

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

**REGULAR MEETINGS  
MONDAY, AUGUST 17, 1987**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m., on Monday, August 17, 1987, with Councillor SerVaas presiding.

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

**ROLL CALL**

Councillor SerVaas requested the members to indicate their presence. The Clerk took the roll call of the Council, which was as follows:

*28 PRESENT: Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*  
*1 ABSENT: Clark*

President SerVaas announced that a quorum of twenty-eight members was present.

**INTRODUCTION OF GUESTS AND VISITORS**

**ADOPTION OF THE AGENDA**

Consent was given to the adoption of the agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils of August 17, 1987, as distributed.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, August 17, 1987, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

August 3, 1987

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, August 6, 1987, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 400, 401, 402, 438, 439, 440 and 442, 1987, to be held on Monday, August 17, 1987, at 7:00 p.m., in the City-County Building.

[Clerk's Note: A publisher's correction was made on Proposal No. 401, 1987, in the Indianapolis News on August 7, 1987.]

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

July 30, 1987

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Tuesday, August 4, 1987, a copy of LEGAL NOTICE regarding City-County General Ordinance Nos. 61 and 63, 1987.

[Clerk's Note: A publisher's correction was made on General Ordinance No. 63, 1987, in The Indianapolis News and The Indianapolis Commercial on Thursday, August 6, 1987.]

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

August 17, 1987

August 12, 1987

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. 108, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Recreation and Sports Facilities Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 109, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Twenty Thousand Dollars (\$20,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 110, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Million Eight Hundred Thousand Dollars (\$1,800,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 111, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Park Land Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park Land Fund.

FISCAL ORDINANCE NO. 112, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 113, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Six Thousand Five Hundred Twelve Dollars (\$6,512) in the County General Fund for purposes of the County Sheriff and County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 114, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Thirty-four Thousand Five Hundred Ten Dollars (\$34,510) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency and the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 115, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Eighty-nine Thousand One Hundred Fifty-eight Dollars (\$89,158) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

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FISCAL ORDINANCE NO. 116, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Hundred Thousand Eight Hundred Forty-three Dollars (\$100,843) in the County General Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 117, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Five Thousand Dollars (\$5,000) in the State and Federal Grant Fund for purposes of the Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 118, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional Eight Thousand One Hundred Dollars (\$8,100) in the Prosecutor's Diversion Fund for purposes of the Marion County Justice Agency and the County Auditor and reducing the unappropriated and unencumbered balance in the Prosecutor's Diversion Fund.

FISCAL ORDINANCE NO. 119, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) transferring and appropriating an additional Two Hundred Twenty Thousand Dollars (\$220,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management Division, and reducing certain other appropriations for that Department.

FISCAL ORDINANCE NO. 120, 1987, amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) transferring and appropriating an additional Six Thousand Dollars (\$6,000) in the Consolidated County Fund for purposes of the City-County Council and reducing certain other appropriations for that Department.

GENERAL ORDINANCE NO. 65, 1987, concerning violations of the Department of Transportation permit requirements.

GENERAL ORDINANCE NO. 66, 1987, amending Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 67, 1987, amending Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 68, 1987, amending Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 69, 1987, amending Chapter 29 of the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 70, 1987, amending the "Code of Indianapolis and Marion County, Indiana", Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours.

GENERAL RESOLUTION NO. 13, 1987, authorizing the Consolidated City of Indianapolis and Marion County to purchase the Woodview School ("Woodview") from the Metropolitan School District of Warren Township, Marion County, Indiana ("Warren").

GENERAL RESOLUTION NO. 14, 1987, modifying the operating budget of the Capital Improvements Board of Managers of Marion County, Indiana, by amending City-County General Resolution No. 11, 1985.

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GENERAL RESOLUTION NO. 15, 1987, authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component substance abuse treatment, employment counseling, and diagnostic testing program.

SPECIAL RESOLUTION NO. 45, 1987, honoring the local organizing committee of the National Association of Counties Convention.

SPECIAL RESOLUTION NO. 46, 1987, recognizing Candace Kingma-Piper as the National Federation of Young Republican's Woman of the Year for 1987-1988.

SPECIAL RESOLUTION NO. 47, 1987, approving the sale of certain real estate of the Department of Public Works.

SPECIAL RESOLUTION NO. 48, 1987, approving the sale of certain real estate of the Department of Public Works.

SPECIAL RESOLUTION NO. 49, 1987, authorizing the lease of a building at the corner of 42nd Street and College Avenue for use by the Department of Public Safety as quadrant headquarters.

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

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

PROPOSAL NO. 474, 1987, honoring Connie Carroll for being named City Female Athlete of the Year. Councillor Gilmer, co-sponsor, read the resolution, and Councillors Bradley and Curry, co-sponsors, presented a framed copy to Connie Carroll. Councillor Gilmer moved for its adoption, seconded by Councillor Curry. Proposal No. 474, 1987, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 50, 1987, and reads as follows:

### CITY-COUNTY SPECIAL RESOLUTION NO. 50, 1987

A SPECIAL RESOLUTION honoring Connie Carroll for being named City Female Athlete of the Year.

WHEREAS, John Ritter High School's Connie Carroll was selected First Team All City and Second Team All Area during her senior basketball season; and

WHEREAS, Connie Carroll achieved additional athletic success and recognition for her participation as a member of John Ritter High School's Volleyball Team; and

WHEREAS, Connie Carroll graduated from high school with a 3.81 out of a possible 4.00 grade point average; and

WHEREAS, Connie Carroll was named the 1987 City Female Athlete of the Year by THE INDIANAPOLIS STAR; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates and honors Connie Carroll for her selection as the 1987 City Female Athlete of the Year.

SECTION 2. The Council further commends Connie Carroll for her outstanding academic achievements.

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

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

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 465, 1987. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$92,260 for the Information Services Agency to provide funds for the acquisition of Data Processing Equipment and other personal services"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 466, 1987. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$53,857 for the Information Services Agency to provide funds for acquisition of Data Processing Equipment for Central Purchasing; Central Equipment intends to reimburse the County General Fund"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 467, 1987. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$7,500 for the Circuit Court to provide funds for a part-time public defendant now required by a recent appellate court ruling"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 468, 1987. Introduced by Councillors Bradley and Shaw. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE amending disciplinary authority of Fire Chief"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 469, 1987. Introduced by Councillors Bradley and Shaw. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE amending disciplinary authority of Police Chief"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 470, 1987. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$55,328 for the Department of Public Works, Air Pollution Control Division, to provide funds to inspect for motor vehicle tampering, asbestos enforcement and purchase of an air quality monitor"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 471, 1987. Introduced by Councillor Page. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION designating certain areas as smoking areas when in use in connection with Council or zoning meetings in the public assembly room"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 472, 1987. Introduced by Councillor Bradley. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Mount Street and Ohio Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 473, 1987. Introduced by Councillor Rader. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the

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Code by authorizing intersection control changes at Oxford Street and 11th Street"; and the President referred it to the Transportation Committee.

### MODIFICATION OF SPECIAL ORDERS

PROPOSAL NO. 485, 1987. Introduced by Councillor Stewart. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection control changes at Audubon Road and 20th Street"; and the President referred it to the Transportation Committee.

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 459, 1987, authorizes certain amendments to the Financing Agreement concerning previously issued City of Indianapolis, Indiana Economic Development Revenue Note, Series 1982 (1300 North Meridian Street Project).

PROPOSAL NO. 460, 1987, authorizing certain amendments to the Financing Agreement concerning previously issued City of Indianapolis, Indiana Economic Development Revenue Bond, Series 1984 (Ober project). Councillor Schneider explained that these ordinances approve a First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest which makes the desired amendments. He further commented that the Obers will continue to be responsible for making the payments which pay the Revenue Note. Bank One currently owns the Note and has approved the amendments. The Economic Development Committee on August 13, 1987, recommended Proposal Nos. 459 and 460, 1987, Do Pass by a 7-0-1 vote. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal Nos. 459 and 460, 1987, were adopted on the following roll call vote; viz:

*25 YEAS: Borst, Boyd, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Müller, Nickell, Page, Rhodes, Schneider, Ser-Vaas, Shaw, Stewart, Strader, West, Williams*

*0 NAYS*

*4 NOT VOTING: Bradley, Clark, Crowe, Rader*

Proposal No. 459, 1987, was retitled SPECIAL ORDINANCE NO. 8, 1987, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1987

A SPECIAL ORDINANCE authorizing the amendment of certain financing documents concerning the previously issued Economic Development Revenue Note, Series 1982 (1300 North Meridian Street Project) and approving and authorizing other actions in respect thereto.

WHEREAS, pursuant to the provisions of I.C. 36-7-12, the City of Indianapolis (the "City"), John Ober and Betty L. Ober, husband and wife, residents of the State of Indiana (the "Borrower") and The Indiana National Bank, a national banking association ("The Indiana National Bank") entered into a Note Purchase and Loan Agreement dated as of September 27, 1982 (the "Note Purchase and Loan Agreement"); and

WHEREAS, pursuant to the terms of the Note Purchase and Loan Agreement, the City has heretofore issued, sold and delivered its City of Indianapolis Economic Development Revenue Note, Series 1982 (1300 North Meridian Street Project), in the principal amount of Three Hundred Fifty Thousand Dollars (\$350,000) (the "Note") to The Indiana National Bank and the City has heretofore loaned the proceeds of the Note to Borrower (the "Loan"); and

WHEREAS, as security for the Loan, the City, the Borrower and The Indiana National Bank entered into a Collateral Assignment and Mortgage of Vendee's Interest, dated as of September 27, 1982; and

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WHEREAS, on October 24, 1983, The Indiana National Bank assigned all of its rights under the Note and Collateral Assignment and Mortgage of Vendee's Interest to America Fletcher National Bank and Trust Company ("AFNB") and AFNB became the holder of the Note; and

WHEREAS, on March 30, 1987, AFNB changed its name to Bank One, Indianapolis, National Association (the "Bank"), and as of the date of adoption of this Special Ordinance is the holder of the Note; and

WHEREAS, pursuant to the terms of a certain Purchase Agreement by and between Richard Oakes, or his nominee, as Buyer and John Ober and Betty L. Ober as Sellers (the "Purchase Agreement"), Buyers and Sellers will be involved in redemptive transactions of the stock of Business Furniture Corporation (the "Stock"), coupled with a purchase of some part of the Stock by Buyer, whereby Sellers will cease being sole shareholders of Business Furniture Corporation and Buyer will become sole shareholder of Business Furniture Corporation; and

WHEREAS, as a result of the execution of the Purchase Agreement, the Borrower and the Bank have agreed and have requested that the City agree to amend certain sections of Article V, and Article IX of the Note Purchase and Loan Agreement and Section 13 of the Collateral Assignment and Mortgage of Vendee's Interest all of which formerly incorporated into the Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest certain obligations and conditions on the Borrower with respect to Business Furniture Corporation (as principal tenant of the 1300 North Meridian Street Project), which obligations all parties agree are no longer desirable; and

WHEREAS, the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest between the City, the Borrower and the Bank (the "First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest") has been presented to this meeting; and

WHEREAS, the Indianapolis Economic Development Commission, on August 12, 1987, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest 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 form of the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest by Resolution adopted prior in time to this date, which Resolution has been transmitted; 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 First Amendment to Note Purchase and Loan Agreement and Collateral Assignment of Vendee's Interest previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council 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 the Act.

SECTION 2. The form of the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest approved by the Indianapolis Economic Development Commission is hereby approved and such document 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 First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Note shall continue to never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest approved herein, and its execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The City Clerk or City Controller are authorized to arrange for the delivery of the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest. The Mayor and City Clerk may by their execution of the First Amendment to Note Purchase and Loan Agreement Collateral Assignment and Mortgage of Vendee's Interest 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 5. The provisions of this ordinance, the First Amendment to Note Purchase and Loan Agreement and Collateral Assignment and Mortgage of Vendee's Interest shall constitute a contract binding between the City of Indianapolis and the holder of the Note and this ordinance shall not be repealed or amended in any respect which

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would adversely affect the right of such holder so long as said Note or the interest thereon remains unpaid. SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 460, 1987, was retitled SPECIAL ORDINANCE NO. 9, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1987

A SPECIAL ORDINANCE authorizing the amendment of certain financing documents concerning the previously issued Economic Development First Mortgage Revenue Bond, Series 1984 (Ober Project) and approving and authorizing other actions in respect thereto.

WHEREAS, pursuant to the provisions of I.C. 36-7-12, the City of Indianapolis (the "City"), John Ober and Betty L. Ober, husband and wife, residents of the State of Indiana (the "Borrower") the American Fletcher National Bank and Trust Company, a national banking association ("AFNB") entered into a Bond Purchase and Loan Agreement dated as of December 1, 1984 (the "Bond Purchase and Loan Agreement"); and

WHEREAS, pursuant to the terms of the Bond Purchase and Loan Agreement, the City has heretofore issued, sold and delivered its City of Indianapolis Economic Development First Mortgage Revenue Bond, Series 1984 (Ober Project), in the principal amount of One Million Eight Hundred Thousand Dollars (\$1,800,000) (the "Bond") to AFNB and the City has heretofore loaned the proceeds of the Bond to Borrower (the "Loan"); and

WHEREAS, as security for the Loan, the City and the Borrower entered into a Real Estate Mortgage and Security Agreement and Collateral Assignment of Rents and Leases, both dated as of December 1, 1984 and both duly assigned to AFNB; and

WHEREAS, on March 30, 1987, AFNB changed its name to Bank One, Indianapolis, National Association (the "Bank"), and as of the date of adoption of this Special Ordinance is the holder of the Bond; and

WHEREAS, pursuant to the terms of a certain Purchase Agreement by and between Richard Oakes, or his nominee, as Buyer and John Ober and Betty L. Ober as Sellers (the "Purchase Agreement"), Buyers and Sellers will be involved in redemptive transactions of the stock of Business Furniture Corporation (the "Stock"), whereby Sellers will cease being sole shareholders of Business Furniture Corporation and Buyer will become sole shareholder of Business Furniture Corporation; and

WHEREAS, as a result of the execution of the Purchase Agreement, the Borrower and the Bank have agreed and have requested that the City agree to amend Section 2.3, certain sections of Article V, Section 9.1 and Section 12.1 of the Bond Purchase and Loan Agreement, Sections 2 and 3 of the Collateral Assignment of Rents and Leases, and Section 1.19 of the Real Estate Mortgage and Security Agreement all of which formerly incorporated into the Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement certain obligations and conditions on the Borrower with respect to Business Furniture Corporation (as principal tenant of the Ober Project), which obligations all parties agree are no longer desirable; and

WHEREAS, the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement between the City, the Borrower and the Bank (the "First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement") has been presented to this meeting; and

WHEREAS, the Indianapolis Economic Development Commission, on August 12, 1987, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement comply with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement 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 form of the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted; 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 First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council will be of benefit to

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the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement approved by the Indianapolis Economic Development Commission are hereby approved and 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 First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Bond shall continue to never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The City Clerk or City Controller are authorized to arrange for the delivery of the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement. The Mayor and City Clerk may by their execution of the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement 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 5. The provisions of this ordinance, the First Amendment to Bond Purchase and Loan Agreement, Collateral Assignment of Rents and Leases, and Real Estate Mortgage and Security Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Bond and this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remains unpaid.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 461, 1987. This proposal is a final bond ordinance authorizing the issuance of a maximum of \$2,360,000 Economic Development Revenue Bonds for St. Paul Home for the Aged Trust Project. Councillor Schneider stated that the St. Paul Home is located at 1141-57 N. Sheffield Avenue in a 13,200 square foot building which maintains forty-eight beds for comprehensive care. The project will involve the construction of a new 15,400 square foot building, moving the existing beds into this building, then renovating the other facility for the use of forty-four residential beds. The Economic Development Committee on August 13, 1987, recommended Proposal No. 461, 1987, Do Pass by a 7-0 vote. Councillor Schneider moved, seconded by Councillor Howard, for adoption. Proposal No. 461, 1987, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West, Williams*

*0 NAYS*

*2 NOT VOTING: Clark, Shaw*

Proposal No. 461, 1987, was retitled SPECIAL ORDINANCE NO. 10, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1987

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1987 (St. Paul Home for the Aged Trust Project)" in the maximum aggregate principal amount of Two Million Three Hundred Sixty Thousand Dollars (\$2,360,000) and approving and authorizing other actions in respect thereto.

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WHEREAS, the Indianapolis Economic Development Commission has rendered a report and a supplemental report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for St. Paul Home for the Aged Trust and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on August 11, 1987 pursuant to IC 36-7-12-24 and Section 147(F) of the Internal Revenue Code of 1986, 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 St. Paul Home for the Aged Trust and Indiana not-for-profit charitable trust (the "Company") consisting of the construction and equipping of a 48-bed intermediate care nursing home facility, and converting St. Paul Home for the Aged Trust's existing 48-bed intermediate care nursing home facility into a 44-bed residential care facility all located at 1141-1157 North Sheffield Avenue, Indianapolis, Indiana: the acquisition, construction, installation and equipping of various site improvements at the facility; and the acquisition of machinery, equipment, fixtures and furnishings for use in the facility ("the Project") which will be initially owned by St. Paul Home for the Aged Trust, an Indiana not-for-profit charitable trust complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission on August 12, 1987 has approved the final forms of the Offering Statement, Trust Indenture, Loan Agreement, Mortgage and Security Agreement, First Mortgage Note, Series 1987 and the form of the City of Indianapolis, Indiana Economic Development First Mortgage Revenue Bonds, Series 1987 (St. Paul Home for the Aged Trust Project) (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to the Company for the purposes of financing the Project, and the repayment of said loan by the 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 the Act.

SECTION 2. The forms of the Financing Documents approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bonds, Series 1987 (St. Paul Home for the Aged Trust Project) in the maximum aggregate principal amount of Two Million Three Hundred Sixty Thousand Dollars (\$2,360,000) for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its First Mortgage Note, Series 1987 in the principal amount equal to the aggregate principal amount of the Bonds issued which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to Swink & Company, Inc. as Underwriter at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest not to exceed 12%. The use of the Offering Statement by Swink & Company, Inc. as Underwriter in substantially form of the Offering Statement approved herein is also approved and authorized and it is expressly understood that a commission may be paid by the Company in excess of the 2% underwriter's discount if it is not paid from proceeds from the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. 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 Swink & Company, Inc. as Underwriter, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this

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City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(11).

SECTION 6. This ordinance supercedes City-County Special Ordinance No. 36, 1986.

SECTION 7. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder of the Bonds 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 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 462, 1987. This proposal is a resolution extending the expiration date contained in an inducement resolution adopted in November 1985, for Stewart Manufacturing Company, Inc. Councillor Schneider stated Proposal No. 462, 1987, was a technical extension changing the expiration date to March 31, 1988. The Economic Development Committee on August 13, 1987, recommended Proposal No. 462, 1987, Do Pass by a 8-0 vote. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 462, 1987, was adopted on the following roll call vote; viz:

*22 YEAS: Borst, Boyd, Bradley, Cottingham, Coughenour, Curry, Dumil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, West, Williams*

*0 NAYS*

*7 NOT VOTING: Clark, Crowe, Dowden, Giffin, Howard, Shaw, Strader*

Proposal No. 462, 1987, was retitled SPECIAL RESOLUTION NO. 51, 1987, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 1987

A SPECIAL RESOLUTION amending City-County Special Resolution No. 164, 1985 as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 164, 1985 as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of The City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Stewart Manufacturing Company, Inc. (the "Company") which Inducement Resolution set an expiration date of August 31, 1987 unless the economic development revenue bonds for the Project have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of the inducement resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution but the Company has shown good cause to extend the aforesaid expiration date; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of August 31, 1987, 1987 contained therein and replacing said date with the date of March 31, 1988.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

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PROPOSAL NO. 463, 1987. This proposal is a resolution extending the expiration date contained in an inducement resolution adopted in April 1985, for Joseph F. Sexton (North High School Road Project). Councillor Schneider stated that because the company has requested the ordinance be withdrawn, and moved, seconded by Councillor Gilmer, to strike Proposal No. 463, 1987. Proposal No. 463, 1987, was stricken by Consent.

PROPOSAL NO. 464, 1987. This proposal is an ordinance authorizing certain amendments to the Financing Agreement concerning previously issued City of Indianapolis, Indiana Economic Development Revenue Bonds (Indianapolis Historic Partners). Councillor Schneider stated that the Company has decided to finance one of the Projects, the Harness Factor Lofts Project, with funds other than proceeds of the Bonds and wants to have that Project released from the Land Use Restriction Agreement. The Economic Development Committee recommended Proposal No. 464, 1987, Do Pass by a 8-0 vote. Councillor Schneider moved, seconded by Councillor Clark, for adoption. Proposal No. 464, 1987, was adopted on the following roll call vote; viz:

*26 YEAS: Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Strader, West, Williams*

*0 NAYS*

*3 NOT VOTING: Clark, Howard, Stewart*

Proposal No. 464, 1987, was retitled SPECIAL ORDINANCE NO. 11, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1987

A SPECIAL ORDINANCE authorizing the amendment of certain financing documents concerning the previously issued Economic Development Revenue Bonds (Indianapolis Historic Partners Project) and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis (the "Issuer") issued its Economic Development Revenue Bonds (Indianapolis Historic Partners Project) in the principal amount of \$20,100,000 (the "Bonds") pursuant to the Trust Indenture dated as of December 1, 1985 and amended as of February 18, 1986 and March 1, 1986 ("the Trust Indenture"), between the Issuer and The Indiana National Bank (the "Trustee") in order to obtain funds to lend to Indianapolis Historic Partners (the "Company") pursuant to the Loan Agreement, Mortgage and Security Agreement, dated as of December 1, 1985 and amended as of February 18, 1986 and March 1, 1986 (the "Loan Agreement") between the Issuer and the Company for the purpose of financing the costs of acquiring, constructing and equipping certain economic development facilities consisting of residential housing facilities (collectively, the "Projects" and each is referred to individually as a "Project"); and

WHEREAS, the Issuer and the Company entered into a Land Use Restriction Agreement dated as of December 1, 1985 and amended as of February 18, 1986 and March 1, 1986 (the "Land Use Restriction Agreement") for the purpose of establishing and preserving the tax-exempt status of interest on the Bonds; and

WHEREAS, the Company and the Trustee entered into a Collateral Assignment of Leases and Rentals dated as of December 1, 1985 and amended as of February 18, 1986 and March 1, 1986 (the "Collateral Assignment"); and

WHEREAS, the Company has decided to finance one of the Projects, the Harness Factory Lofts Project, with funds other than proceeds of the Bonds and wants to have that Project released from the Land Use Restriction Agreement; and

WHEREAS, the Company and A. G. Edwards & Sons, Inc., the sole owner of the Bonds (the "Bondholder") have requested the Issuer and the Trustee to agree to the Partial Release and Third Amendment to the Trust Indenture dated as of August 1, 1987 (the "Third Amendment to Trust Indenture") between the Issuer and the Trustee, Partial Release and Third Amendment to Land Use Restriction Agreement dated as of August 1, 1987 (the "Third Amendment to Land Use Restriction Agreement") between the Company and the Issuer, the Partial Release and Third Amendment to the Loan Agreement, Mortgage and Security Agreement dated as of August 1, 1987 (the "Third Amendment To Loan Agreement") between the Company and the Issuer, and the Partial Release and Third

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Amendment to the Collateral Assignment of Leases and Rentals dated as of August 1, 1987 (the "Third Amendment to Collateral Assignment") between the Company and the Trustee; and

WHEREAS, the Trust Indenture was recorded as Document No. 85-114625; the Land Use Restriction Agreement was recorded as Document No. 85-114626; the Loan Agreement was recorded as Document No. 85-114624; the Collateral Assignment was recorded as Document No. 85-114627; all of the foregoing being recorded with the Recorder of Marion County, Indiana, on December 30, 1985; and

WHEREAS, the Company and the Bondholder have agreed to indemnify the Issuer and the Trustee against any liability of any nature arising from or relating to the Third Amendment to Trust Indenture, the Third Amendment to Land Use Restriction Agreement, the Third Amendment to Loan Agreement and the Third Amendment to Collateral Assignment, as provided in an Indemnity Agreement and Consent to Release by and among the Company, the Bondholder, the Issuer and the Trustee (the "Indemnity"); and

WHEREAS, all owners of the Bonds have consented to the Third Amendment To Trust Indenture, the Third Amendment to Land Use Restriction, the Third Amendment to Loan Agreement and the Third Amendment to Collateral Assignment; and

WHEREAS, the Third Amendment to Trust Indenture, the Third Amendment to Land Use Restriction Agreement, the Third Amendment to Loan Agreement and the Third Amendment to Collateral Assignment will be hereinafter sometimes collectively referred to as "Third Amendments to Bond Documents"; and

WHEREAS, the Indianapolis Economic Development Commission, on August 12, 1987, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the Third Amendment to Bond Documents and the Indemnity comply with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such Third Amendments to Bond Documents and the Indemnity 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 form of the Third Amendments to Bond Documents and the Indemnity by Resolution adopted prior in time to this date, which Resolution has been transmitted; 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 Third Amendments to Bond Documents and the Indemnity previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council 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 the Act.

SECTION 2. The form of the Third Amendments to Bond Documents and the Indemnity approved by the Indianapolis Economic Development Commission are hereby approved and 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 Third Amendments to Bond Documents and the Indemnity are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Bonds shall continue to never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute the Third Amendment to Trust Indenture, Third Amendment to Land Use Restriction Agreement and Third Amendment to Loan Agreement and the Indemnity approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The City Clerk or City Controller are authorized to arrange for the delivery of the Third Amendment to Trust Indenture, Third Amendment to Land Use Restriction Agreement and Third Amendment to Loan Agreement and the Indemnity. The Mayor and City Clerk may by their execution of the Third Amendment to Trust Indenture, Third Amendment to Land Use Restriction Agreement and Third Amendment to Loan Agreement and the Indemnity approve changes therein and also in the Third Amendment to Collateral Assignment 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 5. The provisions of this ordinance, the Third Amendments to Bond Documents and the Indemnity shall constitute a contract binding between the City of Indianapolis and the holder of the Bonds and 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 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

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PROPOSAL NOS. 475 - 484, 1987. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 6, 1987". Councillor Nickell requested that Proposal No. 478, 1987, be scheduled for public hearing by the Council at its September 14, 1987, meeting. Consent was given. The Council did not schedule Proposal Nos. 475 - 477 and 479 - 484, 1987, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 475 - 477 and 479 - 484, 1987, were retitled REZONING ORDINANCE NOS. 145 - 153, 1987, and take effect thirty days after the respective certification, and read as follows:

REZONING ORDINANCE NO. 145, 1987. 87-Z-101 AMENDED PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 24  
6450 GRAY ROAD, INDIANAPOLIS. Franklin L. Jackson, by William F. LeMond, requests the rezoning of 7.98 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residential development.

REZONING ORDINANCE NO. 146, 1987. 87-Z-102 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 18  
402 NORTH HIGH SCHOOL ROAD, INDIANAPOLIS.  
Growth Development Corporation, by Thomas Michael Quinn, requests the rezoning of 32.74 acres, being in the SU-16, A-2 and D-2 districts, to the D-6II classification, to provide for multi-family residential development.

REZONING ORDINANCE NO. 147, 1987. 87-Z-107 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 21  
401-421 SOUTH ILLINOIS STREET, INDIANAPOLIS.  
The Bullerdick Partnership, by Mary E. Solada, requests the rezoning of 1.5 acres, being in the I-3-U (RC) district, to the CBD-2 (RC) classification, to provide for office, retail and warehouse uses.

REZONING ORDINANCE NO. 148, 1987. 87-Z-137 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
4245 SOUTH EAST STREET, INDIANAPOLIS.  
Jerry L. and Katherine A. Cummings request the rezoning of 0.23 acre, being in the D-3 district, to the C-1 classification, to provide for office use of a residence.

REZONING ORDINANCE NO. 149, 1987. 87-Z-138 AMENDED CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20  
2916 BLUFF ROAD, INDIANAPOLIS.  
Koenig & Bauer/Egenolf Machine, Inc., request the rezoning of 4.49 acres, being in the C-7 district, to the I-3-U classification, to provide for a machine and repair shop.

REZONING ORDINANCE NO. 150, 1987. 87-Z-139 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 3  
10408 PENDLETON PIKE, INDIANAPOLIS.  
Gene Arvin, by Philip A. Nicely, requests the rezoning of 13.8 acres, being in the I-3-S District, to the C-7 classification, to provide for heavy commercial use.

REZONING ORDINANCE NO. 151, 1987. 87-Z-140 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 8  
5101 WEST 38th STREET, INDIANAPOLIS.  
McIntire Holdings, Inc., by Stephen D. Mears, request the rezoning of 5.49 acres, being in the SU-1 district, to the C-5 classification, to provide for an expansion of an automobile and truck dealership for parking and storage.

REZONING ORDINANCE NO. 152, 1987. 87-Z-142 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
7402 WOODLAND DRIVE, INDIANAPOLIS.  
Park 100 Joint Venture, by Philip A. Nicely, requests the rezoning of 12.79 acres, being in the I-2-S district, to the C-2 classification, to provide for the construction of a 200,000 square foot office building.

REZONING ORDINANCE NO. 153, 1987. 87-Z-143 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5  
8001 OAKLANDON ROAD, INDIANAPOLIS.  
Christ Lutheran Church, by Thomas Michael Quinn, requests the rezoning of 9.3 acres, being in the A-2 district, to the SU-1 classification, to provide for the construction of a church.

PROPOSAL NO. 486, 1987. Introduced by Councillor Borst. The Clerk read the proposal entitled "REZONING ORDINANCE certified by the Metropolitan Development Commission on August 13, 1987". The Council did not schedule

Proposal No. 486, 1987, for hearing pursuant to IC 36-7-4-608. Proposal No. 486, 1987, was retitled REZONING ORDINANCE NO. 154, 1987, will take effect thirty days after the respective certification, and read as follows:

REZONING ORDINANCE NO. 154, 1987. 87-Z-122 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 12  
2550 NORTH SHADELAND DRIVE, INDIANAPOLIS.

Gregory R. Powers, by Raymond Good, requests the rezoning of approximately 10 acres, being in the I-3-S district, to the C-5 classification, to provide for the development of automobile dealerships.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 386, 1987. This proposal appropriates \$100,000 for the County Auditor to provide a portion of the required county funding for the IMAGIS computer project. Councillor Cottingham explained that Proposal No. 386, had not been heard in Committee and requested that the proposal be postponed until September 14, 1987. Consent was given.

PROPOSAL NO. 400, 1987. This proposal appropriates \$117,760 for the Superior Court, Juvenile Division, for use in establishment of satellite offices. Councillor Dowden requested that Proposal No. 400, 1987, be postponed until September 14, 1987. Consent was given.

PROPOSAL NO. 438, 1987. This proposal appropriates \$875,000 for the Department of Public Works, Sanitation Sewer Maintenance Division to obtain a computerized facilities management system for the City's sanitary sewer maintenance operation. PROPOSAL NO. 439, 1987. This proposal appropriates \$160,385 for an unanticipated early redemption of a bond anticipation note. PROPOSAL NO. 440, 1987. This proposal appropriates \$273,415 for an unanticipated early redemption of a bond anticipation note. Councillor Coughenour explained that Proposal Nos. 438 - 440, 1987, had not been heard in Committee and requested that they be postponed until September 14, 1987. Consent was given.

PROPOSAL NO. 442, 1987. This proposal appropriates \$150,000 for the Department of Transportation to complete more curb and sidewalk projects during the year. Councillor Gilmer explained that \$150,000 is being transferred from the Parking Meter Fund to complete some curb and sidewalk projects in the Butler University area. Mr. Fred Madorin, Director for the Department of Transportation, commented that through legislation, this money must be spent for schools in the regional center. He indicated that this would be a worthwhile investment because it would encourage more jobs and improve the neighborhoods. The Transportation Committee on August 17, 1987, recommended Proposal No. 442, 1987, Do Pass by a 7-0 vote. The President called for public testimony at 7:30 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor McGrath, for adoption. Proposal No. 442, 1987, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Dumil, Giffin, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

2 NAYS: *Holmes, Howard*

3 NOT VOTING: *Clark, Shaw, Williams*

Proposal No. 442, 1987, was retitled FISCAL ORDINANCE NO. 121, 1987, and reads as follows:

August 17, 1987

CITY-COUNTY FISCAL ORDINANCE NO. 121, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) appropriating an additional One Hundred Fifty Thousand Dollars (\$150,000) in the Parking Meter Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Parking Meter 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 1.01 of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Transportation to complete more curb and sidewalk projects during the year.

SECTION 2. The sum of One Hundred Fifty Thousand Dollars (\$150,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u>	<u>PARKING METER FUND</u>
1. Personal Services	\$150,000
TOTAL INCREASE	\$150,000

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

	<u>PARKING METER FUND</u>
Unappropriated and Unencumbered Parking Meter Fund	\$150,000
TOTAL REDUCTION	\$150,000

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 279, 1987. This proposal concerns the wearing of headphones.  
PROPOSAL NO. 401, 1987. This proposal appropriates \$27,000 for the Superior Court, Criminal Division, Room One, to provide compensation over and above contract amounts for Public Defenders. PROPOSAL NO. 402, 1987. This proposal appropriates \$63 for the Superior Court, Civil Division, Room Four, to fund authorized Court Report salary. No action was taken on Proposal Nos. 279, 401 and 402, 1987.

PROPOSAL NO. 407, 1987. This proposal amends the Code with regard to parking privileges for physically incapacitated persons. Councillor Gilmer explained that two parking meters at the corner of each block would be bagged with a universal handicapped sign for physically incapacitated persons to park for no charge. An approximated two hundred meters would be effected, which would amount to an estimated annual loss of \$82,000 for the Transportation Department.

Councillor Durnil suggested that the Department issue parking permits for the handicapped persons that would allow them to park anywhere, so that revenue could still be brought in from the meters that would be otherwise bagged and not in use. Councillor Gilmer commented that the parking meters being designated would be in the best safety interest of the handicapped person.

Councillor Clark questioned if people who are not authorized to park in the designated spaces would be fined and Mr. Madorin replied "yes".

Councillor Borst expressed that the meters should be left unbagged. He indicated that the handicapped person could be given a card to be displayed in the window of their vehicle which would exempt them from paying for the parking meter.

Councillor Strader questioned the enforceability of this proposal and stressed that citizens would have to cooperate in order to make this proposal a success.

Councillor Rhodes expressed concern with the turnover of the parking spaces since no charge would be administered.

Councillor West pointed out that the \$82,000 loss should be considered against the tax dollars that the handicapped people pay for things such as mass transit and are unable to use.

Councillor West moved, seconded by Councillor Rhodes, to send Proposal No. 407, 1987, back to Committee for further study.

Councillor Shaw opined that handicapped people have been trying to be mainstreamed with the norm for many years, and therefore, should not be exempt from paying for the use of the parking meters.

Councillor Gilmer commented that the Department will be monitoring the use of the parking meters and indicated that the Committee had heard hours of testimony from handicapped people.

President SerVaas believed this to be a worthwhile experiment.

Councillor Rhodes stated that most handicapped people do not want a "hand out", but rather a "helping hand" and reiterated his concerns about the turnover of the parking meters.

Councillor West called for the question to end discussion. The President called for the vote; to send Proposal No. 407, 1987, back to Committee. Proposal No. 407, 1987, was sent back to Committee on the following roll call vote; viz:

*16 YEAS: Borst, Boyd, Bradley, Coughenour, Dowden, Durnil, Hawkins, Howard, McGrath, Nickell, Page, Rhodes, SerVaas, Shaw, Stewart, Williams*

*12 NAYS: Cottingham, Crowe, Curry, Giffin, Gilmer, Holmes, Journey, Miller, Rader, Schneider, Strader, West*

*1 NOT VOTING: Clark*

PROPOSAL NO. 441, 1987. This proposal appropriates \$1,000,000 for the Department of Transportation to maintain an adequate work force in the department. Councillor Gilmer stated that this appropriation is necessary in order to increase the salaries of the supervisors and superintendents to make a separation between them and the union workers. He further explained that the union contracts were not approved until January, 1987, and that their wage increase for the 1987 Budget had to be estimated. Councillor Durnil rationalized that \$1,000,000 is a large sum that should be reviewed by the Transportation Committee in more detail. Councillor Durnil moved, seconded by Councillor Boyd, to send Proposal No. 441, 1987, back to Committee. This motion failed on the following roll call vote; viz:

August 17, 1987

9 YEAS: Boyd, Cottingham, Dowden, Durnil, Nickell, Shaw, Stewart, Strader, Williams  
17 NAYS: Borst, Bradley, Crowe, Curry, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Page, Rader, Rhodes, Schneider, SerVaas, West  
3 NOT VOTING: Clark, Coughenour, Miller

The Transportation Committee on August 17, 1987, recommended Proposal No.441, 1987, Do Pass by a 6-1 vote. Councillor Gilmer moved, seconded by Councillor McGrath, for adoption. Proposal No. 441, 1987, was adopted on the following roll call vote; viz:

19 YEAS: Borst, Bradley, Crowe, Curry, Dowden, Giffin, Gilmer, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, West  
8 NAYS: Boyd, Cottingham, Durnil, Hawkins, Holmes, Shaw, Strader, Williams  
2 NOT VOTING: Clark, Coughenour

Proposal No. 441, 1987, was retitled FISCAL ORDINANCE NO. 122, 1987, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) transferring and appropriating One Million Dollars (\$1,000,000) in the Transportation General Fund for purposes of the Department of Transportation and reducing certain other appropriations for that Department.

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 1.01 of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Transportation to maintain an adequate work force in the department.

SECTION 2. The sum of One Million Dollars (\$1,000,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	\$1,000,000
TOTAL INCREASE	\$1,000,000

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

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

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

PROPOSAL NO. 443, 1987. This proposal appropriates \$500,000 for the Department of Transportation to use the budgeted funds in the most productive manner. Councillor Gilmer explained that the \$500,000 was originally earmarked for street light funds, which was overestimated. This savings will be placed in the operating budget to be used for appropriate services. The Transportation Committee on August 17, 1987, recommended Proposal No. 443, 1987, Do Pass by a 7-0 vote. Councillor Gilmer moved, seconded by Councillor Curry, for adoption.

Proposal No. 443, 1987, was adopted on the following roll call vote; viz:

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19 YEAS: Borst, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Journey, McGrath, Miller, Page, Rhodes, Schneider, SerVaas, Stewart, Strader, West  
6 NAYS: Boyd, Dumil, Hawkins, Holmes, Shaw, Williams  
4 NOT VOTING: Clark, Howard, Nickell, Rader

Proposal No. 443, 1987, was retitled FISCAL ORDINANCE NO. 123, 1987, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 1987

A FISCAL ORDINANCE amending the City-County Annual Budget for 1987 (City-County Fiscal Ordinance No. 89, 1986) transferring and appropriating Five Hundred Thousand Dollars (\$500,000) in the Arterial Road and Street Fund for purposes of the Department of Transportation and reducing certain other appropriations for that Department.

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 1.01 of the City-County Annual Budget for 1987, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Transportation to use the budgeted funds in the most productive manner.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u>	<u>ARTERIAL ROAD AND STREET FUND</u>
3. Other Services & Charges	\$500,000
TOTAL INCREASE	\$500,000

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

<u>DEPARTMENT OF TRANSPORTATION</u>	<u>ARTERIAL ROAD AND STREET FUND</u>
4. Capital Outlay	\$500,000
TOTAL REDUCTION	\$500,000

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

PROPOSAL NO. 449, 1987. This proposal concerns the installation of a traffic control signal at 86th and Payne Road. The Transportation Committee on August 17, 1987, recommended Proposal No. 449, 1987, Do Pass by a 7-0 vote. Councillor Gilmer moved, seconded by Councillor Howard, for adoption. Proposal No. 449, 1987, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Bradley, Cottingham, Coughenour, Crowe, Curry, Dowden, Dumil, Giffin, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams  
0 NAYS  
4 NOT VOTING: Boyd, Clark, Gilmer, Hawkins

Proposal No. 449, 1987, was retitled GENERAL ORDINANCE NO. 71, 1987, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 1987

A GENERAL ORDINANCE concerning the installation of a traffic control signal at 86th Street and Payne Road.

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

August 17, 1987

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the language underscored and deleting the language crosshatched to read as follows:

Sec. 29-92. Schedule of intersection controls.

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
<del>2, Pg. 1</del>	<del>Payne Rd. &amp; W. 86th St.</del>	<del>86th St.</del>	<del>Stop</del>
<u>2, Pg. 1</u>	<u>Payne Rd. &amp; 86th St</u>	<u>None</u>	<u>Signal</u>

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

PROPOSAL NO. 453, 1987. This proposal elects to fund MECA in 1988 with County Option Income Tax Revenues. Councillor Dowden explained that this is a designated fund to be used for the communication agency that will go into a reserve. The Public Safety and Criminal Justice Committee on August 14, 1987, recommended Proposal No. 453, 1987, Do Pass by a 8-0 vote. Councillor Dowden moved, seconded by Councillor Journey, for adoption. Proposal No. 453, 1987, was adopted on the following roll call vote; viz:

*25 YEAS: Borst, Boyd, Bradley, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West, Williams*

*0 NAYS*

*4 NOT VOTING: Clark, Cottingham, Hawkins, Page*

Proposal No. 453, 1987, was retitled SPECIAL ORDINANCE NO. 12, 1987, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 1987

A SPECIAL ORDINANCE electing to fund MECA in 1988 with County Option Income Tax Revenues.

WHEREAS, I.C. 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications systems and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under I.C. 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency as such a district; and

WHEREAS, to make such an election for 1988, the City-County Council, prior to September 1, 1987, must pass an ordinance specifying the amount of the certified distribution to be used to fund the district; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the Marion County Metropolitan Emergency Communications Agency in 1988 from part of the certified distribution the county is to receive under I.C. 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,000,000.

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

**SPECIAL SERVICE DISTRICT COUNCILS**

**NEW BUSINESS**

President SerVaas requested that Mrs. Barbara Gole, Director for the Department of Public Works, speak to the Council for a few brief moments.

Mrs. Gole addressed the issue of air pollution. She stated that cars are the largest source of air pollution due to the lead and carbon monoxides, thus affecting the ozone. The Department is proposing a volunteer inspection maintenance program to reduce this increasing source of air pollution.

The program will be free and would involve testing cars in a test lane for two minutes while the car is running to determine the pollution level of the car. There will be a pass/fail rating with recommendations for those cars that do not pass the inspection. Mrs. Gole stressed that Indianapolis needs this program.

**ANNOUNCEMENTS AND ADJOURNMENTS**

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

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of August, 1987.

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



President

ATTEST:

Clerk of the Council

(SEAL)