

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

**REGULAR MEETINGS  
MONDAY, MARCH 20, 2000**

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 7:17 on Monday, March 20, 2000, with Councillor SerVaas presiding.

Councillor Moriarty Adams led the opening prayer and invited all present to join her 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:

*28 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford*  
*1 ABSENT: Talley*

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

[Clerk's Note: Councillor Talley arrived at 8:29 p.m.]

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Massie recognized Boy Scout Troop 39, who are in attendance this evening working toward earning the Citizenship in the Community badge. Councillor Hinkle introduced his wife, Barbara. Councillor Black recognized All-American Basketball player, Sharika Webb, who is also his niece. Councillor Borst recognized former Councillor Carlton Curry. Councillor Horseman introduced Sue Swayze of the Chamber of Commerce and her daughter Laurie.

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

Ladies And Gentlemen :

You are hereby notified the 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, March 20, 2000, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

February 29, 2000

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 3, 2000, a copy of a Notice of Public Hearing on Proposal Nos. 160-162, 165, and 170, 2000, said hearing to be held on Monday, March 20, 2000, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Suellen Hart  
Clerk of the City-County Council

March 10, 2000

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

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 20, 2000 - approves a transfer of \$27,500 in the 2000 Budgets of the County Auditor and Community Corrections (County General Fund) to hire an additional maintenance coordinator for the annex

GENERAL ORDINANCE NO. 4, 2000 - authorizes a multi-way stop at 53rd Street and Delaware Street (District 7)

GENERAL ORDINANCE NO. 5, 2000 - authorizes parking restrictions on 25th Street from Post Road to Routiers Avenue (District 12)

SPECIAL RESOLUTION NO. 12, 2000 - recognizes MSD of Lawrence Township's "Exchange City" local government and economic education program

SPECIAL RESOLUTION NO. 13, 2000 - recognizes the community service of citizens in our community

SPECIAL RESOLUTION NO. 14, 2000 - recognizes the exemplary service of Chief Probation Officer George Walker

SPECIAL RESOLUTION NO. 15, 2000 - welcomes to Indianapolis, Christmas in April, a nationwide housing rehabilitation program

SPECIAL RESOLUTION NO. 16, 2000 - recognizes the public service of Tim George

SPECIAL RESOLUTION NO. 17, 2000 - authorizes Katherine L. Davis as agent for the City to accept financial liability and to execute, certify, and deliver documents related to the Public Employees' Retirement Fund

March 20, 2000

SPECIAL RESOLUTION NO. 18, 2000 - supports a Sister-City relationship between Toronto, Canada, and Indianapolis

Respectfully,  
s/Bart Peterson, Mayor

### ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Dowden asked for consent to move Proposal No. 170, 2000 to the beginning of the Public Hearing items. Consent was given.

Without further objection, the agenda was adopted.

### APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of February 14 and 28, 2000. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 217, 2000. The proposal, sponsored by Councillors Short and Boyd, recognizes the Class 3A state champion Cathedral High School Fighting Irish girls basketball team. Councillor Boyd read the proposal and Councillor Short presented representatives with copies of the document and Council pins. Coach Linda Bamrick thanked the Council for the recognition. Councillor Short moved, seconded by Councillor Boyd, for adoption. Proposal No. 217, 2000 was adopted by a unanimous voice vote.

Proposal No. 217, 2000 was retitled SPECIAL RESOLUTION NO. 19, 2000, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2000

A SPECIAL RESOLUTION recognizing the Class 3A state champion Cathedral High School Fighting Irish girls basketball team.

WHEREAS, it had been a long basketball season, but the Indianapolis Cathedral High School's Fighting Irish girls team arrived on the playing floor of the March 4th Indiana High School Athletic Association's state championship game with only one loss for the season; and

WHEREAS, that evening at Butler University's Hinkle Fieldhouse the Cathedral Irish girls met a strong and determined Columbia City team which also had a good season as well as an experienced coach; and

WHEREAS, at the final buzzer, Cathedral's season record increased to 27-1, and the prized state championship plaque was on its way to Cathedral High School's trophy case; and

WHEREAS, quickness, outside pressure, teamwork, a winning attitude, and game fundamentals were all important factors in the Irish victory; 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 recognizes and congratulates the Cathedral Fighting Irish girls basketball team for winning the Class 3A state basketball championship trophy.

SECTION 2. The Council specifically recognizes Lady Irish varsity team members Katie Miller, Shannon Branson, Ellen Rehme, Amanda Matthews, Whitney Townsend, Jill Corbett, Jessica Wright, Kara Allen, Asjah Zimmerman, Rachel Brockman, Sarah Triller and Sharika Webb, along with Head Coach Linda Bamrick and all the faculty, staff, students and parents who helped make this a winning year.

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. 214, 2000. The proposal, sponsored by Councillors Hinkle, Bainbridge, and Cockrum, recognizes the Class 4A state champion Ben Davis High School Lady Giants girls basketball team. Councillor Hinkle read the proposal and Councillor Cockrum presented representatives with copies of the document and Council pins. Councillor Hinkle recognized team member Ashley Allen, whose last second shot helped secure the championship. Head Coach Stan Bengé thanked the Council for the recognition and introduced team member Sara Strahm, who received this year's mental attitude award. Ms. Strahm introduced the team members and coaches and thanked the Council for this honor. Councillor Hinkle moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 214, 2000 was adopted by a unanimous voice vote.

Proposal No. 214, 2000 was retitled SPECIAL RESOLUTION NO. 20, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2000

A SPECIAL RESOLUTION recognizing the Class 4A state champion Ben Davis High School Lady Giants girls basketball team.

WHEREAS, Saturday, March 4th was a mild and pleasant weather day outside, but inside Butler University's Hinkle Fieldhouse, Wayne Township's Ben Davis High School Lady Giants were busy sizzling the playing floor; and

WHEREAS, the Lady Giants went through the entire regular season and the Indiana High School Athletic Association's tournament series without ever having tasting the agony of defeat, and in the big schools Class 4A state championship game, the girls nailed worthy opponent Valparaiso 56 to 53 at the final buzzer winning their first-ever girls state championship; and

WHEREAS, teamwork, outstanding coaching, a good set of play plans, athleticism, and that inner spirit to win, all contributed enormously to achieving a perfect 28-0 season capped off with the huge state championship plaque held high over their heads by the Ben Davis girls on that very special Saturday in Hinkle Fieldhouse and being ranked third in the nation for girls high school basketball; 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 recognizes and congratulates the Ben Davis Lady Giants for their perfect girls basketball season and state championship title.

SECTION 2. The Council specifically recognizes team members: Jessica Tucker, Amber Johnson, Adrienne Jones, Kristyn Cox, Ashley Allen, Jacquie Ritchie, Sara Strahm, Megan Jones, Kristin Van Valin, Shatonia Gilbert, Shyra Ely, Allie Holok, Shannon Schwetman, and Jessica Fetterman; Student Trainer Ryan Fequay, Manager Reena Patel, Trainer Heather McGowan, Strength Coach Kevin Vanderbush, Assistant Coaches Terry Strahm and Dexter Suggs, Volunteer Assistant Coach Christy Taylor, Head Coach Stan Bengé, Athletic Director Priscilla Dillow, and Assistant Athletic Director Doug Opel.

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. 215, 2000. The proposal, sponsored by all Councillors, thanks the Indianapolis Chamber of Commerce and Martin Marietta Aggregates for sponsoring the "2000 Council Orientation" program. Councillor Bainbridge read the proposal, and Councillors Brents and Langsford presented representatives with copies of the document and Council pins. Councillor Langsford also thanked the Athletic Club for hosting the orientation sessions. John Schuler, Martin Marietta, thanked the Chamber of Commerce for letting his company be a part of this process. President SerVaas stated that these sessions have been some of the most professional and thorough presentations he has ever witnessed. Councillor Bainbridge moved, seconded by Councillor Brents, for adoption. Proposal No. 215, 2000 was adopted by a unanimous voice vote.

Proposal No. 215, 2000 was retitled SPECIAL RESOLUTION NO. 21, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2000

A SPECIAL RESOLUTION thanking the Indianapolis Chamber of Commerce and Martin Marietta Aggregates for sponsoring the "2000 Council Orientation" program.

WHEREAS, for more than a century the Indianapolis Chamber of Commerce has represented the local business community as a leading voice in advocating public policy that supports business growth and seeking private sector solutions to urban and regional problems; and

WHEREAS, early this year, the Chamber marshaled its resources and packaged a "2000 Council Orientation" program especially to benefit the newly-elected Councillors, but also useful for the experienced Council members; and

WHEREAS, by bringing in approximately 25 experts, the orientation program covered topics such as the Council's role in government, "housekeeping" inner workings of the Council such as office arrangements, an historical perspective and current overview of unified government, an in-depth review of the local budgeting process, municipal corporations, city and county departments, taxing districts, pensions, bond debt and major sessions on local public safety and public works; 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 recognizes and thanks the Indianapolis Chamber of Commerce for its educational and informative "2000 Council Orientation" program.

SECTION 2. The Council specifically recognizes John Myrland, Roland Dorson and Susan Swayze of the Chamber staff, John Schuler and Bob Furlong of Martin Marietta Aggregates; and the many presenters who all helped make the very productive series of orientation sessions possible.

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. 216, 2000. The proposal, sponsored by Councillor Cockrum, recognizes the public service of David Paschall. Councillor Cockrum read the proposal and stated that he will present it to Mr. Paschall at a later date. Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 216, 2000 was adopted by a unanimous voice vote.

Proposal No. 216, 2000 was retitled SPECIAL RESOLUTION NO. 22, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2000

A SPECIAL RESOLUTION recognizing the public service of David Paschall.

WHEREAS, David Paschall retired from the Department of Parks and Recreation on February 29, 2000, after a total of 35 years of public service with the Marion County Sheriff's Department and the Indianapolis Department of Parks and Recreation; and

WHEREAS, he began his career as a deputy sheriff in 1965, and rose through the ranks to major having served in several positions including: Jail duty, the law enforcement branch, investigations, mayoral security, and head of the City-County Building security; and

WHEREAS, during his Sheriff's Department career from 1965 to 1989 he received commendations for solving crimes, saving lives, and was selected as Deputy of the Month; and

WHEREAS, in 1998 Mr. Paschall was appointed Deputy Director for Support Services in the Department of Parks and Recreation, and he quickly brought decisive leadership in maintaining and improving park assets and making parks a safer environment for the citizens who use the parks; and

WHEREAS, his list of parks accomplishments are many, and include significantly improving the Park Ranger force and their activities, establishing a land acquisition office, constructing a nationally popular skateboard park, saving money on contract costs by performing more work internally, completed construction of two aquatic centers, renovated Municipal Gardens, established two canine companion zones, and completed more than 10 miles of new walking trails; 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 recognizes and commends Major David Paschall for his distinguished career in the Marion County Sheriff's Department, and his energetic work with the Indianapolis Department of Parks and Recreation.

SECTION 2. The Council wishes him the best of health and happiness in the future.

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, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 159, 2000 on March 1, 2000. The proposal confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley stated that he knows a number of public defenders and they all speak well of Mr. Cook's leadership. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 159, 2000 was adopted by a unanimous voice vote.

Proposal No. 159, 2000 was retitled COUNCIL RESOLUTION NO. 47, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2000

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the annual confirmation of the City-County Council; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of David Cook to serve as Marion County Chief Public Defender; now, therefore:

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

SECTION 1. David Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

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

**INTRODUCTION OF PROPOSALS**

**PROPOSAL NO. 177, 2000.** Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's appointment of Bessie Anderson as hearing officer to preside over the administrative adjudication of parking citations on behalf of the City and County"; and the President referred it to the Administration and Finance Committee.

**PROPOSAL NO. 178, 2000.** Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's appointment of Wayne Simpson as hearing officer to preside over the administrative adjudication of parking citations on behalf of the City and County"; and the President referred it to the Administration and Finance Committee.

**PROPOSAL NO. 179, 2000.** Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$60,000 in the 2000 Budget of the Lawrence Township Assessor (County General Fund) to pay the annual rent for office space in the Lawrence Government Building, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

**PROPOSAL NO. 180, 2000.** Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,600 in the 2000 Budget of the Cooperative Extension Service (County General Fund) to fund the expense of leasing computer equipment for office operations, financed by fund balances"; and the President referred it to the Community Affairs Committee.

**PROPOSAL NO. 181, 2000.** Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints James W. Scott to the Indianapolis Economic Development Commission"; and the President referred it to the Metropolitan Development Committee.

**PROPOSAL NO. 182, 2000.** Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Emerson Allen to the Public Housing Board"; and the President referred it to the Metropolitan Development Committee.

**PROPOSAL NO. 183, 2000.** Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Scott Mitchell Brown to the Indianapolis City-Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

Councillor Hinkle moved, seconded by Councillor Coughenour, to amend Proposal No. 184, 2000 to replace the name of Patricia P. Keiffner with Dave Certo. Proposal No. 184, 2000 was amended by a unanimous voice vote.

PROPOSAL NO. 184, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dave Certo to the Indianapolis City-Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 185, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints J. William Kingston to the Indianapolis City-Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 186, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Joanna Niehoff to the Indianapolis City-Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 187, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$5,000 in the 2000 Budgets of the County Auditor and County Surveyor (County General Fund) to pay for the preparation for fly-over aerial photography for IMAGIS"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 188, 2000. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code concerning animals and the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 189, 2000. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$29,065 in the 2000 Budgets of the of the County Auditor and Marion County Superior Court (Deferral Fee Fund) to fund one half of the salary and fringes for a deputy prosecutor and public defender assigned to drug treatment court for the period from 01/01/00 to 05/31/00, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 190, 2000. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$39,999 in the 2000 Budget of the Marion County Superior Court (State and Federal Grants Fund) to fund the cost of treatment services for drug treatment court participants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 191, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,246 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to fund the County's share for the Child Advocate program for the year 2000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 192, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Matthew B. Hooker to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 194, 2000. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which requests a parking meter blockout on May 26, 2000, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 195, 2000. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Decatur High School Entrance and High School Road (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 196, 2000. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 38th Street and Layman Avenue (Districts 10, 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 197, 2000. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 40th Street and Butler Avenue (District 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 198, 2000. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Cherry Birch Drive and Cherry Blossom Boulevard (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 199, 2000. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Buffalo Drive, Mellowood Drive, and Rahke Road (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 200, 2000. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Brill Road and Venoy Drive (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 201, 2000. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 27th Street and Kristen West Drive (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 202, 2000. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 9th Street and Fayette Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 203, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Cedar Bluff Drive and Green Springs Road (District 18)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 204, 2000. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Cooper Pointe Drive and Hazelhatch Drive (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 205, 2000. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Augusta Green Subdivision (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 206, 2000. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Centennial Avenue and Miller Street, and for Goodlet Street and Miller Street (District 17)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 207, 2000. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Palmyra Drive and Stillwood Lane (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 208, 2000. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Burgess Avenue from Emerson Avenue to Grand Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 209, 2000. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the west side of Keystone Avenue south of English Avenue (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 210, 2000. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the west side of Harlan Street from English Avenue to Fletcher Avenue (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 211, 2000. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the north side of Lord Street, from East Street to Cincinnati Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 212, 2000. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of Crittenden Avenue from 46th Street to 47th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 213, 2000. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in the parking restrictions on Illinois Street between 12th Street and 16th Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 230, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a procedure for the appointment of a member of the Metropolitan Development Commission representing the township legislative bodies"; and the President referred it to the Metropolitan Development Committee.

Councillor Boyd asked that Proposal No. 192, 2000 be withdrawn because it is outside the intent of the ordinance which puts the Citizens Police Complaint Board together. He stated that a recommendation for appointment to this board must come from the Police District Task Force, and this proposal does not meet those qualifications.

Councillor Dowden stated that, as the sponsor of this proposal, he is very familiar with the requirements of the ordinance that governs this board. He stated that replacements are desperately needed to fill vacancies on this board, and this particular appointment is consistent with the law that governs appointments to the board.

Councillor Boyd stated that he will accept a withdrawal of the proposal as an honest mistake. Councillor Dowden stated that there has been no mistake in the introduction of this proposal and he will not withdraw the proposal.

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

PROPOSAL NO. 218, 2000, PROPOSAL NO. 219, 2000, PROPOSAL NO. 220, 2000, PROPOSAL NO. 221, 2000, PROPOSAL NOS. 222-228, 2000, and PROPOSAL NO. 229, 2000. Introduced by Councillor Hinkle. Proposal No. 218, 2000, Proposal No. 219, 2000, Proposal No. 220, 2000, Proposal No. 221, 2000, Proposal Nos. 222-228, 2000, and Proposal No. 229, 2000 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on March 15, 2000. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 55-66, 2000, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 55, 2000.  
98-Z-122

1125-1126 EAST MICHIGAN STREET, 511-513 NORTH DORMAN STREET, and 526 NORTH HIGHLAND AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.697 (±) acre, being in the I-3-U (FF) District, to the C-3 (FF) classification to provide for commercial retail uses in accordance with the 1993 Highland-Brookside Neighborhood Improvement Plan.

REZONING ORDINANCE NO. 56, 2000.  
99-Z-139

557 FLETCHER AVENUE (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

METROPOLITAN DEVELOPMENT COMMISSION, requests a rezoning of 0.05 acres, being in the PK-1 District, to the D-8 classification.

REZONING ORDINANCE NO. 57, 2000.  
99-Z-170 (99-DP-29)

6601 TROY AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

ARBOR HOMES, INC., by Michael D. Keele, requests a rezoning of 43 acres, being in the D-A and SU-1 Districts, to the D-P classification to provide for a single-family residential development on 140 lots.

REZONING ORDINANCE NO. 58, 2000.

99-Z-190

6420 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

COMMUNITY DEVELOPMENT II, INC., by David A. Retherford, requests a rezoning of 58.5 acres, being in the D-A District, to the D-2 classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 59, 2000.

99-Z-169

459 WEST STOP 11 ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

ROY J. KAZMIERZAK, by Michael J. Kias, requests a rezoning of 1.37 acres, being in the D-4 District, to the D-5 classification to provide for two-family residential development.

REZONING ORDINANCE NO. 60, 2000.

99-Z-216

1426 WEST 29<sup>TH</sup> STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 4.06 acres, being in the SU-9 District, to the C-S classification to provide for office and warehouse uses.

REZONING ORDINANCE NO. 61, 2000.

99-Z-219

1502 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP COUNCILMANIC DISTRICT # 13

CAROL A. RICE, by Raymond Good, requests a rezoning of 3.82 acres, being in the I-2-S District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 62, 2000.

99-Z-221

1280 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

STEPHEN ROLLINGS AND JON STAMM, by Louis H. Borgmann, requests a rezoning of 1.0 acre, being in the C-ID and D-A Districts, to the C-4 classification to provide for commercial uses.

REZONING ORDINANCE NO. 63, 2000.

99-Z-222 (Amended)

3450 WEST AIRPORT EXPRESSWAY (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

CENTRAL INDIANA MACK, by Michael J. Kias, requests a rezoning of 4.5 acres from I-4-U to C-S for truck sales, washing, and related uses and I-4-U uses.

REZONING ORDINANCE NO. 64, 2000.

2000-ZON-004

8528 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

FREDERICK J. BRINKMAN requests a rezoning of 1.0 acre, being in the D-A District, to the C-1 classification to provide for office use.

REZONING ORDINANCE NO. 65, 2000.

2000-ZON-005

2008 – 2010 SOUTH STATE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

ROBERT A. and LINDA K. SHOWECKER request a rezoning of 0.23 acre, being in the SU-9 District, to the D-5 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 66, 2000.

99-Z-215

7910, 7936 WEST WASHINGTON STREET (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

ARTHUR L. AND SHARON K. RICHTER, by Thomas Michael Quinn, requests a rezoning of 6.69 acres, being in the C-5 and D-A Districts, to the C-S classification to provide for outdoor display and sales of manufactured homes, and permitted C-5 uses.

PROPOSAL NO. 176, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 176, 2000 on March 6, 2000. The proposal is an inducement resolution for Cold Metal Products, Inc. in an amount not to exceed \$2,000,000 to be used for the expansion and acquisition of machinery, equipment and other fixtures to be used by the company in its manufacture of specialty cold rolled strip steel in a 138,400 square foot manufacturing facility located on a 30.8 acre parcel of land at 2301 South Holt Road (Cold Metal Products, Inc. Project) (District 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle informed Councillor Black that the facility will be staffed with union personnel. Councillor Hinkle moved, seconded by Councillor Langsford, for adoption. Proposal No. 176, 2000 was adopted on the following roll call vote; viz:

*28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coomrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford*

*0 NAYS:*

*1 NOT VOTING: Talley*

Proposal No. 176, 2000 was retitled SPECIAL RESOLUTION NO. 23, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2000

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

WHEREAS, the City of Indianapolis, Indiana acting pursuant to and in accordance with the provisions of Indiana Code 36-7-12, et seq., as amended (the "Act"), is authorized to issue its economic development revenue bonds to assist in the financing of certain economic development facilities in the City of Indianapolis, Indiana (the "City") for the benefit of Cold Metal Products, Inc. (the "Company"); and

WHEREAS, Cold Metal Products, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of a 7,200 square foot expansion to the existing 138,400 square foot manufacturing facility located on a 30.8 acre parcel of land and the acquisition of machinery, equipment and other fixtures located at 2301 South Holt Road (the "Project") for use by the Company in its manufacture of specialty cold rolled strip steel; and

WHEREAS, the diversification of industry, the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the expansion of the manufacturing facility and the acquisition of machinery, equipment and other fixtures of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the expansion of the manufacturing facility and the acquisition of machinery, equipment and other fixtures of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$2,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the expansion of the manufacturing facility and the acquisition of machinery, equipment and other fixtures of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the expansion and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the expansion and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires September 30, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and expansion and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

### **SPECIAL ORDERS - PUBLIC HEARING**

**PROPOSAL NO. 170, 2000.** Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 170, 2000 on March 13, 2000. The proposal approves an increase of \$532,000 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to upgrade the present computer system and to purchase additional computer equipment at the Juvenile Complex, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 170, 2000, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brens, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford  
0 NAYS:  
4 NOT VOTING: Black, Horseman, SerVaas, Talley

Proposal No. 170, 2000, as amended, was retitled FISCAL ORDINANCE NO. 21, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Five Hundred Thirty-two Thousand Dollars (\$532,000) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Marion County Superior Court, Juvenile Division, to upgrade the present computer system and to purchase additional computer equipment at the Juvenile Complex.

SECTION 2. The sum of Five Hundred Thirty-two Thousand Dollars (\$532,000) be, and the same is hereby appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	532,000
TOTAL INCREASE	532,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	532,000
TOTAL REDUCTION	532,000

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

PROPOSAL NO. 82, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 82, 2000 on February 2 and March 1, 2000. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$386,510 in the 2000 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to make improvements to the City's animal shelter and to upgrade the services provided by the Animal Care and Control Division, as mandated by the City-County Council in 1999, financed by reduction in fund balances. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas stated that this proposal has been the object of many long debates, and he referred to the letter all Councillors had received previous to this meeting from Councillor Talley encouraging support of the proposal.

The President called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Massie moved, seconded by Councillor Borst, for adoption. Proposal No. 82, 2000, as amended, was adopted on the following roll call vote; viz:

21 YEAS: *Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, SerVaas, Soards, Tilford*  
3 NAYS: *Nytes, Sanders, Schneider*  
5 NOT VOTING: *Black, Gray, Short, Smith, Talley*

Proposal No. 82, 2000, as amended, was retitled FISCAL ORDINANCE NO. 22, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Three Hundred Eighty-six Thousand Five Hundred Ten Dollars (\$386,510) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division, to make improvements to the City's animal shelter and upgrade the services provided by the Animal Care and Control Division, as mandated by the City County Council in 1999.

SECTION 2. The sum of Three Hundred Eighty-six Thousand Five Hundred Ten Dollars (\$386,510) 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 appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	224,213
2. Supplies	6,000
3. Other Services and Charges	29,563
4. Capital Outlay	99,854
5. Internal Charges	<u>26,880</u>
TOTAL INCREASE	386,510

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Consolidated County Fund	<u>386,510</u>
TOTAL REDUCTION	386,510

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 160-162, 2000 on March 1, 2000.

PROPOSAL NO. 161, 2000. The proposal approves an increase of \$251,000 in the 2000 Budget of the Marion County Justice Agency (Law Enforcement Equitable Share Fund) to purchase a surveillance vehicle and equipment for that vehicle, ballistic vests, jail security entry system, and SWAT team equipment for the Marion County Sheriff's Department, financed by fund balances. Councillor Dowden stated that the Auditor's Office has requested that this proposal be postponed until April 10, 2000. He moved, seconded by Councillor Smith, for postponement. Proposal No. 161, 2000 was postponed by a unanimous voice vote.

Councillor Dowden asked for consent to vote on Proposal Nos. 160 and 162, 2000 together. Consent was given.

PROPOSAL NO. 160, 2000. The proposal approves an increase of \$33,512 in the 2000 Budget of the County Sheriff (Deferral Program Fee Fund) to purchase supplies, funded by the balance from the 1999 Budget. PROPOSAL NO. 162, 2000. The proposal approves an increase of \$100,000 in the 2000 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase a law enforcement surveillance vehicle and accompanying equipment for the Metro Drug Task Force, financed by fund balances. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Gray asked how the Deferral Program Fund is generated. Councillor Dowden stated that the deferral program is made up of fees which are assessed for minor offenses in lieu of harsher sentences.

The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 160 and 162, 2000 were adopted on the following roll call vote; viz:

*23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*  
*0 NAYS:*  
*6 NOT VOTING: Bainbridge, Hinkle, Horseman, Knox, Short, Talley*

Proposal No. 160, 2000 was retitled FISCAL ORDINANCE NO. 23, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Thirty-three Thousand Five Hundred Twelve Dollars (\$33,512) in the Deferral Program Fee Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the Deferral Program Fee 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 1.02(y) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase supplies.

SECTION 2. The sum of Thirty-three Thousand Five Hundred Twelve Dollars (\$33,512) 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 appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>DEFERRAL PROGRAM FEE FUND</u>
2. Supplies	<u>33,512</u>
TOTAL INCREASE	33,512

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

	<u>DEFERRAL PROGRAM FEE FUND</u>
Unappropriated and Unencumbered	
Deferral Program Fee Fund	<u>33,512</u>
TOTAL REDUCTION	33,512

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

Proposal No. 162, 2000 was retitled FISCAL ORDINANCE NO. 24, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement 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 1.02(bb) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to purchase a law enforcement surveillance vehicle and accompanying equipment for the Metro Drug Task Force.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>100,000</u>
TOTAL INCREASE	100,000

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>100,000</u>
TOTAL REDUCTION	100,000

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 90, 2000. Councillor Massie stated that the Rules and Public Policy Committee heard Proposal No. 90, 2000 on February 1 and 15, 2000 and recommended that the Council strike said proposal. The motion to strike Proposal No. 90, 2000 failed in Council on February 28, 2000. The proposal, sponsored by Councillors Boyd and Nytes, amends Sec. 151-26 concerning the composition of standing committees. Councillor Massie moved, seconded by Councillor Borst, to strike Proposal No. 90, 2000.

Councillor Boyd stated that this proposal is an attempt to proportionately assign members to committees according to the make-up of the Council body. He stated that the motion to strike this proposal is an attempt by the majority party to nullify the results of the November elections and retain super-majority votes on each committee. He stated that committee meetings have had to be cancelled because of the stress and time commitments Republican Councillors are facing with serving on too numerous committees.

Councillor Borst stated that this is the tenth time Councillor Boyd has made this speech, and he will not even take the time to voice a rebuttal of all the inaccuracies in Councillor Boyd's arguments. He stated that the majority party knows the outcome of the November elections, and they are moving forward to working with elected officials instead of lingering on issues already discussed thoroughly.

Proposal No. 90, 2000 was stricken on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsfjord, Massie, Schneider, SerVaas, Smith, Soards, Tilford*

*13 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nyles, Sanders, Short*

*1 NOT VOTING: Talley*

#### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 163, 2000. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 163, 2000 on February 29, 2000. The proposal, sponsored by Councillors Massie, Talley, and Short, authorizes the transfer of a Cable Franchise Agreement of Time Warner Entertainment-Advance Newhouse Partnership to Comcast Cablevision of Indianapolis, L.P. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Massie stated that Carlton Curry, Chairman of the Cable Franchise Board, is available to answer any questions.

President SerVaas stated that lengthy public input has been allowed in this process and many issues have been worked out, and the only group that remains unsatisfied is the public access people.

Councillor Black asked if this transfer will result in an increase in monthly rates. Mr. Curry stated that he does not believe it will. Most of the rate structure is similar, but there are areas in which Comcast is actually lower than Time Warner, and therefore, this transfer will benefit cable subscribers with some cost breaks.

Councillor Gray stated that the current Time Warner contract has eight years left. He asked what the length of the new contract is. Mr. Curry stated that the contract is not being renegotiated, but all current contract obligations are being transferred to Comcast. Therefore, the seven and a half or eight years remaining on Time Warner's contract will simply be transferred to Comcast.

Councillor Gray asked what will happen once that contract runs out. Mr. Curry stated that renegotiation of contracts will take place at that time. Councillor Gray asked if there is an open bid on such a contract. Mr. Curry stated that there is no bid on this contract, but that if a new entity wants to enter the market, they may do so. There is no exclusivity in this contract.

Councillor Nytes asked if this transfer will prohibit Time Warner from coming back later and becoming involved in other efforts which may arise from the quickly changing internet technology. Mr. Curry stated that he does not believe this transfer will prohibit future endeavors of Time Warner.

Councillor Massie thanked Mr. Curry for his efforts in making sure that all the public hearings and pertinent meetings were held within the 120-day time period. Councillors Short and Talley encouraged Council members to vote in favor of Proposal No. 163, 2000.

Councillor Massie moved, seconded by Councillor Talley, for adoption. Proposal No. 163, 2000, as amended, was adopted on the following roll call vote; viz:

*29 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coomrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley*  
*0 NAYS:*

Proposal No. 163, 2000, as amended, was retitled SPECIAL ORDINANCE NO. 2, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2000

A SPECIAL ORDINANCE authorizing the transfer of a Cable Franchise Agreement of Time Warner Entertainment-Advance Newhouse Partnership to Comcast Cablevision of Indianapolis, L.P.

WHEREAS, Time Warner Entertainment - Advance/Newhouse Partnership ("TWEAN") currently owns and operates a cable system (the "System") in Indianapolis, Indiana (the "City") pursuant to terms of a Franchise Agreement dated September 12, 1996, between the City and TWEAN (as amended to date, the "TWEAN Franchise"); and

WHEREAS, TWEAN has entered into a agreement (the "Asset Exchange Agreement"), dated November 15, 1999, with Comcast Cablevision of Indianapolis, L.P. ("Comcast") and certain of its affiliates pursuant to which the TWEAN Franchise will be assigned to Comcast (the "Transaction"); and

WHEREAS, TWEAN and Comcast have requested consent by the City to the Transaction in accordance with the requirements of the TWEAN Franchise and have filed an FCC Form 394 (the "Transfer Application") with the City; and

WHEREAS, the City by its Cable Franchise Board ("Board") has reviewed the Transfer Application, examined the legal, financial and technical qualifications of Comcast, followed all required procedures in order to consider and act upon the Transfer Application, and considered the comments of all interested parties; and

WHEREAS, the TWEAN Franchise is in full force and effect without default thereunder by TWEAN as of the date hereof in accordance with its terms and conditions as set forth therein, and Comcast has agreed to comply with the TWEAN Franchise and applicable law from and after the completion of the transfer and

WHEREAS, the Board believes it is in the interest of the City to approve the Transfer Application and the transfer of the TWEAN Franchise to Comcast, in accordance with resolutions adopted by the Board; Now, Therefore;

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

SECTION 1. The Council accepts the recommendation of the Cable Franchise Board and consent to the Transaction, all in accordance with the terms of the TWEAN Franchise.

SECTION 2. The City confirms that (a) the TWEAN Franchise was properly granted to TWEAN, (b) the TWEAN Franchise represents the entire understanding of the parties and TWEAN has no obligations to the City other than those specifically stated in the TWEAN Franchise, and (c) TWEAN is materially in compliance with the provisions of the TWEAN Franchise and there exists no fact or circumstance known to

the City which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the TWEAN Franchise or would allow the City to cancel or terminate the rights thereunder, except upon the expiration of the full term of the TWEAN Franchise.

SECTION 3. This Ordinance shall be deemed effective for purposes of the Transaction upon the consummation of the transactions contemplated by the Asset Exchange Agreement, and execution and delivery of an assignment containing the following provisions:

(a) Comcast unconditionally accepts and agrees to perform all obligations of the TWEAN Franchise and acknowledges that those obligations include:

(1) Those related to maintenance of the Institutional Network as provided in Sections 5.01 through Section 5.09 of the TWEAN Franchise.

(2) The local community interest programming specified in Section 7.03 of the TWEAN Franchise;

(b) The assignment of the TWEAN Franchise shall not waive or reduce any rights or benefits to which the City may be entitled under the Time Warner Social Contract.

(c) Comcast agrees that any franchise fees determined to be due from TWEAN for periods prior to the transfer, which are determined to be due City and not paid by TWEAN within twelve months of the date of the assignment shall be paid by Comcast.

SECTION 4. This Ordinance shall have the force of a continuing agreement with TWEAN and Comcast, and the City shall not amend or otherwise alter this Ordinance without the consent of TWEAN and Comcast.

SECTION 5. The City releases TWEAN, effective upon the consummation of the Transactions contemplated by the Asset Exchange Agreement, from all obligations and liabilities under the Franchise that accrue on and after delivery of the executed assignment; provided that Comcast shall be responsible for any obligations and liabilities under the TWEAN Franchise that accrue on and after the consummation of the Transactions contemplated by the Asset Exchange Agreement.

SECTION 6. The Chairperson of the Cable Franchise Board is authorized to execute a consent to the transfer and assignment of the TWEAN Franchise which substantially complies with the terms of this Ordinance.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14; provided, if the assignment is not delivered by December 31, 2000, this ordinance shall expire and be void.

Councillor Smith stated that the Capital Asset Management Committee heard Proposal Nos. 149-154 and 156-158, 2000 on March 8, 2000. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 149, 2000. The proposal, sponsored by Councillor Coughenour, authorizes a traffic signal at Sherman Drive and Thompson Road (District 24). PROPOSAL NO. 150, 2000. The proposal, sponsored by Councillor Black, authorizes a multi-way stop at 42nd Street and Ruckle Street (District 6). PROPOSAL NO. 151, 2000. The proposal, sponsored by Councillor Douglas, authorizes a multi-way stop at 12th Street and Keystone Avenue (District 10). PROPOSAL NO. 152, 2000. The proposal, sponsored by Councillor Schneider, authorizes a multi-way stop at 79th Street and Whittier Place (District 3). PROPOSAL NO. 153, 2000. The proposal, sponsored by Councillor Gray, authorizes intersection controls for Green Hills Lane Middle Drive and Green Hills Overlook Drive, and Green Hills Lane South Drive and Green Hills Overlook Drive (District 9). PROPOSAL NO. 154, 2000. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions around the Methodist Hospital area (District 22). PROPOSAL NO. 156, 2000. The proposal, sponsored by Councillor Brents, authorizes parking meters on Blackford Street from New York Street to Canal Street (District 16). PROPOSAL NO. 157, 2000. The proposal, sponsored by Councillor Tilford, authorizes a reduction in the speed limit in the Pleasant Run Apartment Complex (District 12). PROPOSAL NO. 158, 2000. The proposal, sponsored by Councillor Gray, authorizes 55 degree parking on 30th Street, on the

south south side, from White River Parkway East Drive to Riverside Drive (District 9). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Douglas, for adoption. Proposal Nos. 149-154 and 156-158, 2000 were adopted on the following roll call vote; viz:

18 YEAS: Black, Bradford, Cockrum, Conley, Coughenour, Douglas, Dowden, Gibson, Hinkle, Horseman, Knox, Massie, Nytes, Sanders, SerVaas, Smith, Talley, Tilford  
0 NAYS:  
11 NOT VOTING: Bainbridge, Borst, Boyd, Brents, Coonrod, Gray, Langsford, Moriarty Adams, Schneider, Short, Soards

Proposal No. 149, 2000 was retitled GENERAL ORDINANCE NO. 6, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Sherman Dr Thompson Rd	None	All Way Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Sherman Dr Thompson Rd	None	Signal

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

Proposal No. 150, 2000 was retitled GENERAL ORDINANCE NO. 7, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	42 <sup>nd</sup> St Ruckle St	42 <sup>nd</sup> St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	42 <sup>nd</sup> St Ruckle St	None	All Way Stop

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

Proposal No. 151, 2000 was retitled GENERAL ORDINANCE NO. 8, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	12 <sup>th</sup> St WB Keystone Av	Keystone Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	12 <sup>th</sup> St WB Keystone Av	None	All Way Stop

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

Proposal No. 152, 2000 was retitled GENERAL ORDINANCE NO. 9, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	79 <sup>th</sup> St Whittier Pl	79 <sup>th</sup> St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	79 <sup>th</sup> St Whittier Pl	None	All Way Stop

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

Proposal No. 153, 2000 was retitled GENERAL ORDINANCE NO. 10, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	Green Hills Ln Middle Dr Green Hills Overlook Dr	Green Hills Overlook Dr	Stop
17	Green Hills Ln South Dr Green Hills Overlook Dr	Green Hills Overlook Dr	Stop

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

Proposal No. 154, 2000 was retitled GENERAL ORDINANCE NO. 11, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets, and Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

*Capitol Avenue*, on the east side, from a point 185 feet north of Sixteenth Street to a point 450 feet north of Sixteenth Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

*Capitol Avenue*, on the east side, from a point 185 feet north of Sixteenth Street to a point 597 feet north of Sixteenth Street

*Capitol Avenue*, on the east side, from Eighteenth Street to a point 156 feet north of Eighteenth Street

*Fifteenth Street*, on both sides, from Missouri Street to Senate Street

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

Proposal No. 156, 2000 was retitled GENERAL ORDINANCE NO. 12, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

ONE HOUR

*Blackford Street*, on the east side, from a point 671 feet south of New York Street, to a point 495 feet south of New York Street

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

Proposal No. 157, 2000 was retitled GENERAL ORDINANCE NO. 13, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

25 MPH

*Bolton Court*, between Bolton Avenue and Village Plaza North/South Drive

*Village Plaza North Drive*, between Arlington Avenue and Bolton Court

*Village Plaza South Drive*, between Arlington Avenue and Bolton Court

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

Proposal No. 158, 2000 was retitled GENERAL ORDINANCE NO. 14, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-108, Manner of parking.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-108, Manner of parking, be and the same is hereby amended by the addition of the following, to wit:

(e) *Fifty-five degree angles*. Whenever parking is permitted on any of the following streets or parts thereof, parking at an angle of fifty-five (55) degrees to the curb, or if there is no curb, then to the line of the traveled roadway, shall be used, and vehicles shall not park otherwise thereon:

*30<sup>th</sup> Street*, on the south side, from White River Parkway East Drive to Riverside Drive

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

**SPECIAL ORDERS – REZONING PUBLIC HEARING**

PROPOSAL NO. 165, 2000. The proposal, sponsored by Councillor Hinkle, proposes to rezone 1.0 acre at 400-430 South Pennsylvania Street in Center Township, being in the I-3-U(RC) and CBD-2(RC) Districts, to the CBD-2(RC) classification to provide for a fast food restaurant (99-Z-179) (District 16). President SerVaas stated that at the Council meeting on February 28, 2000, Councillor Horseman called Proposal No. 165, 2000 out for public hearing. Since that time, General Counsel Robert Elrod has met with petitioners and remonstrators to try and reach a compromise. However, no compromise has been reached, and the proposal is now before the Council for a public hearing.

Councillor Brents, in whose district the project is located, stated that she must vote in correlation with the wishes of her constituents, and that while the Pogue's Run Neighborhood Association was at first in favor of the project, they now oppose it. She urged Councillors to listen carefully and weigh the matter thoroughly before making a decision that will best benefit that particular community.

President SerVaas called for public testimony from the petitioners.

Richard Kraege, attorney for the petitioner, stated that the property is currently zoned for industrial and commercial, and the petitioner is seeking to have it rezoned to simply commercial property. He stated that his client, RTM, which is the licensee of Arby's Restaurants, is seeking a rezoning in order to construct an Arby's restaurant on that corner. Even if the zoning is approved, Arby's must still secure Regional Center approval for the design of the restaurant. He referred to the packet provided to Council members and stated that the majority of the property surrounding this site is heavy industrial. The adjacent properties consist of a vacant lot, a vacant building, parking lots, and a warehouse converted into an apartment building. He stated that the City staff recommends approval of this petition, and the Regional Center plan calls for development in this area that will support businesses in the area. The Arby's restaurant falls within the guidelines of this plan. He stated that the Pogue's Run Neighborhood Association supported the petitioner's case before the hearing examiner, and many of the members of this neighborhood organization are tenants of the apartment complex adjacent to the property. He stated that the Arby's organization worked very hard with this neighborhood association and came up with a series of commitments to address their specific concerns. He added that the owner of the apartment building, Joe Pierson, who is in Florida and could not be here this evening, supports the petition. Mr. Kraege stated that it was not the neighborhood association, but rather Councillor Horseman, who appealed this case following the hearing examiner's and commission's decisions. After the Commission approved the petition by a unanimous vote, Councillor Horseman met with the neighborhood association and urged them to oppose the project and call for a public hearing. He again referred to the packet that contains Arby's commitments, which will actually benefit the residents of that area.

Ivan Howard, secretary and treasurer of the Pogue's Run Neighborhood Association and resident of the adjacent apartment building, stated that Arby's has made extraordinary commitments to the neighborhood, working closely with the association to devise a plan that would create an environment in keeping with the historic theme of this Downtown neighborhood. He stated that he believes RTM will be an excellent neighbor, and that he has great pride in his commitment to his neighborhood. He urged Councillors to vote in favor of the petitioner.

President SerVaas called for public testimony from the remonstrators.

Vivian Godolphin, representative of the Pogue's Run Neighborhood Association and resident of 501 S. Pennsylvania, stated that the neighborhood association voted three times on this issue. She stated that the organization is against using this land to develop a fast food restaurant. She said that there are many old homes in this neighborhood, and she would like the City to look at this area and help to preserve its historic theme. She stated that she would like to see more red brick homes and businesses in the neighborhood, and fast food is not needed.

Jim Lingenfelter stated that he is an architect who is a resident of the Fletcher Place Neighborhood, which is adjacent to the Pogue's Run Neighborhood. He stated that as an architect, he serves on a group of urban planners for the Downtown area, and the City has forgotten the goal of preserving the historical aspect of Downtown. He stated that the Regional Center plan has not been updated for over 10 years, and the fact that this use is consistent with that plan should not bear any weight, as the plan is seriously outdated. The plan does not reflect the changes that have occurred and investments made in this near southside community. He stated that the City needs to stop and take the time to study the area in its entirety before moving ahead with the rezoning.

Linda White, resident of Monrovia, Indiana, whose business is located at 373 South Illinois, stated that an Arby's restaurant would create a lot of undesirable traffic in the area, which may

deter other viable businesses from moving into the area. She said that Councillor Horseman explained that the City did not have a grand design plan for that area, and she feels it must have a plan in place before allowing changes in zoning. She stated that fast food restaurants will take away business from sit-down restaurants in the area.

Connie Hill, resident of the Brookside Hill Neighborhood who works Downtown, stated that there are wonderful changes in the Downtown area over the past few years. The new architecture of Downtown reflects an urban historical theme, which the Arby's restaurant will not provide. She stated that the drive-through element of the restaurant is a suburban element, and should be kept out of the Downtown area because of added air pollution.

President SerVaas called for rebuttal testimony from the petitioners.

Ted Fleischaker, president of the Pogue's Run Neighborhood Association, stated that he is not speaking on behalf of the neighborhood association, but as the manager and a resident of the apartment building adjacent to the proposed rezoning. He stated that he supports this petition, and he is opposed to Councillor Horseman and others who do not live in this neighborhood butting into the needs of his community. He stated that his neighborhood needs this development, and Arby's will be a proud neighbor and has made exceptional commitments in keeping with the goals of this neighborhood. He stated that there is currently a vacant lot next door to his home, which is being used as a dumping ground for trash and as an illegal parking lot. This neighborhood needs conscious developers and job-providing neighbors such as Arby's. Mr. Fleischaker urged Council members to support the petition.

President SerVaas called for rebuttal testimony from the remonstrators.

Ms. Godolphin stated that no matter how much Arby's is buffered, it will still cause pollution and trash, and will invade her privacy. She said that the City can do something much better with that property than relegating it to fast food.

Mr. Lingenfelter stated that he is not butting in on Mr. Fleischaker's neighborhood, but he lives and works Downtown and would ask that the City consider the best use of this land for the benefit of the entire Downtown area.

Councillor Short stated that he supports the petitioner and also lives in Fletcher Place, less than five blocks from the proposed development. He stated that the City probably does need to revisit the idea of updating the Regional Center plan, but that is not the issue before the Council tonight. He said that he is very cognizant of the growth and tourism aspect of this City, and Arby's is a good corporate citizen who has put together a plan that is in keeping with the City's requirements. At every level, this plan has been approved, and the petitioner has made many commitments that many companies would not be willing to make. He stated that RTM has made many commitments and contributions to this City and will be a good neighbor for this community.

Councillor Conley stated that he is confused about the opposition to a fast food restaurant in that area. He said that there is a new White Castle in that area already, and he does not understand the opposition to a building and design that the neighbors have asked for. He said that it seems the development will help to light up the area and deter crime and trash. He stated that there will be traffic in the area already due to the new fieldhouse and other developments in the Downtown area.

Councillor Massie stated that he agrees with Councillor Conley. He added that the district Councillor was present throughout all of the proceedings of the hearing examiner and commission and had no problems with this development until Councillor Horseman pulled this case for public hearing. He stated that Councillor Horseman should have referred any comments she received to the district Councillor and let her determine whether or not the case should be called for a public hearing. He stated that all but one of the remonstrators and the Councillor leading the charge against the petitioner all live outside of this neighborhood, while those who live adjacent to the property side with the petitioner. He stated that decades of protocol dictate that district Councillors deal with these types of neighborhood matters to free At-Large Councillors to focus on more broad scope issues. He added that this public hearing should not have come before the Council in this manner, and he supports the petitioner.

Councillor Hinkle asked Maury Plambeck, Department of Metropolitan Development (DMD), if this project meets the requirements of the comprehensive land use plan. Mr. Plambeck stated that the plan which governs this area is the Regional Center plan, and this use meets the recommendations of this plan.

Councillor Brents stated that Councillor Horseman did consult her before calling this zoning issue out for a public hearing. Councillor Massie stated that he understands this, but feels Councillor Horseman should have stepped aside and allowed Councillor Brents to take the lead role in a cause that affects her direct constituents.

Councillor Moriarty Adams asked if there have been any petitions from residents or adjacent businesses opposing this development, and if there is sufficient land to build on, such as was the case with a recent Burger King development in her district. Wayne Delong, DMD, stated that this is a much larger property than the referenced Burger King site, and there is ample area for the building and parking. He added that the City has not received any petitions, and has only received comment from the representative who spoke this evening on behalf of the remonstrators from the Pogue's Run Neighborhood Association.

Councillor Gibson asked if any compromises have been discussed. Mr. Kraege stated that a series of commitments have been negotiated between the petitioner and the residents and homeowners association. These commitments are included in the packets the Councillors received this evening.

Councillor Horseman thanked Councillor Brents for allowing her to participate in this process. She stated that they have worked closely together throughout the entire process, but because of her legal practice and experience with land use and planning, she has taken the lead role in negotiations. She referred to a letter Councillors received this evening from the Near Eastside Community Organization (NESCO) that supports Pogue's Run's opposition to the Arby's development. She stated that the City has made a substantial investment of money and energy in the Downtown area, and yet no vision has been put in place for the future of this community and its impact on the entire Regional Center. She added that the White Castle restaurant was moved to its present location when the City did the Anthem project, but as more fast food restaurants move into the area, the City will not be able to control developments in the community. South Street will become a string of fast food restaurants. Councillor Horseman added that a continuance was requested before the Metropolitan Development Commission, which was denied. This Council meeting is the first chance the neighbors have had for a public hearing. She stated that despite its commitments, this Arby's, like the one on 96<sup>th</sup> Street, will still have a drive-up window, which will increase traffic and pollution problems. She added that this development

will impact the future growth of this community, and she urged Councillors to vote in opposition to the proposal.

Councillor Schneider stated that the Arby's on 96<sup>th</sup> Street to which Councillor Horseman referred is in his district, and RTM worked closely with neighbors and kept up with all their commitments, making that restaurant a positive development for the area.

Councillor Borst stated that the Arby's in his district was voted the number one Arby's in the country, and he stated that RTM is a good company and keeps their commitments. Councillor Coonrod stated that his district does not have an Arby's restaurant, but with all the recommendations, they would welcome such a corporate citizen in their community.

Councillor Massie moved, seconded by Councillor Short, to adopt Proposal No. 165, 2000. Proposal No. 165, 2000 was adopted on the following roll call vote; viz:

*19 YEAS: Bainbridge, Borst, Bradford, Cockrum, Conley, Coonrod, Coughenour, Dowden, Hinkle, Knox, Langsford, Massie, Moriarty Adams, Schneider, SerVaas, Short, Soards, Talley, Tilford*

*10 NAYS: Black, Boyd, Brents, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Smith*

Proposal No. 165, 2000 was retitled REZONING ORDINANCE NO. 67, 2000, and is identified as follows:

99-Z-179

400 – 430 SOUTH PENNSYLVANIA STREET (approximate addresses), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

RTM INDIANAPOLIS, INC., by Richard C. Kraege, requests a rezoning of 1.0 acre, being in the I-3-U(RC) and CBD-2(RC) Districts, to the CBD-2(RC) classification to provide for a fast food restaurant.

## **NEW BUSINESS**

Councillor Horseman congratulated Councillor Gibson on being selected by the American Council of Young Politicians to serve on a delegation of members to Bulgaria, and wished him a safe and prosperous journey.

## **ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:47 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-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 20th day of March, 2000.

March 20, 2000

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)