

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

**REGULAR MEETINGS  
MONDAY, SEPTEMBER 26, 2016**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m. on Monday, September 26, 2016, with Councillor Lewis presiding.

Councillor Johnson recognized Rev. Keith Adkins, Irvington United Methodist Church, who led the opening prayer. Councillor Johnson then invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

*23 PRESENT: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Sandlin, Simpson*  
*2 ABSENT: Osili, Scales*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor McQuillen recognized community activist Danielle Coulter. Councillor Freeman recognized those citizens from Franklin Township who would like to speak to the Indianapolis Fire Department budget. Councillor Miller recognized members of the North Square Neighborhood Association. Councillor Oliver recognized Leigh Evans, Mapleton-Fall Creek Community Development Corporation.

**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 26, 2016, 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/Maggie A. Lewis  
President, City-County Council

September 22, 2016

TO PRESIDENT LEWIS 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, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 20, 2016 - approves an additional appropriation of \$185,000 in the 2016 Budget of the Information Services Agency (Enhanced Access Fund) to cover the cost of building a Reference World Information and Simulation Environment (R-WISE) model

GENERAL ORDINANCE NO. 47, 2016 – authorizes angled parking along the west side of Senate Avenue between Michigan Street and Indiana Avenue (District 11)

GENERAL RESOLUTION NO. 8, 2016 – approves the issuance of special taxing district refunding bonds in an amount not to exceed \$58 million to provide advance refunding of the 2008 Bonds and issuance of new bonds (including funding a reserve), for the J.W. Marriott hotel project and related infrastructure, public spaces and other local public improvements, in order to realize substantial savings

GENERAL RESOLUTION NO. 9, 2016 – expresses the intent of the Consolidated City and County to issue bonds in an amount not to exceed \$75 million to reimburse prior expenditures of various City departments and County agencies with bond proceeds

GENERAL RESOLUTION NO. 10, 2016 – confirms the designation of certain real property as a high technology district area and that qualified property owned by salesforce.com, Inc. is exempt from property taxation

s/Joseph H. Hogsett, 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 Journals of September 12, 2016. There being no additions or corrections, the minutes were approved as distributed.

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

Councillor Gray reported that the Municipal Corporations Committee heard Proposal Nos. 309 and 310, 2016 on September 21, 2016. He asked for consent to vote on these proposals together. Consent was given.

September 26, 2016

PROPOSAL NO. 309, 2016. The proposal, sponsored by Councillors Lewis and Gray, reappoints Tommie Jones to the Indianapolis Public Transportation Corporation Board of Directors. PROPOSAL NO. 310, 2016. The proposal, sponsored by Councillors Lewis, Gray and Robinson, reappoints Gregory Hahn to the Indianapolis Public Transportation Corporation Board of Directors. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gray moved, seconded by Councillor Adamson, for adoption. Proposal Nos. 309 and 310, 2016 were adopted on the following roll call vote; viz:

*23 YEAS: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Sandlin, Simpson*  
*0 NAYS:*  
*2 ABSENT: Osili, Scales*

Proposal No. 309, 2016 was retitled COUNCIL RESOLUTION NO. 96, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 96, 2016

A COUNCIL RESOLUTION reappointing Tommie Jones to the Indianapolis Public Transportation Corporation Board of Directors.

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 Indianapolis Public Transportation Corporation Board of Directors, the Council reappoints:

Tommie Jones

SECTION 2. The reappointment made by this resolution is for a term ending August 5, 2020. 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. 310, 2016 was retitled COUNCIL RESOLUTION NO. 97, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 97, 2016

A COUNCIL RESOLUTION reappointing Gregory Hahn to the Indianapolis Public Transportation Corporation Board of Directors.

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 Indianapolis Public Transportation Corporation Board of Directors, the Council reappoints:

Gregory Hahn

SECTION 2. The reappointment made by this resolution is for a term ending August 5, 2020. 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. 317, 2016. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 317, 2016 on September 14, 2016. The proposal, sponsored by Councillors Robinson and Lewis, appoints Elizabeth Filipow to the Domestic Violence Fatality Review Team. By a 9-0 vote, the Committee reported the proposal to the

Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Adamson for adoption. Proposal No. 317, 2016 was adopted on the following roll call vote; viz:

*23 YEAS: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Sandlin, Simpson*  
*0 NAYS:*  
*2 ABSENT: Osili, Scales*

Proposal No. 317, 2016 was retitled COUNCIL RESOLUTION NO. 98, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 98, 2016

A COUNCIL RESOLUTION appointing Elizabeth Filipow to the Domestic Violence Fatality Review Team.

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 Domestic Violence Fatality Review Team (prosecutor), the Council appoints:

Elizabeth Filipow

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2016. 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.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 342, 2016. Introduced by Councillors Lewis and Miller. The Clerk read the proposal entitled: "A Proposal for a General Resolution which designates Pennsylvania Street, north of South Street to Maryland Street, as Mel Simon Memorial Way"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 343, 2016. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$1,737,000 in the 2016 Budget of the Marion County Community Corrections Agency (Home Detention, State Grants and Federal Grants Funds) to cover the cost of electronic monitoring services and equipment, expanded staffing and operating costs to support the increased population served by the agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 344, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dr. Henry Fernandez to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 345, 2016. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions in the University Heights Neighborhood (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 346, 2016. Introduced by Councillors Miller, Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 903 of

the Code to include pedal pubs in the regulation of pedal cabs"; and the President referred it to the Rules and Public Policy Committee.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 347, 2016 and PROPOSAL NOS. 348-349, 2016. Introduced by Councillor Osili. Proposal No. 347, 2016 and Proposal Nos. 348-349, 2016 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 16, 2016. 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. 78-80, 2016, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 78, 2016.  
2015-ZON-106  
6917 BLUFF ROAD (APPROXIMATE ADDRESS)  
PERRY TOWNSHIP, CD #22  
CCREATIONS, LLC, by David Gilman  
Rezoning of 0.90 acre from the D-A (W-5) district to the C-3 (W-5) classification to provide for fast-food restaurants, with drive-through lanes.

REZONING ORDINANCE NO. 79, 2016.  
2016-ZON-042  
2141 AND 2143 NORTH TALBOTT STREET  
CENTER TOWNSHIP, CD #11  
POWER PROPERTIES, LLC by Brent Mather  
Rezoning of 0.10 acre from CS the D-8 classification.

REZONING ORDINANCE NO. 80, 2016.  
2016-ZON-045 (AMENDED)  
1714, 1716 AND 1720 PROSPECT STREET (APPROXIMATE ADDRESS)  
CENTER TOWNSHIP, CD #21  
NORTHGATE REDEVELOPMENT GROUP, LLC, by David Kingen and Justin Kingen  
Rezoning of 0.13 acre from the C-4 district to the D-8 classification.

**SPECIAL ORDERS - PUBLIC HEARING  
COMMITTEE OF THE WHOLE COUNCIL  
PUBLIC TESTIMONY – BUDGET ORDINANCES**

The President asked the Clerk to read those budget proposals for which public testimony will be accepted this evening. The Clerk stated that public testimony will be accepted on the following: PROPOSAL NO. 288, 2016 - approves the tax levy and rate for the Police Special Service District for 2017. PROPOSAL NO. 289, 2016 - approves the tax levy and rate for the Fire Special Service District for 2017. PROPOSAL NO. 290, 2016 - approves the tax levy and rate for the Solid Waste Collection Special Service District for 2017. PROPOSAL NO. 291, 2016 - adopts the annual budget for the City of Indianapolis and Marion County for 2017. PROPOSAL NO. 311, 2016 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority and establishes appropriations for said municipal corporation for 2017. PROPOSAL NO. 312, 2016 - adopts the operating and maintenance budgets and tax levies of the Capital Improvement Board of Managers and establishes appropriations for said municipal corporation for 2017. PROPOSAL NO. 313, 2016 - adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation and establishes appropriations for said municipal corporation for 2017. PROPOSAL NO. 314, 2016 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation

(IndyGo) and establishes appropriations for said municipal corporation for 2017. PROPOSAL NO. 315, 2016 - adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library and establishes appropriations for said municipal corporation for 2017.

Pat Andrews, Marion County Alliance of Neighborhood Associations (MCANA), thanked the Controller, his staff and Council CFO Bart Brown for answering their questions. She said that MCANA continues to be outspoken about the importance of the Parks Department being a stand-alone department and feels that the effort to return parts of the Parks budget back to parks, while keeping some functions in the Department of Public Works (DPW) is not really conducive and does not go far enough to solving this problem. She added that the Indianapolis Fire Department's (IFD) maintenance budget has grown substantially, yet they are eliminating fire stations and proposing to build new ones, and the concern is that their operations budget be protected from future cuts.

Alma Trawick, MCANA, stated that the shift of the Mayor's Neighborhood Advocates to the budget of the Department of Business and Neighborhood Services (DBNS) causes concern. She said that if they now have funds to pay those salaries out of that budget because of the fees they are charging, they need to look to see if the fees are exorbitant and citizens are being charged too much for services. She said that she is also concerned about the Reuben Engagement Center. They like the rehabilitative aspect, but hopes they can protect the intended purpose and safeguard against discrimination. She asked that they work to solidify policies before these beds are opened and that they closely monitor the cost of healthcare needs so as not to harm the center's budget. She added that they believe non-work-related mileage for the Indianapolis Metropolitan Police Department (IMPD) and IFD officers with take-home vehicles should be tracked for some additional savings.

Cathy Burton, Franklin Township Civic League, stated that contrary to some people's beliefs, the IFD redeployment plan is definitely relevant to the 2017 budget, as part of a longer range plan. She said that some of these components are already being executed, such as moving personnel from stations and closing one station, along with the consolidation of headquarters. She said that there has been a lot of conversation about this administration wanting to break down silos, but with this bond issue being considered separately from the budget, when those costs are clearly inter-related, it does not seem prudent to regard these issues separately. She said that the growth of IFD's cumulative fund is not commensurate with their buildings and equipment, and it needs to be looked at more closely. She said that IFD is borrowing money to build a new station in Franklin Township, with no money and no real means to do so. She said that they should consider extending existing debt instead of issuing new debt for some of these projects.

Dan Eliason, owner of The Pickled Pedaler, said that he does not understand the proposal regarding the regulation of pedal pubs. President Lewis stated that this proposal was just introduced this evening and is not part of the discussion this evening. She asked the clerk to give Mr. Eliason information about upcoming public hearings regarding that proposal.

Donna Gaebel, Fountain Square resident, stated that this is the same old political, social business network taking place that serves insiders and excludes neighbors. She said that their community is losing their library, and she wants the administration to stop telling them to find a site; as that is the Council's job to represent the interests of their constituents. She said that they will not accept the wall of silence and political playground for insiders, with a library chief executive officer receiving a big salary, but saying there is no money to keep a neighborhood resource open. She said that this library is an intellectual sanctuary and a lifeline to a lot of people who already face

hard challenges in this neighborhood. She said that the Council needs to urge the library to focus valuable resources where the need is the greatest.

Caitlyn Stypa, Fountain Square resident, said that she was delighted to move into the Fountain Square neighborhood, but it seems of late, it is becoming more friendly to outsiders than those who live there. With the closure of the youth center and the imminent close of the library, there is no longer any safe place for kids to go for help with homework or to enhance their minds. She said that she can find every kind of beer or liquor she could ever want within walking distance of her house, yet the amenities the neighbors want are being taken away, and they are being told to use Garfield Library or the Central Library. She said that she has available transportation, but all of her neighbors do not. She said that the Garfield Library is one and a half miles away, along a route that is unsafe for walking. She said that most kids in her neighborhood do not have bikes, and it would cost two adults and two children \$10 to ride the bus to that location. She said that their local library is always full with people who need it, including people with no access to computers at home. She said that the gap between the poor and the middle class continues to widen, and she urged the Council to oppose the closing of the Fountain Square library.

Danielle Coulter, Franklin Township resident, said that the IFD redeployment plan and the proposed fire station closures are not only a budget issue, but also a public safety issue. She said that a recent house fire for one of her neighbors was responded to quickly and the fire was contained from spreading to surrounding residences. She said that they should not be depleting necessary resources, and they need to insure proper coverage for all residents and communities. She asked the Council to consider these closures seriously and not make rash decisions, but instead seek input from the Franklin Township residents who will be affected.

Jordan Ryan, North Square Neighborhood Association, said that they oppose the closure of the Fountain Square library. She said that Southeast Neighborhood Development (SEND) did not advocate for them, and providing a computer lab with a book drop-off is not a library. She said that the residents have been ignored by the Library board and foundation, as well as the Hogsett administration. She thanked Councillor Evans for listening to their concerns. She said that their neighborhood ranks highest in the poverty rate and fourth in unemployment, and they need this neighborhood resource. She asked why the Public Library is taking on new branches when they cannot support the ones they already have. She said that more transparency is needed from the library with the public.

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

PROPOSAL NO. 170, 2016. In Councillor Osili's absence, Councillor Evans reported that the Metropolitan and Economic Development Committee heard Proposal No. 170, 2016 on several occasions from April 25 to September 19, 2016. The proposal, sponsored by Councillor Oliver, amends Special Resolution No. 64, 2015, which is an inducement resolution for the issuance of economic development revenue bonds in a redevelopment allocation area, which is now a co-development of Mapleton-Fall Creek Development Corporation and Merchants Affordable Housing Corp in an amount not to exceed \$17,000,000 to provide a portion of the cost for acquisition, construction and equipping of a new multi-housing facility consisting of 114 residential units for low and moderate-income families and individuals located at 507 East 29th Street (District 9). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked who Merchants Affordable Housing Corporation is, and if they are from Marion County. Leigh Evans, Mapleton Fall Creek Community Development Corporation, stated

that they are located in Hamilton County and have many properties throughout Marion County, including several in the Mapleton Fall Creek Neighborhood. Councillor Gray asked if they cannot pay the money back if there are clawbacks. Bart Brown, Council Chief Financial Officer, said that there are standard clawbacks, and they will come back for authorization to issue the actual bonds, but the bonds will be supported by increment and backed by the developer, and there is no obligation to the City.

Councillor Oliver said that this neighborhood desperately needs this development, and he encouraged his colleagues to support it.

Councillor Pfisterer said that this tax increment financing (TIF) district was established a long time ago, and she asked if there is still a balance. Ms. Evans said that this is the Midtown TIF, and it was actually created in 2013. Councillor Pfisterer asked if there are other projects in the TIF that will be affected. Mr. Brown stated that this TIF is not yet receiving any increment. For this proposal, they are going to make sure that the development will generate enough increment to pay the debt service, and they will only allow 75% of the increment to be available for debt service payments and the developer will be on the hook for the rest. Councillor Pfisterer asked if this will only include new development. Mr. Brown said that these particular parcels will be listed, so that it is essentially a TIF within a TIF. Councillor Pfisterer asked if they will then not go outside of the development being proposed. Mr. Brown said that is correct.

Councillor Simpson thanked all of those who worked hard to make this happen and said that it will be a wonderful addition for that neighborhood, and he urged his colleagues to support the proposal.

Councillor Sandlin echoed Councillor Simpson's comments and said that this has been one of the most successful redevelopment areas in the inner city. Even though it has been somewhat slow, it is very measured and successful. He said that with regard to the Merchants Affordable Housing Corporation, he believes they have supported other projects in this neighborhood. Ms. Evans said that this is correct, and they have over 1,200 units in Marion County.

Councillor Adamson encouraged his colleagues to support the proposal, and said that 75% of what this development will create is allowed in TIF dollars.

Councillor Evans moved, seconded by Councillor Oliver, for adoption. Proposal No. 170, 2016 was adopted on the following roll call vote; viz:

*23 YEAS: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Sandlin, Simpson*  
*0 NAYS:*  
*2 ABSENT: Osili, Scales*

Proposal No. 170, 2016 was retitled SPECIAL RESOLUTION NO. 35, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 35, 2016

A SPECIAL RESOLUTION amending City-County Council Special Resolution No. 64, 2015 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development revenue bonds.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and



*September 26, 2016*

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the "City"), is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, at the time City-County Special Resolution No. 64, 2015 was adopted by the Council, Black & White Investments, LLC was anticipated to be a co-developer together with Mapleton-Fall Creek Development Corporation; and

WHEREAS, Merchants Affordable Housing Corp. will take the place of Black & White Investments, LLC as a co-developer together with Mapleton-Fall Creek Development Corporation; and

WHEREAS, Mapleton-Fall Creek Development Corporation and Merchants Affordable Housing Corp., one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the "Company"), in cooperation with the City, desires to finance certain projects, additions or improvements within the City, including all or any portion of the acquisition, construction and equipping of a multifamily housing facility consisting of 114 apartment units, together with functionally related and subordinate facilities for low and moderate income individuals and families, to be located at 507 East 29<sup>th</sup> Street, in Indianapolis, Indiana (the "Project") in Council District 9 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"); and

WHEREAS, the Project is, or will be, located in or physically connected to an allocation area, known as the North Midtown Economic Development Area Allocation Area (the "Allocation Area"), previously created by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City (the "Metropolitan Development Commission"); and

WHEREAS, the Company has advised the Indianapolis Economic Development Commission (the "Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Indianapolis, Indiana, revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds") and that it is necessary to increase the anticipated not to exceed aggregate principal amount of the Bonds from Twelve Million Dollars (\$12,000,000) to Seventeen Million Dollars (\$17,000,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, the creation of affordable housing in the City, and will be of public benefit to the health safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 3 new full-time equivalent jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in Indianapolis, Indiana; and

WHEREAS, the Commission approved a report (the "EDC Report") and adopted an inducement resolution on October 21, 2015 which was amended by its amended inducement resolution adopted on April 20, 2016 (collectively, the "EDC Inducement Resolution") which EDC Report and EDC Inducement Resolution have been forwarded by the Commission to this City-County Council making findings that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, and that the Project will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, based upon the EDC Report and the EDC Inducement Resolution, this City-County Council hereby finds and determines that the funding preliminarily approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate combined principal amount not to exceed Seventeen Million Dollars (\$17,000,000); and

WHEREAS, this City-County Council desires to declare its intent to reimburse the costs of the Project pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c) now, therefore:

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

SECTION 1. After considering the evidence presented and findings of fact set forth in the EDC Report, this City-County Council reaffirms its previous findings contained in its Special Resolution No. 64, 2015 that it finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near Marion County, Indiana. The findings of fact set forth in the EDC Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on October 21, 2015 and April 20, 2016 that the proceeds of the Bonds will be used for the Project and costs of issuance for the Bonds.

SECTION 2. This City-County Council hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount not to exceed \$17,000,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, construction and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, this City-County Council hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that (a) all of the foregoing shall be mutually acceptable to the City and the Company and (b) subject to the further caveat that this inducement resolution expires on March 31, 2017, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this City-County Council of the City prior to the aforesaid date or unless, upon a showing of good cause by the Applicant or the Company, the City, by official action, extends the term of the inducement resolution; and (ii) it will adopt such 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 the inducement resolution is still in effect; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, construction and equipping, underwriting expenses, attorney and bond counsel fees, and acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. This resolution shall constitute "official action" for purposes of compliance

*September 26, 2016*

pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c) requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

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

PROPOSAL NO. 194, 2016. Councillor Johnson reported that the Rules and Public Policy Committee heard Proposal No. 194, 2016 on September 20, 2016. The proposal, sponsored by Councillor Adamson, approves and confirms an agreement for a franchise for an electric vehicle sharing and charging service granted by the City to BlueIndy, LLC. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Adamson said that this proposal passed out of both the Rules and Public Policy Committee and the Public Works Committee unanimously. He said that this represents months of work, and he feels it is something they can be proud of. He said that the company agreed to three main stipulations with this agreement: 1) the moving of five stations; 2) a \$45,000 annual fee; and 3) notice to the Council and neighbors regarding new sites. He said that without this agreement, they would not have these items, and this represents a great deal of concessions in favor of the City.

Councillor Simpson said that the initial BlueIndy agreement with the Ballard Administration was not legal. BlueIndy received 1,000 parking spaces at no charge, and this was an insult to the neighbors, as some had no right to park in front of their own home because of BlueIndy stations. He said that BlueIndy was not required to pay any fees for permits or licenses and former Mayor Gregory Ballard agreed to a payment of \$6 million without consent of the Council, which is also insulting, as they do not have \$6 million to give away. He said that a \$45,000 fee is nothing, and they have been in place for two years, but there has been no discussion about them paying that fee for those prior years. He said that this has had a negative effect on the neighborhoods and businesses. This is a for-profit business, and taxpayers should not have to give up their rights-of-way and foot the bill for a for-profit company. He said that he cannot support this proposal.

Councillor Miller said that he does not disagree with many of Councillor Simpson's comments about the way this was implemented, but he would like to see this proposal move forward. He thanked Councillor Adamson for all his hard work and spending so much time on this. He said that he has been a fan of car sharing from the beginning, but was not a fan of how this originally happened. His only remaining concern is where this \$45,000 annual fee will end up. One reason for the fee is the lost revenues in parking meters, and he believes it should go into the parking meter fund to be used for infrastructure in and around these parking meter areas. He said that he fears it will evaporate into the General Fund, and he urged the administration to insure that it is spent as intended.

Councillor Jackson said that she appreciates the work Councillor Adamson has done on this issue, but this is a travesty, and this deal was illegal from the start, and someone should have gone to jail for it. She said that they need to stop taking taxpayers' money to fund projects and initiatives of friends and family. She said that this needs to stop, and BlueIndy knew this deal was not right for taxpayers when they entered into it.

Councillor Freeman said that there is a long record of his opposition to BlueIndy and the process that took place to get into this agreement. He said that Councillor Simpson brings up some very valid points. He said that the parking meter deal is a long-term deal, and every parking space they take away costs this Council money. He said that he hopes no one actually considers

\$45,000 a grand gesture for the number of parking spaces being taken out of the system and the money the City will end up paying. He said that it is not a great deal, and although he appreciates the effort, this simply cannot be the best they can do. He said if BlueIndy wanted to put these stations in Target or Kroger parking lots, he would be fine with that; but using the public right-of-way in this manner will cost the City money, and he cannot support this proposal.

Councillor Fanning said that she was not a member of the Council when this deal began, so she cannot look back, but she sees no reason at this point to vote in opposition. She said that to vote no would mean they would be stuck with the same deal they have now. She agrees it could be much improved and is not the perfect answer, but it goes in the right direction. She said that many are upset about the placement of some of these parking stations in her district, and these new concessions provide a public forum for input in the placement of stations.

Councillor Ray said that his full-time employer aids in the installation of BlueIndy sites, and he asked for consent to abstain from voting to avoid the appearance of a conflict of interest. Consent was given.

Councillor Johnson moved, seconded by Councillor Adamson, for adoption. Proposal No. 194, 2016 was adopted on the following roll call vote; viz:

*17 YEAS: Adamson, Clay, Coats, Cordi, Evans, Fanning, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Robinson*  
*5 NAYS: Freeman, Gray, Holliday, Sandlin, Simpson*  
*1 NOT VOTING: Ray*  
*2 ABSENT: Osili, Scales*

Proposal No. 194, 2016 was retitled SPECIAL ORDINANCE NO. 4, 2016, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2016

PROPOSAL FOR A SPECIAL ORDINANCE approving and confirming an agreement for a franchise for an electric vehicle sharing and charging service granted by the Consolidated City of Indianapolis, Indiana, to BlueIndy, LLC.

WHEREAS, Division 2 of Article II of Chapter 645 of the Revised Code of the Consolidated City and County establishes procedures for the granting of franchises for privately-owned facilities to occupy the public rights-of-way; and

WHEREAS, BlueIndy, LLC filed an application for an electric vehicle sharing and charging service franchise with the Department of Public Works pursuant to Sec. 645-222 of the Code; and

WHEREAS, based upon its review of the franchise application, the Department of Public Works filed with the Clerk of the Council its recommendation that a franchise should be granted; and

WHEREAS, the Council's Public Works Committee held a public hearing on September 8, 2016, and found that a franchise should be granted to BlueIndy, LLC, subject to certain conditions; and

WHEREAS, the Council's Rules and Public Policy Committee met on September 20, 2016, and approved the negotiated franchise contract; and

WHEREAS, such franchise contract is submitted by such Committees herewith for action by the Council; now, therefore:

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

SECTION 1. The City-County Council hereby approves and confirms the granting of a franchise for an Electric Vehicle Sharing and Charging Service to BlueIndy, LLC as set forth in an Electric Vehicle Sharing and Charging Service Franchise

*September 26, 2016*

Agreement, a copy of which agreement is submitted herewith and shall be filed in the City-County Council's permanent records of this ordinance and be available for public inspection.

SECTION 2. The City-County Council authorizes the Mayor and Director of the Department of Public Works to execute this franchise agreement on behalf of the Consolidated City of Indianapolis.

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

PROPOSAL NO. 308, 2016. In Councillor Osili's absence, Councillor Evans reported that the Metropolitan and Economic Development Committee heard Proposal No. 308, 2016 on September 19, 2016. The proposal, sponsored by Councillor Evans, approves the statement of benefits of Federal Express Corporation, an applicant for tax abatement for property located in an economic revitalization area. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Jackson said that she knows there are state guidelines that govern tax abatements, but she feels they should be tracking the level of jobs on these projects going to folks outside of Marion County. She said that she wants to go on record that there needs to be tracking of the percentage of employees who are Marion County residents, as well as the level of pay for those inside the County line, versus those outside. She said as the fiduciary body, the Council is held accountable to report these kind of statistics to the taxpayer, and they need to stop using taxpayer dollars as a slush fund and be more accountable and get information like this going forward.

Councillor McQuillen said that he supports this project, but he asked if any of this transaction could be classified as a slush fund, as Councillor Jackson suggested. Fred Biesecker, General Counsel to the Council, stated that it is not a slush fund and it is personal property abatement, not real property abatement. He said that the company will realize a savings, but they are adding value to the tax base, and paying property taxes both during and after the abatement period.

Councillor Fanning said that she supports this proposal, and that with this project, Indianapolis will now house the second largest FedEx hub in the world, which is an incredible thing for this City. She said that FedEx is also an excellent corporate partner and they encourage their employees to become involved and give back to the community, so she sees this as a big win for the City.

Councillor Evans said that FedEx provides significant wages and offers full-time health benefits for part-time positions, as well as tuition reimbursement. He said they are proud to have such a corporate partner on the west side. He said that they are not giving them any tax dollars, but they are simply not taxing their investment of new equipment because they want them to create new jobs and spur economic development. He said that this is also an 8-year abatement, as opposed to the typical 10-year abatement.

Councillor Clay said that these tax abatements may not be considered a slush fund, but as the Council grants incentives as they are able as a legislative body, they need to do so with caution, insuring that they are incentivizing good corporate citizens who are willing to partner with the community and its citizens.

Councillor Adamson said that he also shares concerns about Marion County hires, and they routinely discuss that issue with those who come before the committee for abatements of any kind. He said that they also helped to develop a questionnaire for these entities regarding current county employees and projected county employees, and he can share that form with Councillor Jackson.

Councillor Coats stated that the Airport Authority makes a majority of its revenue through landing fees. He asked if they expect any additional revenue because of this. Councillor Evans said that in an off-record conversation, they indicated there would be no changes to landing fees. Councillor Coats said that the develop will surely create an increase in traffic, however, and asked if they know how much more income could come from that increased traffic. Mr. Brown said that he asked that question, and they did indicate there would be increased revenue due to increased traffic, but it is too early to give an estimate. They did promise to let the Council know, once that can be determined.

Councillor Oliver said that Marion County taxpayers are ponying up dollars for outsiders who commute into the county to work on developments. He asked if there is a commitment to hire Marion County employees. Councillor Adamson said that they always ask this question in committee when considering tax abatements, and the questionnaire includes the number of current employees from Marion County and projections. He said that on this one, their numbers are substantially higher than average, which means more income taxes will be earned and paid here in Marion County.

Todd Cook, DevelopIndy, said that they have worked closely with FedEx on this project, and their existing employees are 70% Marion County residents, and they believe the new jobs will be in that same ballpark, which is a significantly large number.

Councillor Sandlin said that he appreciates that Councillor Jackson is outspoken and hits on important issues. He said that this Council may need to take a look at how members inform their constituents about these benefits. He said that the committee heard about the economic impact and growth of jobs in the community, but they also heard about happy employees with tuition reimbursement and great healthcare benefits. He said that he believes this is a win for Indianapolis, but he does think the Council needs to think formally about how constituents are informed about such types of projects.

Councillor McHenry said that FedEx partners with many job fairs around the county, and 70% seems like a great percentage, especially given the fact that they are right on the Marion County/Hendricks County line. She said that this Council needs to push at the state for a commuter tax, so that those who come into this city every day, using Marion County infrastructure, can help pay into that.

Councillor Fanning asked to be added as a co-sponsor on this proposal.

Councillor Jackson clarified that she was not implying this was a slush fund, as she supports this proposal, but they have used some of these abatement processes in the past like a slush fund, and they need to put some of these things on paper and need to be held accountable and know how to answer their constituents.

Councillor Miller said that the questionnaire Councillor Adamson referred to needs to be forwarded to all Council members. He said that it also includes wage rates along with residency projections. With this project, he believes all wages were above \$12, which is significant. He said that the clawback provisions are also very strong, and if they do not achieve the job rate, then the City will receive back every penny. He said that they, as a Council body, need to continue to educate the public on TIFs and abatements, so that they understand the benefits. He said that with this project, the company is giving them less money, but the City is not actually giving them anything.

September 26, 2016

Councillor Gray moved, seconded by Councillor Jackson, to call the question and end debate. Debate was ended on the following roll call vote; viz:

*19 YEAS: Clay, Coats, Cordi, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Simpson*  
*4 NAYS: Adamson, Evans, McHenry, Sandlin*  
*2 ABSENT: Osili, Scales*

Councillor Evans moved, seconded by Councillor Oliver, for adoption. Proposal No. 170, 2016 was adopted on the following roll call vote; viz:

*23 YEAS: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McHenry, McQuillen, Miller, Oliver, Pfisterer, Ray, Robinson, Sandlin, Simpson*  
*0 NAYS:*  
*2 ABSENT: Osili, Scales*

Proposal No. 308, 2016 was retitled GENERAL RESOLUTION NO. 11, 2016, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2016

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of **Federal Express Corporation** (hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a personal property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

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

SECTION 1. The Council hereby approves the Statements of Benefits that was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Federal Express Corporation.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14.

### NEW BUSINESS

Councillor Adamson stated that FedEx is now hiring and will have 300 jobs to fill. He encouraged the public to submit applications.

### 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 McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Jackson in memory of Michale J. Johnson; and
- (2) Councillor Lewis in memory of Reba Fae Gillan; and
- (3) Councillor Pfisterer in memory of Donald R. Breedlove, Joseph McCoy, J.C. Crawford, and Richard M. Tex; and
- (4) Councillor Mascari in memory of Eugene Wessling; and
- (5) Councillors Pfisterer and Mascari in memory of Danny McClara; and
- (6) Councillor Adamson in memory of James C. Nielsen, Jr.; and
- (7) Councillor Miller in memory of Barbara Grist.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Michale J. Johnson, Reba Fae Gillan, Donald R. Breedlove, Joseph McCoy, J.C. Crawford, Richard M. Tex, Eugene Wessling, Danny McClara, James C. Nielsen, Jr., and Barbara Grist. 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 8:18 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 26th day of September, 2016.

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

  
President

ATTEST:

(SEAL)

  
Clerk of the Council