

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

**REGULAR MEETINGS
MONDAY, JANUARY 8, 2001**

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 7:13 p.m. on Monday, January 8, 2001, with Councillor SerVaas presiding.

Councillor Douglas introduced Reverend Frank Alexander, Senior Pastor of Oasis of Hope Baptist Church, who led the opening prayer. Councillor Douglas then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Smith wished his daughter, Rachel, a happy 19th birthday. Councillor Soards recognized Roger Stevens of the Pike Township Advisory Board. Councillor Schneider introduced Camille Trolson of the Greater Allisonville Community Council and George Haerle of the Nora Community Council.

**ORGANIZATION OF COUNCIL
Selection of Temporary Presiding Officer**

President SerVaas asked for consent to appoint Robert G. Elrod, Parliamentarian, as the temporary chairman of the meeting. Consent was given. The President passed the gavel to Mr. Elrod.

Election of Officers

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Dowden nominated Councillor SerVaas for President. Councillor Smith seconded the nomination. Councillor Talley nominated Councillor Boyd for President. Councillors Black and Horseman seconded the motion. Councillor Gray moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote.

Councillor Boyd stated that he accepts the nomination and, if elected, will do his best to be the President of all the members of this Council.

Mr. Elrod stated that a "yea" vote will signify a vote for Councillor SerVaas as President of the Council, and a "nay" vote will signify a vote for Councillor Boyd. Councillor SerVaas was elected as Council President by the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford
14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Boyd stated that he has been sitting beside President SerVaas for a number of years on this Council and knows him to be a person of integrity and honesty. He said that President SerVaas has provided a level of leadership within this body that has allowed the Council to do some very significant things. He said that, therefore, President SerVaas will have his support as the Council collaborates on efforts to move this City forward.

Mr. Elrod opened the floor for nominations for Vice President of the Council. Councillor Dowden nominated Councillor Borst for Vice President. Councillor Coughenour seconded the nomination. Councillor Short nominated Councillor Moriarty Adams for Vice President. Councillor Conley seconded the nomination. Councillor Short moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Elrod stated that a "yea" vote will signify a vote for Councillor Borst as Vice President of the Council, and a "nay" vote will signify a vote for Councillor Moriarty Adams. Councillor Borst was elected as Council Vice President by the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford
14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Mr. Elrod opened the floor for nominations for Clerk of the Council. Councillor Coughenour nominated Suellen Hart for Clerk of the Council. Councillor Black seconded the nomination and stated that Mrs. Hart is one of the most efficient, effective, innovative individuals ever to hold this position, and he commended her for her leadership of the Council staff. Councillor Gray

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moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote, thereby electing Suellen Hart as Clerk of the Council.

Ms. Hart thanked the Council for their support, and stated that her job is made easier by having such an efficient staff.

Certification of Caucus Leaders

Mr. Elrod stated that he has certifications that Councillor Borst has been selected as leader of the Republican Caucus, and Councillor Boyd has been selected as leader of the Democratic Caucus.

Mr. Elrod returned the gavel to President SerVaas.

President SerVaas thanked the Council for reappointing him as President and stated that it is good to see some young, new faces on this body, and he pledges to serve all members of the Council.

Reappointment of Senior Staff

Councillor Horseman stated that Sec. 151-100 states that the general counsel is to be appointed by the Council upon recommendation by the Rules and Public Policy Committee. She stated that in light of this fact and the fact that the Rules and Public Policy Committee has not yet made a recommendation, she believes that reappointment of the general counsel is premature at this time.

President SerVaas stated that if Councillor Horseman would prefer that these reappointments come first before the Rules and Public Policy Committee, it would be possible to delay action on this item at this time. He said that those senior staff members would continue to serve until a reappointment takes place or a successor is named.

Councillor Boyd said that this request is not a reflection on the personalities of those individuals holding these positions, but that this is simply a matter of procedure. He said that there is a Rules and Public Policy Committee scheduled tomorrow evening, and this should not unduly delay the process.

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, January 8, 2001, 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

December 22, 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 Wednesday, December 27, 2000, a copy of a Notice of Public Hearing on Proposal No. 595, 2000, said hearing to be held on Monday, January 8, 2001, at 7:00 p.m. in the City-County Building.

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

December 28, 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. 156, 2000 - approves a transfer of \$6,000 in the 2000 Budget of the Marion County Public Defender Agency (County General Fund) to cover the expenses resulting from an increase in appeals cases and an increase in death penalty costs

GENERAL ORDINANCE NO. 151, 2000 - authorizes a traffic signal at 71st Street and Rodebaugh Road (District 2)

GENERAL ORDINANCE NO. 152, 2000 - authorizes a traffic signal at 42nd Street and Mitthoefer Road (District 14)

GENERAL ORDINANCE NO. 153, 2000 - authorizes a traffic signal at 38th Street and German Church Road (Districts 5, 14)

GENERAL ORDINANCE NO. 154, 2000 - authorizes a traffic signal at Real Street and Westfield Boulevard (District 3)

GENERAL ORDINANCE NO. 155, 2000 - authorizes a traffic signal at Blackford Street and Indiana Avenue (District 16)

GENERAL ORDINANCE NO. 156, 2000 - authorizes a multi-way stop at 14th Street and Montcalm Street (District 16)

GENERAL ORDINANCE NO. 157 2000 - authorizes intersection controls for the Homestead Neighborhood (District 20)

GENERAL ORDINANCE NO. 158, 2000 - authorizes a multi-way stop at Broadway Street and 95th Street (District 3)

GENERAL ORDINANCE NO. 159, 2000 - authorizes a change in the speed limit from 35 mph to 40 mph on Fox Road from Sunnyside Road to Oaklandon Road (District 5)

GENERAL ORDINANCE NO. 160, 2000 - authorizes parking restrictions on Massachusetts Avenue from College Avenue to Edison Avenue; and authorizes angled parking on Massachusetts Avenue from Edison Avenue to Bellefontaine Street (District 22)

GENERAL ORDINANCE NO. 161, 2000 - authorizes parking restrictions on 52nd Street near Meridian Street (Districts 6, 7)

GENERAL ORDINANCE NO. 162, 2000 - authorizes a change in parking restrictions on various segments of Virginia Avenue and Alabama Street (District 16)

GENERAL ORDINANCE NO. 163, 2000 - authorizes a change in parking restrictions on Jackson Place between McCrear Street and Meridian Street (District 16)

GENERAL ORDINANCE NO. 164, 2000 - authorizes parking restrictions on Meridian Street, on the west side, from Merrill Street to a point 92 feet north of Henry Street (District 16)

GENERAL ORDINANCE NO. 165, 2000 - authorizes a weight limit restriction on Capitol Avenue from Ray Street to Morris Street (District 16)

GENERAL ORDINANCE NO. 166, 2000 - authorizes changes in bus stop zones on Capitol Street and Ohio Street (District 16)

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GENERAL ORDINANCE NO. 167, 2000 - authorizes a change in bus stop zones on Maryland Street near Scioto Street (District 16)

GENERAL ORDINANCE NO. 168, 2000 - authorizes a traffic signal for 56th Street and Harrison Commerce Park Drive (District 5)

GENERAL ORDINANCE NO. 169, 2000 - authorizes a multi-way stop at Eagledale Drive, Thrush Drive, Milan Court, and Milan Street (District 8)

GENERAL ORDINANCE NO. 170, 2000 - authorizes parking restrictions on 11th Street from Beville Avenue to Rural Street (District 10)

GENERAL ORDINANCE NO. 171, 2000 - authorizes parking restrictions on 33rd Street near Pennsylvania Avenue (District 6)

GENERAL ORDINANCE NO. 172, 2000 - authorizes the removal of rush hour parking restrictions on the east side of Talbott Street from 28th Street to 30th Street, the addition of no parking anytime on the west side of Talbott Street, and the deletion of one-way traffic northbound on Talbott from 28th Street to Pennsylvania Street (District 22)

SPECIAL ORDINANCE NO. 21, 2000 - an inducement resolution for the Archdiocese of Indianapolis seeking economic development revenue bonds in an amount not to exceed \$30,000,000 to be used for the acquisition of land, site improvements, infrastructure improvements, buildings, or structures, the rehabilitation, renovation, enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these) and refinancing for education facilities and certain Catholic Charities of the Archdiocese located at various sites within Indianapolis and Marion County, all of which are under the supervision of the Archdiocese

SPECIAL ORDINANCE NO. 22, 2000 - a final action for Braeburn Village Apartments in an amount not to exceed \$24,000,000 to be used for the acquisition, development and light rehabilitation of the existing 402-unit apartment complex and the construction of a new daycare facility, located at 8200 E. 21st Street (District 12)

SPECIAL RESOLUTION NO. 82, 2000 - recognizes the dedicated service of 13 Marion County Superior Court judges

SPECIAL RESOLUTION NO. 83, 2000 - recognizes IBEW Local #481 and others for their work on the annual Monument Circle holiday lights

SPECIAL RESOLUTION NO. 84, 2000 - recognizes and congratulates Aaron Haith for being the first recipient of the Pro Bono Award sponsored by the Indianapolis and Marion County Bar Associations

SPECIAL RESOLUTION NO. 85, 2000 - recognizes members of the Mayor's Youth Council who participated in the Year 2000 National League of Cities Annual Conference

SPECIAL RESOLUTION NO. 86, 2000 - an inducement resolution for Campus Apartments and Pleasant Run Apartments in an amount not to exceed \$14,100,000 to be used for the acquisition and renovation of two existing apartment complexes, a 105-unit apartment complex located at 735 W. 11th Street (District 16), and a 252-unit apartment complex located at 1366 North Arlington Street (District 12)

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2000 - approves a transfer of \$1,200,000 in the 2000 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay the current costs of the Combined Dispatch Service provided by the Marion County Sheriff's Department

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2000 - approves a transfer of \$600,000 in the 2000 Budget of the Department of Public Safety, Fire Division (Fire Service District Fund) to cover the increased cost of Fleet Services fuel and maintenance through the end of 2000

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of December 18, 2000. There being no additions or corrections, the minutes were approved as distributed.

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

President SerVaas stated that Proposal Nos. 819-821, 823-828, and 842, 2000 are all board appointments and passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together.

Councillor Gray stated that he would like to have a separate vote on Proposal No. 824, 2000.

Councillor Dowden stated that he would like to have a separate vote on Proposal No. 826, 2000, as this appointee has not yet appeared before the Committee, and will be appearing at this week's Public Safety and Criminal Justice Committee. He stated that he would like to have this proposal postponed until the appointee has had a chance to appear.

PROPOSAL NO. 819, 2000 The proposal, sponsored by Councillor Cockrum, reappoints Diana Wilson Hall to the Board of Parks and Recreation. **PROPOSAL NO. 820, 2000.** The proposal, sponsored by Councillor Cockrum, appoints Alan Wiseman to the Board of Parks and Recreation. **PROPOSAL NO. 821, 2000.** The proposal, sponsored by Councillor Dowden, reappoints Lucinda Meyer to the Animal Care and Control Board. **PROPOSAL NO. 823, 2000.** The proposal, sponsored by Councillor Dowden, reappoints Ken Giffin to the Board of Public Safety. **PROPOSAL NO. 825, 2000.** The proposal, sponsored by Councillor Bainbridge, appoints Katy Behan to the Citizens Police Complaint Board. **PROPOSAL NO. 827, 2000.** The proposal, sponsored by Councillor Dowden, reappoints Dennis Nicholas to the Indianapolis-Marion County Forensic Board. **PROPOSAL NO. 828, 2000.** The proposal, sponsored by Councillor Dowden, appoints Brian Tuohy to the Marion County Public Defender Board. **PROPOSAL NO. 842, 2000.** The proposal, sponsored by Councillor Dowden, reappoints Patricia M. Nickell to the Marion County Public Defender Board. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal Nos. 819-821, 823, 825, 827, 828, and 842, 2000 were adopted on the following roll call vote; viz:

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

Proposal No. 819, 2000 was retitled **COUNCIL RESOLUTION NO. 1, 2001**, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 2001

A COUNCIL RESOLUTION reappointing Diana Wilson Hall to the Board of Parks and Recreation.

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

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SECTION 1. As a member of the Board of Parks and Recreation, the Council reappoints:

Diana Wilson Hall

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 820, 2000 was retitled COUNCIL RESOLUTION NO. 2, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 2001

A COUNCIL RESOLUTION appointing Alan Wiseman to the Board of Parks and Recreation.

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

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Alan Wiseman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 821, 2000 was retitled COUNCIL RESOLUTION NO. 3, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 2001

A COUNCIL RESOLUTION reappointing Lucinda Meyer to the Animal Care and Control Board.

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

SECTION 1. As a member of the Animal Care and Control Board, the Council reappoints:

Lucinda Meyer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 823, 2000 was retitled COUNCIL RESOLUTION NO. 4, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 2001

A COUNCIL RESOLUTION reappointing Ken Giffin to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council reappoints:

Ken Giffin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 825, 2000 was retitled COUNCIL RESOLUTION NO. 5, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 2001

A COUNCIL RESOLUTION appointing Katy Behan to the Citizens Police Complaint Board.

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

SECTION I. As a member of the Citizens Police Complaint Board, the Council appoints:

Katy Behan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 827, 2000 was retitled COUNCIL RESOLUTION NO. 6, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 2001

A COUNCIL RESOLUTION reappointing Dennis Nicholas to the Indianapolis-Marion County Forensic Board.

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

SECTION I. As a member of the Indianapolis-Marion County Forensic Board, the Council reappoints:

Dennis Nicholas

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 828, 2000 was retitled COUNCIL RESOLUTION NO. 7, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 2001

A COUNCIL RESOLUTION appointing Brian Tuohy to the Marion County Public Defender Board.

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

SECTION I. As a member of the Marion County Public Defender Board, the Council appoints:

Brian Tuohy

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 842, 2000 was retitled COUNCIL RESOLUTION NO. 8, 2001, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 8, 2001

A COUNCIL RESOLUTION reappointing Patricia M. Nickell to the Marion County Public Defender Board.

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

SECTION I. As a member of the Marion County Public Defender Board, the Council reappoints:

Patricia M. Nickell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 824, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 824, 2000 on December 20, 2000. The proposal reappoints William Schneider to the Board of Public Safety. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray said that he has looked at Mr. Schneider's attendance record and has discovered that he has attended less than half the meetings. He said that he does not believe this represents the Council well, and he opposes reappointment.

Councillor Dowden stated that he knows of Mr. Schneider's commitment, knowledge, and experience and feels it would be a mistake not to take advantage of his willingness to serve. Councillor Gray stated that if Mr. Schneider does not attend meetings, then the board cannot take advantage of his knowledge and experience.

Councillor Horseman asked if Councillor Schneider should abstain from voting on Proposal No. 824, 2000 to avoid the appearance of a conflict of interest. Councillor Talley stated that there is no reason Councillor Schneider should have to abstain.

Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 824, 2000 was adopted on the following roll call vote; viz:

19 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Douglas, Dowden, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
10 NAYS: Black, Boyd, Brents, Conley, Gibson, Gray, Horseman, Knox, Nytes, Sanders

Proposal No. 824, 2000 was retitled COUNCIL RESOLUTION NO. 9, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 9, 2001

A COUNCIL RESOLUTION reappointing William Schneider to the Board of Public Safety.

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

SECTION I. As a member of the Board of Public Safety, the Council reappoints:

William Schneider

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

President SerVaas stated that he will speak with Mr. Schneider about his attendance and encourage him to improve his record. He said that Mr. Schneider has been a diligent public servant, but that Councillor Gray has a point that Mr. Schneider's experience is not very beneficial if he is not attending meetings.

PROPOSAL NO. 826, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 826, 2000 on December 20, 2000. The proposal reappoints Sabrina Phillips to the Citizens Police Complaint Board. Councillor Dowden stated that Ms. Phillips was not at the last Committee meeting, and she is scheduled to appear at Wednesday's Committee hearing. He asked that Proposal No. 826, 2000 be postponed until Ms. Phillips is able to appear.

Councillor Short stated that this proposal is a reappointment, and Ms. Phillips is known to the Council. He stated that the Council has often voted for a reappointment before when the appointee was not able to attend the meeting.

Councillor Smith stated that Ms. Phillips does have good attendance at meetings, although her percentage may not indicate such. He said that Ms. Phillips was appointed mid-term, and therefore her percentage does not reflect the actual meetings she was eligible to attend.

Councillor Talley said that the Committee voted unanimously to approve Ms. Phillips' reappointment, and he does not see the need to return it to Committee.

Councillor Short moved, seconded by Councillor Boyd, for adoption.

Councillor Borst stated that there is more to this issue than meets the eye, and that it was not an issue of Ms. Phillips being unable to come, but more an issue of her refusing to come. He said that the Council should reserve the right to remove Ms. Phillips from this service if she refuses to come to the next meeting. Councillor Boyd stated that he will be pleased to work with Councillor Borst on insuring that Ms. Phillips attends the next meeting, and if not, that appropriate action be taken.

Councillor Massie stated that many times reappointments are approved without the appearance of the appointee because of scheduling conflicts, but that this is not the case with this appointment. Councillor Talley said that Ms. Phillips did have a schedule conflict, and she was not just simply refusing to appear before the Committee.

Councillor Coughenour asked if Ms. Phillips is planning to come to the next meeting. Councillor Talley stated that she is on the agenda. Councillor Short stated that he will get in touch with Ms. Phillips tomorrow to insure that she is present.

Proposal No. 826, 2000 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Talley

8 NAYS: Borst, Coonrod, Dowden, Gray, Massie, SerVaas, Soards, Tilford

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Proposal No. 826, 2000 was retitled COUNCIL RESOLUTION NO. 10, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 10, 2001

A COUNCIL RESOLUTION reappointing Sabrina Phillips to the Citizens Police Complaint Board.

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

SECTION 1. As a member of the Citizens Police Complaint Board, the Council reappoints:

Sabrina Phillips

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Boyd stated that he is glad to see legitimate conversation and monitoring of those people who are being appointed to boards without political overtone. Councillor Massie agreed and stated that he is not against the individual being appointed to this position.

Councillor Dowden stated that his vote is also no reflection on the individual, but that there seemed to be some confusion about an appointee choosing not to attend the Committee hearing.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 1, 2001. Introduced by Councillors Boyd, Horseman, and Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kip Tew to the Cable Franchise Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 2, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Susan J. Powers to the Indianapolis City Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 3, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints John Purcell to the Indianapolis City Market Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 4, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$25,000 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to provide additional funding for the IFD Survive Alive Program, funded by a grant from the Federal Emergency Management Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 5, 2001. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves and authorizes execution of an agreement between the City and the Hamilton Southeastern Utility for the treatment and disposal of sewage and wastewater"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 6, 2001. Introduced by Councillors Cockrum and Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Lyons Avenue and Troy Avenue (Districts 17, 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 7, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Henry Street from Illinois Street to Madison Avenue; and authorizes a change in intersection controls along Henry Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 8, 2001. Introduced by Councillors Brents, Nytes, and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes special parking privileges for the Indianapolis Fire Department personnel on the east side of New Jersey Street between Michigan Street and North Street (Districts 16, 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 9, 2001. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which establishes a reporting procedure for persons rendering personal services on behalf of the Council"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 12, 2001, PROPOSAL NOS. 13 and 14, 2001, and PROPOSAL NOS. 15-23, 2001. Introduced by Councillor Hinkle. Proposal No. 12, 2001, Proposal Nos. 13 and 14, 2001, and Proposal Nos. 15-23, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 4, 2001. 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. 1-12, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 1, 2001.

95-Z-146

3218 HARPER ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

DONALD G. DAVIS LIVING TRUST, BY Steven R. Hall, requests a rezoning of 0.167 acre, being in the C-4 District, to the C-5 classification to provide for automobile sales.

REZONING ORDINANCE NO. 2, 2001.

2000-ZON-118 (2000-DP-020)

5501 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

RN THOMPSON DEVELOPMENT, CORP., by Raymond Good, requests a rezoning of 14.05 acres, being in the D-P and C-1 Districts, to the D-P classification to provide for the development of multi-family condominiums (approximately 10 units/acre).

REZONING ORDINANCE NO. 3, 2001.

2000-ZON-857

6345 SOMMER AWNING BOULEVARD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4.

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MSTD, LLC, by Mary E. Solada, requests a rezoning of 0.9 acre, being in the C-S District, to the C-S classification to provide for an automotive, telecommunications, and computer leasing company.

REZONING ORDINANCE NO. 4, 2001.

2000-ZON-112

4701 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

INDY KENTUCKY AIRPORT, LLC, by Joseph M. Scimia, requests a rezoning of 7.347 acres, being in the D-3 District, to the C-S classification for the development of an integrated center with a hotel, restaurants, and C-1 uses.

REZONING ORDINANCE NO. 5, 2001.

2000-ZON-138

1809 and 1831-1839 ZWINGLEY STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

NEW CROWN CEMETERY CO., INC., by Gregory P. Carfouros, requests a rezoning of 1.0 acre, being in D-5 District, to the SU-10 classification to provide for the expansion of a cemetery.

REZONING ORDINANCE NO. 6, 2001.

2000-ZON-156

608 EAST MARKET STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

BFV, INC., by Thomas Michael Quinn, requests a rezoning of 0.5 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for a tavern and general retail uses.

REZONING ORDINANCE NO. 7, 2001.

2000-ZON-157

3291 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

CARRIAGE CLEANERS, by Edward Williams, requests a REZONING of 0.665 acre, being in the D-5 and C-5 Districts, to the C-7 classification to legally establish a dry cleaning plant.

REZONING ORDINANCE NO. 8, 2001.

2000-ZON-159

2645-2647, 2661, 2701, and 2713 SOUTH RANDOLPH STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

VILLA BAPTIST CHURCH, by David Kingen, requests a rezoning of approximately 0.81 acre, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 9, 2001.

2000-ZON-849

2101 MONTCALM STREET (approximate address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

RUMPKE of INDIANA, LLC, by Philip A. Nicely, requests a rezoning of 7.75 acres, being in the I-3-U (W-1) District, to the I-4-U (W-1) classification to provide for a waste transfer and recycling facility.

REZONING ORDINANCE NO. 10, 2001.

2000-ZON-855

2501 BORGMAN ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

CTS DEVELOPMENT, by Mary E. Solada, requests a REZONING of 7 acres, being in the D-A District, to the D-4 classification to provide for 30 single-family dwellings.

REZONING ORDINANCE NO. 11, 2001.

2000-ZON-859

4309 WEST 79th STREET (approximate address), INDIANAPOLIS

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2.

SENTRY DEVELOPMENT, INC., by John W. Van Buskirk, requests a rezoning of 14 acres, being in the D-A and SU-1 Districts, to the D-3 classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 12, 2001.

2000-ZON-859A

4309 WEST 79th STREET (approximate address), INDIANAPOLIS

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2.

SENTRY DEVELOPMENT, INC., by John W. Van Buskirk, requests a rezoning of 7 acres, being in the D-A and SU-1 Districts, to the SU-1 classification to provide for the expansion of an existing church.

PROPOSAL NO. 10, 2001. Councillor Smith stated that he abstained from voting on Proposal No. 10, 2001 in Committee due to a conflict of interest and will abstain from voting on the proposal this evening, as well. He deferred to Acting Chairwoman Coughenour to give the Committee report. Councillor Coughenour reported that the Metropolitan Development Committee heard Proposal No. 10, 2001 on January 3, 2001. The proposal is an inducement resolution for Marcy Village Apartments in an amount not to exceed \$10,000,000 consisting of the acquisition and rehabilitation of the existing 277-unit apartment complex located on an approximately 24 acre parcel of land at 4501 Marcy Lane (District 6). By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will also abstain from voting on Proposal No. 10, 2001 to avoid the appearance of a conflict of interest.

Councillor Coughenour moved, seconded by Councillor Schneider, for adoption. Proposal No. 10, 2001 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Black, Moriarty Adams, Smith

Proposal No. 10, 2001 was retitled SPECIAL RESOLUTION NO. 1, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 2001

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

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

WHEREAS, English Village Associates, LLC, an Indiana limited liability company, (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 the acquisition and rehabilitation of the existing 277-unit Marcy Village Apartments located on an approximately 24 acre parcel of land at 4501 Marcy Lane, Indianapolis, Indiana (the "Apartments"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and

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rehabilitation of the Apartments will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Apartments 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 creation and 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 \$10,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Apartments and the sale or leasing of the Apartments to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Apartments 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 acquisition and rehabilitation of the Apartments, 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 on July 31, 2001, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council 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 the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Apartments 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 Apartments; 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 Apartments and for additions to the Apartments, including the costs of issuance (providing that the financing of such addition or additions to the Apartments 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 Apartments 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 acquisition and rehabilitation of the Apartments will be permitted to be included as part of the bond issue to finance said Apartments, and the Issuer will thereafter sell the Apartments to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Apartments. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Apartments in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section I.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Apartments with tax-exempt bonds.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-34-14.

PROPOSAL NO. 11, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 11, 2001 on January 3, 2001. The proposal is an inducement resolution for Oaktree Apartments in an amount not to exceed \$10,000,000 consisting of the acquisition and rehabilitation of the existing 396-unit apartment complex located on an approximately 19.92 acre parcel of land at 9012 Pinehurst Drive N. (District 14). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 11, 2001 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Moriarty Adams, Short

Proposal No. 11, 2001 was retitled SPECIAL RESOLUTION NO. 2, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 2001

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

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

WHEREAS, Finlay Interests I, L.P., a limited partnership, (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 the acquisition and rehabilitation of the existing 396-unit Oaktree Apartments located on an approximately 19.92 parcel of land at 9012 North Pinehurst Drive, Indianapolis, Indiana (the "Apartments"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Apartments will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Apartments 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 creation and 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 \$10,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Apartments and the sale or leasing of the Apartments to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Apartments 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 acquisition and rehabilitation of the Apartments, 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 on July 31, 2001, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council 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 the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Apartments 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 Apartments; 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 Apartments and for additions to the Apartments, including the costs of issuance (providing that the financing of such addition or additions to the Apartments 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 Apartments 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 acquisition and rehabilitation of the Apartments will be permitted to be included as part of the bond issue to finance said Apartments, and the Issuer will thereafter sell the Apartments to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Apartments. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Apartments in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Apartments with tax-exempt bonds.

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

SPECIAL ORDERS - PUBLIC HEARING

President SerVaas passed the gavel to Vice President Borst.

PROPOSAL NO. 661, 2000. The proposal, sponsored by Councillor Hinkle, proposes to rezone 7.5 acres at 6600 East Westfield Boulevard in Washington Township, being in the C-S District, to the C-S classification to provide for a restaurant and tavern (2000-ZON-074) (District 2). Councillor SerVaas stated that he called this proposal out for public hearing on October 30, 2000 due to some concerns from the Nora Community Council. He said that negotiations between the petitioner and the remonstrators have been going on since that time. He said that the remonstrators have now reached an agreement with the property owner and no longer oppose the

rezoning approved by the Commission. These understandings have been filed with the Council. He moved, seconded by Councillor Dowden, that the Council vote on the proposal, including the additional understandings, without full public hearing.

Councillor Conley stated that he does not understand why he has received so many phone calls and e-mails as late as today regarding this case, if the remonstrators have all agreed to further commitments made by the petitioner.

Councillor Borst stated that there have been some other citizens come forward after the agreements were reached who have asked to continue with a public hearing on this zoning matter. He stated that each person will be given two minutes to make an appeal for a full public hearing.

Paula Willoquet-Maricondi, Citizens for a Better Broad Ripple, stated that a full public hearing is needed in order to protect the City's greenspace and quality of life. Melanie Wheeldon, Citizens for a Better Broad Ripple, stated that a public hearing is needed to review the great preponderance of community opposition versus the narrow interests of the two arguably self-interested merchants and neighborhood groups. Clarke Kahlo, Citizens for a Better Broad Ripple, said that this "settlement" is not in the public interest, and a clarification is needed of the Commission's decision to circumvent the rezoning by injecting a third party. He stated that Department of Metropolitan Development staff refused to utilize the Supplemental Review Process and failed to publicly notify property owners. He stated that there is already lax enforcement with regards to current non-compliance. Camille Trolson, president of the Greater Allisonville Community Council, stated that further review needs to be given to this matter to protect the Monon Trail and to adequately review the impact of this facility on the trail, especially the noise. Chris Williams, Cornell Avenue property owners, stated that a full hearing is needed because of the lack of notice to neighbors and the impact this facility will have on those neighbors.

Councillor Dowden stated that there have been several public hearings on this matter, including the Commission hearing. He stated that since an agreement has been reached by the remonstrators who asked that an additional hearing be held, he does not see a need for this body to conduct a further hearing.

Councillor Talley stated that the information provided to Council members by Mr. Kahlo indicates that the decking of the establishment will extend over the allowed 50-foot easement. He asked if this is correct. Mary Soliday, attorney for the petitioner, introduced Chuck Mack, the petitioner. Mr. Mack stated that the information provided to Council members is incorrect. He said that there is an agreement in writing with the remonstrators that the easement begins at the mid-line of the trail and extends 50 feet within the Patterson property. He said that the deck must be outside of that easement. He added that there is a further conservation easement that runs 1,000 feet north and south and 30 feet to the east, and this easement is controlled by the City and State. He stated that he has been working with neighbors and neighborhood groups for eight months to reach compromises, and he is not sure why these individuals are coming forward at the last minute. Councillor Talley asked if the deck will adhere to that 50-foot easement. Ms. Soliday stated that Mr. Mack just testified that there will be no encroachment on that easement. Mr. Kahlo stated that this is not true. Vice President Borst ruled Mr. Kahlo out of order.

Councillor Soards stated that it seems the Council has gone from debating the need for a further hearing to actually debating the case. Vice President Borst called for a vote on the motion on the floor to vote on the proposal, including the additional understandings, without full public hearing.

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Councillor Coughenour asked if this public hearing would be held this evening in the event this vote failed. Vice President Borst stated that it would probably not, as many of the interested parties had assumed all issues had been resolved and are not present to testify.

The motion to vote on the proposal without further hearing carried by the following roll call vote; viz:

17 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Douglas, Dowden, Knox, Langsford, Massie, McWhirter, Schneider, SerVaas, Short, Smith, Soards, Tilford
12 NAYS: Black, Boyd, Brents, Conley, Coughenour, Gibson, Gray, Horseman, Moriarty Adams, Nytes, Sanders, Talley

Vice President Borst stated that pursuant to the Rules of the Council, the members will now proceed to vote on Proposal No. 661, 2000. A "yes" vote is to sustain the Commission and approve the rezoning. A "no" vote is to overrule the Commission and defeat the rezoning. By statute, the proposal is adopted unless 18 or more votes are cast to defeat the proposal.

Councillor Gray stated that he has been steadfastly opposed to alcohol in parks, and therefore he opposes this project for that very reason.

Councillor Sanders stated that she is a user of the Monon Trail and this property is aligned very closely to neighborhoods where there are families and small children, and therefore she is also opposed to the project.

Councillor Bradford stated that many remarks have been made about the Broad Ripple area, but it is a community to be proud of and is not made up of simply bars. He stated it is the second safest zip code in Marion County and is a wonderful community that sustains itself. He said that he attends these neighborhood meetings and these groups work all the time to make Indianapolis a beautiful City.

Councillor Conley stated that he is not against alcohol, but anywhere where someone combines women working out and men drinking whiskey, there are bound to be problems.

Councillor Coughenour stated that she has concerns about the hours and the loudness of the music, and would hate to live close to this facility.

Councillor Boyd stated that he would have preferred a full public hearing, as he believes there are some parties that have not yet been heard.

Councillor SerVaas stated that there has been three months worth of discussions, and several public hearings on this matter, and he believes a very reasonable compromise has been achieved. He moved, seconded by Councillor Dowden, to adopt Proposal No. 661, 2000. Proposal No. 661, 2000 was adopted by the following roll call vote; viz:

16 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Knox, Langsford, Massie, McWhirter, Schneider, SerVaas, Short, Smith, Soards, Tilford
13 NAYS: Black, Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Moriarty Adams, Nytes, Sanders, Talley

Proposal No. 661, 2000 was retitled for identification as REZONING ORDINANCE NO. 13, 2001, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows

REZONING ORDINANCE NO. 13, 2001.
2000-ZON-074
6600 EAST WESTFIELD BOULEVARD (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #2
CHARLES G. MACK requests a rezoning of 7.5 acres, being in the C-S District, to the C-S classification, to provide for a restaurant and tavern.

Vice President Borst returned the gavel to President SerVaas.

PROPOSAL NO. 778, 2000. The proposal, sponsored by Councillor Coughenour, proposes to rezone 15.2 acres at 8601 South Raceway Road in Decatur Township, being in the D-P District, to the D-P classification to permit use options previously approved under rezoning case 98-Z-85A or an additional 81-unit single-family residential option consisting of "Courtyard Homes" (District 19) (2000-ZON-099/2000-DP-017).

Councillor Cockrum made the following motion:

Mr. President:

The petitioners and remonstrators have agreed to a settlement of the rezoning case of 8601 South Raceway Road, Indianapolis, Indiana, but have not completed the details, and petitioner has consented to an additional continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 778, 2000 (Rezoning Docket No. 2000-ZON-099/2000-DP-017) be postponed and rescheduled for January 22, 2001.

Councillor Massie seconded the motion, and Proposal No. 778, 2000 was postponed by a unanimous voice vote.

PROPOSAL NO. 595, 2000. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 595, 2000 on October 19, 2000 and again on December 21, 2000. The proposal, sponsored by Councillors Cockrum, Soards, Nytes, Brents, Douglas, Massie, Hinkle, Langsford, and Bainbridge, approves an increase of \$500,000 in the 2001 Budget of the Department of Parks and Recreation (Consolidated County Fund) for additional public purpose arts grants for 2001, financed by fund balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden stated that it is an overstatement to say that there is plenty of money available for this increase. He stated that this increase represents a 33 1/3% increase in this budget, and he has concerns about approving an increase of this magnitude when there are mandates his committee must fight to fund that are only 5 to 6% increases. He said that he is not opposed to the arts, but feels with all the demands on the taxpayers' money, this money could be better spent.

Councillor Schneider agreed and stated that he believes that taxpayer money is an improper way to fund the arts.

Councillor Short stated that he was part of an arts and sports task force, and when all the money was invested into professional sports teams, the City agreed to also consider additional funding for the arts. He added that the arts draw more visitors to the City than all the professional sports teams combined, and in order to be a world-class city, Indianapolis needs these art institutions.

Councillor Gray stated that he was opposed to taking this money out of the parks budget in the first place and no progress has been made by taking it out.

Councillor Borst said that he supports the proposal, because the Council promised to put this money back into the budget. He said that he agrees with some of the points made by Councillor Dowden. He added that he would like to see the actual appropriations approved by the Council before the money is spent.

Councillor Smith stated that he believes the arts are important, but does not believe that the arts create more revenue in the City than the professional sports teams.

Councillor Sanders stated that the arts may not generate more revenue than the professional sport teams, but they add to the quality of life in Indianapolis and draw businesses to locate within the City.

Councillor Nytes stated that the percentage of this increase is so high because the budget for the arts is so pitifully low to begin with. She said that this discussion took place during the budget process, and this compromise was agreed to months ago. She stated that a study has been done regarding the impact of the arts on Indianapolis' economy, and she encouraged Councillors to read it.

Councillor Bradford stated that as chairman of the Community Affairs Committee, who are having a very difficult time finding funding for the Office of Family and Children, he feels this money could be better spent in other areas.

Councillors Soards, Horseman, and Douglas stated that they support the increase and encouraged their colleagues to vote in favor of the proposal.

Councillor Douglas stated that an agreement was made during the budget process to put this money back into the budget, and the Council body needs to keep that promise.

Councillor Gibson stated that this Council seems to have no problem approving a tavern in Broad Ripple but second guesses money for the arts. He stated that members need to re-evaluate their priorities.

Rosemary Stockdale, citizen, stated that it may be true that the City has more economic growth because of sports entities, but that the people who participate in the arts in this City actually live within the City. Many of them participate at their own expense because there is no funding, and arts participants have proven to be good citizens.

Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 595, 2000 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Soards, Talley, Tilford
5 NAYS: Bradford, Coonrod, Dowden, Schneider, Smith

Proposal No. 595, 2000 was retitled FISCAL ORDINANCE NO. 1, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Proposal No. 512, 2000) appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the Consolidated County Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations.

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 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to provide additional public purpose arts grants for 2001.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>500,000</u>
TOTAL INCREASE	500,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>500,000</u>
TOTAL REDUCTION	500,000

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

NEW BUSINESS

Councillor Bradford thanked Department of Parks and Recreation Director Joseph Wynns for his help with the Twelfth Night Celebration to benefit the Julian Center in Broad Ripple.

Councillor Short stated that he has just spoken with Sabrina Phillips and confirmed that she will be in attendance at the Public Safety and Criminal Justice Committee hearing on Wednesday evening.

Councillor Cockrum encouraged all members of the Parks and Recreation Committee to attend the Greenways Conference from February 25 to February 27.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Talley in memory of Richard W. Martin, Sr., Donnie Brown, and Virgil Ponto

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Richard W. Martin, Sr., Donnie Brown, and Virgil Ponto. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter

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bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:16 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 8th day of January, 2001.

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)