

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

**REGULAR MEETINGS
MONDAY, SEPTEMBER 14, 1998**

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 7:12 p.m. on Monday, September 14, 1998, with Councillor SerVaas presiding.

Councillor Coughenour 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:

27 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams
2 ABSENT: Gilmer, Smith

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gray acknowledged Indianapolis Fire Department Station 22, who are watching tonight's meeting. Councillor Curry recognized State Senator Patricia Miller, GOP County Chairman John Sweezy, and former Councillor Richard Clark.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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, September 14, 1998, 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

September 1, 1998

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:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, September 2, 1998, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, September 3, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 555-563 and 572, 1998, said hearing to be held on Monday, September 14, 1998, at 7:00 p.m. in the City-County Building.

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

September 4, 1998

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

FISCAL ORDINANCE NO. 113, 1998 - approves an increase of \$90,000 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to administer the "Network of Employers for Traffic Safety Program" funded by a grant from the Indiana Governor's Council on Impaired and Dangerous Driving

FISCAL ORDINANCE NO. 114, 1998 - approves an increase of \$8,800 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to increase the salary of the victim assistance director funded by an amended grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 115, 1998 - approves an increase of \$12,654,515 in the 1998 Budget of the Office of the City Controller (Year 2000 Special Purpose Fund) to fund the City/County Year 2000 project financed by County General Revenue and fund balance reductions in the Consolidated County General Fund, the Police General Fund, and the Fire General Fund

FISCAL ORDINANCE NO. 116, 1998 - approves an increase of \$7,685,504 in the 1998 Budget of the County Auditor (County General Fund \$5,285,504; Deferral Programs Fee Fund \$1,500,000; Cumulative Capital Development Fund \$900,000) to pay the County portion of the year 2000 project financed by the funds balances

GENERAL ORDINANCE NO. 124, 1998 - establishes the "Year 2000 Special Purpose Fund"

GENERAL ORDINANCE NO. 125, 1998 - amends and recodifies the chapter concerning human relations and equal opportunity by deleting provisions which have been adjudged to be unconstitutional and to make certain other technical changes

GENERAL ORDINANCE NO. 126, 1998 - authorizes a traffic signal at Senate Boulevard and Methodist Hospital (District 22)

September 14, 1998

GENERAL RESOLUTION NO. 9, 1998 - authorizes amendments to an existing agreement between the City and Boone County Utilities, LLC for sewage and wastewater treatment and disposal services

SPECIAL ORDINANCE NO. 8, 1998 - a special ordinance for Camby Crossing Apartments, L.P. in an amount not to exceed \$5,400,000 to be used for the acquisition, construction, and equipping of a 120-unit residential apartment complex to be located at Camby Road and State Road 67 (Kentucky Avenue) (Camby Crossing Apartments, L.P. Project) (District 19)

SPECIAL ORDINANCE NO. 9, 1998 - a special ordinance for Falcon Creek Place L.P. authorizing the issuance of \$6,144,600 to be used for the construction and equipping of a 131-unit multi-family residential facility at 4300 Moeller Road (Falcon Creek Place Apartments Project) (District 9)

SPECIAL RESOLUTION NO. 38, 1998 - recognizes Fathers Active In The Hood

SPECIAL RESOLUTION NO. 39, 1998 - amends S. R. No. 11, 1998 by extending the expiration date in the inducement resolution through February 28, 1999 for Indiana IV, LLP in an amount not to exceed \$7,000,000 to be used for the acquisition and rehabilitation of the existing 248-unit Greystone Village Apartment complex located at 5505A Scarlett Drive (Northeast and Northwest quadrants of Moeller Road and 34th Streets) (Greystone Village Apartments Project) (District 8)

Respectfully,
s/Stephen Goldsmith, 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 August 31, 1998. There being no additions or corrections, the minutes were approved as distributed.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 591, 1998. Introduced by Councillors Shambaugh and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,470 and a transfer of \$75,000 in the 1998 Budget of the Department of Parks and Recreation (Park General Fund) for playground installations and Greenway Trail design financed by a character transfer and a reduction in fund balance"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 592, 1998. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$240,557 in the 1998 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund capital improvements at Eagle Creek Park and Indy Island Aquatic Center and to pay for Greenways trail signs financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 593, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$242,172 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to continue the comprehensive traffic safety program in Marion County and to fund the Network of Traffic Safety Employers funded by a grant from the Governor's Council on Impaired & Dangerous Driving"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 594, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$17,000 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to reallocate operating expenses of the Victim Assistance Grant funded through the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 595, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$161,348 in the 1998 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to continue and expand the alternative sentencing program funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 596, 1998. Introduced by Councillors Dowden and Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$106,092 in the 1998 Budget of the Metropolitan Emergency Communications Agency (MECA Fund) to pay start-up costs associated with the joint Computer-Aided Dispatch/Record Management Systems/Jail Management Project financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 597, 1998. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,127 in the 1998 Budget of the Department of Public Works, Maintenance Operations Division (Federal Grants Fund) to complete a Brownfield project financed by an Environmental Protection Agency Grant"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 598, 1998 and PROPOSAL NOS. 599-609, 1998. Introduced by Councillor Hinkle. Proposal No. 598, 1998 and Proposal Nos. 599-609, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 10, 1998. 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. 196-207, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 196, 1998.

97-Z-150

102 EAST COUNTY LINE SOUTH ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

FLYNN & ZINKAN REALTY COMPANY, by Thomas Michael Quinn, requests a rezoning of 5.436 acres, being in the C-3 District, to the C-S classification to provide for the construction of a self-storage facility.

REZONING ORDINANCE NO. 197, 1998.

98-Z-151

7601 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

INDIGO ENTERPRISES requests a rezoning of 0.099 acre, being in the D-5 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 198, 1998.

98-Z-152

4625 WEST 59th STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

PROGRESSIVE MISSIONARY BAPTIST CHURCH requests a rezoning of 10.0 acres, being in the D-A District, to the SU-1 classification to provide for religious use.

REZONING ORDINANCE NO. 199, 1998.

98-Z-165

75 NORTH BELLEVIEW PLACE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.835 acres, being in the D-5 District, to the SU-7 classification to provide for a private school and ancillary services.

REZONING ORDINANCE NO. 200, 1998.

98-Z-166

4626-4634 WENTWORTH BOULEVARD (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/ DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.96 acre, being in the D-5 District, to the SU-1 classification to provide for religious use.

REZONING ORDINANCE NO. 201, 1998.

98-Z-167

2332 PROSPECT STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

MARK A. ROWEKAMP, by Gil Mascher, requests a rezoning of 0.1 acre, being in the C-4 District, to the D-8 classification to provide for a multi-family residence.

REZONING ORDINANCE NO. 202, 1998.

98-Z-168

1131-1133 SOUTH LINDEN STREET and 1301 EAST PROSPECT STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.6 acre, being in the C-4 and D-5 Districts, to the SU-1 classification for religious uses.

REZONING ORDINANCE NO. 203, 1998.

98-Z-170

3245-3307 WEST WASHINGTON STREET (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

CHARLES AND DONNA BRACKIN, by Raymond Good, request a rezoning of 4.062 acres, being in the I-3-U District, to the C-5 classification to provide for general commercial uses including an automobile sales and service business.

REZONING ORDINANCE NO. 204, 1998.

98-Z-183

7101 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

GLENDALE PARTNERS PROPERTIES, INC., by Thomas M. Quinn, requests a rezoning of 1.62 acres, being in the D-A District, to the C-3 classifications to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 205, 1998.

98-CP-28Z

338 SOUTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
MANDRELL PROPERTIES, LLC, by James A. L. Buddenbaum, requests a rezoning of 2.227 acres, being in the D-5 District, to the C-2 classification to provide for commercial office and attached multi-family uses including professional offices.

REZONING ORDINANCE NO. 206, 1998.
98CP-29Z
8379 SOUTH SHERMAN DRIVE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24
DAVIS HOMES, LLC, by David A. Schmitz, requests a rezoning of 30.65 acres, being in the D-A District, to the D-5 classification to provide for a single-family residential development.

REZONING ORDINANCE NO. 207, 1998.
98-CP-31Z
740 WEST 28th STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9
ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS requests a rezoning of 2.2 acres, being in the D-5 District, to the SU-1 classification to provide for religious uses including a school.

SPECIAL ORDERS - PUBLIC HEARING ON PROPOSED BUDGETS

The President called for public testimony on any of the following budget ordinances, stating that no action is scheduled to be taken by the Council this evening:

PROPOSAL NO. 518, 1998. The proposal is the annual budget for the Police Special Service District for 1999. PROPOSAL NO. 519, 1998. The proposal is the annual budget for the Fire Special Service District for 1999. PROPOSAL NO. 520, 1998. The proposal is the annual budget for the Solid Waste Collection Special Service District for 1999. PROPOSAL NO. 521, 1998. The proposal is the annual budget for the Revenue Bonds Debt Service Funds for 1999. PROPOSAL NO. 522, 1998. The proposal is the annual budget for the Marion County Office of Family and Children for 1999. PROPOSAL NO. 523, 1998. The proposal is the annual budget for the Metropolitan Emergency Communications Agency for 1999. PROPOSAL NO. 524, 1998. The proposal is the annual budget for Indianapolis and Marion County for 1999.

Rosemary Stockdale, citizen; Dave Young, President of the Fraternal Order of Police; and Carl Edwards, Jr., President of the Fletcher Place Neighborhood Association, stated that the budget for the Police Special Service District for 1999, as outlined in Proposal No. 518, 1998, should be increased to allow for more police officers. They added that the crime rate continues to increase, and citizens of Indianapolis need safer streets.

SPECIAL ORDERS - PUBLIC HEARING

The President stated that the attorney for the remonstrators has not yet arrived and asked for consent to postpone Proposal No. 572, 1998 until he arrives. Consent was given.

PROPOSAL NO. 485, 1998. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 485, 1998 on July 21, 1998. The proposal was postponed in Council on August 3, 1998 and again on August 31, 1998. The proposal approves the issuance of special taxing district bonds of the Redevelopment District of the City, in one or more series or issues, payable solely from taxes on real property located in the Consolidated Redevelopment Allocation Area ("Area") allocated and deposited into the Area Special Fund and from other

revenues of the Metropolitan Development Commission, acting as the Redevelopment Commission. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Curry made the following motion:

Mr. President:

I move that City-County Council Proposal No. 485, 1998, Committee Report, be amended by deleting the word "current" where it appears twice in sub-paragraph (B) and where it appears twice in Section 1.

Councillor Borst seconded the motion, and Proposal No. 485, 1998 was amended by a unanimous voice vote.

Councillor Talley stated that although he is in favor of Proposal No. 485, 1998, he does not understand why money can be found for every special project the administration wishes to undertake, while the crime rate continues to rise due to a lack of resources for public safety. Joe Loftus, consultant to the Mayor's Office, stated that there is no higher priority in the City's administration than public safety, and stated that every effort is being made to find funding for additional resources in this area. He added that there are more police officers on the street today than there have ever been in the City's history, and there is an additional commitment from the Mayor to add even more officers. He said that economic projects should not take anything away from the importance of public safety issues.

Councillor Williams asked if there will be an announcement before the budget process is completed from the Mayor's office addressing this police issue. Mr. Loftus stated that upon closure of the collective bargaining agreement with public safety, the Mayor will then be able to address the issue of the number of police officers, but no announcement is ready at this time.

Councillor McClamroch stated that these questions regarding public safety have nothing to do with this proposal, and this proposal has no bearing on the Mayor's plan for increasing the number of police officers in the City.

Councillor Borst stated that he will support this proposal, but that he still feels Indianapolis needs a 1,000-room hotel, and this proposal will probably preclude that from happening any time soon. He added that he does support the initiative and congratulates the administration on the efforts to attract these developments.

Councillor Curry stated that he agrees with Councillor Borst regarding a 1,000-room hotel, but that the location of the Marriott allows for the location of over 1,000 rooms separated by an alley. This location will help to provide the synergism and critical mass that cooperation between the Westin Hotel and the new Marriott Hotel will provide in attracting conventions and events to Indianapolis.

Councillor Williams asked if the new Marriott development will cause the Westin Hotel to be landlocked so that there is no room for any possible expansions. Mr. Loftus stated that it does not seem the Westin will have available land for an expansion.

The President called for public testimony at 7:46 p.m. There being no one present to testify, Councillor Curry moved, seconded by Councillor McClamroch, for adoption. Proposal No. 485, 1998, as amended, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams*

0 NAYS:

1 NOT VOTING: *Black*

2 ABSENT: *Gilmer, Smith*

Proposal No. 485, 1998 was retitled GENERAL RESOLUTION NO. 10, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 1998

A GENERAL RESOLUTION (i) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues, payable solely from taxes on real property located in the Consolidated Redevelopment Allocation Area allocated and deposited into the Consolidated Redevelopment Allocation Area Special Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, pledged for the purposes as provided in Indiana Code 36-7-15.1-17(h) and (ii) approving other matters related thereto.

WHEREAS, on July 15, 1998, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), being the governing body of the Redevelopment District of the City of Indianapolis, Indiana (the "District"), adopted a Preliminary Bond Resolution (Resolution No. 98-D-044) (the "Preliminary Bond Resolution") authorizing:

(i) the issuance of special taxing district bonds of the District, in one or more series or issues, payable solely from taxes on real property located in the Consolidated Redevelopment Allocation Area allocated and deposited in the Consolidated Redevelopment Allocation Area Special Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission pledged for the purpose as provided in Indiana Code 36-7-15.1-17(h) (the "1998 Bonds"), for the purpose of procuring funds to be applied to the cost of:

- (A) refunding all or a portion of (1) the City of Indianapolis Redevelopment District Tax Increment Revenue Bonds of 1992 (the "Series 1992 Bonds"), and (2) the City of Indianapolis Redevelopment District Project and Subordinated Tax Increment Revenue Bond of 1988, Series B (the "Series 1988 Bond"); and
- (B) property acquisition and redevelopment in the Consolidated Redevelopment Allocation Area, as expanded from time to time, including all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including the total cost of all land, rights-of-way and other property to be acquired and redeveloped, all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of the bonds, capitalized interest permitted by Indiana Code 36-7-15.1 and a debt service reserve for the 1998 Bonds, to the extent that the Commission determines that a reserve is reasonably required, the total cost of all clearing and construction work as provided for in the Preliminary Bond Resolution, and expenses that the Commission may be required or permitted to pay under Indiana Code 8-23-17, together with the expenses in connection with or on account of the issuance of the 1998 Bonds authorized therein (collectively, the "Refunding and Project Costs"), in an aggregate original issued amount not to exceed the total of the following estimated Refunding and Project Costs: \$37,500,000 for the refunding of the Series 1988 Bond, \$135,000,000 for the refunding of the Series 1992 Bonds and additional project costs, including, but not limited to, the Refunding and Project Costs; and

(ii) the execution and delivery of one or more agreements such as interest rate swap agreements, cap, collar and floor agreements or other interest rate protection agreements with Lehman Brothers, the purpose of which would be to protect the Commission from the risk of any adverse change in interest rates on the 1998 Bonds or on any additional special taxing district bonds issued by the City, acting for and on behalf of the District, on or prior to February 1, 2003 (the "Additional Refunding Bonds"), in order to refund the 1992 Bonds maturing on or prior to February 1, 2020 (such agreements, collectively, the "Hedge Agreements"); and

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the 1998 Bonds and the execution and delivery of the Hedge Agreements pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the 1998 Bonds and the execution and delivery of the Hedge Agreements should be approved; now therefore:

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

SECTION 1. The City-County Council does hereby approve (i) the Preliminary Bond Resolution, (ii) the issuance of the 1998 Bonds of the District, in one or more series or issues, payable solely from taxes on real property located in the Consolidated Redevelopment Allocation Area allocated and deposited in the Consolidated Redevelopment Allocation Area Special Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission pledged for the purpose as provided in Indiana Code 36-7-15.1-17(h), in an aggregate original issued amount not to exceed the total of the following estimated Refunding and Project Costs: \$37,500,000 for the refunding of the Series 1988 Bond, and \$135,000,000 for the refunding of the Series 1992 Bonds and additional project costs, including, but not limited to, the Refunding and Project Costs, and (iii) the execution and delivery of the Hedge Agreements, payable solely from taxes on real property located in the Consolidated Redevelopment Allocation Area allocated and deposited in the Consolidated in the Redevelopment Area Special Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and from other revenues of the Commission pledged for the purpose as provided in Indiana Code 36-7-15.1-17.5.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-6-4-16.

PROPOSAL NO. 572, 1998. The proposal proposes to rezone 65.79 acres at 1550 South German Church Road, being in the D-A (FP) (FW) District, to the D-P (FP) (FW) classification to provide for a single family residential community consisting of 135 residential units (98-Z-82) (98-DP-12). Proposal No. 572, 1998 was certified by the Metropolitan Development Commission on August 28, 1998. On August 31, 1998 Councillor O'Dell moved to schedule Proposal No. 572, 1998 for a public hearing on September 14, 1998. This motion passed by a unanimous voice vote.

The President stated that Robert Elrod, General Counsel, advised him that a preliminary conference was held on September 10, 1998 with the petitioners and remonstrators and there was no resolution at that time.

Councillor O'Dell asked all those in attendance opposed to this development to stand. He stated that this case has been heard by the Metropolitan Development Commission three times, with the first two votes being 4-4, and the final vote being 5-4. He added that he is opposed to this development and will be voting against it. He stated that the housing development is not compliant with the comprehensive plan, and the developer is not willing to comply with the conditions asked for by the neighbors to make this project work for this area.

Stephen Mears stated that he represents Bay Development Corporation, which is the petitioner in this case. Mr. Mears stated that the development had been approved by the Metropolitan Development Commission. He stated that the property in question wraps around the athletic fields of Creston Junior High School, and would serve to be an ideal transitional use between the

higher priced developments to the south and the lower priced homes to the north. A 150-acre project southeast of this site was rezoned to planned unit development in 1994. Although the overall density of that development was approved at 2.12 units per acre, the approved density of The Paddock housing community just south of the proposed development is 3.4 units per acre. He stated that the petitioner is willing to make the maximum density no greater than 2.0, instead of the originally proposed 2.05, which made the project non-compliant with the comprehensive plan. He said that the average price of the houses being proposed is \$165,000, and a minimum of 1,725 square feet for a one-story home and 2,100 square feet for a two-story home. He added that the petitioner has filed 31 commitments to meet the demands of the neighbors, but that the neighbors continue to make further demands that are unreasonable. He stated that although The Paddock development, which abuts the proposed development, contains lower priced homes than the petitioners, the neighbors do not want any homes built south of Prospect Street other than custom-built homes in the \$200,000 to \$250,000 price range.

Bruce Sklare, Vice President of Bay Development Corporation, stated that the petitioner has been an active developer for single-family residential communities in Indianapolis for over 20 years. He stated that as a former city planner, he has always made a major effort to propose a community that is respectful and compatible with existing neighborhoods. He added that he does not have a history of zoning battles, and this is the first time he has ever had to appear before the Council in his 20 years of developing in Indianapolis. Mr. Sklare stated that the price of homes in this proposed development will range from \$120,000 to \$220,000, with an average of approximately \$165,000. He stated that last year over 60% of the building permits in Warren Township were issued for homes under \$120,000, and he stated that this proposed development is not a starter home community and would not attract sub-standard residents.

Norman Rowe, trustee and family member of the property owner, stated that his family donated the property for the middle school site across from this property, and has been actively reviewing and seeking enhancements to adjacent developments. He stated that no other developer has proposed a development on this site that is as good as the petitioner. He stated that his family owns property immediately to the west of the site, and that there is not a neighbor who is more concerned about the impact of this development than his family. He added that the development is a good project, is compatible with the neighborhood, and fits the transition well. He asked the Council to support the Commission's decision.

Jeffrey Abrams stated that he is the attorney representing over 500 homeowners opposed to this project. He stated that the development is not compatible with the area and does not create any additional diversity for this township. There are five subdivisions which have been developed in this area in the past several years, but this is one of the few areas left in Warren Township where there is the opportunity for a custom home. A development of production homes would preclude those possibilities. He stated that he has spoken with the presidents of four of the five neighborhood associations in that area, and there is no support for this project among neighbors.

David and Patricia Littrell, owners of a home approximately a quarter of a mile from the proposed development, stated that the Council should uphold the comprehensive plan and protect this green area from being developed in a manner that would devalue adjacent custom-home properties. Mr. Littrell stated that the 15-member executive board of the Warren Township Development Association, of which he is a member, has voted overwhelmingly in opposition to the Bay Development Corporation project, and that the administration should recognize this association's decision as being the best for their community. He added that The Paddock project

has a very low density and exceptional quality and fulfills the market need of homes for empty-nesters in the community. These homes marketed toward individuals whose children are raised and out of school increase the tax base of the township but do not increase the burden on the schools, as the proposed development would surely do.

Craig Hintz, superintendent of the Warren Township Schools, stated that more variety and diversity in housing is needed in Warren Township. He stated that more custom-built homes are needed to continue to promote this diversity. He added that an additional 1,100 children are anticipated to enter the school district in the next four years, and new developments are abounding in Warren Township causing a strain on the schools. He stated that he supports the area south of Prospect being reserved for custom-built homes to create a bright future for the residents of Warren Township.

Gerri Whitaker, homeowner in Staple Chase, stated that her family has worked hard and saved their money to purchase a custom-designed home. She added that they looked for a year and a half for a custom home in Warren Township and almost moved out of the County because such homes were not available in the township. She said that this property should be reserved to promote a development that lends more housing diversity to the township.

Frank Hancock, homeowner, business owner, and school board member in Warren Township, stated that the community does not want this development, and these homes would create more of an imbalance in housing possibilities for the township. He stated that families are leaving the township, and even the County, in order to find the type of homes they are looking for. He asked the Council to defeat this project in order to create a vision for the future in Warren Township.

Dick Clark, former Councillor and resident of Warren Township, stated that the community worked hard to finalize a comprehensive plan for the neighborhood, and this development will compromise that plan. He stated that all the starter and mass production homes generate a lot of children, and these homes greatly impact the tax base and school overcrowding. He stated that Warren needs more homes that will not generate a lot of children or are upscale enough that their tax returns will compensate for the increased burden on the school system. He stated that to get these types of homes residents are having to move to Hamilton or Johnson County, which further hurts the township. He stated that the residents attracted by more upscale homes not only help the tax base, but are usually the kind of residents who are successful in contributing to the community in a more meaningful way.

Mr. Mears stated that he is concerned by the thought that people who live in \$120,000 homes cannot contribute anything meaningful to their community, and that he lives in a neighborhood with homes under \$150,000, and his community is a successful, thriving community. He stated that these homes are not starter or pre-fabricated homes, and the developer has a history of building superior quality homes. He stated that this is the most excellent transitional development that can be offered to this area.

Councillor Massie stated that he is always concerned when confronted with a developer who holds the neighbors views in contempt, and that no attorney or developer should tell a neighborhood the best use for property in their community. He stated that he is in support of the remonstrators.

Councillor O'Dell stated that these neighbors have chosen Warren Township as their home and have a vision for the future of their community. He stated that Warren Township is becoming transitional for people moving outside of the County, and there is a real need for upscale housing to keep citizens from leaving Marion County. He asked Council members to vote in support of the remonstrators.

Councillor Black asked what price homes the community would find acceptable on this property. Mr. Clark stated that the community would like homes similar to the last five developments which have taken place in that area, homes that will yield a greater tax than the education costs incurred by new housing opportunities, in the range of \$250,000 to \$500,000 homes. Councillor O'Dell stated that for every home that is built and the tax that is collected, the tax subsidy is in excess of \$4,000 per child because of the cost of education.

The President reminded the Councillors that under Council rules the vote is to sustain the Commission's approval to rezone this property. To reject the petition will take 18 no votes. The Commission's decision was rejected, and Proposal No. 572, 1998 failed by the following roll call vote; viz:

3 YEAS: Golc, Moriarty Adams, Williams

24 NAYS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford

2 ABSENT: Gilmer, Smith

PROPOSAL NO. 555, 1998. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$500,000 in the 1998 Budgets of the County Auditor and the County Sheriff (State and Federal Grants Fund) to continue funding 15 road deputies for the second year of the Law Enforcement Assistant Grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 556, 1998. The proposal corrects the funding allocations within Fiscal Ordinance No. 109, 1998, by increasing the 1998 Budgets of the Community Corrections Agency (\$94,681) and the County Sheriff (\$179,319) (County Corrections Fund) and by decreasing the 1998 Budget of the Marion County Justice Agency (\$274,000) (County Corrections Fund). PROPOSAL NO. 557, 1998. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$8,330 in the 1998 Budget of the Prosecutor's Child Support IV-D (County Grants Fund) to develop a project for the Partners for Fragile Families Demonstration Project funded by a grant from the Ford Foundation. PROPOSAL NO. 558, 1998. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$200,000 in the 1998 Budgets of the County Auditor, Prosecuting Attorney, Public Defender Agency, Marion County Superior Court, and the Clerk of the Circuit Court (State and Federal Grants Fund) to fund a community court financed by a grant from the U.S. Department of Justice. PROPOSAL NO. 559, 1998. The proposal approves an increase of \$15,000 in the 1998 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to pay for overtime for Probation Officers conducting "Probation Sweeps" in local Weed and Seed areas funded by a grant from the Bureau of Alcohol, Tobacco and Firearms through the U.S. Marshall's Office. Councillor Dowden moved, seconded by Councillor Talley, to postpone Proposal Nos. 555-559, 1998 until September 28, 1998. Proposal Nos. 555-559, 1998 were postponed by a unanimous voice vote.

PROPOSAL NO. 560, 1998. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 560, 1998 on September 2, 1998. The proposal, sponsored by Councillors Borst and Talley, approves an increase of \$250,000 in the 1998 Budget of the Forensic Services Agency (County General Fund) to continue laboratory operations for the remainder of 1998 funded by an appropriation from the City. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:56 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 560, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams
0 NAYS:
3 NOT VOTING: Borst, Franklin, Golc
2 ABSENT: Gilmer, Smith

Proposal No. 560, 1998 was retitled FISCAL ORDINANCE NO. 117, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Two Hundred Fifty Thousand Dollars (\$250,000) in the County General Fund for purposes of the Forensic Services Agency 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 (x) City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to continue laboratory operations for the remainder of 1998.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) 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>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	100,000
3. Other Services and Charges	60,000
4. Capital Outlay	<u>90,000</u>
TOTAL INCREASE	250,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>250,000</u>
TOTAL REDUCTION	250,000

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

PROPOSAL NO. 561, 1998. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 561, 1998 on September 2, 1998. The proposal approves an increase of \$253,000 in the 1998 Budget of the Department of Public Safety, Emergency Management Planning Division (City Cumulative Capital Development Fund) to install 11 new warning sirens financed by a transfer from the Department of Public Safety, Fire Division (City Cumulative Capital Development Fund). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:00 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 561, 1998 was adopted on the following roll call vote; viz:

25 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Borst, Franklin

2 ABSENT: Gilmer, Smith

Proposal No. 561, 1998 was retitled FISCAL ORDINANCE NO. 118, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Two Hundred Fifty-three Thousand Dollars (\$253,000) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Emergency Management Planning Division, and reducing certain other appropriations for Department of Public Safety, Fire Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.01(m) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Planning Division, to install eleven new warning sirens.

SECTION 2. The sum of Two Hundred Fifty-three Thousand Dollars (\$253,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>EMERGENCY MANAGEMENT PLANNING DIVISION</u>	<u>CITY CUMULATIVE</u> <u>CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>253,000</u>
TOTAL INCREASE	253,000

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

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>FIRE DIVISION</u>	<u>CITY CUMULATIVE</u> <u>CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>253,000</u>
TOTAL DECREASE	253,000

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

PROPOSAL NO. 563, 1998. In Councillor Gilmer's absence, Councillor O'Dell reported that the Capital Asset Management Committee heard Proposal No. 561, 1998 on September 9, 1998. The proposal approves an increase of \$1,000,000 in the 1998 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund) to fund the City's match on Federal Aided Transportation projects financed by fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:02 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Hinkle, for adoption. Proposal No. 563, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford
0 NAYS:
3 NOT VOTING: Borst, Franklin, Williams
2 ABSENT: Gilmer, Smith

Proposal No. 563, 1998 was retitled FISCAL ORDINANCE NO. 119, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Million Dollars (\$1,000,000) in the Transportation General Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(1) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to fund the City's match on Federal Aided Transportation projects.

SECTION 2. The sum of One Million Dollars (\$1,000,000) 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>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	<u>1,000,000</u>
TOTAL INCREASE	1,000,000

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>1,000,000</u>
TOTAL REDUCTION	1,000,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 410, 1998. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 410, 1998 on July 7, 1998. On July 20, 1998, the Council returned Proposal No. 410, 1998 to Committee, where it was again heard on September 1, 1998. The proposal approves a transfer of \$572,170 in the 1998 Budget of the Department of Administration, Indianapolis Fleet Services Division (Consolidated County Fund) to cover 1997 building rent, a consultant contract administrator, an upgrade to the fleet management system for Year 2000 compliance, and other shortages in Character 3. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 410, 1998 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Franklin

2 ABSENT: Gilmer, Smith

Proposal No. 410, 1998 was retitled FISCAL ORDINANCE NO. 120, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Five Hundred Seventy-two Thousand One Hundred Seventy Dollars (\$572,170) in the Consolidated County Fund for purposes of the Department of Administration, Indianapolis Fleet Service Division, and reducing certain other appropriations for that agency.

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(I) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Indianapolis Fleet Service Division to cover 1997 Building Rent, a Consultant Contract Administrator, an upgrade to the fleet management system for year 2000 compliance, and other shortages in Character 3.

SECTION 2. The sum of Five Hundred Seventy-two Thousand One Hundred Seventy Dollars (\$572,170) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u>	
<u>INDIANAPOLIS FLEET SERVICE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	572,170
TOTAL INCREASE	572,170

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

<u>DEPARTMENT OF ADMINISTRATION</u>	
<u>INDIANAPOLIS FLEET SERVICE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	<u>572,170</u>
TOTAL DECREASE	572,170

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

PROPOSAL NO. 553, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 553, 1998 on September 2, 1998. The proposal approves certain public purpose grants for support of the arts. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Massie stated that he will abstain from voting on Proposal No. 553, 1998 to avoid the appearance of a conflict of interest.

Councillor Shambaugh moved, seconded by Councillor Williams, for adoption. Proposal No. 553, 1998 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coughenour, Curry, Golc, Gray, Jones, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams
0 NAYS:
6 NOT VOTING: Bradford, Coonrod, Dowden, Franklin, Hinkle, Massie
2 ABSENT: Gilmer, Smith

Proposal No. 553, 1998 was retitled GENERAL RESOLUTION NO. 11, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 1998

A GENERAL RESOLUTION approving certain public purpose grants for support of the arts.

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

SECTION 1. The following grants and administrative expenses totaling Seven Hundred Fifty Thousand Dollars (\$750,000) approved by General Resolution No. 6, 1998, of the Board of Parks and Recreation for support of the arts are approved for the following organizations:

<u>1998 General Operating Support Grants</u>	<u>Amounts</u>
American Pianists Association	\$ 5,500
Arts Indiana	9,000
At-Your-School Child Services	1,000
Ballet Internationale	16,000
Cathedral Arts	11,500
The Children's Museum of Indianapolis	119,500
Clowes Memorial Hall	3,400
Crossroads Performing Arts	1,700
Dance Kaleidoscope	8,000
Edyvean Repertory Theatre	8,900
Eiteljorg Museum of American Indians and Western Art	39,500
Ensemble Music Society	1,400
Festival Music Society of Indiana	1,300
Freetown Village	3,700
Heart Rays	1,500

<u>1998 General Operating Support Grants</u>	<u>Amounts</u>
Hoosier Salon Patrons Association & Gallery	1,500
Indiana Repertory Theatre	39,800
Indianapolis Art Center	16,000
Indianapolis Arts Chorale	1,200
Indianapolis Chamber Orchestra	7,300
Indianapolis Children's Choir	9,000
Indianapolis Civic Theatre	13,500
Indianapolis Museum of Art	118,500
Indianapolis Opera	16,500
Indianapolis Symphonic Band	1,000
Indianapolis Symphonic Choir	4,200
Indianapolis Symphony Orchestra	136,300
Madame Walker Theatre Center	18,000
National Children's Film Festival	2,000
New World Chamber Orchestra	2,300
Philharmonic Orchestra of Indianapolis	2,000
The Phoenix Theatre	6,500
Stories, Inc.	2,500
Susurrus	1,200
Theatre on the Square	3,300
Very Special Arts of Indiana	9,500
Urban Arts Consortium	1,200
Writers' Center of Indianapolis	2,900
Young Audiences of Indiana	11,000
WFYI Teleplex	<u>19,900</u>
Total	\$679,000

<u>1998 Mini-Grants</u>	
Beech Grove Education Foundation	\$ 375
Catholic Social Services Adult Day Care	375
Courage Family Life Center	375
Earth Music Center of Indianapolis, Inc.	375
Families with Children from China, Indiana	375
Footlite Musicals, Inc.	625
Forest Glen International Elementary School	375
Indiana Irish Cultural Society	375
International School of Indiana	750
IUPUI Polis Center	750
Jewish Community Center of Indianapolis	375
The Julian Center	750
Pleasant Run, Inc.	375
St. Vincent New Hope	375
White River Sound, Sweet Adelines International	<u>375</u>
Total	\$7,000

<u>Budget for Distribution of 1998 City Arts Funding</u>	
Grants I and II, adjudicated in June	\$635,000
Grants III and IV, adjudicated June and August	44,000
Mini-Grants, adjudicated in August	7,000
New Arts Initiatives: Arts Education Programs	7,000
Adjudication and panelists costs	12,000
Administration and audit costs	<u>45,000</u>
Total amount of 1998 budget through Indy Parks	\$750,000

SECTION 2. This resolution is adopted in satisfaction of the requirements of the Annual Budget for 1998 .

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

Councillor O'Dell reported that the Capital Asset Management Committee heard Proposal Nos. 564, 474, 533, 539, and 565-569, 1998 on September 9, 1998.

PROPOSAL NO. 564, 1998. The proposal, sponsored by Councillor Gilmer, approves the purchase of a temporary and a permanent sanitary sewer easement for a project in the vicinity of Stop 11 Road and I-65. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Hinkle, for adoption. Proposal No. 564, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

3 NOT VOTING: Coughenour, Dowden, Schneider

2 ABSENT: Gilmer, Smith

Proposal No. 564, 1998 was retitled GENERAL RESOLUTION NO. 12, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1998

A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase a temporary and a permanent easement on a particular parcel of real estate located in Marion County, which easement descriptions are described in Exhibit "A", which is attached hereto and incorporated herein ("Real Estate"), for a sanitary sewer project; in the vicinity of Stop 11 Road and I-65; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; now, therefore:

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

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate.

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

EXHIBIT A

WATER S. HARMON REVOCABLE TRUST
PERPETUAL SANITARY SEWER EASEMENT
PARCEL #3

A part of the Southwest Quarter of Section 15, Township 14 North, Range 4 East, Marion County, Indiana, described as follows:

Commencing at the southeast corner of said Quarter; thence North 01 degree 30 minutes 24 seconds East 69.54 feet along the east line of said Quarter to the northerly boundary of Stop 11 Road; thence North 85 degrees 16 minutes 56 seconds West 154.50 feet along said boundary to the point of beginning; thence North 85 degrees 16 minutes 56 seconds West 35.10 feet along said boundary to the northeasterly boundary of I-65; thence along said boundary 1,286.19 feet along a non-tangent curve to the left having a radius of 2,994.79 feet and subtended by a chord having a bearing of North 11 degrees 54 minutes 26 seconds West and a length of 1,276.33 feet to the west line of the grantor's land; thence North 01 degree 30 minutes 24 seconds East 78.74 feet along said line; thence parallel with said boundary 1,374.82 feet along a non-tangent curve to the right having a radius of 3,029.79 feet and subtended by a chord having a bearing of South 12 degrees 33 minutes 11 seconds East and a length of 1,363.06 feet to the point of beginning and containing 1.069 acres, more or less.

WATER S. HARMON REVOCABLE TRUST
TEMPORARY CONSTRUCTION EASEMENT
PARCEL #3A

A part of the Southwest Quarter of Section 15, Township 14 North, Range 4 East, Marion County, Indiana, described as follows:

Commencing at the southeast corner of said Quarter; thence North 01 degree 30 minutes 24 seconds East 69.54 feet along the east line of said Quarter to the northerly boundary of Stop 11 Road; thence North 85 degrees 16 minutes 56 seconds West 139.46 feet along said boundary to the point of beginning; thence North 85 degrees 16 minutes 56 seconds West 15.04 feet along said boundary; thence parallel with the northeasterly boundary of I-65 1,374.82 feet along a non-tangent curve to the left having a radius 3,029.79 feet and subtended by a chord having a bearing of North 12 degrees 33 minutes 11 seconds West and a length of 1,363.06 feet to the west line of the grantor's land; thence North 01 degree 30 minutes 24 seconds East 32.67 feet along said line; thence parallel with said boundary 1,411.84 feet along a non-tangent curve to the right having a radius of 3,044.79 feet and subtended by a chord having a bearing of South 12 degrees 48 minutes 59 seconds East and a length of 1,399.22 feet to the point of beginning and containing 0.480 acres, more or less.

Councillor O'Dell asked for consent to vote on Proposal Nos. 474, 533, 539, and 565-569, 1998 together. Consent was given.

PROPOSAL NO. 474, 1998. The proposal, sponsored by Councillor Hinkle, authorizes a traffic signal at 21st Street and High School Road (District 18). PROPOSAL NO. 533, 1998. The proposal, sponsored by Councillor O'Dell, authorizes the reduction in the speed limit on Green Rock Lane from Southeastern Avenue to Southeastern Avenue (District 13). PROPOSAL NO. 539, 1998. The proposal, sponsored by Councillor Williams, authorizes a multi-way stop at Parker Avenue and 17th Street (District 22). PROPOSAL NO. 565, 1998. The proposal, sponsored by Councillor Smith, authorizes a traffic signal at Arlington Avenue and Churchman By-Pass (District 23). PROPOSAL NO. 566, 1998. The proposal, sponsored by Councillor Borst, authorizes a multi-way stop for Bitter Bark Lane and Culpeper Drive (District 25). PROPOSAL NO. 567, 1998. The proposal, sponsored by Councillor Jones, authorizes a multi-way stop for 12th Street and Temple Avenue (District 10). PROPOSAL NO. 568, 1998. The proposal, sponsored by Councillor Black, authorizes a multi-way stop for 37th Street and Kenwood Avenue (District 6). PROPOSAL NO. 569, 1998. The proposal, sponsored by Councillor Black, authorizes a multi-way stop for 37th Street and Ruckle Street (District 6). By 7-0 votes, the Committee reported Proposal No. 474, 1998 to the Council with the recommendation that it do pass as amended and Proposal Nos. 533, 539, and 565-569, 1998 to the Council with the recommendation that they do pass. Councillor O'Dell moved, seconded by Councillor Black, for adoption. Proposal No. 474, 1998, as amended, and Proposal Nos. 533, 539, and 565-569, 1998 were adopted on the following roll call vote; viz:

September 14, 1998

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Dowden

2 ABSENT: Gilmer, Smith

Proposal No. 474, 1998 was retitled GENERAL ORDINANCE NO. 127, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 127, 1998

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>
23	21st St, High School Rd	21st	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>
23	21st St, High School Rd		Signal

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

Proposal No. 533, 1998 was retitled GENERAL ORDINANCE NO. 128, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 128, 1998

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

Green Rock Lane,
from Southeastern Avenue to Southeastern Avenue

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

Proposal No. 539, 1998 was retitled GENERAL ORDINANCE NO. 129, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 129, 1998

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	Parker Av, 17th St	Parker 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	Parker Av, 17th 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. 565, 1998 was retitled GENERAL ORDINANCE NO. 130, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 130, 1998

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	Arlington Av, Churchman By-Pass	Arlington 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>
40	Arlington Av, Churchman By-Pass	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. 566, 1998 was retitled GENERAL ORDINANCE NO. 131, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 131, 1998

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>
46	Bitter Bark Ln, Culpeper Dr	Culpeper Dr	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>
46	Bitter Bark Ln, Culpeper Dr	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. 567, 1998 was retitled GENERAL ORDINANCE NO. 132, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 132, 1998

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	12th St, Temple Av	Temple 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	12th St, Temple 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. 568, 1998 was retitled GENERAL ORDINANCE NO. 133, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 133, 1998

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	37th St, Kenwood Av	Kenwood 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>
18	37th St, Kenwood 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. 569, 1998 was retitled GENERAL ORDINANCE NO. 134, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 134, 1998

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	37th St, Ruckle St	37th 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	37th 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.

The President convened the Police Special Service District Council.

**SPECIAL SERVICE DISTRICT COUNCILS
POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 562, 1998. The proposal approves an increase of \$259,976 in the 1998 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) for a Weed and Seed program in the West District financed by Federal Asset Sharing Funds. Councillor Dowden moved, seconded by Councillor Schneider, to postpone Proposal No. 562, 1998 until September 28, 1998. Proposal No. 562, 1998 was postponed by a unanimous voice vote.

The President reconvened the City-County Council.

NEW BUSINESS

Councillor Coonrod announced that Wayne Township Trustee Eugene Stofer is gravely ill, and asked Councillors to keep him in their thoughts.

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:

- (1) Councillors Boyd and SerVaas in memory of William McClamroch ; and
- (2) Councillor Talley in memory of Anna Boyd and Kevin Moore.

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 William McClamroch, Anna Boyd, and Kevin Moore. 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 bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:12 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 14th day of September, 1998.

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)