

**CITY—COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, December 14, 1981**

A Regular Meeting of the City—County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City—County Building, at 7:25 p.m., Monday, December 14, 1981. President SerVaas in the Chair. Mr. Allen Durnil opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

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

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

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journals of September 28, 1981, and October 12, 1981. There being no additions or corrections to these Journals, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that there will be a **REGULAR MEETING** of the City—County Council held in the City—County Building, in the Council Chambers, on Monday, December 14, 1981, at 7:00 p.m. The purpose of such **MEETING** being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

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

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on December 3 and 10, 1981, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 563, 572, and 575, 1981, at 7:00 p.m. on Monday, December 14, 1981, 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:

FISCAL ORDINANCE NO. 129, 1981, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period January 1, 1982, to June 30, 1982, in anticipation of current taxes levied in the year 1981 and collectible in the year 1982, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging said tax anticipation time warrants including the interest thereon; ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Sanitation Solid Waste District Council in authorizing the making of the temporary loans for the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 130, 1981, amending the City-County Annual Budget for 1981, and appropriating an additional two hundred thousand dollars in the Parks Land Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Parks Land Fund.

FISCAL ORDINANCE NO. 131, 1981, amending the City-County Annual Budget for 1981, and appropriating an additional five hundred eighty-two thousand dollars in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and the Eagle Creek Division and reducing the unappropriated and unencumbered balance in the Park General Fund.

FISCAL ORDINANCE NO. 133, 1981, amending the City-County Annual Budget for 1981, transferring and appropriating ninety-eight thousand nine hundred dollars in the County General Fund for purposes of the Marion County Municipal Court and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 135, 1981, amending the City-County Annual Budget for 1981, transferring and appropriating seventeen thousand five hundred dollars in the Consolidated County Fund for purposes of the City-County Council Office and reducing certain other appropriations for that division.

GENERAL ORDINANCE NO. 115, 1981, amending the "Code of Indianapolis and Marion County, Indiana," by amending Section 2-144, which provides for compensation of the Mayor.

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-County Council, Mrs. Beverly S. Rippy, the following resolution:

GENERAL RESOLUTION NO. 11, 1981, authorizing the Controller to transfer \$1,547,255.00 from the Sanitary Sinking Fund to the Fire General Fund.

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-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

GENERAL ORDINANCE NO. 112, 1981, amending the "Code of Indianapolis and Marion County, Indiana," by amending Articles VI and VII of Chapter 17 dealing with Amusement Locations and Amusement Machines.

GENERAL ORDINANCE NO. 113, 1981, amending the "Code of Indianapolis and Marion County, Indiana," Section 7-75, Fishing.

GENERAL ORDINANCE NO. 114, 1981, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-166, One-way streets and alleys designated.

GENERAL ORDINANCE NO. 116, 1981, amending the "Code of Indianapolis and Marion County, Indiana," by amending Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 117, 1981, amending the "Code of Indianapolis and Marion County, Indiana," by amending Section 29-267, Parking prohibited at all times on certain streets.

SPECIAL ORDINANCE NO. 34, 1981, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (WBF Holding Company Project)," in the principal amount of one hundred thousand dollars and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 35, 1981, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1981 (American Cablevision of Indianapolis, Inc Project)," in the principal amount of one million dollars and approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 93, 1981, honoring the Southport High School Girls Cross Country Team.

SPECIAL RESOLUTION NO. 94, 1981, honoring the Roncalli High School Girls Volleyball Team.

SPECIAL RESOLUTION NO. 95, 1981, requesting the Board of Trustees of the Health and Hospital Corporation to investigate the most efficient delivery of future emergency medical services.

SPECIAL RESOLUTION NO. 96, 1981, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 97, 1981, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 98, 1981, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 99, 1981, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

Respectfully submitted,

s/William H. Hudnut, III
MAYOR

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

PROPOSAL NO. 581, 1981. Introduced by Councillor Brinkman. This proposal sets the schedule of charges for the care of patients of the Marion County Home and Julietta Convalescent Center. Councillor Brinkman explained that this procedure is very routine for the end of the year and moved its adoption, seconded by Councillor Cottingham. Proposal No. 581, 1981, was adopted by unanimous voice vote, retitled GENERAL RESOLUTION NO. 12, 1981, and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 12, 1981

A GENERAL RESOLUTION approving the schedule of charges for the care and maintenance of patients and residents of the Marion County Home and Julietta Convalescent Center as fixed by the County Home Board.

WHEREAS, pursuant to I.C. 1971, 12-4-3-9, the schedule of charges for the care and maintenance of patients and residents of the Marion County Home and Julietta Convalescent Center shall be fixed by the County Home Board at its May meeting, and if such schedule of charges is increased, shall become effective on January 1 of the following year only if approved by resolution of the City—County Council; and

WHEREAS, the County Home Board fixed a schedule of charges at its meeting in May, 1981, which increased the charges for certain classes and types of care; and

WHEREAS, the County Home Board desires that the City-County Council approve such schedule of charges effective on January 1, 1982; and

WHEREAS, the Council finds that it is in the best interest of the citizens of Marion County and the patients and residents of the County Home that such new schedule of rates be approved; now, therefore:

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

SECTION 1. The four types of classes of care established by the County Home Board, on the basis of the regulations of the Indiana Health Facilities Council and the United States Department of Health and Human Services with respect of Medicare and Medicaid eligible facilities, are as follows, to-wit: Comprehensive, Upper Intermediate, Lower Intermediate and Residential.

SECTION 2. The rates for care in each of the categories set forth in Section 1 of this Resolution as established by the County Home Board on May 13, 1981, are approved for the respective classes of care as follows:

1. Comprehensive Care shall be at the rate of \$34.92 per day per person.
2. Upper Intermediate Care shall be at the rate of \$29.66 per day per person.
3. Lower Intermediate Care shall be at the rate of \$27.73 per day per person.
4. Residential Care shall be at the rate of \$17.84 per day per person.

SECTION 3. The rates established and approved by this Resolution shall be effective on and after January 1, 1982.

PROPOSAL NO. 597, 1981. Introduced by Councillor Clark. This proposal honors the Franklin Central Football Team. Councillor Clark read the proposal and moved for its adoption, seconded by Councillor Stewart. He then presented the team and coaches with a copy of the resolution. Proposal No. 597, 1981, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 100, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 100, 1981

A SPECIAL RESOLUTION honoring the Franklin Central High School Football Team.

WHEREAS, Franklin Central High School Football Coach Charles Stephens led his team through fourteen contests with thirteen wins and only one loss in the 1981 season; and

WHEREAS, THE INDIANAPOLIS STAR has named two Franklin Central players to its 1981 All-County Team and four to its 1981 All-Conference Team; and

WHEREAS, team members Burt Austin, Todd Polle and Ron Austin have been named to the 1981 Associated Press Class AA All-State Team; and

WHEREAS, On November 20, the Franklin Central High School Football Team captured the Class AA Indiana State Football Championship for the second year in a row; and

WHEREAS, the team's title marks Franklin Central's second state championship in an athletic event; now, therefore:

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

SECTION 1. The City-County Council commends Coach Charles Stephens and members of the Franklin Central High School Football Team, the returning Class AA State Indiana High School Football Champions, for their outstanding season.

SECTION 2. The Mayor is invited to join in this congratulatory resolution 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. 603, 1981. Introduced by Councillor Borst. This proposal directs the Public Safety Committee to study ambulance and emergency medical delivery in Marion County. Councillor Borst explained that the Health and Hospital Corporation is about to sign a 10-year lease and the main purpose of this proposal is to encourage them to wait until a study has been done to make sure this is the best alternative. Councillor Clark suggested that there be a joint meeting of the Municipal Corporations and Public Safety Committees to study this matter. Councillor Clark moved, seconded by Councillor Page, to amend Proposal No. 603, 1981, to include the Mayor's signature. Consent was given on the amendment. Councillor Borst moved, seconded by Councillor West, for adoption. Proposal No. 603, 1981, As Amended, was then adopted by unanimous voice vote, retitled COUNCIL RESOLUTION NO. 15, 1981, and reads as follows:

CITY—COUNTY COUNCIL RESOLUTION NO. 15, 1981

A COUNCIL RESOLUTION directing the Public Safety and Criminal Justice Committee to study ambulance and emergency medical service delivery in Marion County.

WHEREAS, the City-County Council has the authority under Indiana Code to establish, operate and maintain emergency medical services; and

WHEREAS, a certain amount of duplication of emergency medical services exist between the Indianapolis Fire Department Rescue Squad and Wishard Ambulance Service; and

WHEREAS, the Indianapolis Fire Department and Wishard Hospital are both facing funding crises with respect to operating capital budgets; 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 directs its Public Safety and Criminal Justice Committee to study emergency medical service delivery in Marion County.

SECTION 2. The Public Safety and Criminal Justice Committee should make recommendations regarding equipment, training, communications, manpower, facilities and maintenance of Marion County emergency medical services for purposes of a highly efficient and quality service trying to avoid duplication.

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

PROPOSAL NO. 604, 1981. Introduced by Councillor Cottingham. This proposal invites the National Association of Counties to hold the 1987 Annual Conference in Marion County. Councillor Cottingham stated that he and Councillor Brinkman attended the 1981 Annual Conference and that both agree that Marion County would be an excellent host for the 1987 Conference. He then read the proposal and moved for its adoption, seconded by Councillor Brinkman. Proposal No. 604, 1981,

was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 101, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 101, 1981

A SPECIAL RESOLUTION inviting the National Association of Counties to hold their 1987 annual conference in Marion County, Indiana.

WHEREAS, Marion County, Indiana, is a member in good standing of the National Association of Counties; and

WHEREAS, the City of Indianapolis in Marion County, is the capital of Indiana and is therefore the heart of "Hoosier Hospitality"; and

WHEREAS, Marion County and the City of Indianapolis is easily accessible by road, air and rail from most every location in the United States; and

WHEREAS, the Mayor of Indianapolis and Marion County and city officials desire to host NACo's annual conference in 1987; and

WHEREAS, Marion County and the City of Indianapolis combine hospitality, things to do and places to see; now, therefore:

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

SECTION 1. The NACo, its Board of Directors and its members are cordially invited to Marion County and the City of Indianapolis for the 1987 NACo Annual Conference.

SECTION 2. The City-County Council and the local community will offer its resources and talents to assure that the 1987 NACo Annual Conference is a complete success.

SECTION 3. An ad hoc committee of local officials and interested persons will work with NACo in the development and execution of plans for the 1987 Annual Conference.

SECTION 4. The City-County Council and the people of Marion County and the City of Indianapolis promise that "Hoosier Hospitality" will ensure a successful NACo Annual Conference in our fair county, city and state.

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

PROPOSAL NO. 605, 1981. Introduced by Councillor Borst. This proposal is a request for a study and recommendation on the use of law enforcement firing ranges in Marion County. Both the Police and Sheriff's Departments are requesting funds for new training programs and have indicated that the possibility of saving money by combining the programs should be investigated. Councillor Schneider pointed out that by passage of this proposal the Council will be delaying the progress of both departments in their training. Councillor Borst then moved, seconded by Councillor Tintera, for adoption. Proposal No. 605, 1981, was adopted on the following roll call vote; viz:

19 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Gilmer, Mr. Holmes, Mr. Howard, Mr. McGrath, Mr. Miller, Mr. Page, Mrs. Parker, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. West

8 NAYS: Mr. Durnil, Mr. Hawkins, Mr. Jones, Mrs. Journey, Mrs. Nickell, Mr. Rader, Mr. Schneider, Mr. Vollmer

2 NOT VOTING: Mrs. Coughenour, Mr. Dowden

Proposal No. 605, 1981, was retitled SPECIAL RESOLUTION NO. 102, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 102, 1981

A SPECIAL RESOLUTION requesting the Marion County Sheriff's Department, the Indianapolis Police Department and the Marion County Criminal Justice Coordinating Council study and make recommendation on the use of law enforcement firing ranges in Marion County.

WHEREAS, the Marion County Sheriff's Department desires to upgrade its outdoor shooting range at Fort Benjamin Harrison to include a moving target range; and

WHEREAS, the Indianapolis Police Department is in the process of upgrading its indoor firing range to include a "Shoot/Don't Shoot" Program; and

WHEREAS, the Indianapolis Parks Department is in the process of upgrading the outdoor firing range at Eagle Creek to include a moving target range; and

WHEREAS, both the Indianapolis Police Department and the Marion County Sheriff's Department have shown a willingness to share their firing range facilities between the departments; now, therefore:

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

SECTION 1. The Marion County Sheriff's Department and the Indianapolis Police Department in conjunction with the Marion County Criminal Justice Coordinating Council study the use of law enforcement firing ranges in Marion County.

SECTION 2. The Marion County Sheriff's Department, the Indianapolis Police Department and the Marion County Criminal Justice Coordinating Council make recommendations to the City-County Council for an efficient, non-duplicative use of law enforcement firing ranges with respect to scheduling, staffing and facilities.

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

INTRODUCTION OF GUESTS

Councillor Gilmer introduced Student Council Representatives from Greenbriar Elementary School from grades 3 through 6 and their teachers. Also introduced were Mr. Luther Conway by Councillor Jones; Judge Webster Brewer by Councillor Page; Mr. Ed Delany by Councillor Howard; and Mrs. Susie Tintera and Max Tintera, wife and son of Councillor Tintera.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 578, 1981. Introduced by Councillors Borst, Rhodes and Page. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE

providing for retail sales of beverages and food on sidewalks abutting business premises (Amends Sec. 28-212)"; and the President referred it to the Administration Committee.

PROPOSAL NO. 579, 1981. Introduced by Councillor Parker. The Clerk read the Proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$79,185 for the Department of Public Welfare to continue the Child Sex Abuse Program"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 580, 1981. Introduced by Councillor Parker. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$28,525 for the Community Services Division to continue administrative functions"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 581, 1981. Introduced by Councillor Brinkman. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled GENERAL RESOLUTION NO. 12, 1981.

PROPOSAL NO. 582, 1981. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the 1982 personnel compensation schedule of the Marion County Home"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 583, 1981. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the 1982 personnel compensation schedule of the Warren Township Assessor"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 584, 1981. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$105,589 in the County General Fund for the County Clerk and Jury Pool and reducing other appropriations for the County Municipal and Circuit Courts"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 585, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution for Economic Development Bonds in the amount of \$750,000 for Industrial Heat Treating and Metallurgical Company." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 586, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution for Economic Development Bonds in the amount of \$250,000 for John Ober." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 587, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution for Economic Development Bonds in the amount of \$825,000 for Design Printing Co., Inc." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 588, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of an Economic Development First Mortgage Revenue Bond for Unijax, Inc. in the amount of \$1,990,000." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 589, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of an Economic Development Revenue Note for Indianapolis Spring Corp. in the amount of \$800,000." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 590, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of Industrial Development Revenue Bonds for Parrent Investors No. 5, Ltd./ Dart & Kraft, Inc. in the amount of \$3,175,000." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 591, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of an Economic Development Bond for Leisure Lawn, Inc. in the amount of \$250,000." Councillor Tintera requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard under Modification of Special Orders.

PROPOSAL NO. 592, 1981. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Rosemary Clarke to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 593, 1981. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE restricting the use of firearms and dangerous weapons in Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 594, 1981. Introduced by Councillor Strader. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by restricting trucks on a certain portion of Asbury Street (Amends Sec. 29-224)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 595, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limits on Carson Avenue from Troy to Hanna"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 596, 1981. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing speed limits on East Hanna Avenue from South Keystone to Sherman Drive (Amends Code Section 29-136)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 597, 1981. Introduced by Councillor Clark. This proposal, honoring the Franklin Central Football Team, was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 100, 1981.

PROPOSAL NOS. 598-600, 1981. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on December 3, 1981." The President referred these proposals to the Committee of the Whole to be heard under Special Orders, Final Adoption.

MODIFICATION OF SPECIAL ORDERS

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

PROPOSAL NO. 601, 1981. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION authorizing the Controller to transfer funds from the Sanitary Sinking Fund to Fire General Fund, Police General Fund and Consolidated County General Fund." Councillor Dowden requested that this proposal be advanced on the agenda. Council consent was given. The President referred it to the Committee of the Whole to be heard during this portion of the Agenda.

PROPOSAL NO. 602, 1981. This proposal was Withdrawn on December 14, 1981.

PROPOSAL NO. 603, 1981. Introduced by Councillor Borst. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled COUNCIL RESOLUTION NO. 15, 1981.

PROPOSAL NO. 604, 1981. Introduced by Councillor Cottingham. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 101, 1981.

PROPOSAL NO. 605, 1981. Introduced by Councillor Borst. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 102, 1981.

PROPOSAL NO. 606, 1981. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION confirming the Council board and commission appointments"; and the President referred it to Various Committees.

PROPOSAL NO. 607, 1981. Introduced by Councillor Parker. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE permitting up to ten minutes parking on the circumference of Monument Circle"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 608, 1981. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing C. Richard Petticrew and Robert K. Whipple to the Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 609, 1981. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing James S. O'Bryan to the Audit Committee"; and the President referred it to the Administration Committee.

PROPOSAL NO. 610, 1981. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a new Chapter 11½, Emergency Medical Services"; and the President referred it to the Public Safety and Criminal Justice Committee.

[Clerk's Note: Council consent was given for the following to be advanced on the agenda.]

PROPOSAL NO. 433, 1981. Councillor West stated that this proposal establishing a Community Corrections Advisory Board for Marion County received a Do Pass recommendation by a vote of 7-0 from the Public Safety and Criminal Justice Committee on October 8, 1981. After discussion in Council on October 12, 1981, it was referred back to Committee for further study. The Committee has heard testimony twice since that time. By a vote of 5-0 on December 10, 1981, the Committee again recommends passage. Councillor West then moved for adoption, seconded by Councillor Rhodes. Following further discussion, Proposal No. 433, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

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

Proposal No. 433, 1981, was retitled SPECIAL RESOLUTION NO. 103, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 103, 1981

A SPECIAL RESOLUTION establishing a Community Corrections Advisory Board for Marion County.

WHEREAS, I.C. 11-12-1-2 provides for the establishment and operation of community corrections programs by a county, for any of the following purposes:

- (1) The prevention of crime or delinquency,
- (2) Persons charged with or diverted from charge for a crime or act of delinquency who are not tried and who voluntarily participate,
- (3) Persons on probation,
- (4) Persons sentenced to imprisonment in a county or local penal facility, other than a state owned or operated facility, or
- (5) Committed offenders, with the approval of the department.

WHEREAS, Indiana Law defines a community corrections program as a "community based or community oriented program that provides preventive services, services to offenders, services to persons charged with a crime or act of delinquency, services to persons diverted from the criminal or delinquency process or services to victims of crime or delinquency" in I.C. 11-12-1-1; and

WHEREAS, State Law also provides for grants to counties for the establishment and operation of community corrections programs in I.C. 11-12-2-1; and

WHEREAS, I.C. 11-12-2-2 sets forth criteria for counties in order to qualify for these grants; now, therefore:

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

SECTION 1. The City-County Council of the City of Indianapolis and Marion County does hereby establish a community corrections advisory board, specified in I.C. 11-12-2-2(a).

(a) The community corrections advisory board shall consist of:

- (1) the county sheriff;
- (2) the prosecuting attorney;
- (3) the director of the county welfare department;
- (4) the mayor of Indianapolis;
- (5) one (1) judge having criminal jurisdiction, appointed by the circuit court judge;
- (6) one (1) judge having juvenile jurisdiction, appointed by the circuit court judge;
- (7) one (1) attorney with a substantial criminal defense practice, appointed by the circuit court judge; and
- (8) the nine members, appointed by the city-county council; which shall include:
 - (A) one (1) probation officer;
 - (B) one (1) educational administrator;
 - (C) one (1) representative of a private correctional agency;
 - (D) one (1) mental health administrator;
 - (E) one (1) ex-offender; and
 - (F) four (4) lay persons, at least one (1) of whom must be a member of a minority race.

(b) Members of the advisory board appointed by the city-county council shall be appointed for terms of four (4) years. The criminal defense attorney shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may appoint one (1) judge to fill both judicial memberships if that judge is otherwise qualified. The circuit court judge may also appoint himself if he is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

SECTION 2. Any community corrections program approved by the community corrections advisory board shall not be effective unless and until approved by resolution of the City-County Council.

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

PROPOSAL NO. 601, 1981. Councillor Dowden reported that the Administration Committee heard testimony on this proposal which permits the Controller to transfer funds from the Sanitary Sinking Fund to the Fire General, Police General and Consolidated County General Funds, and recommended Do Pass by a vote of 6-0. Councillor Dowden moved for adoption, seconded by Councillor Tintera. Proposal No. 601, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Mr. Clark

Proposal No. 601, 1981, was retitled GENERAL RESOLUTION NO. 13, 1981, and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 13, 1981

A GENERAL RESOLUTION authorizing the Controller to transfer \$1,000,000.00 from the Sanitary Sinking Fund to the Fire General Fund, \$3,000,000.00 from the Sanitary Sinking Fund to the Police General Fund, and \$950,000.00 from the Sanitary Sinking Fund to the Consolidated County General Fund.

WHEREAS, I.C. 36-1-8-4 provides for a political subdivision to transfer a prescribed amount to a depleted fund from another fund of the political subdivision; and

WHEREAS, the Fire General Fund, the Police General Fund and the Consolidated County General Fund are depleted funds, and it is necessary to borrow money to enhance these funds; and

WHEREAS, there is sufficient money on deposit to the credit of the Sanitary Sinking Fund that can be temporarily transferred to the Fire General Fund, the Police General Fund and the Consolidated County General Fund; and

WHEREAS, the Fire General Fund is a depleted fund due to the cash shortfall that resulted from erroneous assessed valuation figures provided to the Fire Special Service District, and the usage of such erroneous figures to determine the Fire Special Service District total property tax rate; and

WHEREAS, the Police General Fund is a depleted fund due to the cash shortfall that resulted from erroneous assessed valuation figures provided to the Police Special Service District, and the usage of such erroneous figures to determine the Police Special Service District total property tax rate; and

WHEREAS, the Consolidated County General Fund is a depleted fund due to the cash shortfall that resulted from erroneous assessed valuation figures provided to the Consolidated City of Indianapolis and Marion County, and the usage of such erroneous figures to determine the Consolidated City of Indianapolis and Marion County total property tax rate; and

WHEREAS, pursuant to I.C. 6-3.5-1-12(g), the Fire Special Service District, the Police Special Service District and the Consolidated City of Indianapolis and Marion County have appealed for an excessive levy to compensate for the cash shortfall; and

WHEREAS, I.C. 6-3.5-1-12(g) contemplates that a loan to the Fire Special Service District, the Police Special Service District and the Consolidated City of Indianapolis and Marion County will be necessary to compensate for the cash shortfall to meet current expenses; and

WHEREAS, I.C. 36-1-3-1 through I.C. 36-1-3-7 confers upon municipalities all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, the State Board of Accounts has ruled that in case the depleted fund has a property tax levy and the December Settlement of taxes is not received by the City by December 31, it would be permissible to defer the repayment of the temporary transfer until such December settlement is received; and

WHEREAS, the Fire General Fund, the Police General Fund and the Consolidated County General Fund have a property tax levy; and

WHEREAS, historically, the City has not received its December Settlement of taxes until after December 31; and

WHEREAS, the revenues of the Sanitary Sinking Fund are derived from the levying and collection of property taxes or special taxes; now, therefore:

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

SECTION 1. The City Controller is hereby authorized to temporarily transfer \$1,000,000.00 from the Sanitary Sinking Fund to the Fire General Fund, which transfer must be returned no later than the receipt by the City of Indianapolis of its December Settlement of taxes.

SECTION 2. The City Controller is hereby authorized to temporarily transfer \$3,000,000.00 from the Sanitary Sinking Fund to the Police General Fund, which transfer must be returned no later than the receipt by the City of Indianapolis of its December Settlement of taxes.

SECTION 3. The City Controller is hereby authorized to temporarily transfer \$950,000.00 from the Sanitary Sinking Fund to the Consolidated County General Fund, which transfer must be returned no later than the receipt by the City of Indianapolis of its December Settlement of taxes.

SECTION 4. This resolution shall be in full force and effect upon passage and the signing by the Mayor.

PROPOSAL NO. 585, 1981. Councillor Tintera explained that this proposal for an inducement resolution in the amount of \$750,000 for Industrial Heat Treating & Metallurgical Company was recommended for passage by the Economic Development Committee on December 11, 1981, by a vote of 3-0. The project will provide 6 new jobs at the end of the first year and 18 at the end of 3 years. Councillor Tintera moved for adoption, seconded by Councillor Brinkman. Proposal No. 585, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Mr. Clark

Proposal No. 585, 1981, was retitled SPECIAL RESOLUTION NO. 104, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 104, 1981

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

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

WHEREAS, Industrial Heat Treating & Metallurgical Co., Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the renovation of an approximately 25,000 square foot building to expand the Company's current facilities with certain site improvements and equipment to be used in the Company's business of heat treating metal parts to be located at 2171 North-western Avenue, Indianapolis, Indiana, on approximately 0.685 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 6 additional jobs at the end of one year and 18 new jobs at the end of three years) to be achieved by the construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

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

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

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

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

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

SECTION 3. In order to induce the Company to proceed with the acquisition, renovation and equipping of the Project, the City-County Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem

appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

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

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

PROPOSAL NO. 586, 1981. This proposal for an inducement resolution for Economic Development Bonds in the amount of \$250,000 for John Ober was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 586, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

5 NOT VOTING: *Mr. Clark, Mr. Durnil, Mr. Hawkins, Mr. Rader, Mr. Strader*

Proposal No. 586, 1981, was retitled SPECIAL RESOLUTION NO. 105, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 105, 1981

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

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

WHEREAS, John Ober (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, renovate and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition and renovation of an approximately 60,000 square foot building with certain site improvements and equipment to be used by Business Furniture Corporation (the "User") for the manufacturing, finishing, refinishing and storage of office furnishings to be located at 1302 North Meridian Street, Indianapolis, Indiana, on approximately 1.75 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 2 additional jobs at the end of one year and 7 new jobs at the end of three years) to be achieved by the acquisition, renovation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$250,000 under the Act to be privately placed, to be guaranteed by Business Furniture Corporation, and to have an Assignment of the Lease and Rentals for the acquisition, renovation and equipping of the Project and the sale or leasing of the Project to John Ober (the "Company") or the loaning of the proceeds of such financing to the Company and the use of the Project by Business Furniture Corporation (the "User") for such purposes will serve the public purposes referred to above, in accordance with the Act.

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

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

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

PROPOSAL NO. 587, 1981. This proposal for an inducement resolution for Economic Development Bonds in the amount of \$825,000 for Design Printing Company, Inc., was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 587, 1981, was adopted on the following roll call vote; viz:

24 YEAS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Tintera, Mr. Vollmer
NO NAYS

5 NOT VOTING: Mrs. Coughenour, Mr. Holmes, Mrs. Journey, Mr. Strader, Mr. West

Proposal No. 587, 1981, was retitled SPECIAL RESOLUTION NO. 106, 1981, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 106, 1981

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

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

WHEREAS, Design Printing Co., Inc. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire and install certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facility to be the acquisition and installation of printing press, bindery and photographic equipment with certain site improvements at the Company's current facility located at 626 North Illinois Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 5 additional jobs at the end of one year and 11 additional jobs at the end of three years) to be achieved by the acquisition, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City of Indianapolis and its citizens; and

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$825,000 under the Act to be privately placed and guaranteed by the principals of the Company for the acquisition, installation and equipping of the Project and the sale or leasing of the Project to Design Printing Co., Inc. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

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

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

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

PROPOSAL NO. 588, 1981. This proposal authorizing the issuance of an Economic Development First Mortgage Revenue Bond for Unijax Inc. in the amount of \$1,990,000, was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera moved, seconded by Councillor Cottingham, for adoption. Proposal No. 588, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

6 NOT VOTING: Mrs. Coughenour, Mr. Holmes, Mr. Howard, Mr. Jones, Mr. Rader, Mr. Strader

Proposal No. 588, 1981, was retitled SPECIAL ORDINANCE NO. 36, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 36, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bond (Unijax, Inc. 1981 Project)" in the principal amount of One Million Nine Hundred Ninety Thousand dollars (\$1,990,000), and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 11, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Unijax, Inc. d/b/a Crescent Paper Company complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) 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, Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of a revenue bond, the loan of the net proceeds thereof to Unijax, Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Unijax, Inc. to be evidenced and secured by a promissory note of Unijax, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement and Promissory Note approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement 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 Bond (Unijax, Inc. 1981 Project) in the principal amount of One Million Nine Hundred Ninety Thousand dollars (\$1,990,000) for the purpose of procuring funds to loan to Unijax, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Unijax, Inc. on its promissory note in the principal amount of One Million Nine Hundred Ninety Thousand dollars (\$1,990,000) which will be executed and delivered by Unijax, Inc. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement, Bond Purchase Agreement. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser thereof at a stated per annum rate of interest on the Bond not to exceed seventy percent (70%) of the prime rate of interest which from time to time is publicly announced by Provident National Bank, or such higher rate as may be provided for in the Financing Agreement, and at a price not less than 100% of the principal amount thereof.

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

SECTION 6. The provisions of this ordinance and the Bond Purchase Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bond (Unifax, Inc., 1981 Project) and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon 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. 589, 1981. This proposal, which authorizes the issuance of an Economic Development Revenue Note for Indianapolis Spring Corp. in the amount of \$800,000, was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera explained that the Committee did express its concern about a vacant building in the downtown area. The Company has advised that the property is listed for sale and they will not occupy the new location until late spring. He then moved for adoption, seconded by Councillor Gilmer. Proposal No. 589, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: *Mr. Clark, Mrs. Coughenour*

Proposal No. 589, 1981, was retitled SPECIAL ORDINANCE NO. 37, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 37, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Note, Series 1981 (Indianapolis Spring Corporation Project)," in the principal amount of Eight Hundred Thousand dollars (\$800,000) and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 11, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Indianapolis Spring Corporation complying with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Note Purchase and Loan Agreement among the City of Indianapolis, Indiana, Indianapolis Spring Corporation and The Fidelity Bank, Note Guaranty Agreement, Promissory Note (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) 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 a revenue note, the loan of the net proceeds thereof to Indianapolis Spring Corporation for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Indianapolis Spring Corporation to be evidenced and secured by a promissory note of Indianapolis Spring Corporation 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, among the City of Indianapolis, Indiana, Indianapolis Spring Corporation and The Fidelity Bank, Note Guaranty Agreement, Promissory Note approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Note, Series 1981 (Indianapolis Spring Corporation Project), in the principal amount of Eight Hundred Thousand dollars (\$800,000) for the purpose of procuring funds to loan to Indianapolis Spring Corporation 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 Indianapolis Spring Corporation on its promissory note in the principal amount of Eight Hundred Thousand dollars (\$800,000) which will be executed and delivered by Indianapolis Spring Corporation to evidence and secure said loan, and as otherwise provided in the above described Note Guaranty Agreement. The Note 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 Note to the purchaser thereof at a stated per annum rate of interest on the Note not to exceed the Applicable Percentage of the Prime Rate or such higher rate as may be provided for in the Note Purchase and Loan Agreement. Applicable Percentage, MFCITR, and Prime Rate as defined in the Note Purchase and Loan Agreement are as follows:

"Applicable Percentage" means a percentage equal to sixty-five (65) times a factor equal to one (1) minus the MFCITR in effect from time to time, expressed in hundredths, divided by fifty-four hundredths (0.54), i.e., Applicable Percentage = $65 \times (1 - \text{MFCITR}) / (0.54)$. The City and the Noteholder acknowledge that, unless and until the MFCITR shall change, the Applicable Percentage shall be 65%.

"MFCITR" means the maximum federal corporate income tax rate in effect from time to time, with each change in such rate effective on the date of such change.

"Prime Rate" means the prime rate of interest announced by The Fidelity Bank from time to time, with each change in such rate effective on the date of such change.

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

SECTION 6. The provisions of this ordinance and the Note Purchase and Loan Agreement securing the Note shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Note, Series 1981 (Indianapolis Spring Corporation Project), and after the issuance of said Note this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Note 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. 590, 1981. This proposal authorizing the issuance of Industrial Development Bonds for Parrent Investors No. 5, Ltd./Dart & Kraft, Inc. in the amount of \$3,175,000, was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera explained that an inducement resolution was recently approved in the amount of \$2,500,000, but due to increased costs over the past 18 months, the Company requires additional financing. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 590, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Mr. Schneider, Mr. Strader

Proposal No. 590, 1981, was retitled SPECIAL ORDINANCE NO. 38, 1981, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 38, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Industrial Development Revenue Bonds (Parrent Investors No. 5, Ltd./Dart & Kraft, Inc. Project) Series A" in the aggregate principal amount of Three Million One Hundred Seventy-five Thousand dollars (\$3,175,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Parrent Investors No. 5, Ltd. and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 11, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Parrent Investors No. 5, Ltd. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Promissory Note, Guaranty Agreement, Indenture of Trust (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) 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 an issue of revenue bonds, the loan of the net proceeds thereof to Parrent Investors No. 5, Ltd. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Parrent Investors No. 5, Ltd. to be evidenced and secured by a promissory note of Parrent Investors No. 5, Ltd. and the use of such economic development facilities by Kraft, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Bond Purchase Agreement and Indenture of Trust, approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Industrial Development Revenue Bonds (Parrent Investors No. 5, Ltd./Dart & Kraft, Inc. Project) Series A in the principal amount of Three Million One Hundred Seventy-five Thousand dollars (\$3,175,000) for the purpose of procuring funds to loan to Parrent Investors No. 5, Ltd. 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 Parrent Investors No. 5, Ltd. on its promissory note in the principal amount of Three Million One Hundred Seventy-five Thousand dollars (\$3,175,000) which will be executed and delivered by Parrent Investors No. 5, Ltd. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Bond Purchase Agreement, Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk is authorized and directed to sell such Bonds to the purchasers thereof at a stated per annum rate of interest on the Bonds equal to thirteen and one quarter percent (13¼%), plus accrued interest, if any, and at a price not less than 98¼% of the aggregate principal amount thereof.

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

SECTION 6. The provisions of the ordinance and the Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Industrial Development Revenue Bonds (Parrent Investors No. 5, Ltd./Dart & Kraft, Inc. Project) Series A and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon 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. 591, 1981. This final bond ordinance authorizing the issuance of an Economic Development Revenue Bond for Leisure Lawn, Inc. in the amount of \$250,000, was heard by the Economic Development Committee on December 11, 1981, and recommended for passage by a vote of 3-0. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 591, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: Mr. Clark, Mr. Jones, Mr. Schneider

Proposal No. 591, 1981, was retitled SPECIAL ORDINANCE NO. 39, 1981, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 39, 1981

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (Leisure Lawn, Inc. Project)" in the principal amount of Two Hundred Fifty Thousand dollars (\$250,000) and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 11, 1981, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Leisure Lawn, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, Collateral Assignment of Rents, Guaranty, First Mortgage Note (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) 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, Mortgage and Security Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of a revenue bond, the loan of the net proceeds thereof to Leisure Lawn, Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Leisure Lawn, Inc. to be evidenced and secured by the First Mortgage Note of Leisure Lawn, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Collateral Assignment of Rents, Guaranty, First Mortgage Note, approved by the Indianapolis Economic Development Commission are hereby approved and all such documents (hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bond (Leisure Lawn, Inc. Project) in the principal amount of Two Hundred Fifty Thousand dollars (\$250,000) for the purpose of procuring funds to loan to Leisure Lawn, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Leisure Lawn, Inc. on its First Mortgage Note in the principal amount of Two Hundred Fifty Thousand dollars (\$250,000) which will be executed and delivered by Leisure Lawn, Inc. to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement, Collateral Assignment of Rents, Guaranty, First Mortgage Note. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser thereof at a stated per annum rate of interest on the Bond not to exceed seventy percent (70%) of the Prime Rate announced by The First National Bank, whose principal office is located in Dayton, Ohio, as its per annum rate on unsecured, ninety-day commercial loans to such bank's most credit-worthy corporate customers, which rate will change from time to time contemporaneously with each change announced by such bank, or such higher rate as may be provided in the Financing Agreement, and at a price not less than 100% of the principal amount thereof.

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

SECTION 6. The provisions of this ordinance and the Financing Agreement shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bond (Leisure Lawn, Inc., Project) and after the issuance of said

Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remains unpaid.

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

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 572, 1981. This rezoning ordinance for Center Township, Councilmanic District 20, 2244 South Meridian Street, was requested to be held out for public hearing by Councillor McGrath on November 23, 1981. Councillor McGrath reported that the commitments have been amended to the agreement of both sides and he moved for their incorporation into the proposal. Council consent was given. He then moved for adoption as amended, seconded by Councillor Gilmer. Proposal No. 572, 1981, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: *Mr. Campbell, Mr. Howard, Mr. Tintera*

Proposal No. 572, 1981, As Amended, was retitled REZONING ORDINANCE NO. 134, 1981, and reads as follows:

**REZONING ORDINANCE NO. 134, 1981 81-Z-82 Amended CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 20**

2244 SOUTH MERIDIAN STREET, INDIANAPOLIS

Kathy A. and Daniel J. Clements request rezoning of 0.15 acre, being in C-1 district, to I-2-S classification, to provide for industrial use.

PROPOSAL NO. 563, 1981. This proposal approves the issuance of Metropolitan Thoroughfare District Bonds in the amount of \$25,000,000 for the Department of Transportation. Councillor McGrath reported that the Transportation Committee heard this proposal on December 9, 1981, and recommended passage by a vote of 5-0. The President called for public testimony at 8:45 p.m. There being no one wishing to testify, Councillor McGrath moved, seconded by Councillor Tintera, for adoption. Proposal No. 563, 1981, was adopted on the following roll call vote; viz:

24 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mrs. Coughenour, Mr. Dowden, Mr. Durnil, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West
NO NAYS

5 NOT VOTING: Mr. Boyd, Mr. Cottingham, Mr. Gilmer, Mrs. Journey, Mr. Schneider

Proposal No. 563, 1981, was retitled GENERAL RESOLUTION NO. 14, 1981, and reads as follows:

CITY—COUNTY GENERAL RESOLUTION NO. 14, 1981

A GENERAL RESOLUTION approving a Confirmatory Resolution of the Transportation Board of the City of Indianapolis, Indiana, and approving the issuance of "City of Indianapolis, Metropolitan Thoroughfare District Bonds of 1982, First Issue" in the amount of Twenty-five Million dollars (\$25,000,000).

WHEREAS, on October 7, 1981, the Transportation Board of the City of Indianapolis, Indiana, acting as the Board for the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana, which District includes all the property and territory in Marion County, Indiana, did adopt a Declaratory Resolution, declaring that it is necessary for the general welfare of the persons within the Metropolitan Thoroughfare District, and will be of public utility and benefit to the property in said District, to acquire land and rights-of-way and to undertake projects of construction, reconstruction and operation of thoroughfares within said Metropolitan Thoroughfare District as follows:

1. MITHHOEFER ROAD
Mithhoefer Road and 16th Street intersection.
2. WESTLANE ROAD
Westlane Road from Michigan Road to Grandview Drive (excluding bridge over Crooked Creek).
3. POST ROAD
Post Road from 38th Street to Pendleton Pike.
4. WEST 10th STREET
West 10th Street and Grande Avenue intersection.
5. WEST 86th STREET
West 86th Street and Ditch Road intersection.
6. SOUTH COUNTY LINE ROAD
South County Line Road Bridge over Buffalo Creek, approximately 2.2 miles west of U.S. 31.
7. FALL CREEK ROAD
Fall Creek Road Bridge over Mud Creek, between Sergeant Road and Lantern Road.
8. SOUTHEASTERN AVENUE
Southeastern Avenue from Arlington Avenue to Raymond Street.
9. NORTHWESTERN AVENUE
Northwestern Avenue Bridge over Fall Creek (220 N. and 600 W.).
10. WESTLANE ROAD
Westlane Road from Grandview Drive to Ditch Road (excluding bridge over Howard Johnson ditch).
11. KENTUCKY AVENUE
Kentucky Avenue Bridge over White River (800 S. and 800 W.).
12. EAST 21st STREET
East 21st Street Bridge over Brookside Creek (2100 N. and 5300 E.).

13. WEST 71st STREET
West 71st Street and Michigan Road intersection.
14. BRIDGEPORT ROAD
Bridgeport Road Bridge over Sterling Run (3900 S. and 9000 W.).
15. STATE AVENUE
State Avenue Bridge over Bean Creek (2600 S. and 1700 E.).
16. WEST & MISSOURI STREETS
West Street and Missouri Street from South Street to Washington Street.
17. ENGLISH AVENUE & SHERMAN DRIVE
Intersection of English and Sherman and along English from Sherman to Emerson.
18. WILSON ROAD
Wilson Road Bridge over Fishback Creek (7400 N. and 8800 W.).
19. MITTHOEFER ROAD
Mithoefer Road and 30th Street intersection.
20. WEST STREET
West Street from New York to 9th Street.
21. SOUTHEASTERN AVENUE
Southeastern Avenue Bridge over Lick Creek (2100 S. and 5400 E.).
22. BROOKVILLE ROAD
Brookville Road Bridge over Conrail (Penn-Central Railroad) (1000 S. and 6600 E.).
23. WESTLANE ROAD
Westlane Road Bridge over Howard Johnson Ditch (7300 N. and 1300 W.).
24. EAST 10th STREET
East 10th Street and Franklin Road intersection.
25. WEST STREET
West Street from Washington Street to New York Street.
26. WESTLANE ROAD
Westlane Road Bridge over Crooked Creek (7300 N. and 1900 W.).
27. SHERMAN DRIVE
Sherman Drive Bridge over Conrail, just north of Raymond.
28. WASHINGTON STREET
Washington Street and High School Road intersection.
29. COUNTY LINE ROAD (SOUTH)
County Line Road South Bridge over Pleasant Run Creek (9000 S. and 2900 E.).
30. WEST STREET
West leg connector to I-70, West Street from Wisconsin to Morris.
31. SENATE AVENUE
Senate Avenue from 12th Street to 21st Street.
32. WEST 38th STREET
West 38th Street Bridge over I-465 (3800 N. and 6600 W.).
33. EAST 96th STREET
East 96th Street Bridge over Mud Creek, between Sergeant Road and Cumberland Road.
34. SIGNALIZED INTERSECTION CONTROL IMPROVEMENTS
Signalized intersection control improvements on various thoroughfares throughout the District,

and to pay all expenses necessary to be incurred in connection with the proceedings and all said projects; and has heretofore estimated that the cost of such projects, and the incidental expenses necessary to be incurred in connection therewith, including the issuance of bonds, will be in the amount of \$54,465,000.00, of which \$29,465,000.00 will be provided from other funds and \$25,000,000.00 from the proceeds of a bond issue; and

WHEREAS, on November 4, 1981, after notice and hearing as provided by law, the Transportation Board did adopt its Confirmatory Resolution, confirming said Declaratory Resolution and finding that the projects and acquisitions set forth in said Declaratory Resolution are necessary for the general welfare of the persons within the Metropolitan Thoroughfare District, and will be of public utility and benefit to the property within said District; and

WHEREAS, a petition has been filed under the provision of I.C. 6-1.1-20-3 by more than fifty (50) owners of taxable real estate located within the Metropolitan Thoroughfare District, requesting the Transportation Board to issue bonds of said Metropolitan Thoroughfare District in an amount not exceeding Twenty-five Million dollars (\$25,000,000) for the purpose of procuring funds to be applied on the costs of one or more of the projects set out in said petition, which projects include those above set out, including the expenses in connection with said projects and the issuance of said bonds, which petition the Board has found to be sufficient under the provisions of the law; and

WHEREAS, the Transportation Board of the City of Indianapolis, Indiana, on November 4, 1981, did adopt a Bond Resolution authorizing the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of the City of Indianapolis, as a special taxing district, including all of the territory of Marion County, to be designated as "City of Indianapolis, Metropolitan Thoroughfare District Bonds of 1982, First Issue", in the aggregate principal amount of Twenty-five Million dollars (\$25,000,000), and to bear interest at a rate or rates not exceeding twelve percent (12%) per annum (the exact rate or rates to be determined by bidding); and

WHEREAS, the Transportation Board of the City of Indianapolis, Indiana, has requested the approval of the City-County Council of the Confirmatory Resolution, pursuant to I.C. 18-4-10-7 and 8 and of the issuance of said special taxing district bonds pursuant to I.C. 36-3-5-8, and the City-County Council now finds that said Confirmatory Resolution and the issuance of said Bonds should be approved; 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 does hereby approve the Confirmatory Resolution of the Transportation Board of the City of Indianapolis, Indiana, adopted on November 4, 1981, and all projects approved by said Board in its Confirmatory Resolution.

SECTION 2. The City-County Council does hereby approve the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Metropolitan Thoroughfare District Bonds of 1982, First Issue", in the aggregate principal amount of Twenty-five Million dollars (\$25,000,000).

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

PROPOSAL NO. 575, 1981. This proposal appropriates \$7,000 for the Warren Township Assessor for the purchase of furniture. Councillor Brinkman stated that the County and Townships and Rules and Policy Committees held a joint meeting to discuss this proposal, and recommended that it be Stricken on December 8, 1981, by a vote of 7-1. The President called for public testimony; there being no one wishing to testify, he called for the vote. Proposal No. 575, 1981, was Stricken by unanimous voice vote.

SPECIAL ORDERS, UNFINISHED BUSINESS

PROPOSAL NO. 530, 1981. This proposal for the installation of a traffic signal at 38th and Richardt Streets, amends Code Section 29-92. Councillor Nickell informed the Council that she received a copy of a study conducted on this intersection and concurs with the Police Department concerns about this traffic signal. She requested consent to Postpone action on this proposal until the Council meeting of January 4, 1982. Consent was given.

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 590, 1980. This proposal authorizes the issuance of Economic Development Bonds for Asphalt Material and Construction, Inc. Project in the amount of \$1,000,000. Councillor Tintera explained that this project has been stopped due to high interest rates, and that if the Company wishes to continue the project, they will submit a new request. The Economic Development Committee voted 3-0 on December 11, 1981, to Strike this proposal. The President called for the vote. Proposal No. 590, 1980, was Stricken by unanimous voice vote.

PROPOSAL NO. 450, 1981. This proposal authorizes the issuance of \$3,500,000 Economic Development Revenue Bonds for Engineering Research, Inc. Councillor Tintera stated that this proposal had to be amended to incorporate the new payment dates which were pushed back to reflect the delay in financing. He then moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 450, 1981, by deleting the introduced version and substitute therefor the proposal entitled, "Proposal No. 450, 1981, Committee Recommendations."

s/Councillor Tintera

Councillor Gilmer seconded the motion. Council consent was given. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 450, 1981, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

1 NOT VOTING: Mr. Rhodes

Proposal No. 450, 1981, As Amended, was retitled SPECIAL ORDINANCE NO. 40, 1981, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 40, 1981

A SPECIAL ORDINANCE authorizing the issuance and sale of a \$3,500,000 economic development revenue bond (Engineering Research, Inc. Project) of the City of Indianapolis, Indiana, for the purpose of making a loan to assist Engineering Research, Inc. in the financing of the cost of an "Economic Development Facility" within the meaning of

Title 36, Article 7, Chapter 12 of the Indiana Code; and authorizing the execution and delivery of a loan agreement pertaining to the project and the execution and delivery of an assignment securing the payment of said bond and approving and authorizing other actions in respect thereof.

WHEREAS, the City of Indianapolis, Indiana, a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Indiana, by virtue of the laws of said State, and pursuant to Title 36, Article 7, Chapter 12 of the Indiana Code (the "Act"), is authorized and empowered, among other things, (a) to issue revenue bonds for the purpose of making a loan to assist in the financing of the cost of the acquisition, construction or installation of "economic development facilities", as defined in the Act, (b) to enter into a loan agreement and to provide for revenues and other receipts and payments under such agreement sufficient to pay the principal of and premium, if any, and interest on such revenue bonds, (c) to secure such revenue bonds by pledging secured or unsecured debt obligations of "users" of such facilities, as provided for herein, and (d) to enact this Bond Legislation, enter into the Agreement and execute and deliver the Assignment, all as hereinafter defined, upon the terms and conditions provided therein; and

WHEREAS, following the completion of proper proceedings under the Act, the Indianapolis Economic Development Commission has, by resolution, found and determined that the Project, as hereinafter defined, constitutes an economic development facility within the meaning of the Act and that the proposed financing thereof as herein authorized will be of benefit to the health and welfare of the City of Indianapolis and the City of Lawrence (where the Project will be located) and complies with the purposes and provisions of the Act; and

WHEREAS, by such resolution, a copy of which has been transmitted to and received by this City-County Council, the Indianapolis Economic Development Commission has also approved the form and terms of the Agreement, the Note, the Security Agreement, the Project Bond and the Assignment, all as hereinafter defined and the financing as herein contemplated; 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 Bond Legislation or in the Agreement, the following words and terms as used in this Bond Legislation shall have the following meanings unless the context or use clearly indicates another meaning or intent:

"Agreement" means the Loan Agreement between the Issuer and the Company, dated as of December 1, 1981, as from time to time amended or supplemented.

"Assignment" means the Assignment of Loan Agreement and Revenues, of even date with the Agreement, from the Issuer to the Original Purchaser, as from time to time amended or supplemented.

"Authorized Company Representative" means the person at the time designated pursuant to the Agreement to act on behalf of the Company.

"Bond Legislation" means this Special Ordinance, as from time to time lawfully amended or supplemented.

"Bond service charges" for any time period means the principal, interest and redemption premium, if any, required to be paid by the Issuer on the Project for such time period.

"Code" means the Internal Revenue Code of 1954 as amended and references to the Code and Sections of the Code shall include relevant regulations and proposed regulations thereunder and any successor provisions to such Sections, regulations or proposed regulations.

"Company" means Engineering Research, Inc., a corporation for profit duly organized and validly existing under the laws of the State, and its lawful successors and assigns.

"Construction Fund" means the Construction Fund created by Section 6 hereof.

"Eligible Investments" means (i) obligations issued or guaranteed by the United States or by any person controlled or supervised by or acting as an instrumentality of the United States pursuant to authority granted by Congress, (ii) obligations issued or guaranteed by any state or political subdivision thereof rated A or MIG-1, as applicable, or higher by Moody's Investors Service, Inc. or by Standard & Poor's Corporation, both of New York, New York, or their successors; (iii) commercial or finance paper which is rated either P-1 or A-1, as applicable, or their equivalent by Moody's Investors Service, Inc. or Standard & Poor's Corporation, both of New York, New York, or their successors; (iv) bankers' acceptances drawn on and accepted by commercial banks; (v) certificates of deposit of the Holder or any commercial bank affiliated with the Holder, or any other bank or trust company organized under the laws of the United States of America or any state thereof, having a reported capital and surplus of at least \$10,000,000; (vi) repurchase agreements fully secured by obligations of the type specified in (i) above; and (vii) the shares of open-end investment companies, the assets of which are invested only in short term obligations, having as an objective a principal value which does not fluctuate (a money market fund); provided that any such investment or deposit is not prohibited by applicable law.

"Executive" means the Mayor of the issuer.

"Fiscal Officer" means the Clerk of the Legislative Authority.

"Holder" means the Original Purchaser, as the initial holder of the Project Bond or, in the event of transfer thereof, as permitted by its terms, any subsequent holder of the Project Bond.

"Issuer" means the City of Indianapolis, Indiana, a municipal corporation and political subdivision duly organized and validly existing under the laws of the State.

"Legal Counsel" means the law firm of Treacy Cohen Mears & Crawford, Indianapolis, Indiana.

"Legislative Authority" means the City-County Council of the Issuer.

"Letter of Credit" means the irrevocable letter of credit issued by the Letter of Credit Bank, to be delivered to the Original Purchaser on the same date as the delivery of the Project Bond and being an irrevocable obligation to make payment to the Holder, upon the terms set forth in the Letter of Credit, of the unpaid principal amount of, and, to the extent provided in the Letter of Credit, not to exceed three months' interest and redemption premium on the Project Bond to the extent moneys are not available therefor under the Agreement, the Note, the Security Agreement and the Assignment, as from time to time amended, supplemented or reissued.

"Letter of Credit Agreement" means the Letter of Credit Agreement, of even date with the Agreement, between the Company and the Letter of Credit Bank pursuant to which the Letter of Credit is to be issued, as from time to time amended or supplemented.

"Letter of Credit Bank" means American Fletcher National Bank and Trust Company, Indianapolis, Indiana, and its successors and assigns under the Letter of Credit.

"Loan" means the loan by the Issuer to the Company of the proceeds received from the sale of the Project Bond.

"Loan Payments" means the amounts required to be paid by the Company in repayment of the Loan pursuant to the provisions of Section 4.1 of the Agreement.

"Note" means the promissory note of the Company attached to the Agreement as Exhibit A, in the Principal amount of \$3,500,000, evidencing the obligation of the Company to make Loan Payments and delivered to the Original Purchaser pursuant to the Agreement.

"Original Purchaser" means The Central Trust Company, N.A., Cincinnati, Ohio.

"Person" or words importing persons means and include firms, associations, partnerships (including limited partnerships), societies, trusts (public or private), corporations or other legal entities including public or governmental bodies as well as natural persons.

"Project" means the personal property at the time comprising the Project Facilities as defined in the Agreement, constituting "economic development facilities" as defined in the Act.

"Project Bond" means the \$3,500,000 Economic Development Revenue Bond (Engineering Research, Inc. Project) of the Issuer authorized in Section 3 hereof.

"Project Purposes" means acquiring and installing personal property comprising "economic development facilities" or such use as may otherwise be permitted by the Agreement.

"Revenues" means (a) the Loan Payments, (b) all other moneys received or to be received by the Issuer, or the Holder for the account of the Issuer, in respect of repayment of the Loan, (c) unexpended moneys in the Construction Fund, and (d) all income and profit from the investment of the Loan Payments and such other moneys.

"Security Agreement" means the Security Agreement, of even date with the Agreement, executed and delivered by the Company to the Holder concurrently with the delivery of the Note, as from time to time amended or supplemented.

"State" means the State of Indiana.

Any reference herein to the Issuer, to the Legislative Authority or to any member or officer of either, shall include those succeeding to their functions, duties or responsibilities pursuant to or by operation of law or lawfully performing their functions. Any reference to a section or provision of the Constitution of the State or the Act, or to a section, provision or chapter of the laws of the State shall include such section, or provision or chapter as from time to time amended, modified, revised, or supplemented or superseded, provided that no change in the Constitution or laws shall be applicable solely by reason of this provision if such change in any way constitutes an impairment of the rights or obligations of the Issuer, the Holder, the Letter of Credit Bank or the Company under this Bond Legislation, the Agreement, the Assignment, the Security Agreement, the Letter of Credit, the Letter of Credit Agreement and the Note or any other document executed in connection with any of the foregoing, including, without limitation, any alteration of the obligation to pay the Bond service charges in the amount and manner, at the times, and from the sources provided in the Bond Legislation, the Agreement and the Security Agreement, except as otherwise herein permitted.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa. The terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms mean this Bond Legislation; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Bond Legislation. Words of the masculine gender include the feminine and the neuter, and when the terms so indicate, words of the neuter gender may refer to any gender.

The captions and headings of this Bond Legislation shall be solely for the convenience of reference and in no way define, limit or describe the scope or intent of any provisions or Sections of this Bond Legislation.

SECTION 2. Determination of Legislative Authority. The Legislative Authority has heretofore determined, by a special resolution duly adopted July 20, 1981, and does hereby redetermine that (a) the promotion of diversification of economic development and job opportunities in and near the Issuer, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; (b) it is in the public interest that the Indianapolis Economic Development Commission and the Issuer take such action as they lawfully may to encourage diversification of industry and promotion of job opportunities in and near the Issuer; and (c) the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$3,500,000 under the Act for the loaning of the proceeds of such financing to the Company for the equipping of the Project will serve the public purposes referred to above, will be of benefit to the Issuer and the City of Lawrence and will be in accordance with the Act; and it is hereby determined that (d) the provision of loan assistance in the financing of such costs will require the issuance, sale and delivery of the Project Bond in the principal amount of \$3,500,000 which shall be payable and secured as provided herein and in the Agreement and the Security Agreement.

SECTION 3. Authorization and Terms of Project Bond. It is determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, the Project Bond for the purpose of making a loan to assist the Company in the financing of costs of acquiring, constructing, equipping or improving the Project for the Project Purposes. The Project Bond shall be designated "Economic Development Revenue Bond (Engineering Research, Inc. Project)".

The Project Bond shall be issued as a single instrument in the denomination of \$3,500,000, substantially in the fully registered form attached hereto as Exhibit A (which is incorporated herein by reference and made a part hereof fully as if set forth in full herein), and shall be subject to optional and mandatory redemption, as set forth herein and in said Exhibit A at the place set forth therein.

The Project Bond shall be dated as of December 1, 1981, but shall bear interest from the date of its delivery to the Original Purchaser (which date shall appear on the face of the Project Bond), at the Applicable Rate, which is that rate of interest per annum equal to the Applicable Percentage of the Prime Rate. The Applicable Percentage is that percentage to be applied to the Prime Rate to calculate the Applicable Rate, depending on the range of the Prime Rate from time to time, all in accordance with the following table:

<u>Range of Prime Rate (percentage per annum)</u>	<u>Applicable Percentage</u>
20% or higher	65 %
19-19.99%	65.5
18-18.99	66
17-17.99	66.5
16-16.99	67
15-15.99	67.5
14-14.99	68
13-13.99	69
12-12.99	70
10-11.99	72
8- 9.99	74
under 8	75

Prime Rate is that rate of interest per annum at the time established and announced by The Central Trust Company, N.A., as its "prime rate". The Applicable Rate shall be increased or decreased by .2% (two-tenths percent) for each 1% decrease or increase, respectively, in the highest marginal federal tax rate applicable to the Holder. The Applicable Rate shall be initially established by the Original Purchaser as of the date of initial delivery of the Project Bond, based upon the Prime Rate as of that date. Thereafter, the Applicable Rate shall be adjusted by the Holder, on and as of each Interest Payment Date, on the basis of the Prime Rate in effect on that date, but only with respect to interest accruing after such date and payable on the next succeeding Interest Payment Date, by giving written notice of any such adjustment to the Issuer, the Company and the Letter of Credit Bank not less than ten business days before said next succeeding Interest Payment Date.

Interest on the outstanding principal amount of the Project Bond, at the Applicable Rate, shall be payable quarterly in arrears on the first day of March, June, September and December in each year, commencing March 1, 1982, (each an "Interest Payment Date") until such principal amount is paid. Principal of the Project Bond shall be payable on December 1, 1982, and on each Interest Payment Date thereafter through and including September 1, 1989, in the quarterly amounts set forth in the Principal Maturity Schedule attached as Schedule A to the Project Bond, provided that the installment due on September 1, 1989, shall, in any event, be sufficient in amount to pay in full the outstanding principal balance of the Project Bond, together with interest accrued thereon. Each quarterly payment shall be applied first to the payment of interest on the unpaid principal sum.

Upon a Notification of Taxability, the rate of interest payable on the Project Bond from and after the Taxable Date shall be adjusted by the Holder to be that rate of interest per annum which is equal to the Prime Rate in effect on the Taxable Date, plus one percent (1%) (the "Taxable Rate"). "Notification of Taxability" means receipt of notice by the Company from the Holder that the Holder has received a ruling or technical advice of the Internal Revenue Service, in which the Company has been afforded the opportunity to participate, or a written opinion by an attorney or firm of attorneys of recognized standing on the subject of municipal bonds, selected by the Holder and approved by the Company (which approval shall not be unreasonably withheld), to the effect that interest on the Project Bond is includible in the gross income of the Holder for federal tax purposes (other than because the Holder is or was a "substantial user" of the Project or "related person", as such terms are used in Section 103(b)(10) of the Code). "Taxable Date" means the date, as found by the ruling, technical advice or opinion underlying a Notification of Taxability, on which interest on the Project Bond should first have been included in the gross income of the Holder for federal tax purposes. On the first Interest Payment Date after a Notification of Taxability, there shall

be paid to the Holder, in addition to the Bond service charges then due, an amount equal to the difference between the amount of interest paid on the Project Bond at the Applicable Rate from the Taxable Date to such Interest Payment Date and the amount of interest which would have been paid if interest had been paid at the Taxable Rate from the Taxable Date.

Following a Notification of Taxability, the then unpaid principal amount of the Project Bond is subject to mandatory redemption at the earliest practicable date selected by the Holder, after consultation with the Company, but in no event later than 180 days following the Notification of Taxability, at a redemption price equal to 101.5% of the principal amount of the Project Bond outstanding at the time of redemption, plus accrued interest to the redemption date and (if the Notification of Taxability is occasioned by the Company's breach of its covenants in Section 5.2 of the Agreement) an amount equal to any penalties or interest paid by the Holder resulting from the failure to include interest on the Project Bond in the gross income of the Holder. The Project Bond shall be redeemed by the Issuer on such date, except that any installments due on the Project Bond prior to but after the selection of such redemption date shall be paid on their due dates at the same price as if they had been called for redemption on such redemption date.

The Project Bond is also subject to optional redemption by and at the option of the Issuer, at the direction of the Company, prior to stated maturity in whole or in part on any Interest Payment Date, at a redemption price equal to 101.5% of the principal amount to be redeemed, plus in each case accrued interest to the date fixed for redemption.

The Project Bond shall be payable as to principal, premium, if any, and interest in lawful money of the United States and shall express on its face the purpose for which it is issued and such other statements or legends as may be required by law. The Project Bond shall not be transferred by any Holder other than in accordance with its terms.

Bond service charges on the Project shall be payable at the principal office of the Holder.

The Project Bond shall be signed in their official capacities by the Executive and the Fiscal Officer and shall bear the seal of the Issuer.

SECTION 4. Payment of and Security for the Project Bond. The Project Bond shall be payable solely from the Revenues and shall be secured by the pledges effected by the Assignment. The Project Bond shall be further secured by the Note and the Security Agreement delivered by the Company to the Holder pursuant to the Agreement. The payment of Bond service charges shall also be secured, to the extent provided therein, by the Letter of Credit. Anything in this Bond Legislation, the Assignment or the Project Bond to the contrary notwithstanding, neither this Bond Legislation, the Project Bond, the Assignment nor the Agreement shall constitute an indebtedness or a charge against the general credit of the Issuer, and the Project Bond shall contain on the face thereof a statement to that effect and that such Bond is payable solely from the Revenues.

SECTION 5. Sale of Project Bond. The Project Bond is sold and awarded to the Original Purchaser in accordance with its offer to purchase the Project Bond, at a purchase price equal to the par value thereof. The Executive and the Fiscal Officer are authorized and directed to make the necessary arrangements with the Original Purchaser, to establish the date, (which shall be not later than 45 days after the date of adoption of the Bond Legislation) location, procedure and conditions for the execution and delivery of the Project Bond to the Original Purchaser, and to take all steps necessary to effect due execution and delivery to the Original Purchaser of the Project Bond under the terms of this Bond Legislation. It is hereby determined that the price for and the terms of the Project Bond, and sale thereof, all as provided in this Bond Legislation, are in the best interest of the Issuer and in compliance with all legal requirements.

SECTION 6. Deposit of Proceeds of Project Bond - Construction Fund. The proceeds from the sale of the Project Bond shall be deposited and credited to a separate deposit account which is created by the Issuer, to be maintained (except when invested as hereinafter provided) in the name of the Issuer by the Holder pursuant to the Assignment and designated "City of Indianapolis, Indiana - Engineering Research, Inc. Construction Fund" (the "Construction Fund"). Moneys in the Construction Fund may be invested as provided in Section 9 hereof and shall be held and disbursed in accordance with the provisions of the Assignment and the Agreement. The Holder is authorized and directed to make any such disbursement from the Construction Fund in accordance with the provisions of the Agreement and the Assignment.

The moneys and Eligible Investments to the credit of the Construction Fund shall, pending disbursement pursuant to the Agreement and as above set forth, constitute a part of the Revenue bonds pledged and assigned as security for the payment of the Bond service charges.

SECTION 7. Pledge and Assignment of Revenues. The Issuer hereby pledges and assigns its rights, title and interest in all Revenues to the Holder as security for the payment of the Bond service charges, including, without limitation, all Loan Payments which under the terms of the Agreement and the Note are to be paid by the Company directly to the Holder for application to the payment of such Bond service charges. Such pledge and assignment shall be, and is intended to be, immediately effective without further action; provided that the Issuer shall execute and deliver the Assignment and shall take such other action as may be deemed necessary or appropriate by the Legal Counsel to further evidence such pledge and assignment.

SECTION 8. Covenants and Representations of Issuer. In addition to other covenants and representations of the Issuer contained in this Bond Legislation, the Issuer further covenants, represents and agrees with the Holder as follows:

(a) **Payment of Bond Service Charges.** The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond service charges on the Project Bond on the dates, at the places and in the manner provided herein and in the Project Bond.

(b) **Performance of Covenants, Authority and Actions.** The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Agreement, the Assignment, this Bond Legislation and the Project Bond and all proceedings of its Legislative Authority pertaining thereto, on its part to be performed or observed. The Issuer represents that it is, and upon delivery of the Project Bond covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Project Bond, to execute the Agreement and the Assignment and to provide the security for payment of the Bond service charges in the manner and to the extent herein and in the Project Bond set forth; that all actions on its part for the issuance of the Project and execution and delivery of the Agreement and the Assignment have been or will be duly and effectively taken; and that the Project Bond in the hands of the Holder will be a valid and enforceable special obligation of the Issuer according to the terms thereof except as enforceability may be limited by bankruptcy, reorganization, insolvency or other laws or equitable principals affecting creditors' rights generally. Each obligation of the Issuer required to be undertaken pursuant to the Bond Legislation, the Agreement, the Assignment and the Project Bond is binding upon the Issuer, and upon such officer or employee thereof as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of such obligation, as a duty of the Issuer and of each such officer and employee resulting from an office, trust or station.

(c) **Revenues and Assignment of Revenues.** Except as otherwise provided in this Bond Legislation, the Agreement or the Assignment, the Issuer will not pledge or assign the Revenues or create or permit to be created any debt, lien or charge thereon other than the pledge and assignment thereof under this Bond Legislation and the Assignment.

(d) **Recordings and Filings.** The Issuer will, at the expense of the Company, cause the Agreement and the Assignment and any amendments or supplements to either and any related documents or instruments relating to the pledge and assignment made by it to secure the Project Bond, to be recorded and filed in such manner and in such places as may be required by law in order to fully preserve and protect the security of the Holder.

(e) **Inspection of Project Books.** All books and documents in the Issuer's possession relating to the Project and the Revenues shall at all times during the Issuer's regular business hours be open to inspection by such accountants or other agents of the Holder as the Holder may from time to time designate.

(f) **Rights and Enforcement of the Agreement.** The Holder, in its name or in the name of the Issuer, may enforce all rights of the Issuer except for Unassigned Issuer's Rights as defined in the Agreement and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations. However, the Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Agreement, and will take all actions within its authority to keep the Agreement in effect in accordance with the terms thereof.

(g) **Arbitrage Provisions.** The Issuer will restrict the use of the proceeds of the Project Bond in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time of the delivery of the payment for such Project Bond, so that the Project Bond will not constitute arbitrage bonds under Section 103(c) of the Code. The Fiscal Officer or any other officer of the Issuer having responsibility for issuing the Project Bond is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer or with the Company or any employee, consultant or agent of the Company to give an appropriate certificate of the Issuer, for inclusion in the transcript of proceedings for the Project Bond, setting forth the reasonable expectations of the Issuer regarding the amount and use of the proceeds of the Project Bond and the facts, estimates and circumstances on which they are based, such certificate to be premised on the reasonable expectations and the facts, estimates and circumstances on which they are based as provided by the Company, all as of the date of delivery of and payment for the Project Bond.

(h) **Transcript of Proceeding.** The Fiscal Officer, or other appropriate officer of the Issuer, shall furnish to the Holder a true transcript of proceedings, certified by said officer, of all proceedings had with reference to the issuance of the Project Bond along with such information from the records as is necessary to determine the regularity and validity of the issuance of said Project Bond.

(i) **Federal Tax Election.** This Legislative Authority elects to have the limitation on capital expenditures specified in Section 103(b)(6)(D) of the Code applied to the Project Bond, and the execution and filing with the Internal Revenue Service of a statement regarding such election, as provided for in the Code and the rules and regulations of the Internal Revenue Service, by the Executive or the Fiscal Officer is hereby authorized, approved, ratified and affirmed.

(j) **Additional Financing.** At the request of the Company, provided that the Company is not in default under the Agreement and to the extent then permitted by law, including the Act, the Issuer shall use its best efforts to provide for the issuance of revenue obligations in addition to the Project Bond for the purpose of (i) completing the Project, (ii) acquiring, constructing or equipping additional property for use in connection with the Project or (iii) with the consent of the Holder refunding the Project Bond or any other such revenue obligations previously issued; provided, however, that the proceeds of any additional revenue obligations previously issued; provided, however, that the proceeds of any additional revenue obligations shall be used solely for the purposes permitted under the Act and in the issuance shall not result in the interest on that Project Bond becoming subject to federal income tax. Additional revenue obligations issued for the purposes described in clause (i) shall be issued only with the written consent of the Holder and the Letter of Credit Bank.

SECTION 9. Investment and Records of Construction Fund. Moneys in the Construction Fund shall be invested and reinvested by the Holder in any Eligible Investments at the oral or written direction of the Authorized Company Representative in accordance with Section 3.7 of the Agreement. Subject to any such written request with respect thereof, the Holder may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from or sold to the Holder. An investment made from moneys credited to the Construction Fund shall constitute part of that Fund and such Fund shall be credited with all proceeds of sale and income from such investment. For purposes of this Bond Legislation, such investments shall be valued at face amount or market value, whichever is less.

SECTION 10. Agreement and Assignment. In order to provide for the issuance and sale of the Project Bond and the consummation of the transactions to be consummated thereby, the Executive and the Fiscal Officer are authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the Issuer, the Agreement and the Assignment, in substantially the forms submitted to this Legislative Authority, which instruments are approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officers, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of such instruments.

SECTION 11. Other Documents. The Executive and the Fiscal Officer, or either as appropriate, are further authorized and directed to execute such certifications, financing statements, assignments and instruments as are, in the opinion of Legal Counsel, necessary or appropriate to perfect the pledge and assignments set forth herein and in the Assignment and to consummate the transactions contemplated by this Bond Legislation, the Agreement, and the Assignment.

SECTION 12. Delivery of Project Bond. Before the Project Bond is delivered there shall be delivered to the Holder:

- (a) A copy, duly certified by the Fiscal Officer, of this Bond Legislation;
- (b) The duly executed Note and the duly executed Letter of Credit; and
- (c) An original executed counterpart of the Agreement, the Letter of Credit, the Security Agreement and the Assignment.

SECTION 13. Payment and Discharge. If the Issuer shall pay or cause to be paid the Project Bond, the covenants, agreements and other obligations of the Issuer hereunder and in the Project Bond, the Agreement and the Assignment shall be discharged and satisfied.

SECTION 14. Compliance with Open Meeting Requirements. It is hereby found and determined that all official and final actions of this Legislative Authority concerning and relating to the adoption of this Bond Legislation were adopted in meetings of this Legislative Authority open to the public, in compliance with all legal requirements, including Title 5, Article 14, Chapter 1.5 of the Indiana Code.

SECTION 15. Payments Due on Sundays and Holidays. In any case where the date of maturity of or due date of interest on or principal of the Project Bond shall be a Sunday or a day on which the Holder is required, or authorized or not prohibited, by law (including executive orders) to close and is closed, then payment of such interest or principal need not be made on such date but may be made on the next succeeding business day on which the Holder is open for business with the same force and effect as if made on the date of maturity or such due date and no interest shall accrue for the period after such date.

SECTION 16. Two (2) copies of the Agreement, the Note, the Security Agreement, the Project Bond, the Assignment and other documents defined as the Financing Agreement under the Act are on file in the office of the Clerk of the Council for public inspection.

SECTION 17. Effective Date. This Bond Legislation shall take effect and be in force from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 529, 1981. This proposal removing parking restrictions on a portion of Montcalm Street and amending Code Section 29-267, was heard by the Transportation Committee on December 9, 1981, and recommended for passage by a vote of 6-0. Councillor McGrath moved, seconded by Councillor Hawkins, for adoption. Proposal No. 529, 1981, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: Mr. Campbell, Mr. Jones, Mrs. Nickell, Mrs. Parker

Proposal No. 529, 1981, was retitled GENERAL ORDINANCE NO. 118, 1981, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 118, 1981

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by amending Sec. 29-267, Parking prohibited at all times on certain streets. (Code Sec. 29-267)

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Montcalm Street, on the west side, from Stadium Drive to Twentieth Street.

SECTION 2. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 536, 1981. This proposal amends the Code to provide for the regulation of open burning. Councillor Coughenour explained that the Public Works Committee held a meeting for all the proposals concerning open burning. The Committee decided to take one proposal and amend it accordingly and to strike the others. Councillor Coughenour moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I moved to amend Proposal No. 536, 1981, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 536, 1981, Committee Recommendations."

s/Councillor Coughenour

Councillor Rhodes seconded the motion. Council consent was given. Councillor Coughenour added that Proposal No. 536, 1981, Committee Recommendations, does have the endorsement of the League of Women Voters and the Chamber of Commerce. After due consideration, Councillor Jones moved, seconded by Councillor Stewart, that Proposal No. 536, 1981, be Stricken. Proposal No. 536, 1981, was Stricken on the following roll call vote; viz:

17 YEAS: Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Page, Mr. Rader, Mr. Schneider, Mrs. Stewart

12 NAYS: Dr. Borst, Mrs. Coughenour, Mr. Howard, Mr. Miller, Mrs. Nickell, Mrs. Parker, Mr. Rhodes, Dr. SerVaas, Mr. Strader, Mr. Tintera, Mr. Vollmer, Mr. West

PROPOSAL NO. 539, 1981. This proposal also amends the Code to provide for the regulation of open burning. The Public Works Committee, on December 3, 1981, recommended that it be Stricken by a vote of 5-0. Councillor Jones moved that this proposal be stricken, seconded by Councillor Stewart. Proposal No. 539, 1981, was Stricken by unanimous voice vote.

PROPOSAL NO. 550, 1981. This proposal requests the Indiana Senators to express our dilemma with the Clean Air Act in Congress. The Public Works Committee recommended passage on December 3, 1981, by a vote of 4-0. After some discussion, Councillor Coughenour moved, seconded by Councillor Gilmer, to Strike this proposal. The motion to Strike failed on the following roll call vote; viz:

11 YEAS: *Dr. Borst, Mrs. Coughenour, Mr. Gilmer, Mr. Hawkins, Mr. Howard, Mrs. Nickell, Mrs. Parker, Mr. Rader, Mr. Strader, Mr. Vollmer, Mr. West*

17 NAYS: *Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Holmes, Mr. Jones, Mrs. Journey, Mr. McGrath, Mr. Miller, Mr. Page, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart*

1 NOT VOTING: *Mr. Tintera*

After further discussion, Councillor Jones moved, seconded by Councillor Brinkman, for adoption. Proposal No. 550, 1981, was adopted on the following roll call vote; viz:

23 YEAS: *Mr. Boyd, Mrs. Brinkman, Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Hawkins, Mr. Holmes, Mr. Jones, Mr. Miller, Mrs. Nickell, Mr. Page, Mrs. Parker, Mr. Rader, Mr. Rhodes, Mr. Schneider, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Vollmer, Mr. West*

2 NAYS: *Mrs. Coughenour, Mr. Howard*

4 NOT VOTING: *Dr. Borst, Mrs. Journey, Mr. McGrath, Mr. Tintera*

Proposal No. 550, 1981, was retitled SPECIAL RESOLUTION NO. 107, 1981, and reads as follows:

CITY—COUNTY SPECIAL RESOLUTION NO. 107, 1981

A SPECIAL RESOLUTION requesting the Indiana Senators to express our dilemma with the Clean Air Act in Congress.

WHEREAS, the 97th Congress of the United States is undertaking a complete review of the 1970 Clean Air Act and its amendments, which effect the citizens of Indianapolis, Indiana; and

WHEREAS, the Clean Air Act of 1970 and as amended is the basic Federal law dealing with airborne pollution, which establish the maximum amount of air pollution for pollutants in any given area, specifically effecting the area of Marion County, Indiana; and

WHEREAS, the Clean Air Act as it now stands in many of the requirements are overly stringent and threatens economic expansion, which is restricting the employment of thousands of Hoosiers, imposes expensive and untried technology on industry and jeopardizes certain basic rights of the citizens of Marion County.

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

SECTION 1. The members of the City-County Council of the City of Indianapolis urge our United States Senators, Richard Lugar and Dan Quayle to express our dilemma on the floors of Congress, in an effort to relieve local government from the shackles of continued over-regulations by the federal government.

SECTION 2. We further encourage our representatives to review the comprehensive 12-point position paper developed by the coalition of businesses and industries, in an effort to seek whatever actions necessary to accommodate the conflicts among the needs of our environment, energy, national security and economic objectives.

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

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

PROPOSAL NO. 557, 1981. This proposal amending the powers and duties of the Economic Development Commission to comply with State law was heard by the Economic Development Committee on December 11, 1981, at which time it was technically amended and recommended for passage by a vote of 3-0. Councillor Tintera pointed out that with the adoption of Title 36 by the State Legislature, we must amend the Code to be in compliance. He then moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 557, 1981, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 557, 1981, Committee Recommendations."

s/Councillor Tintera

Councillor Borst seconded the motion. Council consent was given. Councillor Boyd moved, seconded by Councillor Clark, for adoption. Proposal No. 557, 1981, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

4 NOT VOTING: Mr. Cottingham, Mr. Jones, Mr. McGrath, Mr. Strader

Proposal No. 557, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 119, 1981, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 119, 1981

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," specifically, Section 2-305, Power and duties generally. (Code Sec. 2-305)

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

SECTION 1. Section 2-305, Division 3 of Article VII of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by deleting the cross-hatched portions and adding the underlined portion, as follows:

Sec. 2-305 Power and duties generally.

The economic development commission shall be vested with all the duties and powers provided in Indiana Code ~~1977/1984~~ 1981, 36-7-12.

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

PROPOSAL NO. 558, 1981. This proposal is a request to amend the Code to allow the appointment of special police officers and firefighters. Councillor West reported that this proposal was brought about by Home Rule legislation and that there are 6 agencies in Marion County which utilize special police officers. At the present time there is no plan for the use of special firemen. On December 10, 1981, the Public Safety and Criminal Justice Committee amended the proposal to delete any reference to special firemen, and recommended passage by a vote of 5-0. Councillor West, therefore, moved the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I moved to amend Proposal No. 558, 1981, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 558, 1981, Committee Recommendations."

s/Councillor West

Councillor Rhodes seconded the motion. Council consent was given. Councillor West then moved, seconded by Councillor Rhodes, for adoption. Proposal No. 558, 1981, As Amended, was adopted on the following roll call vote; viz:

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

NO NAYS

3 NOT VOTING: Mr. Clark, Mr. Gilmer, Mr. Schneider

Proposal No. 558, 1981, As Amended, was retitled GENERAL ORDINANCE NO. 120, 1981, and reads as follows:

CITY—COUNTY GENERAL ORDINANCE NO. 120, 1981

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," by adding a new Article to Chapter 23½, which provides for the appointment of special police officers.

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

SECTION 1. Chapter 23½ of the "Code of Indianapolis and Marion County, Indiana," is hereby amended by adding a new Article IV to read as follows:

ARTICLE IV SPECIAL POLICE.

Sec. 23½-41. Appointment

The Director of the Department of Public Safety may detail regular police officers or firefighters or appoint and swear an additional number of special police officers to do special duty within the consolidated city.

Sec. 23½-42. Departmental Authority

The special police officers are subject to the police chief. They shall obey the rules of the department and conform to its discipline and orders.

Sec. 23½-43. Scope of Powers and Duties

Special appointed officers, during the term of their appointment, have all the powers, privileges and duties of regular police officers but only while fulfilling the specific responsibilities for which the appointment is made.

Sec. 23½-44. Uniforms

Any uniform worn by a special appointed officer must be easily distinguishable from the design and colors of the official uniforms of the Indiana state police, county sheriff's patrol and the police departments of the consolidated city.

Sec. 23½-45. Special Officers for School Corporations

The powers and duties of special officers appointed to serve as security police for school corporations include the protection of all school corporation property and the protection of school personnel while on school business, including school children, employees and members of the governing body of the school corporation.

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 559, 1981. This is a request for a transfer of \$33,148 for the Marion County Sheriff to purchase priority equipment. Councillor Brinkman stated that it was very late in the year to be putting through these transfers. She then moved, seconded by Councillor Gilmer, that Proposal No. 559, 1981, be stricken. The motion failed on the following roll call vote; viz:

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

Following considerable discussion, Councillor Hawkins moved, seconded by Councillor Page, for adoption. Proposal No. 559, 1981, was adopted on the following roll call vote; viz:

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

Proposal No. 559, 1981, was retitled FISCAL ORDINANCE NO. 136, 1981, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 1981

A FISCAL ORDINANCE amending the City-County Annual Budget for 1981 (City-County Fiscal Ordinance No. 73, 1980) transferring and appropriating Thirty- three Thousand One Hundred Forty-eight dollars (\$33,148) in the County General Fund for purposes of the Marion County Sheriff 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 2.04 of the City-County Annual Budget for 1981, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for the purchase of current priority equipment requirements.

SECTION 2. The sum of Thirty-three Thousand One Hundred Forty-eight dollars (\$33,148), 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:

MARION COUNTY SHERIFF	COUNTY GENERAL FUND
50. Properties	\$33,148
Total Increase	<u>\$33,148</u>

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

MARION COUNTY SHERIFF	COUNTY GENERAL FUND
10. Personal Services	<u>\$33,148</u>
Total Reduction	<u>\$33,148</u>

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

(a)(7) COUNTY SHERIFF

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
MERIT OFFICERS:			
Sheriff	1	20,750	20,750
Colonel	1	28,236	28,236
Deputy Chief	5	26,653	133,265
Major	4	22,771	91,084
Captain	8	21,045	157,837
Lieutenant	25	19,606	499,953
Sergeant	93	18,599	1,739,299
Corporal	51	17,807	908,157
Deputy (3rd Yr.)	207	17,377	3,558,875
Deputy (2nd Yr.)	8	15,939	127,512
Deputy (1st Yr.)	15	14,859	191,548
Merit Salary Increases			-0-
CIVILIAN EMPLOYEES:			
First Deputy	1	26,228	26,228
Admin. Assistant	1	20,036	20,036
Civil Major	2	18,283	28,618
Civil Captain	1	16,708	23,892
Civil Lieutenant	2	14,951	24,139
Civil Sergeant	8	13,914	110,221
Civil Deputy	34	11,772	389,674
Chaplain	1	15,000	7,500
Social Workers	2	12,856	24,413
Division Secretary	5	9,234	45,095
Clerk Typist	35	11,650	294,668
Mechanics	9	15,896	130,975
Attendant	7	9,420	64,491
Crime Watch Coord.	1	13,739	13,739
CETA Employees	13	10,000	107,787
Overtime & Shift Differential			220,000
C.A.R.E.			14,688
Educational Bonus			91,500
Reserve Salaries			625
Clothing Allowance			33,000
Temporary Help			40,899
Professional Salaries	3		53,698
Merit Board Per Diem			960
Longevity			230,046

COMMUNITY CORRECTIONS AND INMATE SERVICES

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Corrections Staff	5	16,000	68,093
Career Exploration	10	19,000	65,542

INDIANAPOLIS-MARION COUNTY LOCK-UP

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
MERIT OFFICERS:			
Major	1	22,771	22,771
Captain	1	21,045	21,045
Lieutenant	4	19,606	78,424
Sergeant	5	18,599	92,995
Deputy (1st)	1	14,859	300,457
Deputy (2nd)	39	15,939	352,495
CIVILIAN EMPLOYEES:			
Civilian Guards	20	11,461	229,220

OTHER COMPENSATION:

Longevity	4,448
Clothing Allowance	900
Educational Bonus	21,000
Shift Differential and Overtime	9,677
Merit Salary Increases	-0-
Vacancy Factor	(171,667)

The official responsible for hiring and fixing compensation for this office shall limit the number of personnel or the compensation or both so that the total salaries paid shall not exceed the amount of the total personal services appropriation of ~~\$10,348,808~~ \$10,515,660.

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

PROPOSAL NO. 560, 1981. This is a request for a transfer of \$15,000 for the Marion County Sheriff to purchase a Direction Finder. Councillor West explained that a Direction Finder would enable the Sheriff's Department to recover more of their lost and/or stolen radios. The Public Safety and Criminal Justice Committee heard this proposal on December 10, 1981, and sends it to Council "Without Recommendation" by a vote of 4-1. Councillor Brinkman moved, seconded by Councillor Jones, to Strike this proposal. Proposal No. 560, 1981, was Stricken on the following roll call vote; viz:

15 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. Jones, Mr. Miller, Mrs. Parker, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. West

14 NAYS: Mr. Boyd, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mr. McGrath, Mrs. Nickell, Mr. Page, Mr. Rader, Mr. Schneider, Mr. Vollmer

PROPOSAL NO. 561, 1981. This is a request for a transfer of \$25,000 for the Marion County Sheriff to purchase an advanced turning target system. Councillor Holmes stated that this target system is moveable and transferable and that there is only one in the County like it. Councillor Brinkman moved, seconded by Councillor Jones, to Strike this proposal. Proposal No. 561, 1981, was Stricken on the following roll call vote; viz:

17 YEAS: Dr. Borst, Mrs. Brinkman, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Gilmer, Mr. Jones, Mr. McGrath, Mr. Miller, Mrs. Parker, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mrs. Stewart, Mr. Strader, Mr. Tintera, Mr. West

12 NAYS: Mr. Boyd, Mr. Campbell, Mrs. Coughenour, Mr. Dowden, Mr. Hawkins, Mr. Holmes, Mr. Howard, Mrs. Journey, Mrs. Nickell, Mr. Page, Mr. Schneider, Mr. Vollmer

PROPOSAL NOS. 598-600, 1981. Proposals for REZONING ORDINANCES certified from the Metropolitan Development Commission on December 3, 1981. Council consent was given. Proposal Nos. 598-600, 1981, were retitled REZONING ORDINANCE NOS. 135-137, 1981, respectively, and read as follows:

**REZONING ORDINANCE NO. 135, 1981 81-Z-142 Amended
CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9
3209 NORTH MERIDIAN STREET, INDIANAPOLIS**

Ruben Realty Corporation and Planned Parenthood Association of Indianapolis, Inc. by William T. Rosenbaum, request rezoning of 0.99 acre, being in D-9 district, to HD-2 classification, to provide for the Planned Parenthood offices and clinic.

**REZONING ORDINANCE NO. 136, 1981 81-Z-147 Amended
LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
9801 EAST FALL CREEK ROAD, INDIANAPOLIS**

The shorewood Corporation, by William F. LeMond, requests rezoning of 21.15 acres, being in A-2 and D-S districts, to C-3 classification, to provide for Cross Trees convenience retail neighborhood center.

**REZONING ORDINANCE NO. 137, 1981 81-Z-148 LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 3
9901 EAST FALL CREEK ROAD, INDIANAPOLIS**

The Shorewood Corporation, by William F. LeMond, requests rezoning of 25.00 acres, being in D-S district, to D-6 classification, to provide for Cross Trees development of single-family attached dwellings.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Clark moved, seconded by Councillor Howard, to adjourn. The motion carried on the following roll call vote; viz:

14 YEAS: Mr. Campbell, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Gilmer, Mr. Howard, Mr. Jones, Mr. McGrath, Mr. Page, Mrs. Parker, Mr. Schneider, Mrs. Stewart, Mr. Strader

13 NAYS: Dr. Borst, Mr. Boyd, Mrs. Brinkman, Mrs. Coughenour, Mr. Holmes, Mrs. Journey, Mr. Miller, Mrs. Nickell, Mr. Rader, Mr. Rhodes, Dr. SerVaas, Mr. Vollmer, Mr. West

2 NOT VOTING: Mr. Hawkins, Mr. Tintera

Upon motion duly made and seconded, the meeting adjourned at 10:00 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 14th day of December, 1981.

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)