceding the Interest Payment Dates);

(iv) require payments of principal and any premium, equal to the payments of principal and/or debt service fund payments and any premium on the corresponding Additional Notes or incorporate such requirements by reference (except that payments shall be due on the business day immediately preceding the Interest Payment Dates);

(v) contain (or incorporate by reference) optional and mandatory redemption provisions and provisions in respect of the optional and mandatory acceleration or redemption of principal and any premium corresponding with the redemption provisions of the corresponding Additional Notes; and

(vi) be on a parity with all other Company Notes theretofore or thereafter executed and delivered by the Company pursuant to the Agreement as the same may be amended or supplemented in connection with issuance of the Project Note or any Additional Notes.

When the foregoing documents have been duly filed and the Issuer shall have determined that no default exists under the Agreement, and the Additional Notes shall

have been executed, the Issuer shall deliver them to or upon the order of the Initial Holder thereof, but only upon payment to the Servicing Agent of the specified sum and accrued interest set forth in the Note Legislation authorizing such Additional Notes.

The proceeds of the sale of the Additional Notes, except as otherwise provided under any applicable provision of the Note Legislation authorizing such Additional Notes, shall be deposited in the Construction Fund and used solely for the purpose of paying the costs for which such Additional Notes shall have been issued. Moneys in the Constructuion Fund shall be withdrawn only upon requisition executed and filed in accordance with the requirements of the applicable provisions of the Agreement.

SECTION 10. Compliance with Indiana Open Door Law. It is hereby found and determined that all formal actions of this Legislative Authority concerning and relating to the passage of this Note Legislation were taken in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees, if any, that resulted in such formal action, were taken in meetings open to the public, in full compliance winh applicable legal requirements.

SECTION 11. Election by Issuer. The Issuer hereby elects with respect to the Project Note to be within the limitation imposed by the provision of Section 103(b) (6) (D) of the Internal Revenue Code of 1954, as amended, and the Mayor or the Clerk of the Issuer is hereby authorized and directed to perform any and all acts and provide such information as may be required by the Secretary of the Treasury, his delegate, or the Internal Revenue Service in order to implement such election.

SECTION 12. Effective Date. Additional readings have been waived as provided by law, this Note Legislation shall take effect and be in force immediately upon its passage and compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 397, 1982. This proposal authorizes the issuance of \$200,000 Economic Development Revenue Notes, Series 1982 for Calvin Fletcher Realty Company. Councillor Tintera reported that the Economic Development Committee recommended passage by a vote of 5-0 on October 8, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 397, 1982, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

4 NOT VOTING: *Coughenour, Miller, Nickell, Page*

Proposal No. 397, 1982, was retitled SPECIAL ORDINANCE NO. 29, 1982, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 29, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Construction Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project)" in the principal amount of Two Hundred Thousand dollars (\$200,000) 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 Calvin Fletcher Realty 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 October 6, 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 Calvin Fletcher Realty Company complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing of the facilities to various users will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note, Collateral Assignment of Leases and Rents, Note Guaranty Agreement and City of Indianapolis Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty 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 financing of the economic development facilities referred to in the Note Purchase and Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue notes, the loan of the net proceeds thereof to Calvin Fletcher Realty Company for the purposes of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, the leasing of said economic development facilities to various users and the repayment of said loan by Calvin Fletcher Realty Company will be of benefit to the health and welfare of the

City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note, Collateral Assignment of Leases and Rents, Note Guaranty Agreement, and City of Indianapolis Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note, Collateral Assignment of Leases and Rents, Note Guaranty Agreement, and City of Indianapolis Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its City of Indianapolis Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project) in the principal amount of Two Hundred Thousand dollars (\$200,000) for the purpose of procuring funds to loan to Calvin Fletcher Realty Company in order to finance the economic development facilities, as more particularly set out in the Note Purchase and Loan Agreement, incorporated herein by reference, which Note will be payable as to principal, premium, if any, and interest solely from the payments made by Calvin Fletcher Realty Company on its Promissory Note in the principal amount of Two Hundred Thousand dollars (\$200,000) which will be executed and delivered by Calvin Fletcher Realty Company to evidence and secure said loan, and as otherwise provided in the above described Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note, Collateral Assignment of Leases and Rents, and Note Guaranty Agreement. The Notes shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Notes to the purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Notes not to exceed thirteen percent (13%), or at such higher rate as may be provided for in the Note Purchase and Loan Agreement, Promissory Note, or the Notes.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, Promissory Note, Collateral Assignment of Leases and Rents, Note Guaranty Agreement and City of Indianapolis Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project), 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 Notes may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Notes to The Indiana National Bank, as Trustee, payment for which will be made to The Indiana National Bank, as Trustee. The execution and delivery of the Notes 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 Note Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture, and Promissory Note and imprinting of their facsimile signatures on the Notes or their manual execution thereof approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Note Purchase and Loan Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Notes, Series 1982 (Calvin Fletcher Realty Company Project), and after the issuance of said Notes this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Notes or the interest thereon remains unpaid.

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

PROPOSAL NO. 398, 1982. This proposal authorizes the issuance of \$2,250, 000 Economic Development Mortgage Revenue Bonds for James A. House, Jr. and Elizabeth L. House. Councillor Tintera reported that the Economic Development Committee recommended passage by a vote of 5-0 on October 8, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 398, 1982, and adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Dowden, Durnil, Gilmer, Holmes, McGrath, Miller, Rader, Rhodes, Sawyers, Schræider, SerVaas, Tintera, Vollmer, West*

5 NAYS: *Hawkins, Howard, Jones, Journey, Strader*

4 NOT VOTING: *Coughenour, Nickell, Page, Stewart*

Proposal No. 398, 1982, was retitled SPECIAL ORDINANCE NO. 30, 1982, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 30, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project)" in the principal amount of Two Million Two Hundred Fifty Thousand dollars (\$2,250,000) 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 James A. House, Jr. and Elizabeth L. House and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 6, 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 James A. House, Jr. and Elizabeth L. House complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing of the facilities for use as an office building including possible commercial or retail space 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 City of Indianapolis, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project) Bond Purchase Agreement and Mortgage and Trust Indenture 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 James A. House, Jr. and Elizabeth L. House for the purpose of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, the leasing of said economic development facilities for use as an office building including possible commercial or retail space and the repayment of said loan by James A. House, Jr. and Elizabeth L. House 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 (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Bond Purchase Agreement, Mortgage and Trust Indenture and the form of the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House 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, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project), and the Bond Purchase Agreement and Mortgage and Trust Indenture 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 Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project) in the principal amount of Two Million Two Hundred Fifty Thousand dollars (\$2,250,000) for the purpose of procuring funds to loan to James A. House, Jr. and Elizabeth L. House 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 James A. House, Jr. and Elizabeth L. House on their Promissory Note in the principal amount of Two Million Two Hundred Fifty Thousand dollars (\$2,250,000) which will be executed and delivered by James A. House, Jr. and Elizabeth L. House to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, Bond Purchase Agreement and Mortgage and Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Bonds not to exceed fourteen percent (14%), or at such higher rate as may be provided for in the Loan Agreement, Promissory Note, Mortgage and Trust Indenture or the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement, the Bond Purchase Agreement, Mortgage and Trust Indenture and the City of Indianapolis, Indiana Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House Project), 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, the Bond Purchase Agreement, Mortgage and Trust Indenture 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. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Mortgage and Trust Indenture shall constitute a contract binding between the City of Indianapolis and the Holders of the Economic Development Mortgage Revenue Bonds (James A. House, Jr. and Elizabeth L. House 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.

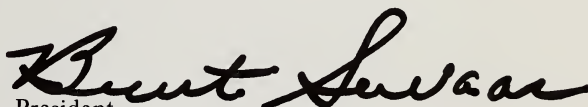
ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:58 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 11th day of October, 1982.

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

ATTEST:


President


Clerk of the City-County Council

(SEAL)