

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

**REGULAR MEETINGS  
MONDAY, FEBRUARY 27, 1989**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m., on Monday, February 27, 1989, with Councillor SerVaas presiding.

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

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

A quorum of twenty-nine members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Clark introduced all the residents from Franklin Township present for the public hearing on the rezoning case.

**OFFICIAL COMMUNICATIONS**

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

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

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Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, February 27, 1989, at 7:00 p.m., the purposes of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

February 14, 1989

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, February 16, 1989, and Thursday, February 23, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 115 and 116, 1989, to be held on Monday, February 27, 1989, at 7:00 p.m., in the City-County Building.

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

Clerk's Note: Commercial will reprint Proposal No. 115, 1989, on Thursday, February 23, 1989.

February 14, 1989

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, February 16, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 118, 119, 124 and 125, 1989, to be held on Monday, February 27, 1989, at 7:00 p.m., in the City-County Building.

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

Clerk's Note: Commercial will reprint Proposal No. 118, 1989, on Thursday, February 23, 1989, and the News will reprint Proposal No. 124, 1989, on Thursday, February 23, 1989.

February 27, 1989

February 17, 1989

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 17, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Eight Hundred Dollars (\$800) in the County General Fund for purposes of the Superior Court, Civil Division, Room One, and reducing certain other appropriations for that Division.

GENERAL ORDINANCE NO. 19, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 20, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 21, 1989, amending the "Code of Indianapolis and Marion County, Indiana", specifically paragraph (6) of subsection 29-266(a), to limit welfare parking to thirty minutes.

GENERAL RESOLUTION NO. 2, 1989, requesting the Marion County Justice Agency Board to recommend the feasibility and financing of an automated fingerprint identification system.

SPECIAL RESOLUTION NO. 9, 1989, honoring former Marion County Treasurer Edward R. Buckley.

SPECIAL RESOLUTION NO. 10, 1989, approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

COUNCIL RESOLUTION NO. 23, 1989, renewing the Marion County Community Corrections Program for fiscal year 1989-1990 and approving the actions of the Marion County Community Corrections Advisory Board with respect to the Board's 1989-1990 grant application to the State of Indiana, Department of Corrections.

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

February 17, 1989

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 2, 1989, amending the Police Special Service District Annual Budget for 1989 (Police Special Service District Fiscal Ordinance No. 4, 1988) appropriating an additional Five Hundred Thousand

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Dollars (\$500,000) in the Police Special Service District Police Service District Fund for purposes of the Department of Public Safety, Police Division, and reducing certain other appropriations for that Division.

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

**ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

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

PROPOSAL NO. 157, 1989. This proposal honors the persons who rescued two children from drowning in the downtown canal. Councillor Solenberg read the resolution and presented a framed document to Vernon Blackford, Ronald Davee, Deana McGivern and Dennis Griesey. The two children, Damon and Carlos, were present accompanied by their grandmother. Councillor Solenberg moved, seconded by Councillor Hawkins, for adoption. Proposal No. 157, 1989, was adopted by unanimous voice vote.

Proposal No. 157, 1989, was retitled SPECIAL RESOLUTION NO. 11, 1989, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 11, 1989**

A SPECIAL RESOLUTION honoring persons who rescued two children from drowning in the Downtown Canal.

WHEREAS, on January 17, 1989, Indianapolis Police Department detectives Vernon E. Blackford and Ronald H. Davee, sergeant Deana F. McGivern, along with civilian Dennis Griesey an IUPUI student at Purdue's Restaurant Hotel and Institutions Management School and part-time Columbia Club employee, through quick action rescued two young people from likely death after the children had broken through the ice on the Downtown Canal; and

WHEREAS, through heroic efforts, during which officer Blackford suffered injuries to his arms, wrists and hands by breaking the ice and being pulled under the water, this rescue was successful; and

WHEREAS, no job description, no rules and regulations, no police-community relations manual could ever cover all circumstances such as this incident whereby spontaneous humanitarian action by police and civilians resulted in saving the lives of two children; now, therefore:

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

SECTION 1. The Indianapolis City-County Council, on behalf of all citizens of this City, recognizes, commends and thanks Indianapolis Police Department detectives Vernon E. Blackford and Ronald H. Davee, sergeant Deana F. McGivern, and civilian Dennis Griesey for their January 17, 1989 rescue of two children from probable death after the youth had accidentally broken through the ice on the Downtown Canal.

SECTION 2. The Council further recognizes with pride that this act is one more example that love, decency and kindness are still very much in evidence in Indianapolis.

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

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

February 27, 1989

PROPOSAL NO. 158, 1989. This proposal congratulates the Arsenal Technical High School Lady Titans for winning the 1988-89 Girls' Indianapolis Invitational Basketball Tournament. Councillor Jones read the resolution and presented a framed document to the Girl's Basketball team. Coach Ron Fyffe extended his appreciation for the recognition. Councillor Jones moved, seconded by Councillor Williams, for adoption. Proposal No. 158, 1989, was adopted by unanimous voice vote.

Proposal No. 158, 1989, was retitled SPECIAL RESOLUTION NO. 12, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 1989

A SPECIAL RESOLUTION congratulating the Arsenal Technical High School Lady Titans for winning the 1988-89 City Girls' Indianapolis Invitational Basketball Tournament.

WHEREAS, Arsenal Technical High School girls' basketball coach Ron Fyffe and the team set goals for themselves at the beginning of this basketball season; and

WHEREAS, these goals were to work hard, to win certain prestigious tournaments, and to instill a common bond of achievement by the unity of the team concept; and

WHEREAS, by working together as a team, the Arsenal Tech's Lady Titans, succeeded in capturing the Girls' City Championship title on December 17, 1988, with a 67-59 victory over Arlington High School; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Arsenal Technical High School Lady Titans winning team members Dawn Wilhite, Yolanda Willis, Kenyatta Bannister, Shauna Smith, Audrey Robinson, Kim Patrick, Fredereka Jeter, Sherri Dawson, Keisha Springer, Christina Foster, Holly Moore and Karen Moore.

SECTION 2. The Council further recognizes Principal Benjamin Johnson, Vice Principal Dr. Waldo Hoffman, Head Coach Ron Fyffe, Assistant Coach Cecilia Mimms, Managers Midge Kelley and Terrance Hosley, and Athletic Director Howard J. Catt.

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

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

PROPOSAL NO. 159, 1989. This proposal congratulates the Arsenal Technical High School Titans for winning the 1988-89 City Invitational Tournament. Councillor Jones read the resolution and presented a framed document to the Boy's Basketball team. Coach Frank Craig extended his appreciation for the recognition. Principal Benjamin Johnson also thanked the Council for this recognition for both teams. Councillor Jones moved, seconded by Councillor Williams, for adoption. Proposal No. 159, 1989, was adopted by unanimous voice vote.

Proposal No. 159, 1989, was retitled SPECIAL RESOLUTION NO. 13, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 1989

A SPECIAL RESOLUTION congratulating the Arsenal Technical High School Titans for winning the 1988-89 City Invitational Tournament.

WHEREAS, Arsenal Technical High School boys' basketball coach Frank Craig and his team set goals at the beginning of the basketball season, and one of those goals was to win the City tournament; and

WHEREAS, Arsenal Tech's Titans, by hard work and focus, beginning last summer, succeeded in capturing the 1988-89 Indianapolis Invitational Basketball Tournament on January 21, 1989 with a 53-49 victory over Cathedral High School; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Arsenal Technical High School Titans winning team members James Lomax, Henry Gooch, D'Arcy Stanfield, Sean Day, Kevin Mundy, Darris Harrison, James Beck, Chrisman Harding, Tim Oliver and James Jones.

SECTION 2. The Council further recognizes Principal Benjamin Johnson, Vice Principal Dr. Waldo Hoffman, Head Coach Frank Craig, Assistant Coaches Virgil Bleill and Robert Cooley, Athletic Trainer Robert Hardiman, Managers Michael Pollard and Bernard McFarland, Athletic Director Howard J. Catt, and Statistician Mark Davis.

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

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

PROPOSAL NOS. 17, 20, 76, 100, 101, 102, 121, 99, 122, 1989. Councillor SerVaas stated that unless there was objection, all these appointments would be voted on together. PROPOSAL NO. 17, 1989. The Metropolitan Development Committee heard Proposal No. 17, 1989, on February 21, 1989. The proposal reappoints Lesa Dietrick and Mark Gibson to the Metropolitan Development Board of Zoning Appeals, Division II. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 20, 1989. The Municipal Corporations Committee heard Proposal No. 20, 1989, on February 23, 1989. The proposal reappoints Dorothy McCormick to the Speedway Library Board. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 76, 1989. The Administration Committee heard Proposal No. 76, 1989, on February 13, 1989. The proposal reappoints Curtis G. Myers to the Equal Opportunity Advisory Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 100, 1989. The Metropolitan Development Committee heard Proposal No. 100, 1989, on February 21, 1989. The proposal appoints Edward R. Buckley to the Metropolitan Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 101, 1989. The Metropolitan Development Committee heard Proposal No. 101, 1989, on February 21, 1989. The proposal reappoints Michael Rodman to the Metropolitan Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 102, 1989. The Metropolitan Development Committee heard Proposal No. 102, 1989, on February 21, 1989. The proposal reappoints Robert I. Samuelson to the Metropolitan Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 121, 1989. The Administration Committee heard Proposal No. 121, 1989, on February 13, 1989. The proposal appoints Kevin J. Martin to the Equal Opportunity Advisory Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 99, 1989. The Administration Committee heard Proposal No. 99, 1989, on February 27, 1989. The proposal appoints Robert Stewart to the Equal Opportunity Advisory Board. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 122, 1989. The Administration Committee heard Proposal No. 122, 1989, on February 27, 1989. The proposal appoints Nellie J. Daniels to the Equal Opportunity Advisory Board. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor West moved, seconded by Councillor Irvin, for adoption. Proposal Nos. 17, 20, 76, 100, 101, 102, 121, 99 and 122, 1989, were adopted by unanimous voice vote.

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Proposal No. 17, 1989, was retitled COUNCIL RESOLUTION NO. 24, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1989

A COUNCIL RESOLUTION reappointing Lesa Dietrick and Mark Gibson to the Metropolitan Board of Zoning Appeals, Division II.

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

SECTION 1. As members of the Metropolitan Board of Zoning Appeals, Division II, the Council reappoints:

Lesa Dietrick  
Mark Gibson

SECTION 2. The appointments made by this resolution are for a term ending December 31, 1989. The persons appointed by this resolution shall serve at the pleasure of the Council and until their respective successors are appointed and have qualified.

Proposal No. 20, 1989, was retitled COUNCIL RESOLUTION NO. 25, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1989

A COUNCIL RESOLUTION reappointing Dorothy McCormick to the Speedway Library Board.

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

SECTION 1. As a member of the Speedway Library Board, the Council reappoints:

Dorothy McCormick

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 76, 1989, was retitled COUNCIL RESOLUTION NO. 26, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 26, 1989

A COUNCIL RESOLUTION reappointing Curtis G. Myers to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council reappoints:

Curtis G. Myers

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1991. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 100, 1989, was retitled COUNCIL RESOLUTION NO. 27, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 27, 1989

A COUNCIL RESOLUTION appointing Edward R. Buckley to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Edward R. Buckley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 101, 1989, was retitled COUNCIL RESOLUTION NO. 28, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 28, 1989

A COUNCIL RESOLUTION reappointing Michael Rodman to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

Michael Rodman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 102, 1989, was retitled COUNCIL RESOLUTION NO. 29, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 29, 1989

A COUNCIL RESOLUTION reappointing Robert I. Samuelson to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council reappoints:

Robert I. Samuelson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1989. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 121, 1989, was retitled COUNCIL RESOLUTION NO. 30, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 1989

A COUNCIL RESOLUTION appointing Kevin J. Martin to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Kevin J. Martin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.



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Proposal No. 99, 1989, was retitled COUNCIL RESOLUTION NO. 31, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 1989

A COUNCIL RESOLUTION appointing Robert E. Stewart to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Robert E. Stewart

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1991. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

Proposal No. 122, 1989, was retitled COUNCIL RESOLUTION NO. 32, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 1989

A COUNCIL RESOLUTION appointing Nellie J. Daniels to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Nellie J. Daniels

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

### INTRODUCTION OF PROPOSALS

PROPOSAL NO. 147, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$75,000 for the Department of Administration, Occupational and Community Services, to provide the City's portion of funding for the implementation of The Greater Indianapolis Commission of Youth"; and the President referred it to the Administration Committee.

PROPOSAL NO. 148, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$130,000 for the Department of Administration, Finance Division, to upgrade and replace the computer system serving Barrett Law and Licensing in the Controller's Office"; and the President referred it to the Administration Committee.

PROPOSAL NO. 149, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$29,200 for the Department of Administration, Purchasing Division, to place a Purchasing Agent in the Department of Transportation"; and the President referred it to the Administration Committee.

PROPOSAL NO. 150, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Milton

Booth to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 151, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$20,000 for the Department of Public Safety, Police Division, for the Victim Assistance program to produce a rape awareness video for educational purposes"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 152, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$235,140 for the Department of Public Works, Liquid Waste Processing Operations, to increase the level of departmental involvement in construction management and inspection and to increase the number of water shut-offs for past due accounts"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 153, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,905,869 for the Department of Public Works, Office of the Director, to make service fee payments as provided in the Service Agreement with Ogden Martin Systems"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 154, 1989. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$800,000 for the Department of Public Works, Office of the Director, to provide assistance to areas that are not able to afford sanitary sewer costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 155, 1989. Introduced by Councillors Gilmer and West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at Central Avenue and 57th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 156, 1989. Introduced by Councillor Solenberg. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a 4-way stop at Mud Creek Road and 86th Street"; and the President referred it to the Transportation Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 142, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 142, 1989, on February 8, 1989. The proposal is a special ordinance authorizing the City of Indianapolis to issue its Economic Development Water Facilities Revenue Bonds, Series 1989 (Indianapolis Water Company Project), in an aggregate principal amount not to exceed \$10,000,000 and approving and authorizing other actions in respect thereto. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Brooks, for adoption. Proposal No. 142, 1989, was adopted on the following roll call vote; viz:

*22 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Gilmer, Golc, Holmes, Howard, Irvin, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West*

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7 NOT VOTING: Boyd, Giffin, Hawkins, Jones, McGrath, Mukes-Gaither, Williams

Proposal No. 142, 1989, was retitled SPECIAL ORDINANCE NO. 3, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Water Facilities Revenue Bonds, Series 1989 (Indianapolis Water Company Project)," in an aggregate principal amount not to exceed \$10,000,000 and approving and authorizing other actions in respect thereto.

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

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue code of 1986, as amended, on February 8, 1989, 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 the Indianapolis Water Company (the "Company") which will be initially owned and operated by the Indianapolis Water Company complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such financing will be of benefit to the health and general welfare of the City of Indianapolis and its citizens. The acquisition, installation, equipping, and/or renovation of the economic development facilities will take place in the following locations, all of which are located in Indianapolis, Indiana:

1. Fall Creek Station (4300 block of Allisonville Road);
2. Eagle Creek Station (West 56th Street and Reed Road);
3. South Well Field (Southport Road and Harding Street);
4. Fairwood and Castleton Districts (Fall Creek Road north of 79th Street);
5. Southeast County Station (Southeast Perry Township);
6. White River Station (950 West 16th Street);
7. Rockville Station (Holt Road and Rockville Road area);
8. Illinois Station (5800 North Illinois Street);
9. College Station (64th and College);
10. Crawfordsville Station (Country Club Road and State Road 136); and
11. South Arlington Booster Station (Shelbyville Road in the Southport District); and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Indenture of Trust, Loan Agreement, Guaranty Agreement, Underwriting Agreement, Preliminary Official Statement and the form of the City of Indianapolis, Indiana Economic Development Water Facilities Revenue Bonds, Series 1989 (Indianapolis Water Company Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of its revenue bonds, the loan of the net proceeds thereof to the Company of the purposes of financing the Project, and the repayment of said loan by the Company will be of benefit to the health and general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.



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

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed \$10,000,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by the Indianapolis Water Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter designated in the Underwriting Agreement at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any and at a stated per annum rate of interest not to exceed 12%. The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders 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. 143, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 143, 1989, on February 8, 1989. The proposal is a special ordinance authorizing the City of Indianapolis to issue its Multi-family Rental Housing Revenue Bonds, Series 1989 (Piccadilly Corporation Project), in an aggregate principal amount not to exceed \$1,450,000 and approving and authorizing other actions in respect thereto. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 143, 1989, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West*

*0 NAYS*

*2 NOT VOTING: Hawkins, Williams*

Proposal No. 143, 1989, was retitled SPECIAL ORDINANCE NO. 4, 1989, and reads as follows:



February 27, 1989

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Multifamily Rental Housing Revenue Bonds, Series 1989 (Piccadilly Corporation Project)," in an aggregate principal amount not to exceed \$1,450,000 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 Piccadilly Corporation, and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, on February 8, 1989, 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 Piccadilly Corporation (the "Company") consisting of the acquisition, renovation, construction, installation and equipping of an eight (8) story apartment building located at 28 East 16th Street, Indianapolis, Indiana containing approximately 46,466 square feet and located on approximately 0.76 acres of land, which is currently being used as an apartment building, but which is in need of renovation and will continue to be used for apartments after renovation; the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, and furnishings for use in the facilities (the "Project"); which will be initially owned and operated by Piccadilly Corporation complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such financing will be of benefit to the health and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Indenture of Trust, Financing Agreement, Regulatory Agreement, Bond Purchase Agreement, Preliminary Official Statement, and the form of the City of Indianapolis, Indiana Multifamily Rental Housing Revenue Bonds, Series 1989 (Piccadilly Corporation Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

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

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed \$1,450,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by Piccadilly Corporation to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, and indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter designated in the Bond Purchase Agreement at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed eight and one-half percent (8.5%). The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk

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and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council of the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders 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. 144, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 144, 1989, on February 8, 1989. The proposal is a special ordinance authorizing the City of Indianapolis to issue its Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project), in an aggregate principal amount not to exceed \$1,400,000 and approving and authorizing other actions in respect thereto. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 144, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West*

1 NAY: *Howard*

2 NOT VOTING: *Hawkins, Williams*

Proposal No. 144, 1989, was retitled SPECIAL ORDINANCE NO. 5, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project)" in an aggregate principal amount not to exceed \$1,400,000 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 Marleigh Corporation, and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, on February 8, 1989, 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 Marleigh Corporation (the "Company") consisting of the acquisition, renovation, construction, installation and equipping of a six (6) story apartment building located at 1434 North Delaware Street, Indianapolis, Indiana containing approximately 32,230 square feet and located on approximately 0.76 acres of land, which is currently a vacant apartment building, is in need of renovation and will continue to be used for apartments after renovation; the acquisition, construction, installation and equipping of various site improvements at the facilities; and the acquisition of machinery, equipment, and furnishings for use in the facilities (the "Project"); which will be initially owned and operated by Marleigh Corporation complies with the purposes and provisions of Indiana Code 36-7-12 and Indiana Code 36-7-11.9 (collectively the "Act") and that such financing will be of benefit to the health and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Indenture of Trust, Financing Agreement, Regulatory Agreement, Bond Purchase Agreement, Preliminary Official Statement, and the form of the City of Indianapolis, Indiana Multifamily Rental Housing Revenue Bonds, Series 1989 (Marleigh Corporation Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Docu-

February 27, 1989

ments") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

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

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed \$1,400,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principle, premium, if any, and interest solely from the payments made by the Company on its Promissory Note in the principal amount equal to the aggregate principal amount of the Bonds issued which Promissory Note will be executed and delivered by Marleigh Corporation to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, and indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter designated in the Bond Purchase Agreement at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed eight and one-half percent (8.5%). The use of an Official Statement is substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Bonds and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders 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. 145, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 145, 1989, on February 8, 1989. The proposal is a special ordinance authorizing the City of Indianapolis to issue its Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project) in an aggregate principal amount not to exceed \$1,750,000 and approving and authorizing other actions in respect thereto. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Stewart, for adoption. Proposal No. 145, 1989, was adopted on the following roll call vote; viz:

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25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West*

0 NAYS

4 NOT VOTING: *Giffin, Hawkins, Mukes-Gaither, Williams*

Councillor Mukes-Gaither abstained due to a possible conflict of interest.

Proposal No. 145, 1989, was retitled SPECIAL ORDINANCE NO. 6, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 1989

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project)" in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a partnership for the purpose of refunding bonds issued for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project) in the aggregate principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) (the "Series 1989 Bonds") pursuant to the Trust Indenture dated as of February 1, 1989 (the "Indenture") between the Issuer and Peoples Bank & Trust Company, as Trustee (the "Trustee") in order to obtain funds to lend to Calderon Development Company, an Indiana general partnership (the "Company"), pursuant to the Loan Agreement, Mortgage and Security Agreement, and Financing Statement dated as of February 1, 1989 (the "Loan Agreement" or the "Mortgage") between the Issuer and the Company for the purpose of affecting a current refunding of Economic Development Revenue Bond, Series 1986 (Calderon Development Company Project) (collectively, the "Original Bond"), which was issued for the purpose of financing the cost of acquisition, construction, installation and equipping two (2) buildings, an adjacent parking lot, and a security fence on a twenty (20) acre parcel located in the 9700 block of East 30th Street, Indianapolis, Indiana, the main building containing office-warehouse and truck loading facilities and the secondary building containing fuel servicing equipment, light truck repair facilities, truck cleaning and vehicle storage facilities; the acquisition, construction, installation and equipping various site improvements at the facilities; and the acquisition and installation of machinery, equipment and furnishings for use in the facilities (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1989 Bonds and further provides (i) for the Company's repayment obligation to be evidenced by the Company's Note, Series 1989 (the "Series 1989 Note"), (ii) such loan and the Series 1989 Note to be secured by the lien and security interest therein provided for, (iii) for such loan and the Series 1989 Note to be further secured by the execution and delivery of the Conditional Assignment of Lease and Rentals between the Company and the Trustee (as defined in the Loan Agreement) and (iv) for the issuance of the Letter of Credit (as defined in the Loan Agreement) under the Letter of Credit Reimbursement and Guaranty Agreement dated as of February 1, 1989 (the "Credit Agreement") among the Company, Calderon Brothers Vending Machines, Inc., and Bank One Indianapolis, NA; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Series 1989 Note without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1989 Bonds which are payable solely and only out of the payments to be made by the Company with respect to the Series 1989 Note, and any other Notes issued under the Loan Agreement except to the extent paid out of Bond proceeds and proceeds of condemnation and insurance and the Letter of Credit issued pursuant to the Credit Agreement; and



February 27, 1989

WHEREAS, the Indianapolis Economic Development Commission on February 8, 1989 adopted a Resolution which Resolution has been previously transmitted hereto, finding that the current refunding of the Original Bond which was issued to finance the Project which will continue to be owned by Calderon Development Company and continue to be leased to Calderon Brothers Vending Machines, Inc. pursuant to a lease entered into between such parties, as amended (the "Lease") complies with the purposes and provision of the Act and that such financing will be of benefit to the health and general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Trust Indenture, 2) Loan Agreement, Mortgage, Security Agreement and Financing Statement, 3) Placement Agency Agreement, 4) Preliminary Private Placement Memorandum, 5) Lease, 6) Conditional Assignment of Lease and Rentals, 7) Letter of Credit Reimbursement and Guaranty Agreement (and the form of the Letter of Credit attached thereto as Exhibit A), 8) Rebate Agreement, and 9) the form of the City of Indianapolis Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project) (the "Bonds") (hereinafter referred to collectively as the "Financing Documents"), by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the current refunding of the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of the Series 1989 Bonds, the loan of the net proceeds thereof to the Company for the purposes of affecting the current refunding financing of financing the Project, and the repayment of said loan by the Company will be of benefit to the health and general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

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

SECTION 3. The City of Indianapolis shall issue its Series 1989 Bonds in the aggregate principal amount of One Million Seven Hundred Fifty Thousand dollars (\$1,750,000) for the purpose of procuring funds to loan to the Company in order to affect a current refunding of the Original Bond which Series 1989 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Series 1989 Note in the principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1989 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 and City Controller are authorized and directed to sell such Series 1989 Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 8.0%. The use of a Private Placement Memorandum in substantially the same form as the Preliminary Private Placement Memorandum approved herein is approved for use and distribution by the Placement Agent designated in the Placement Agency Agreement in connection with the marketing of the Series 1989 Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Series 1989 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1989 Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1989 Bonds or their manual signatures thereof, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder of the Series 1989 Bonds and after the issuance of said Series 1989 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 Series 1989 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.

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PROPOSAL NO. 146, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 146, 1989, on February 8, 1989. The proposal is a special resolution amending City-County Special Resolution No. 124, 1986, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds to extend the expiration date to August 31, 1989, for Thomas P. Sheehan. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Mukes-Gaither, for adoption. Proposal No. 146, 1989, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West*

*0 NAYS*

*2 NOT VOTING: Hawkins, Williams*

Proposal No. 146, 1989, was retitled SPECIAL RESOLUTION NO. 14, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 1989

A SPECIAL RESOLUTION amending City-County Special Resolution No. 124, 1986, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 124, 1986, as amended, (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Thomas P. Sheehan (the "Company") which Inducement Resolution set an expiration date of February 28, 1989 unless the economic development revenue bonds for the Project have been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City by official action extends the term of the inducement resolution; and

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

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of February 28, 1989 contained therein and replacing said date with the date of August 31, 1989.

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

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

PROPOSAL NOS. 160 - 171, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 17, 1989". The Council did not schedule Proposal Nos. 160 - 171, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 160 - 171, 1989, were retitled REZONING ORDINANCE NOS. 49 - 60, 1989, and are identified as follows:

REZONING ORDINANCE NO. 49, 1989. 88-Z-147 FRANKLIN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 13

February 27, 1989

6010 THOMAS ROAD, INDIANAPOLIS.

STANLEY MONTGOMERY, by Leonidas G. Condos, requests the rezoning of 1.0 acre, being in the SU-1 district, to the A-2 classification to conform zoning to existing residential use of the property.

REZONING ORDINANCE NO. 50, 1989. 88-Z-215 LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 5

8002 EAST 86TH STREET (REAR), INDIANAPOLIS.

O'BRIAN INVESTMENTS CO., by John W. Van Buskirk, requests the rezoning of 0.72 acre, being in the D-2 district, to the C-S classification to provide for commercial development.

REZONING ORDINANCE NO. 51, 1989. 88-Z-267 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14

5950 BROOKVILLE ROAD, INDIANAPOLIS.

HARDEE'S FOOD SYSTEMS, INC., by Richard C. Krage, requests the rezoning of 0.50 acre, being in the D-5 district, to the C-3 classification to provide for use as a parking area.

REZONING ORDINANCE NO. 52, 1989. 88-Z-281 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 14

6049 EAST WASHINGTON STREET, INDIANAPOLIS.

WILLIAM S. PRATHER requests the rezoning of 0.29 acre, being in the D-5 district, to the C-4 classification to comply with condition No. 3 of the use variance grant 88-UV1-147.

REZONING ORDINANCE NO. 53, 1989. 89-Z-4 FRANKLIN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 13

5358 VICTORY DRIVE, INDIANAPOLIS.

FRED B. LOTT requests the rezoning of 3.72 acres, being in the D-4 district, to the C-7 classification to permit outside sales of recreational vehicles.

REZONING ORDINANCE NO. 54, 1989. 89-Z-16 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4

2424 EAST 46TH STREET, INDIANAPOLIS.

THE METROPOLITAN DEVELOPMENT COMMISSION requests the rezoning of 0.80 acre, being in the D-5 district, to the C-2 classification to conform with the Keystone Avenue Corridor Plan adopted August, 1986.

REZONING ORDINANCE NO. 55, 1989. 89-Z-31 (AMENDED) CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 9

604 EAST 38TH STREET, INDIANAPOLIS.

MARTIN LUTHER KING MULTI-SERVICE CENTER OF INDIANAPOLIS, INC., by Jeffrey D. Linton, requests the rezoning of 1.67 acres, being in the C-2 and D-5 districts, to the C-2 classification to provide for a staff parking lot for a senior citizens housing facility.

REZONING ORDINANCE NO. 56, 1989. 89-Z-33 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1

1602 WOODPOINTE DRIVE (EXTENDED), INDIANAPOLIS.

SEWARD WHITE, by William F. LeMond, requests the rezoning of 9.00 acres, being in the D-11 district, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 57, 1989. 89-Z-35 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25

8320 U.S. 31, INDIANAPOLIS.

MIKE'S EXPRESS CARWASH, by Stephen D. Mears, requests the rezoning of 2.29 acres, being in the A-2 district, to the C-5 classification to provide for the construction of a car wash and other permitted uses.

REZONING ORDINANCE NO. 58, 1989. 89-Z-37 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 4

8702 NORTH MERIDIAN STREET, INDIANAPOLIS.

AARON Y. COHEN, by Philip A. Nicely, requests the rezoning of 2.00 acres, being in the D-2 and D-P districts, to the C-1 classification to provide for the construction of three office buildings.

REZONING ORDINANCE NO. 59, 1989. 89-Z-38 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 20

2402 SOUTH CALIFORNIA STREET, INDIANAPOLIS.

CARTER TRUCK LINES, INC., by Burnett Caudill, requests the rezoning of 1.80 acres, being in the D-5 district, to the I-3-U classification to provide for industrial uses.

REZONING ORDINANCE NO. 60, 1989. 89-Z-45 (89-DP-4) LAWRENCE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 3

6703 SARGENT ROAD, INDIANAPOLIS.

KNOLLWOOD DEVELOPMENT CORP., by James L. Tuohy, requests the rezoning of 34.45 acres, being in the D-S and SU-34 districts, to the D-P classification to provide for single-family residential development.



**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NOS. 124 and 125, 1989. Councillor Clark reported that Proposal Nos. 124 and 125, 1989, are rezoning ordinances that were scheduled for public hearing. He indicated that the rezoning ordinances are dealing with an area of land in Franklin Township where Dura Builders would like to build single-family and multi-family housing. Many residents in the surrounding areas oppose this rezoning.

Tom Blankenship, attorney for the petitioner, indicated that Dura Builders proposed to build 3.5 units per acre on the single-family lots and 5.8 units per acre on the multi-family lots. He indicated that the rezoning ordinances were approved by the Metropolitan Development Commission in January, 1989, by a 6-1 vote. He explained that the rezoning cases involve 45 acres in Franklin Township that were not on the tax rolls for years. He explained the land is up against a residential area, therefore, it is not beneficial for industry. He stated that the Commission believes that the land is best suited for residential purposes.

Dennis Everts, representing the remonstrators, indicated that if Franklin Township continues to develop houses at the rate it is going the Township will fail. He explained that the major problem concerning these housing projects is the taxes that will be paid. The price and taxes of the homes being built would not make up the difference of the increase in taxes in the whole for the entire Township; especially for the school taxes because of all the children that would come into the Township.

Jeff Hughs, resident, stated that 17 homes in the Far Hill Downs subdivision have gone up for sale since the rezoning cases have begun.

Kathy Williams, resident, stated that she resents more housing being developed in that area. She indicated that there are only three fire departments trying to service all the homes in Franklin Township. There are also very few parks in the Township where children can play. She is concerned that with more housing being developed, it will make the existing problems even worse.

Debbie Smith, resident, indicated that Arlington Elementary is one mile from this area and that it is already overcrowded and undersupplied. The school could not adequately handle any more children from these housing projects.

Robert Sauders spoke on behalf of his mother whose property is up against the area under consideration. He indicated that there is already a storm drainage problem and he is afraid this construction would make it worse. Also, there is a woods on his mother's property; she is afraid the children playing in the woods might get hurt, because there is no place around there for the children to play.

Mr. Everts, explained that if these homes are allowed to develop, a "catch-22" would result, and the Township would fail. He indicated that many people would move out of the area, because they would not be able to pay the taxes.

Councillor Curry asked those residents who were present if they would prefer light industry in that area instead. They indicated that they would rather have the light industry compared to more houses developed.



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Councillor Brooks encouraged the Council to defeat the two rezoning ordinances. All of the residents in attendance shows that there is a number of people in that area who oppose this.

Councillor Brooks moved, seconded by Councillor Clark, the question on Proposal Nos. 124 and 125, 1989. Proposal Nos. 124 and 125, 1989, were defeated on the following roll call vote; viz:

*2 YEAS: Boyd, Hawkins*

*27 NAYS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

PROPOSAL NO. 115, 1989. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 115, 1989, on February 20, 1989. The proposal proposes an ordinance of the Marion County Income Tax Council to increase the County Option Income Tax. By a 3-1-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. The President passed the gavel to Councillor West, the Majority Leader, in order to read a letter he received from the Mayor. The Mayor stated in the letter that rather than struggling with the problem of cutting services or raising taxes a third alternative of saving money could be met by streamlining current operations. This alternative could be broken down into three components: (1) cost containment measures; (2) privatization; and (3) possible restructuring initiatives. The Mayor would hope that local government might be streamlined and costs contained as the City seeks to deliver basic services to the people. He suggested a Committee be established (which would consist of three City-County Councillors, three representatives from city and county government, six outside business-oriented persons who would be nominated by various groups, and one person appointed as chair) to address these issues and possibly engage volunteer and professional consultants to help with these issues.

Councillor SerVaas indicated that Uni-Gov has been operating for almost 20 years and he believes that unified government has been very beneficial to Indianapolis. He stated that if the C.O.I.T. tax is to be increased, the Mayor needs to re-examine local government and streamlining areas could help drastically.

Councillor Dowden read a letter from County Prosecutor Stephen Goldsmith stating that he opposes the increase in C.O.I.T.

The President called for public testimony at 9:30 p.m.

Carl Moldthan, Indianapolis Taxpayers Association, distributed a handout to the Councillors showing their votes on various taxes that have passed since 1976, and how much the average household could expect to pay in 1989.

Councillors Stewart, Holmes, Clark and Schneider disagreed and questioned Mr. Moldthan about the figures he presented.

Councillor SerVaas read a letter from a resident in his district stating that he is in full support of the County Option Income Tax being increased, because it would benefit the City.

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Councillor Gilmer explained that in 1984 C.O.I.T. was established to keep the property tax down. Because it does help reduce the property tax, it is a good tax and should be supported.

Councillor Borst stated there are two choices to be made, either defeat the C.O.I.T. increase and "scale back" because the City does not have the proper funds, or adopt the C.O.I.T. increase and allow the City to continue to grow in the direction it has been. He indicated that the Mayor could re-evaluate City government and see how many employees are necessary; for example, combine some jobs together. Another area to be stressed is that if the Council adopts the increase in C.O.I.T. , they should not allow the property tax to increase when they approve the Annual Budget in September.

Councillor Howard expressed his support for the tax because the money is going for the Police Department. Also if it is approved, property tax will not increase.

Councillor Coughenour stated that asking for more money is never an easy thing to do. People have to realize that more money is usually needed to run a good and efficient "business" with the City included.

Councillors Moriarty and Golc expressed their opposition to raising the tax with the view "enough is enough".

Councillor Boyd stated that he will be voting for this proposal; however, with great reluctance.

Councillor Giffin expressed his opposition to the tax. In general, it is a very good tax; however, since it began in 1984 the money has not always been used for what it was suppose to be used for, and the Council did not stop increasing the tax when they said they would. He indicated that this City administration has raised taxes now for the nineteenth time and people are beginning to view this Administration as "tax-increasers".

Councillor Irvin said that he believes the Council should have more information about certain appropriations, and he will support this increase on the condition that in the future appropriations and programs needed for the City be re-evaluated.

Councillor Williams expressed her opposition to the increase because none of the money is going for the police pension fund. She believes that the pension fund will be a major issue in about eight years and the City should begin preparing for it.

Councillors Schneider and Durnil both stated their opposition to this tax increase.

There being no further testimony, Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption of Proposal No. 115, 1989. Proposal No. 115, 1989, was adopted on the following roll call vote; viz:

*20 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Strader, West*  
*9 NAYS: Dowden, Dumil, Giffin, Golc, McGrath, Moriarty, Schneider, Stewart, Williams*

Proposal No. 115, 1989, was retitled SPECIAL RESOLUTION NO. 15, 1989, and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 15, 1989

A SPECIAL RESOLUTION of the City-County Council of the City of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council increasing the County Option Income Tax, and casting votes of the City-County Council on said ordinance.

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Board of Speedway; and

WHEREAS, I.C. 6-3.5-6-8 permits the County Income Tax Council to impose a county option income tax on county taxpayers; and

WHEREAS, The Marion County Income Tax Council imposed the county option income tax in 1984; and

WHEREAS, I.C. 6-3.5-6-9 provides that the County Income Tax Council may adopt an ordinance increasing the county option income tax when the rate for resident county taxpayers equals six-tenths of one percent (0.6%); and

WHEREAS, the City-County Council, as a member of the Marion County Income Tax Council, may propose such an ordinance; and

WHEREAS, the tax rate currently in effect for resident county taxpayers is six-tenths of one percent (0.6%); and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County wishes to propose an ordinance of the Marion County Income Tax Council to increase the county option income tax; 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 proposes an ordinance of the Marion County Income Tax Council increasing the county option income tax.

SECTION 2. The City-County Council casts its 92.99 votes in favor of the proposed ordinance of the Marion County Income Tax Council which ordinance is attached hereto.

SECTION 3. That the City Clerk of the City of Indianapolis is hereby ordered to deliver an original executed copy of this Resolution and the proposed ordinance of the Marion County Income Tax Council to the Auditor of Marion County forthwith so that the County Auditor shall deliver copies of said proposed ordinance to other members of the County Income Tax Council, namely, the City Council of the City of Beech Grove, City Council of the City of Lawrence, Town Board of the Town of Speedway and the City Council of the City of Southport, after receipt from the City Clerk and so that the other members of the Marion County Income Tax Council shall, after receipt from the County Auditor, vote on said proposed ordinance.

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

AN ORDINANCE OF THE MARION COUNTY INCOME TAX  
COUNCIL INCREASING THE COUNTY OPTION INCOME TAX

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Board of Speedway; and

WHEREAS, I.C. 6-3.5-6-8 permits the County Income Tax Council to impose a county option income tax on county taxpayers; and

WHEREAS, the Marion County Income Tax Council imposed the county option income tax in 1984; and

WHEREAS, I.C. 6-3.5-6-9 provides that the County Income Tax Council may adopt an ordinance increasing the county option income tax when the rate for resident county taxpayers equals six-tenths of one percent (0.6%); and

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WHEREAS, the tax rate currently in effect for resident county taxpayers is six-tenths of one percent (0.6%); and

WHEREAS, the Marion County Income Tax Council wishes to increase the county option income tax; and

WHEREAS, the Marion County Income Tax Council must adopt an ordinance increasing the county option income tax on or before April 1, 1989; now, therefore:

BE IT ORDAINED BY THE MARION COUNTY INCOME TAX COUNCIL

SECTION 1. The county option income tax is increased for Marion County taxpayers. The rate imposed for resident county taxpayers equals seven-tenths of one percent (0.7%). The rate imposed for all other county taxpayers equals one hundred seventy-five thousandths of one percent (0.175%). This rate takes effect July 1, 1989.

SECTION 2. The tax rate for subsequent years is as follows:

	<u>Resident County Taxpayers</u>	<u>All Other County Taxpayers</u>
July 1, 1990 to July 30, 1991	0.8%	0.2%
July 1, 1991 to June 30, 1992	0.9%	0.225%
July 1, 1992 to June 30, 1993 and subsequent years.	1.0%	.25%

SECTION 3. This ordinance shall be in full force and effect on and after the first day of July, 1989.

ATTEST:

CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

\_\_\_\_\_  
President, casting 92.99 votes

\_\_\_\_\_  
Clerk, City of Indianapolis

ATTEST:

CITY COUNCIL OF THE CITY OF BEECH GROVE, INDIANA

\_\_\_\_\_  
President, casting 1.72 votes

\_\_\_\_\_  
Clerk, City of Beech Grove

ATTEST:

CITY COUNCIL OF THE CITY OF LAWRENCE, INDIANA

\_\_\_\_\_  
President, casting 3.34 votes

\_\_\_\_\_  
Clerk, City of Lawrence

ATTEST:

CITY COUNCIL OF THE CITY OF SOUTHPORT, INDIANA

\_\_\_\_\_  
President, casting .03 votes

\_\_\_\_\_  
Clerk, City of Southport

ATTEST:

TOWN BOARD OF SPEEDWAY, INDIANA

\_\_\_\_\_  
President, casting 1.65 votes

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Clerk, Town Board of Speedway

PROPOSAL NO. 116, 1989. Councillor McGrath reported that the Rules and Policy Committee heard Proposal No. 116, 1989, on February 20, 1989. The proposal proposes an ordinance of the Marion County Income Tax Council to increase the local percentage credit allowed for homesteads to four percent. By a 3-1-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden moved, seconded by Councillor Schneider, to amend Proposal No. 116, 1989, by raising the homestead credit from four percent to six percent.

Councillor West indicated his opposition to the amendment.

Councillor Curry expressed his support for the amendment. He believes this would be very beneficial especially for those people who are on fixed income.

The amendment was defeated on the following roll call vote; viz:

*13 YEAS: Borst, Boyd, Clark, Dowden, Dumil, Giffin, Golc, Moriarty, Rhodes, Schneider, SerVaas, Stewart, Williams*

*16 NAYS: Brooks, Cottingham, Coughenour, Curry, Gilmer, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Mukes-Gaither, Shaw, Solenberg, Strader, West*

Councillor McGrath moved, seconded by Councillor Schneider, to amend Proposal No. 116, 1989, by raising the homestead credit from four percent to five percent. The amendment was adopted on the following roll call vote; viz:

*19 YEAS: Borst, Boyd, Clark, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Irvin, Moriarty, Rhodes, Schneider, SerVaas, Stewart, Strader, Williams*

*10 NAYS: Brooks, Cottingham, Holmes, Howard, Jones, McGrath, Mukes-Gaither, Shaw, Solenberg, West*

There being no further testimony, Councillor Cottingham moved, seconded by Councillor Gilmer, for adoption of Proposal No. 116, 1989. Proposal No. 116, 1989, As Amended, was adopted on the following roll call vote; viz:

*26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Schneider, SerVaas, Stewart, Strader, West, Williams*

*3 NAYS: Holmes, Shaw, Solenberg*

Proposal No. 116, 1989, As Amended, was retitled SPECIAL RESOLUTION NO. 16, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 1989

A SPECIAL RESOLUTION of the City-County Council of the City of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council increasing the percentage credit allowed for homesteads and casting votes of the City-County Council on said ordinance.

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

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WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the Town Board of the Town of Speedway, and the City Council of the City of Southport; and

WHEREAS, during the 1984 General Assembly the law governing percentage credits allowed for homestead exemptions was amended to allow a two percent (2%) credit during 1985 and a four percent (4%) credit during 1986 and thereafter unless said credits are increased by ordinance of the County Income Tax Council; and

WHEREAS, the City-County Council by Special Resolution No. 42, 1984, voted to increase the homestead credit by two percent (2%); and

WHEREAS, the City-County Council by Special Resolution No. 28, 1988, voted to increase the homestead credit by one percent (1%) to a total of three percent (3%); and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County wishes to increase the percentage credit allowed for homesteads by an additional two percent (2%); now, therefore:

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

SECTION 1. That the City-County Council proposes an ordinance of the Marion County Income Tax Council increasing the local percentage credit allowed for homesteads from three percent (3%) to five percent (5%), a copy of which proposed ordinance is attached hereto.

SECTION 2. That the City-County Council casts its 92.99 votes for the proposed ordinance of the Marion County Income Tax Council which ordinance is attached hereto.

SECTION 3. That the City Clerk of the City of Indianapolis is hereby ordered to deliver an original executed copy of this Resolution and the proposed ordinance of the Marion County Income Tax Council to the Auditor of Marion County forthwith so that the County Auditor shall deliver copies of said proposed ordinance to other members of the County Income Tax Council, namely, the City Council of the City of Beech Grove, City Council of the City of Lawrence, Town Board of the Town of Speedway and the City Council of the City of Southport, after receipt from the City Clerk and so that the other members of the Marion County Income Tax Council shall, after receipt from the County Auditor, vote on said proposed ordinance.

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

**AN ORDINANCE OF THE MARION COUNTY INCOME TAX COUNCIL  
INCREASING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS**

WHEREAS, I.C. 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the Town Board of the Town of Speedway, and the City Council of the City of Southport; and

WHEREAS, during the 1984 General Assembly the law governing percentage credits allowed for homestead exemptions was amended to allow a two percent (2%) credit during 1985 and a four percent (4%) credit during 1986 and thereafter unless said credits are increased by ordinance of the County Income Tax Council; and

WHEREAS, the Marion County Income Tax Council in 1984 increased the percentage credit allowed for homestead exemptions by two percent (2%); and

WHEREAS, the Marion County Income Tax Council in 1988 increased the percentage credit allowed for homestead exemptions by an additional one percent (1%); and

WHEREAS, such an ordinance of the Marion County Income Tax Council must be passed on or before June 1, 1988; now, therefore:

**BE IT RESOLVED BY THE MARION COUNTY  
INCOME TAX COUNCIL:**

SECTION 1. The percentage credit for homesteads, as provided by I.C. 6-1.1-20.9-2 is increased by the Marion County Income Tax Council for all eligible homesteads in the County for the calendar year 1989 and thereafter to five percent (5%) local and four percent (4%) state.



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SECTION 2. The percentage credit for homesteads under Section 1 of this ordinance is the sum of the percentage credit allowed by I.C. 6-1.1-20.9 plus the additional percentage credit authorized by the Marion County Income Tax Council.

SECTION 3. This ordinance shall be in full force and effect on and after the first day of January, 1990.

SECTION 4. This ordinance expires December 31, 1992.

ATTEST:

CITY-COUNTY COUNCIL OF THE CITY OF  
INDIANAPOLIS AND OF MARION COUNTY,  
INDIANA

\_\_\_\_\_  
President, casting 92.99 votes

\_\_\_\_\_  
Clerk, City of Indianapolis

ATTEST:

CITY COUNCIL OF THE CITY OF  
BEECH GROVE, INDIANA

\_\_\_\_\_  
President, casting 1.72 votes

\_\_\_\_\_  
Clerk, City of Beech Grove

ATTEST:

CITY COUNCIL OF THE CITY OF  
LAWRENCE, INDIANA

\_\_\_\_\_  
President, casting 3.34 votes

\_\_\_\_\_  
Clerk, City of Lawrence

ATTEST:

CITY COUNCIL OF THE CITY OF  
SOUTHPORT, INDIANA

\_\_\_\_\_  
President, casting .03 votes

\_\_\_\_\_  
Clerk, City of Southport

ATTEST:

TOWN BOARD OF SPEEDWAY, INDIANA

\_\_\_\_\_  
President, casting 1.65 votes

\_\_\_\_\_  
Clerk, Town Board of Speedway

PROPOSAL NO. 104, 1989. Councillor Durnil reported that the Parks and Recreation Committee has not heard Proposal No. 104, 1989. He requested that Proposal No. 104, 1989 be postponed until the next meeting. Without objection, the proposal was postponed.

PROPOSAL NO. 105, 1989. Councillor Durnil reported that the Parks and Recreation Committee heard Proposal No. 105, 1989, on February 2, 1989. The proposal appropriates \$75,000 for the Department of Parks and Recreation, Administration Division, to supplement the management of the Department to enable it to improve its business operations. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brooks voiced his concerns about the proposal. He stated that more information concerning the matter was needed and that it was too early to vote on the proposal.

The President called for public testimony at 10:43 p.m. There being no one present to testify, Councillor Durnil moved, seconded by Councillor Clark, for adoption. Proposal No. 105, 1989, was adopted on the following roll call vote; viz:

16 YEAS: Borst, Clark, Curry, Dowden, Durnil, Gilmer, Howard, Irvin, Jones, Mukes-Gaither, Rhodes, SerVaas, Solenberg, Stewart, Strader, West

11 NAYS: Boyd, Brooks, Cottingham, Coughenour, Golc, Hawkins, Holmes, McGrath, Moriarty, Shaw, Williams

2 NOT VOTING: Giffin, Schneider

Proposal No. 105, 1989, was retitled FISCAL ORDINANCE NO. 18, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Administration Division, and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation, Administration Division, to supplement the management of the Department to enable it to improve its business operations.

SECTION 2. The sum of Seventy-five Thousand Dollars (\$75,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION  
ADMINISTRATION DIVISION

	<u>PARK GENERAL FUND</u>
1. Personal Services	\$47,084
2. Supplies	3,000
3. Other Services & Charges	22,916
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	\$75,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>\$75,000</u>
TOTAL REDUCTION	\$75,000

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

PROPOSAL NO. 106, 1989. Councillor Durnil reported that the Parks and Recreation Committee has not heard Proposal No. 106, 1989. He requested that Proposal No. 106, 1989, be postponed until the next meeting. Without objection, the proposal was postponed.

PROPOSAL NO. 107, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 107, 1989, on February 15, 1989. The proposal appropriates \$378,250 for the Department of Public Safety, Metropolitan Emergency Communications Agency, to lease/purchase communication equipment for a short-term radio system fix. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

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The President called for public testimony at 10:46 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Irvin, for adoption. Proposal No. 107, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

0 NAYS

3 NOT VOTING: *Giffin, Hawkins, Schneider*

Proposal No. 107, 1989, was retitled FISCAL ORDINANCE NO. 19, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Three Hundred Seventy-eight Thousand Two Hundred Fifty Dollars (\$378,250) in the Metropolitan Emergency Communications Fund for purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communications Agency Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Metropolitan Emergency Communications Agency, for lease/purchase of communication equipment and a radio system fix.

SECTION 2. The sum of Three Hundred Seventy-eight Thousand Two Hundred Fifty Dollars (\$378,250) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OR PUBLIC SAFETY METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY	METROPOLITAN EMERGENCY COMMUNICATIONS FUND
4. Capital Outlay	\$378,250
TOTAL INCREASE	\$378,250

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

	METROPOLITAN EMERGENCY COMMUNICATIONS FUND
Unappropriated and Unencumbered Metropolitan Emergency Communications Fund	\$378,250
TOTAL REDUCTION	\$378,250

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

PROPOSAL NO. 108, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 108, 1989, on February 8, 1989. The proposal appropriates \$8,850 for the Superior Court, Juvenile Division, to appropriate Street Law for 1989. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:49 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Shaw, for adoption. Proposal No. 108, 1989, was adopted on the following roll call vote; viz:



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26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams

1 NAY: Schneider

2 NOT VOTING: Giffin, Howard

Proposal No. 108, 1989, was retitled FISCAL ORDINANCE NO. 20, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Thousand Eight Hundred Fifty Dollars (\$8,850) in the County Grant Fund for purposes of the Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (jj) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Superior Court, Juvenile Division, to appropriate Street Law for 1989.

SECTION 2. The sum of Eight Thousand Eight Hundred Fifty Dollars (\$8,850) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>SUPERIOR COURT</u>	<u>COUNTY GRANT FUND</u>
<u>JUVENILE DIVISION</u>	
1. Personal Services	\$7,800
2. Supplies	461
<u>COUNTY AUDITOR</u>	
31. Personal Services (Fringes)	589
TOTAL INCREASE	\$8,850

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

	<u>COUNTY GRANT FUND</u>
Unappropriated and Unencumbered	
County Grant Fund	\$8,850
TOTAL REDUCTION	\$8,850

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

PROPOSAL NO. 109, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 109, 1989, on February 8, 1989. The proposal appropriates \$107,952 for the Superior Court, Juvenile Division, to appropriate additional funds necessary to pay the 1989 contract to Children's Bureau. With an 8-0 vote, the Committee postponed the proposal. Councillor Dowden requested the proposal to be postponed until the next meeting. Without objection, Proposal No. 109, 1989, was postponed.

PROPOSAL NO. 110, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 110, 1989, on February 9, 1989. The proposal appropriates \$2,968,008 for the Department of Public Works, Flood Control Division, to relieve drainage problems in neighborhoods. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

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The President called for public testimony at 10:50 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption. Proposal No. 110, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

2 NAYS: *Durnil, Schneider*

1 NOT VOTING: *Giffin*

Proposal No. 110, 1989, was retitled FISCAL ORDINANCE NO. 21, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Nine Hundred Sixty-eight Thousand Eight Dollars (\$2,968,008) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Flood Control Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Flood Control Division, to provide assistance to relieve drainage problems in neighborhoods.

SECTION 2. The sum of Two Million Nine Hundred Sixty-eight Thousand Eight Dollars (\$2,968,008) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>FLOOD CONTROL DIVISION</u>	<u>CITY CUMULATIVE CAPITAL</u> <u>DEVELOPMENT FUND</u>
2. Supplies	\$ 275,000
3. Other Services & Charges	2,543,008
4. Capital Outlay	<u>150,000</u>
TOTAL INCREASE	\$2,968,008

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

	<u>CITY CUMULATIVE CAPITAL</u> <u>DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>\$2,968,008</u>
TOTAL REDUCTION	\$2,968,008

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

PROPOSAL NO. 111, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 111, 1989, on February 9, 1989. The proposal appropriates \$2,348,780 for the Department of Public Works, Administration Division, to construct a more humane and modern animal control facility. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coughenour requested that this proposal be sent to the Public Safety and Criminal Justice Committee. She explained that the figures that were presented to the

Public Works Committee were incorrect. The figures were from 1986 and the number of animals have increased since then; therefore, the proposal will need to be re-evaluated. She indicated that since the Public Safety and Criminal Justice Committee has jurisdiction over animal control, she requested that they hear this proposal. Without objection, Proposal No. 111, 1989, was referred to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 112, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 112, 1989, on February 9, 1989. The proposal appropriates \$1,004,360 for the Department of Public Works, Administration Division, to provide assistance to areas that are unable to afford the cost of sewers. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:55 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Cottingham, for adoption. Proposal No. 112, 1989, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*  
3 NAYS: *Curry, Durnil, Schneider*  
2 NOT VOTING: *Dowden, Giffin*

Proposal No. 112, 1989, was retitled FISCAL ORDINANCE NO. 22, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million Four Thousand Three Hundred Sixty Dollars (\$1,004,360) in the City Cumulative Capital Development Fund for purposes of the Department of Public Works, Administration Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Administration Division, to provide assistance to areas that are unable to afford the costs of sewers.

SECTION 2. The sum of One Million Four Thousand Three Hundred Sixty Dollars (\$1,004,360) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS	CITY CUMULATIVE CAPITAL
<u>ADMINISTRATION DIVISION</u>	<u>DEVELOPMENT FUND</u>
3. Other Services & Charges	\$1,004,360
TOTAL INCREASE	\$1,004,360

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

Unappropriated and Unencumbered	CITY CUMULATIVE CAPITAL
City Cumulative Capital Development Fund	<u>DEVELOPMENT FUND</u>
	\$1,004,360



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TOTAL REDUCTION

\$1,004,360

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

PROPOSAL NO. 113, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 113, 1989, on February 9, 1989. The proposal appropriates \$1,200,000 for the Department of Public Works, Liquid Waste Processing Operations, for maintenance, refurbishment and improvement of the infrastructure used in collection and transporting wastewater. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 10:59 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Brooks, for adoption. Proposal No. 113, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

1 NAY: *Durnil*

3 NOT VOTING: *Dowden, Giffin, Schneider*

Proposal No. 113, 1989, was retitled FISCAL ORDINANCE NO. 23, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million Two Hundred Thousand Dollars (\$1,200,000) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Liquid Waste Processing Operations, for maintenance, refurbishment, and improvement of the infrastructure used in collection and transporting wastewater.

SECTION 2. The sum of One Million Two Hundred Thousand Dollars (\$1,200,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SANITATION GENERAL FUND</u>
<u>LIQUID WASTE PROCESSING OPERATIONS</u>	
3. Other Services & Charges	<u>\$1,200,000</u>
TOTAL INCREASE	\$1,200,000

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$1,200,000</u>
TOTAL REDUCTION	\$1,200,000

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

PROPOSAL NO. 114, 1989. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 114, 1989, on February 9, 1989. The proposal ap-

appropriates \$2,255,000 for the Department of Public Works, Liquid Waste Processing Operations, to complete the base map conversion and to purchase required computer hardware. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 11:01 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Brooks, for adoption. Proposal No. 114, 1989, was adopted on the following roll call vote; viz:

24 YEAS: *Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*  
 1 NAY: *Dumil*  
 4 NOT VOTING: *Borst, Dowden, Giffin, Schneider*

Proposal No. 114, 1989, was retitled FISCAL ORDINANCE NO. 24, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations, and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Liquid Waste Processing Operations, to complete the base map conversion and the purchase of required computer hardware.

SECTION 2. The sum of Two Million Two Hundred Fifty-five Thousand Dollars (\$2,255,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>LIQUID WASTE PROCESSING OPERATIONS</u>	<u>SANITATION GENERAL FUND</u>
3. Other Services & Charges	\$1,755,000
4. Capital Outlay	<u>500,000</u>
TOTAL INCREASE	\$2,255,000

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

	<u>SANITATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$2,255,000</u>
TOTAL REDUCTION	\$2,255,000

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

PROPOSAL NOS. 118 and 119, 1989. Councillor McGrath reported that the Transportation Committee heard Proposal Nos. 118 and 119, 1989, on February 15, 1989. PROPOSAL NO. 118, 1989, appropriates \$1,106,345 for the Department of Transportation, Administration Division, for various projects planned for construction. PROPOSAL NO. 119, 1989, appropriates \$2,604,481 for the Department of Transportation, Administration Division, for various projects planned for construction. By 4-0

votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor McGrath moved, seconded by Councillor Curry, to amend Proposal No. 118, 1989, by adding a new SECTION 5 to read as follows: "The Department of Transportation appropriates the Consolidated County Cumulative Capital Development Fund by project. The list of projects provided by the Department of Transportation for each fund are the only projects that can be funded by the Cumulative Funds. Any additional projects would have to be approved by the Council."

Councillor McGrath moved, seconded by Councillor Curry, to amend Proposal No. 119, 1989, by adding a new SECTION 5 to read as follows: "The Department of Transportation appropriates the City Cumulative Capital Development Fund by project. The list of projects provided by the Department of Transportation for each fund are the only projects that can be funded by the Cumulative Funds. Any additional projects would have to be approved by the Council."

Without objection, the amendments for Proposal No. 118 and 119, 1989, were adopted.

The President called for public testimony at 11:09 p.m. There being no one present to testify, Councillor McGrath moved, seconded by Councillor Curry, for adoption of Proposal Nos. 118 and 119, 1989, As Amended. Proposal No. 118, 1989, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Shaw, Solenberg, Stewart, Strader, West, Williams*  
0 NAYS  
4 NOT VOTING: *Giffin, Holmes, Schneider, SerVaas*

Proposal No. 118, 1989, was retitled FISCAL ORDINANCE NO. 25, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional One Million One Hundred Six Thousand Three Hundred Forty-five Dollars (\$1,106,345) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Transportation, Administration Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Transportation, Administration Division, for various projects planned for construction.

SECTION 2. The sum of One Million One Hundred Six Thousand Three Hundred Forty-five Dollars (\$1,106,345) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF TRANSPORTATION <u>ADMINISTRATION DIVISION</u> 4. Capital Outlay TOTAL INCREASE	CONSOLIDATED COUNTY CUMULATIVE <u>CAPITAL DEVELOPMENT FUND</u> \$1,106,345 \$1,106,345
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SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>CONSOLIDATED COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered Consolidated County Cumulative Capital Development Fund	<u>\$1,106,345</u>
TOTAL REDUCTION	\$1,106,345

SECTION 5. The Department of Transportation appropriates the Consolidated County Cumulative Capital Development Fund by project. This list of projects provided by the Department of Transportation for each fund are the only projects that can be funded by the Cumulative Fund. Any additional projects would have to be approved by the Council.

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

Proposal No. 119, 1989, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

0 NAYS

4 NOT VOTING: *Giffin, Gilmer, Hawkins, Schneider*

Proposal No. 119, 1989, was retitled FISCAL ORDINANCE NO. 26, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Million Six Hundred Four Thousand Four Hundred Eighty-one Dollars (\$2,604,481) in the City Cumulative Capital Development Fund for purposes of the Department of Transportation, Administration Division, and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Transportation, Administration Division, for various projects planned for construction.

SECTION 2. The sum of Two Million Six Hundred Four Thousand Four Hundred Eighty-one Dollars (\$2,604,481) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF TRANSPORTATION <u>ADMINISTRATION DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>\$2,604,481</u>
TOTAL INCREASE	\$2,604,481

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered City Cumulative Capital Development Fund	<u>\$2,604,481</u>
TOTAL REDUCTION	\$2,604,481

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SECTION 5. The Department of Transportation appropriates the City Cumulative Capital Development Fund by project. This list of projects provided by the Department of Transportation for each fund are the only projects that can be funded by the Cumulative Fund. Any additional projects would have to be approved by the Council.

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

### SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 40, 1989. Councillor McGrath reported that the Transportation Committee heard Proposal No. 40, 1989, on January 18, 1989. The proposal amends the Code by changing two-way stops to traffic signals at Kessler Boulevard, North Drive and the 38th Street North and South ramps. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McGrath stated that this proposal is still under further study and asked that it be postponed until the next meeting. Without objection, Proposal No. 40, 1989, was postponed.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 71, 1989. Councillors Strader along with the other sponsors, Councillors Clark and Coughenour, reported that the Transportation Committee heard Proposal No. 71, 1989, on February 15, 1989. The proposal requests the Transportation Department, Traffic Engineering Division, prepare and present to the Transportation Committee a Left Turn Phasing Study on Emerson Avenue and Raymond Street. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Strader moved, seconded by Councillor Coughenour, for adoption. Proposal No. 71, 1989, was adopted on the following roll call vote; viz:

*24 YEAS: Borst, Boyd, Clark, Cottingham, Coughenour, Curry, Durnil, Gilmer, Golc, Hawkins, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Strader, West, Williams*

*0 NAYS*

*5 NOT VOTING: Brooks, Dowden, Giffin, Holmes, Schneider*

Proposal No. 71, 1989, was retitled COUNCIL RESOLUTION NO. 33, 1989, and reads as follows:

#### CITY-COUNTY COUNCIL RESOLUTION NO. 33, 1989

A COUNCIL RESOLUTION requesting the Traffic Engineering Division of the Department of Transportation prepare and present to the Transportation Committee a Left Turn Phasing Study on Emerson Avenue and Raymond Street.

WHEREAS, the Traffic Engineering Division of the Department of Transportation was asked by Councillors Clark, Coughenour and Strader to perform a Left Turn Phasing Study of the intersection of Emerson Avenue and Raymond Street; and

WHEREAS, said Left Turn Phasing Study has not been completed or presented to the requesting Councillors; now, therefore:

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

SECTION 1. The Traffic Engineering Division of the Department of Transportation shall conduct and complete a Left Turn Phasing Study of the intersection of Emerson Avenue and Raymond Street.

SECTION 2. The Traffic Engineering Division of the Department of Transportation shall present to the City-County Council Transportation Committee at its next regularly scheduled meeting the results of the Left Turn Phasing Study with recommendations.

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

PROPOSAL NO. 64, 1989. Councillor Borst reported that the Administration and Metropolitan Development Committee in a joint meeting heard Proposal No. 64, 1989, on February 27, 1989. The proposal approves a lease between the City of Indianapolis and the Indianapolis City Market Corporation for the City Market. By a 16-0 vote, the two Committees reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Coughenour, for adoption.

Councillor Durnil stated his opposition to the lease because the rent is only one dollar a year. He believes that this is irresponsible.

Councillor Coughenour explained that the main intention of the lease is to simply keep the City Market as it is.

Councillor Curry asked if there will be a conflict with Don McPherson being on the City Market Board and also signing the lease to the Market. Fred Armstrong, City Controller, clarified that Mr. McPherson will abstain from the lease proceedings while he serves on the board.

President SerVaas stated that the Market had at one time been a disgrace to the City, and this is one step in the right direction to improve the Market.

Proposal No. 64, 1989, was adopted on the following roll call vote; viz:

*20 YEAS: Borst, Brooks, Clark, Cottingham, Coughenour, Curry, Gilmer, Golc, Holmes, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, Rhodes, SerVaas, Shaw, Solenberg, Stewart, Williams*

*1 NAY: Durnil*

*8 NOT VOTING: Boyd, Dowden, Giffin, Hawkins, McGrath, Schneider, Strader, West*

Proposal No. 64, 1989, was retitled SPECIAL RESOLUTION NO. 17, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 1989

A SPECIAL RESOLUTION approving a lease between the City of Indianapolis and the Indianapolis City Market Corporation for the City Market.

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

SECTION 1. The City-County Council pursuant to Section 2-230(1)(d) of the "Code of Indianapolis and Marion County, Indiana", hereby approves the terms of a lease between the City of Indianapolis and the Indianapolis City Market Corporation for the City Market, as set forth in Exhibit A, attached hereto and incorporated herein by reference.

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

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this 1st day of March, 1989, by and between the City of Indianapolis by and through its Department of Administration, hereinafter called "Lessor" and The Indianapolis City Market Corporation, an Indiana not-for-profit corporation, hereinafter called "Lessee,"

WHEREAS, The Indianapolis City Market Corporation was incorporated for the sole and exclusive purpose of providing and perpetuating a historic fresh food market place for the use of the citizens of the City of Indianapolis in a manner consistent with the traditional and historic operation of the Indianapolis City Market since its founding, and:



February 27, 1989

WHEREAS, the City of Indianapolis, pursuant to Section 2-230 of the Code of Indianapolis and Marion County, Indiana is empowered to lease to said Corporation the Indianapolis City Market to accomplish the foregoing purpose and desires to do so;

NOW, THEREFORE,

WITNESSETH, That the LESSOR in consideration of the rent hereinafter specified to be paid, and the performance of the covenants herein set forth, hereby leases unto the Lessee, the following property located in Indianapolis, Marion County, Indiana:

1. LEGAL DESCRIPTION OF THE PROPERTY: The south half of square 43, Smith's Heirs Subdivision to the City of Indianapolis, Plat Book 8, page 193, in the Office of the Recorder of Marion County, Indiana, otherwise known as Indianapolis City Market and all personal property, equipment and fixtures of Lessor located thereon.

2. USES: The premises are to be used by Lessee for municipal, educational, historical preservation and other related purposes duly approved by the Board of Directors of Lessee, and only in a manner at all times consistent with the historical architectural appearance and operation of the Indianapolis City Market and consistent with all applicable provisions of Section 501(C)(3) of the Internal Revenue Code.

3. TERM, OPTION TO RENEW:

(A) The term of this Lease shall be for seven (7) years and shall commence March 1, 1989 and shall terminate February 28, 1996.

(B) Provided Lessee is not in default of any of the terms of this Lease, the Lessor hereby grants to Lessee the option or options to renew this Lease for additional terms of five (5) years each upon the same rental, terms and conditions as are set out herein, unless amended in writing by the parties hereto. It is agreed that in order to exercise the options granted by this subparagraph or any of them, Lessee must give notice ninety (90) days prior to expiration of any term then current, of its intention to exercise the option.

4. RENT:

(A) The annual rent for said premises shall be One Dollar (\$1.00) per year.

(B) In addition to the annual rent, Lessee shall pay to Lessor within ninety (90) days after the end of each fiscal year 100% of all Lessee's net profits. Net profits shall refer to the cash receipts of the Indianapolis City Market after deduction of actual cash disbursements for ordinary and necessary operating expenses, repairs, payments to required escrow accounts, taxes and reasonable reserves acceptable to Landlord.

5. WORK AND SERVICES TO BE PERFORMED BY THE LESSOR: The Lessor covenants and agrees to perform, at its own expense, the following in respect to the demised premises:

SEE SCHEDULE A ATTACHED HERETO AND INCORPORATED HEREIN

6. DEFERRED MAINTENANCE: Lessor shall provide Lessee with sufficient funding to complete all of the deferred maintenance set forth on the attached Exhibit B in 1989.

7. APPROVAL OF WORK TO BE DONE: All work and installations herein provided to be done by the Lessor shall be completed in accordance with the terms of this Lease in a workmanlike manner and shall be subject to the approval of Lessee which approval shall not be unreasonably withheld.

8. SIGNS: Permission is hereby granted to Lessee to install on the demised premises signs of such color, size and style as shall be mutually agreed to by the parties, subject to the regional center approval process.

9. FIRE INSURANCE: Lessor will carry adequate fire and liability insurance on the demised premises or shall be self-insured.

10. DAMAGE BY FIRE: If, during the term of this Lease, the building is so damaged by fire or other casualty that the demised premises shall become untenable, and such damage cannot be repaired within 180 days from the date of its occurrence, either the Lessor or the Lessee shall have the option of terminating this Lease, by giving written notice of such intention within 180 days from the date of such damage.

11. INTERRUPTIONS TO SERVICE, REPAIRS TO EQUIPMENT: If Lessor undertakes to change, repair, alter or decorate the building, or if it should become necessary at any time because of accident, or for the purpose of repairing or improving the condition or operation of equipment such as the boilers, machinery, or anything appertaining thereto, to shut down the operation of said equipment, the Lessor may do so, but

in such case, due diligence shall be used to complete the work after normal business hours if possible and allow Lessee to resume operations as promptly as possible. Lessee shall hold Lessor harmless from any claims by tenants of Lessee for loss of income due to interruption of service to effect the repairs shown on Exhibit B.

12. NOTICE AS TO ACCIDENTS AND TO DEFECTS IN EQUIPMENT: Lessee shall give to Lessor prompt written notice of any accidents to or defects in any of the equipment or premises which the Lessor is required to maintain and furnish; provided, however, that in the event it is impractical (because of emergency conditions or otherwise) to give such notice in writing, notice may be given by telephone or such other means as Lessee may determine. In any event, all such notices shall be confirmed in writing as soon as reasonably practical under the circumstances.

13. ASSIGNMENT: Lessee shall not, without the prior written consent of Lessor first endorsed on the Lease, assign this Lease for the whole or any portion of the term.

14. DEFAULT BY LESSEE: Lessee shall, upon receipt of invoice for the rental aforesaid, pay the said rent specified herein within ten (10) days after due date, and Lessee shall perform all of the covenants and conditions to which it is obligated hereunder. If Lessee shall be in default in the payment of rent, or shall fail to perform any of the covenants to which it is obligated hereunder, Lessor shall, before taking any action or pursuing any remedy on account of said default, give Lessee fifteen (15) days' notice specifying the default complained of, and Lessee shall cure said default within the said period of fifteen (15) days and shall complete the same as expeditiously as possible; provided, however, that Lessee shall not be considered in default in curing such default if prevented from doing so by reasons of fire, casualty, strikes, lock-outs or labor disturbances, by act of God or the public enemy, by order, direction, or lawful interference by any cause beyond Lessee's control, but if and when the occurrence or condition which delayed or prevented the remedying of such default shall cease or be removed, it shall be the obligation of the Lessee to remedy such default without further delay.

In the event the Lessee shall fail to correct or cure said default within the time hereinbefore provided, then and in that event, Lessor may at its election, without further notice and without the necessity of resorting to legal action, enter upon and take possession of the premises, thereby terminating the Lease.

No mention in this Lease of any specific remedy or right shall preclude Lessor from exercising any other right or from having any other remedy or from maintaining any action to which it may be otherwise entitled, either in law or equity; and the failure of Lessor to insist in any one or more instance upon a strict performance of any covenants of Lessee under this Lease, or to exercise any options or rights herein contained, shall not be construed as a waiver or relinquishment for the future of such covenant, right or option, but the same shall remain in full force and effect unless the contrary is expressly stated in writing by Lessor.

15. DEFAULT BY LESSOR: In the event of a default in the part of the Lessor in the performance of any covenant herein on its part to be performed, the Lessee shall, before taking any action or pursuing any remedy on account of said default, give the Lessor fifteen (15) days' notice specifying the default complained of, and the Lessor shall cure said default within the said fifteen (15) day period provided, however, that if the said default be of such nature that it cannot be remedied within the said period of time, then the Lessor shall commence the correction of said default within the said period of fifteen (15) days and shall complete the same as expeditiously as possible.

In the event the Lessor shall fail to correct or cure the said default within the time limit as hereinabove provided, then and in that event, the Lessor shall be liable to the Lessee for any damages suffered by the Lessee by reason of such default, and the Lessee may, at its option, terminate and cancel this Lease and surrender possession of the premises without further liability to the Lessor hereunder.

16. AUTOMATIC TERMINATION: In the event Lessor and Lessee jointly agree that Lessee is unable to fulfill the purposes set forth in its Articles of Incorporation or loses its charitable or tax exempt status, this Lease may be terminated by the parties and of no further force and effect.

17. LESSEE'S CARE AND SURRENDER OF PREMISES: Lessee shall during the term and any renewal thereof, keep the demised premises and appurtenances in good order and condition and will, upon the expiration of the term, or at the sooner termination thereof, by forfeiture or otherwise, deliver up the premises in the condition they were received, usual wear and tear excepted. Lessee will pay for the repair, or cause to be promptly repaired, any damage to the building and equipment, including the demised premises, attributed to the carelessness or neglect of the Lessee or its servants, agents and employees.

18. STRUCTURAL ALTERATIONS, ETC.: Lessee shall not make any substantial structural alterations, additions or improvements without Lessor's written consent endorsed on the Lease, said consent not to be unreasonably withheld, and all alterations, additions or improvements made by either of the parties

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hereto upon the premises, except movable office furniture and equipment owned by and put in at the expense of the Lessee, shall be the property of the Lessor, and shall remain upon and be surrendered with the premises at the termination of this Lease, without molestation or injury.

19. WAIVER AND HOLD HARMLESS: Lessor or its agents, servants and employees shall not be liable for any injury or damage to Lessee's servants, agents or employees, or to property on the demised premises resulting from fire, explosion, falling plaster, steam, gas, electricity, water, rain, or snow, or leaks from any portion of the building, or from the roof, street or sub-surface, or from any other place, or by dampness, or by any other cause of whatsoever nature unless caused by or due to the negligence of the Lessor or its agents, servants and employees.

Lessee further agrees to hold harmless, save, and indemnify the Lessor against all claims for damages, costs, judgments, expenses and reasonable attorney's fees incurred by Lessor as a result of damage to persons or property caused by the sole negligence of the Lessee or its servants, agents and employees.

20. COVENANTS BINDING ON SUCCESSORS AND ASSIGNS: All rights and liabilities herein given to or imposed upon either of the parties hereto shall extend to their successors, and, so far as the same is assignable by the terms hereof, to the assigns of such party.

21. NOTICES: All notices required or permitted under the terms of this Lease to be given by either party to the other shall be in writing, and unless otherwise specified in writing by the respective parties, shall be sent to the parties and addresses as follows:

(REPRESENTING LESSEE)

Market Manager  
c/o Indianapolis City Market Corporation  
222 East Market Street  
Indianapolis, Indiana 46204

President  
c/o Indianapolis City Market Corporation  
222 East Market Street  
Indianapolis, Indiana 46204

(REPRESENTING LESSOR)

Director, Department of Administration  
City of Indianapolis  
2560 City-County Building  
Indianapolis, Indiana 46204

Corporation Counsel  
City of Indianapolis  
1601 City-County Building  
Indianapolis, Indiana 46204

All notices shall be deemed to have been properly served only if sent by registered or certified mail to the persons at the addresses designated as above provided (or to any other person at the address which either party may hereafter designate by written notice to the other party) and service of any such notice shall be considered as being made two (2) days after the date of mailing.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written:

THE INDIANAPOLIS CITY  
MARKET CORPORATION

By: \_\_\_\_\_  
Samuel L. Odle, President

By: \_\_\_\_\_

\_\_\_\_\_  
Secretary

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
William H. Hudnut, Mayor

By: \_\_\_\_\_  
Donald McPherson, Director  
Department of Administration  
City of Indianapolis



Journal of City-County Council

EXHIBIT A

Lessor agrees during the term of this lease to provide, at Lessor's expense, regular municipal trash pick up for the premises and snow removal for all exterior walkways, to provide adequate equipment for heat, ventilation and air conditioning for the premises (now agreed to be adequate) and to provide for the exterior and structural maintenance of the building and structure according to the exterior and structural needs of the building and/or any appropriate requirements of the applicable City ordinances and historical preservation authorities.

EXHIBIT B

SEAL EXTERIOR OF CENTER BUILDING	\$ 48,500
--Repair of all deteriorated mortar joints	
--Application of Urethane Sealant to perimeter of all openings	
--Protection of glass during all operations	
--Application of Siloxane Chemical Preservative	
PLUMBING	131,500
--Replacement of 3" sewer lines with 4" lines (minimum)	
--Add grease traps to vendor areas	
--Add vacuum breakers	
--Sewage ejectors to be cleaned and/or updated to include alarm in the case of stoppage	
--Sprinkler system tie-in	
ELECTRICAL	184,000
--Installation of 100 amp breaker boxes at each tenant location	
--Lighting and miscellaneous electrical repairs	
FIRE/ANNUNCIATOR/SECURITY/MECHANICAL SYSTEM	55,000
--Fire-Heat/Smoke-Annunciator System	
MAJOR CLEANING/PAINTING/FLOORS	84,000
--Deep cleaning of all common areas	
--Repainting of common areas	
--Strip and seal common area floors	
FREEZER/FOOD STORAGE AREAS	93,500
--Repair and/or replace units	
--New and/or updated controls, lighting, storage shelving and door (seal) repair	
--Major cleaning of common areas	
ELEVATORS	30,130
--Upgrade to current codes	
RESTROOMS	17,000
--Repair and/or replace ventilation system	
--Upgrade the fixtures to commercial grade	
--Retile floors and paint	
GUTTER REPAIR/EXTERIOR SEALS/FLASHING	16,500
--Repair and/or replace	
EAST PLAZA REPAIRS	44,000
--Repair of fountain	
--Repair of parking lot pavement, brick plaza and walkways	
TOTAL ESTIMATED COST	\$704,130

**ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, upon motion duly made and seconded, the meeting adjourned at 11:30 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of


February 27, 1989

Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 27th day of February, 1989.

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

  
President

ATTEST:

  
Clerk of the Council

(SEAL)