

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

**REGULAR MEETINGS
MONDAY, DECEMBER 17, 2001**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, December 17, 2001, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gray recognized former colleague Ron Franklin. Councillor Black introduced Ms. Maureen James, private citizen representing public school interests. Councillor Coonrod recognized former Deputy Mayor Joe Slash. Councillor Langsford introduced David Grider, Senior Deputy Chief of Operations for the Indianapolis Fire Department (IFD) and Tom Hanify, president of Local 416. Councillor Short recognized former Secretary of State Joe Hogsett, and he thanked all of the City and County employees for their work on behalf of the citizens of Indianapolis this year. Councillor Conley introduced Chad Miller, executive director of the Indianapolis Chamber Orchestra, and Jan Virgen and Tim Herbert of Dance Kaleidoscope. Councillor Sanders recognized Helen Small of the American Pianist's Association. Councillor Gibson acknowledged sister-in-law Kim Gibson and Commissioner Lois Brents of the

Indianapolis Public School (IPS) School Board. Councillor Horseman welcomed Tasker Day and Marty Posh of the Indianapolis Jazz Fest and Dave Ruark of the Phoenix Theater. Councillor Gray introduced Kim Boyd, an Eagledale area constituent. Councillor Nytes recognized Danny Baker, the new managing director of the Indiana Repertory Theater (IRT); Ellen Munz, executive director of Storytelling Arts of Indiana; and Janet Boston, director of marketing for the Arts Council of Indianapolis. She added that each Councillor has received an Arts Council calendar that details all upcoming Arts events in Indianapolis. Councillor Gray recognized Reverend Ivan Hicks, the "best singing preacher" in Indianapolis.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 17, 2001, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

November 27, 2001

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 30, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 665 and 668-670, 2001, said hearing to be held on Monday, December 17, 2001, at 7:00 p.m. in the City-County Building.

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

December 7, 2001

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 155, 2001 - approves an appropriation of \$75,980 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to purchase equipment for Little Valley Park and Perry Park, and to cover current year obligations of utility bills, financed by fund balances

FISCAL ORDINANCE NO. 159, 2001 - approves an increase of \$20,021 in the 2001 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program, funded by a federal grant

FISCAL ORDINANCE NO. 164, 2001 - approves a transfer of \$210,000 in the 2001 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to provide for increased costs of vehicle maintenance

December 17, 2001

FISCAL ORDINANCE NO. 165, 2001 - approves a transfer of \$50,401 in the 2001 Budget of the Election Board (County General Fund) to provide consulting and attorney fees associated with the negotiation of a contract to procure optical scan voting technology

FISCAL ORDINANCE NO. 166, 2001 - approves a transfer of \$250,000 in the 2001 Budget of the Department of Metropolitan Development (Consolidated County Fund) to facilitate the move of Permits Division employees, currently stationed in the City-County Building, to existing city offices at 604 N. Sherman Drive in order to consolidate the permits and inspections staffs into one location

FISCAL ORDINANCE NO. 167, 2001 - approves a transfer of \$48,078 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to contract with site coordinators of after-school programs at IPS' Forest Manor School and School 108

FISCAL ORDINANCE NO. 168, 2001 - approves a transfer of \$50,000 in the 2001 Budget of the Department of Parks and Recreation (Transportation General Fund) to contract for street tree and shrub removal services

FISCAL ORDINANCE NO. 169, 2001 - approves a transfer of \$377,500 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to pay current year obligations of utility bills

FISCAL ORDINANCE NO. 170, 2001 - amends the City-County Annual Budget for 2001 regarding payments in lieu of taxes ("PILOT") revenues

GENERAL ORDINANCE NO. 113, 2001 - amends the Rules of the Council to adopt a new rule relating to approval of charter schools

GENERAL ORDINANCE NO. 114, 2001 - amends Sec 293-104 to provide for terms of members of the ethics board to expire on December 31

GENERAL ORDINANCE NO. 115, 2001 - repeals Chapter 135, Article III, Division 8, Sections 381 through 384 of the Revised Code concerning park endowment maintenance fund and transferring its current funds to Parks General Fund

GENERAL ORDINANCE NO. 116, 2001 - extends by one year certain dates associated with the initial licensure of pedal cabs in the Regional Center, and the study and report thereon

GENERAL RESOLUTION NO. 16, 2001 - approves certain public purpose grants totaling \$700,000 to various organizations and entities for calendar year 2002 from the Drug Free Community Fund

SPECIAL RESOLUTION NO. 82, 2001 - recognizes American Red Cross disaster information officer Nancy Retherford

SPECIAL RESOLUTION NO. 83, 2001 - recognizes the Lawrence Central High School Band for winning the Bands of America 2001 Grand National Championship

SPECIAL RESOLUTION NO. 84, 2001 - recognizes the 150th Anniversary of the Children's Bureau of Indianapolis, Inc.

SPECIAL RESOLUTION NO. 85, 2001 - approves a public purpose grant in the amount of \$25,000 to Indiana University for the purpose of offsetting expenses necessary for cable connection to Educational Television's ("ETC") new broadcasting location

SPECIAL RESOLUTION NO. 86, 2001 - approves the amounts, locations, and programmatic operation for each project to be funded from Community Development Grant Funds for 2002

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2001 - approves an appropriation of \$850,000 in the 2001 Budget of the Department of Public Safety, Police Division (Police Pension Fund) to pay police pension costs for the balance of 2001, financed by fund balances

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2001 - approves a reduction of \$850,000 in the 2001 Budget of the Department Public Safety, Fire Division (Fire Pension Fund) to allow a transfer of those appropriations to the Police Pension Fund

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 26, 2001. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 705, 2001. The proposal, sponsored by Councillors McWhirter, Cockrum, and Bainbridge, recognizes the Ben Davis High School Giants 2001 State Football Champions. Councillor McWhirter read the proposal and presented representatives with copies of the document and Council pins. Coach Dick Dullaghan thanked the Council for the recognition and introduced Senior members. Councillor McWhirter moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 705, 2001 was adopted by a unanimous voice vote.

Proposal No. 705, 2001 was retitled SPECIAL RESOLUTION NO. 87, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 87, 2001

A SPECIAL RESOLUTION recognizing the Ben Davis High School Giants 2001 State Football Champions

WHEREAS, the Saturday morning November 24th, 2001, newspaper headlines read, "Valparaiso doesn't fear Ben Davis in 5A finals", but the next morning's headlines reported the score of Ben Davis 35, Valparaiso 16; and

WHEREAS, on that warm, thunderstorm evening, thousands of people paid their Indiana High School Athletic Association ticket admission to watch whether the 13-1 Valparaiso Vikings from northwestern Indiana could stop the steamrolling 14-0 Ben Davis Giants from the Wayne Township School District; and

WHEREAS, on that memorable night, Ben Davis tied the all-time state record of six state championship wins, and Coach Dick Dullaghan became the only coach in Indiana history whose teams have won the state championship title seven times; and

WHEREAS, it was a perfect no-loss season for the purple and white team from the west side of Indianapolis, and All-County and All-State Awards for quarterback James Banks, offensive tackle Joe Spinks, and free safety Josh Foster, who helped lead the Giants to a 42-2 win-loss record during the past three years of Ben Davis football; now, therefore

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the outstanding Ben Davis Giants football team for winning their sixth state championship.

SECTION 2. The high school team members were the stars of the evening, but behind them standing tall and proud are the coaches and managers, a supportive school staff and administration, fans, parents, grandparents and other relatives of the players, and the Wayne Township community.

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

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

PROPOSAL NO. 706, 2001. The proposal, sponsored by Councillor Boyd, recognizes the White River Environmental Partnership and IPS's Arlington High School collaboration. Councillor Boyd read the proposal and presented representatives with copies of the document and Council

pins. Rick Farnham, president of the White River Environmental Partnership (WREP), and Dr. Jackie Greenwood, Arlington High School principal, thanked the Council for the recognition. Councillor Boyd moved, seconded by Councillor Talley, for adoption. Proposal No. 706, 2001 was adopted by a unanimous voice vote.

Proposal No. 706, 2001 was retitled SPECIAL RESOLUTION NO. 88, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 2001

A SPECIAL RESOLUTION recognizing the White River Environmental Partnership and IPS's Arlington High School collaboration.

WHEREAS, in 1994, the White River Environmental Partnership launched an exclusive relationship with Indianapolis Public School's Arlington High School; and

WHEREAS, the partnership began as summer internships for 15 to 30 Arlington students to work in all facets of WREP's wastewater collection and treatment business including operations, administration, collection, information technology, maintenance, laboratory, and industrial pre-treatment; and

WHEREAS, the internship program was only a prelude to other working relationships between the business and school that have included job fairs, tutoring for the state graduation test, and the popular Arlington High School Security Dads; and

WHEREAS, the company has further helped the school by providing classroom instruction assistance and equipment for Arlington's science department, and has arranged for foreign language students to meet with WREP's international visitors; and

WHEREAS, Indianapolis' WREP and Arlington collaboration experience served as a prototype for Gary, Milwaukee and Atlanta to replicate this local program; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends the White River Environmental Partnership and Arlington High School for their working together for the past seven years to give inner city young people some very practical hands-on experiences.

SECTION 2. This adopt-a-school concept, nurtured by WREP executives and Arlington Principal Dr. Jackie Greenwood, could well serve as an inspiration and as a blueprint for other schools and businesses in Indianapolis and Marion County.

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

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

PROPOSAL NO. 745, 2001. The proposal, sponsored by Councillors Borst and Massie, remembers the landmark Fireside South Restaurant. Councillor Borst read the proposal and presented proprietor Andy Hohlt and his wife Terry with a copy of the document and a Council pin. Mr. Hohlt thanked the Council for the recognition. Councillor Cockrum said that he proposed to his wife at the Fireside South Restaurant 40 years ago and the restaurant therefore holds special memories for him. He wished Mr. Hohlt and his family success in future endeavors. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 745, 2001 was adopted by a unanimous voice vote.

Proposal No. 745, 2001 was retitled SPECIAL RESOLUTION NO. 89, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 2001

A SPECIAL RESOLUTION remembering the landmark Fireside South Restaurant.

WHEREAS, after five decades and two generations of ownership a southside landmark restaurant on East Raymond Street is regretfully going to hang up its aprons and steak knives for the last time at the end of the year; and

WHEREAS, a fifty year run by the same family is by far longer than most restaurants, but Fireside South was known far and wide for its sizzling steaks and hospitality; and

WHEREAS, changing demographics, the customer base, changes in neighboring businesses, and different lifestyles have forced proprietor Andy Hohlt to make this tough business decision, and he hopes to reopen a little further south sometime in the future; and

WHEREAS, through the years, personalities, politicians, sports names, professional persons and neighbors sought out Fireside South for its quality steaks, and the Hohlt's were very community and civic minded, even being recognized this year by the state hospitality association for their support of community projects; and

WHEREAS, but time marches on, and after the next few weeks of sentimentality, remembrances, and stories, the building is to be turned into a local neighborhood pub, and Andy Hohlt will be scouting for finances and a site for another restaurant; now, therefore:

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

SECTION 1. The Indianapolis City-County Council notes with a sense of sorrow that the five decade old Fireside South Restaurant will soon no longer be THE place to go on Raymond Street for the world's best steaks and camaraderie.

SECTION 2. Indianapolis has been enriched by the whole family's dedication to the community by supporting dozens of programs and worthy causes that make our city better.

SECTION 3. The Council wishes Mr. Hohlt and his employees the very best in the future, and hopes that Indianapolis will soon hear about the grand opening of the new "Fireside South Restaurant".

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 746, 2001. The proposal, sponsored by Councillor Brents, recognizes Steak 'n Shake's Third Annual Breakfast with Santa event. Councillor Brents read the proposal and presented representatives with copies of the proposal and Council pins. Marshall Lewis, founder of the Northwest Neighborhood Association Cooperative, Inc. (NNACI) and co-founder of the Breakfast with Santa event, recognized co-founder Chris Walker and sponsors and participants: Long's Bakery, Parker Machinery, Recovery Room, Garden City Civic Association, Hawthorne Neighborhood Center, Municipal Gardens Neighborhood Park, Wayne Township Fire Department, and the Indianapolis Police Department. John Moews, District Manager of Steak n Shake restaurants, thanked the Council and invited all to attend Breakfast with Santa this Saturday, December 22, 2001, from 8:00 a.m. until noon. Representatives presented Councillors with a small Christmas gift pouch. Councillor Brents moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 746, 2001 was adopted by a unanimous voice vote.

Proposal No. 746, 2001 was retitled SPECIAL RESOLUTION NO. 90, 2001, and reads as follows:

December 17, 2001

CITY-COUNTY SPECIAL RESOLUTION NO. 90, 2001

A SPECIAL RESOLUTION recognizing Steak n Shake's West Indy's Third Annual Breakfast With Santa event.

WHEREAS, in 1999, Marshall Lewis, the founder of Northwest Neighborhood Association Cooperative, Inc., and Steak n Shake staff members Chris Walker and Vicki Walker came together to sponsor a Breakfast With Santa event to reach out to the community at Christmas time; and

WHEREAS, Michael Long and Carol Long Rineheart of Long's Bakery, Bob Parker of Parker Machinery, and Bob Aynes and Steve Route of the Recovery Room later became co-sponsors as well; and

WHEREAS, Merry Anderson of the Garden City Civic Association, Diane Arnold, Director of the Hawthorne Neighborhood Center and Kim Fingers, Director of the Municipal Gardens Neighborhood Park all became involved; and

WHEREAS, the Breakfast With Santa theme this year on the morning of Saturday, December 22nd is THINK SAFE – BE SAFE, with the Mayor, law enforcement public officials, the Wayne Township Fire Department, magicians, and cartoon characters will all be involved with breakfast, entertainment, and toys and gifts for the children; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends Mr. John Moews, District Manager of Steak n Shake restaurants, and Dorothy Mize, General Manager of the Stake n Shake at 3810 West Washington Street will be host to provide breakfast and accommodations for this year's Breakfast With Santa.

SECTION 2. The Council also commends the local private, civic, and community organizations for their insight and generosity of time and resources for helping spread joy to our young people at this very special time of year.

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

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

President SerVaas stated that Proposal Nos. 659-661, 2001 are reappointments and a confirmation of a mayoral appointment and were recommended unanimously by the Administration and Finance Committee for passage. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 659, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Mary K. Gillum to the Marion County Property Tax Assessment Board of Appeals. PROPOSAL NO. 660, 2001. The proposal, sponsored by Councillor Coonrod, reappoints Stephen Ajamie to the Marion County Property Tax Assessment Board of Appeals. PROPOSAL NO. 661, 2001. The proposal, sponsored by Councillor Nytes, confirms the appointment of Jimmy C. Bostick as the administrative hearing officer for adjudication of parking tickets. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 659-661, 2001 were adopted by a unanimous voice vote.

Proposal No. 659, 2001 was retitled COUNCIL RESOLUTION NO. 77, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2001

A COUNCIL RESOLUTION reappointing Mary K. Gillum to the Marion County Property Tax Assessment Board of Appeals.

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

SECTION 1. Pursuant to IC 6-1.1-28-1, the Council appoints the following person to the Marion County Property Tax Assessment Board of Appeals:

Mary K. Gillum

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

Proposal No. 660, 2001 was retitled COUNCIL RESOLUTION NO. 78, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2001

A COUNCIL RESOLUTION reappointing Stephen Ajamie to the Marion County Property Tax Assessment Board of Appeals.

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

SECTION 1. Pursuant to IC 6-1.1-28-1, the Council appoints the following person to the Marion County Property Tax Assessment Board of Appeals:

Stephen Ajamie

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

Proposal No. 661, 2001 was retitled COUNCIL RESOLUTION NO. 79, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of Jimmy C. Bostick as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jimmy C. Bostick to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

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

SECTION 1. Jimmy C. Bostick is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 694, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines that there is an interest in purchasing the real estate and structure at 6230 Valley Lane for the Department of Parks and Recreation"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 695, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines that there is a need to lease additional office space at 3549 Boulevard Place for the Department of Parks and Recreation"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 696, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which codifies the salary range of the chief public defender of Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 697, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the preliminary determination for Marion County to amend its lease with Building Authority in connection with its financing of improvements to a portion of the structures and improvements located at 730 East Washington Street and 752 East Market Street"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 698, 2001. Introduced by Councillors Smith and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the zoning ordinances to reflect the consolidation of the department of public works and the department of capital asset management into one department under the name of "department of public works," to reflect the reorganization of the division of permits of the department of metropolitan development under the new name "division of compliance," and to make corresponding technical corrections (01-AO-02)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 699, 2001. Introduced by Councillors Tilford and Short. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which initiates committee review of proposed IndyGo debt issuance not to exceed \$5 million"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 700, 2001. Introduced by Councillors Dowden, Gray, and Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning Chapter 591, Fire Prevention and Protection"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 701, 2001. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to expand the city's household hazardous waste management program"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 702, 2001. Introduced by Councillors Coughenour, Langsford, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change

in parking restrictions for Monument Circle and the Monument Circle spokes”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 703, 2001. Introduced by Councillor Massie. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a weight limit restriction for East Street between Troy Avenue and Southern Avenue (District 20)”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 704, 2001. Introduced by Councillors Brents and Short. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes parking restrictions on the west side of East Street from South Street to Interstate 70 (Districts 16, 21)”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 707, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Paul Ricketts to the City-County Administrative Board”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 708, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Stuart Rhodes to the Cable Franchise Board”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 709, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Sarah Taylor to the Information Technology Board”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 710, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Edward Tunstall to the Information Technology Board”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 711, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Martha A. Womacks to the Information Technology Board”; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 712, 2001. Introduced by Councillor Bradford. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which appoints Kristina Holden to the Community Centers of Indianapolis Board”; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 713, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints Larry J. Barrett to the Beech Grove Economic Development Commission”; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 714, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which reappoints C. Richard Petticrew to the Indianapolis Economic Development Commission”; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 715, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Walter Quesenberry to the Lawrence Economic Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 716, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joanna Walker to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 717, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Alan Retherford to the Metropolitan Board of Zoning Appeals Division I"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 718, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 719, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Lincoln Plowman to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 720, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 721, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints C. Eugene Hendricks to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 722, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Randolph L. Snyder to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 723, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Brian Murphy to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 724, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Phyllis Carr to the Urban Enterprise Association"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 725, 2001. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints David Scott to the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 726, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Alan Wiseman to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 727, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Diana Wilson Hall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 728, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dennis Papenmeier to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 729, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Thomas A. John to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 730, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Carol Ryan to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 731, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Lucinda Meyer to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 732, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Ken Giffin to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 733, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints William Schneider to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 734, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Susie Davie to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 735, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Leslie Duvall to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 736, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mary Stewart to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 737, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Pat Pritchett to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 738, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Rondle W. Brewer to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 739, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Leonard Simpson to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 740, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tony Buford to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 741, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Arno W. Haupt to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 742, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kenneth W. Hughes to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 743, 2001. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Spears to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 744, 2001. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Sue Beesley to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

Councillor Coughenour moved, seconded by Councillor Talley, to suspend the Rules of the Council to allow a hearing this evening on Proposal No. 701, 2001. The Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 701, 2001. The proposal, sponsored by Councillors Coughenour and Knox, authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (IDEM) to expand the city's household hazardous waste management program. Councillor Coughenour said that a similar resolution was passed in September, but IDEM had the wrong form to fill out, and they

have come back with another form with the proper language that accomplishes the same thing. She said that this is needed before the end of the year, and she would appreciate the Council's support. Councillor Coughenour moved, seconded by Councillor Talley, for adoption. Proposal No. 701, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Bradford, Brents, Coonrod, Gray, Schneider

Proposal No. 701, 2001 was retitled SPECIAL RESOLUTION NO. 91, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 91, 2001

PROPOSAL FOR A SPECIAL RESOLUTION authorizing the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to expand the city's household hazardous waste management program.

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana is the county legislative body and is by law authorized to adopt ordinances and resolutions concerning governmental and internal affairs of Marion County, Indiana; and

WHEREAS the City-County Council of Indianapolis, Marion County, Indiana has consistently demonstrated support for household recycling programs in the interest of the protecting the environmental health of the residents of Marion County; and

WHEREAS, IC 13-20-20-3(b)(6) requires a resolution authorizing the project and the grant request; 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 authorizes the Department of Public Work's Office of Environmental Services expansion of its current household hazardous waste management program and its application for additional funding through IDEM's Household Hazardous Waste Grant Program.

SECTION 2. It is the intent of the Office of Environmental Services to carry out all the proposed project activities described in the grant application, to allow IDEM employees to have access to and inspect all collection sites, to maintain appropriate records that document all expenditures made during the project, to submit a final report to IDEM of all project activities, achievements, and problems, to complete the project within 24 months, to hold established collection events in accordance with the grant application, to submit reports on or before the date that IDEM requires them, and to provide any additional funding required to complete all portions of the project not covered by the grant amount.

SECTION 3. The City affirms that they already have an existing household collection and conditionally exempt small quantity generator program and an education program that stresses source reduction for household hazardous waste and the substitution of non-hazardous alternatives.

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

Councillor Black asked how many of the appointments being introduced this evening are minorities. President SerVaas said that he is not sure, as he did not recommend most of these appointees, and the majority of them are reappointments of people who have been serving faithfully for some time. He said that in order to be asked to serve on the board, volunteers must be willing to come forward and express their desire to serve or otherwise serve their communities in such a way that those who appoint these positions take notice of them. He said that any Councillor can nominate an individual to serve, and he would encourage them to do so.

Councillor Black said that he believes more blacks should be considered. Councillor Horseman added that of the 38 appointments, only 11 are women, and as the population of the City is approximately 51% female, she feels this is a poor representation, as well, of women appointees. President SerVaas said that Councillors should encourage individuals who fit these classifications to seek appointments.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 747-752, 2001 and PROPOSAL NOS. 753-760, 2001. Introduced by Councillor Smith. Proposal Nos. 747-752, 2001 and Proposal Nos. 753-760, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 11 and 12, 2001. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 179-192, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 179, 2001.

2001-ZON-101 (2001-DP-011)

1702 AND 1730 EAST 75TH STREET (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

ARRELL C. AND ROSE MAY REINKING, by David Kingen, request a rezoning of 4.01 acres, being in the D-S (FW) District, to the D-P (FW) classification to provide for six existing single-family dwellings, and one existing two-family dwelling, on seven lots (two-family dwelling legally established by variance petition 69-V4-15), resulting in 1.99 units/acre.

REZONING ORDINANCE NO. 180, 2001.

2001-ZON-125

2185-2193 NORTH STATION STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

MARTIN UNIVERSITY, by David Kingen, requests a rezoning of 0.35 acre, being in the D-5 District, to the UQ-1 classification to provide for the expansion of a university.

REZONING ORDINANCE NO. 181, 2001.

2001-ZON-126

1021 WEST 30TH STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

UNITED NORTHWEST AREA DEVELOPMENT CORPORATION, requests a rezoning of 0.1 acre, being in the C-3 District, to the D-5 classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 182, 2001.

2001-ZON-127

1242 WEST 30TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

UNITED NORTHWEST AREA DEVELOPMENT CORPORATION, by Daniel Kozlowski, requests a rezoning of 0.10 acre, being in the C-3 District, to the D-5 classification to provide for residential development.

REZONING ORDINANCE NO. 183, 2001.

2001-ZON-128

1141 WEST 30TH STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

UNITED NORTHWEST AREA DEVELOPMENT CORPORATION, by Daniel Kozlowski, requests a rezoning of 0.1 acre, being in the C-3 District, to the D-5 classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 184, 2001.

2001-ZON-852

9502 CARROLL ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

MARINA LTD PARTNERSHIP, by Thomas Michael Quinn, requests a rezoning of 0.83 acres, being in the D-P (FF) Zoning District, to the D-2 (FF) classification to provide for the development of a single-family residential community in Marion, Hancock, and Hamilton Counties.

REZONING ORDINANCE NO. 185, 2001.

2001-ZON-119 (Amended)

1599 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

DEPARTMENT OF METROPOLITAN DEVELOPMENT, by Michael E. Graham, requests a rezoning of 1.5 acre being in the D-5 District, to the C-3 classification to legally establish an existing commercial center and to provide for a convenience store / gasoline station.

REZONING ORDINANCE NO. 186, 2001.

2001-ZON-130

2618 AND 2714 WEST ST. CLAIR STREET, 900 NORTH KING STREET, AND 769, 900, AND 902 NORTH HOLMES STREET (approximate addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES INC., by David Kingen, requests a rezoning of 1.92 acres, being in the C-1 and D-5 Districts, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 187, 2001.

2001-ZON-131

3980 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

THE CHURCH IN INDIANAPOLIS. by Mitch Sever, requests a rezoning of 2.08 acres, being in the D-P District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 188, 2001.

2001-ZON-136

5420 AND 5426 EAST THOMPSON ROAD (approximate addresses), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

JAN C. PHILLIPS AND ELWOOD AND GERALDINE MCBRIDE, by Cameron F. Clark, request a rezoning of 3.25 acres, being in the D-A District, to the C-4 classification to provide for retail/commercial use.

REZONING ORDINANCE NO. 189, 2001.

2001-ZON-137

4519 EAST 82ND STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

RESIDENTIAL CARE I, LLC, by Philip A. Nicely, requests a rezoning of 3.39 acre, being in the C-1 and C-3 Districts, to the C-1 classification to legally establish an assisted living facility.

REZONING ORDINANCE NO. 190, 2001.

2001-ZON-138 (2001-DP-015)

6496 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

McBRIDE & SON HOMES INDIANA, LLC, by Joseph M. Scimia, requests a rezoning of 1.12 acres, being in D-P District, to the D-P classification to legally establish two "manor-series" buildings, being a specified design type, and to provide for the construction of two "manor-series" buildings, increasing the total number of buildings from 12 to 14, maintaining the same number of total units, being 137.

REZONING ORDINANCE NO. 191, 2001.

2001-ZON-850

846 NORTH SENATE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

December 17, 2001

DOUG JONES requests a rezoning of 0.79 acre, being in the I-3-U (RC) District to the CBD-2 (RC) classification, to provide for residential development.

REZONING ORDINANCE NO. 192, 2001.
2001-ZON-854

7425 SOUTH BELMONT AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

DURA DEVELOPMENT requests a rezoning of 1.645 acres, being in the D-A District, to the D-2 classification to provide for a 3-lot residential subdivision.

PROPOSAL NO. 687, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 687, 2001 on December 13, 2001. The proposal, sponsored by Councillors SerVaas and Boyd, approves the Asset Purchase Agreement by and between the City, IWC Resources Corporation, and NiSource, Inc. and approves and authorizes other actions in respect thereto.

Councillor Coughenour said that because this is such an important transaction and such a great deal of money is involved, she would prefer that Bob Clifford, executive director for the Indianapolis Local Public Improvement Bond Bank, and Scott Chinn, Corporation Counsel for the City of Indianapolis, make a brief presentation.

Mr. Clifford recognized President SerVaas as one of the advisors who participated in acquiring the Indianapolis Water Company (IWC) and recognized other individuals involved in the negotiations. Mr. Chinn explained that the City is not in the business of buying and selling corporations but that they felt it was their duty to look into purchasing IWC. NiSource, the parent company of IWC, was forced to sell IWC because of their purchase of Columbia Energy, and NiSource is required by federal law to divest itself of the IWC. In 2000, the City began the process with the Indiana Utility Regulatory Commission (IURC) to purchase the IWC. Mr. Chinn stated that if the City had not begun the process of purchasing the IWC, there was the possibility of its purchase by a foreign or out-of-state owner, higher rates, loss of local control, loss of major corporate headquarters, and reduced customer service. He said that the City has the right to purchase the IWC because in 1870 the City gave NiSource a franchise to operate, and the City has always retained a legal right to reacquire the IWC. In late 2000, the City petitioned the State of Indiana to begin the process of purchasing IWC.

Mr. Clifford explained that 85% of the United States residents are served by City-owned-and-operated water systems. Good healthful water is critical to the quality of life in Marion County and Central Indiana. He pointed out that Mayor Peterson and President SerVaas have worked together in a bipartisan effort to make this a smooth process. He added that IWC serves 275,000 customers; had \$100 million in revenues in 2000; and employs 476 people in Central Indiana. He said that the IWC service area expands outside the boundaries of Marion County. The IWC assets include: White River, Morse Reservoir, Fall Creek, Geist Reservoir, Eagle Creek Reservoir, and numerous aquifer wells. There are four water treatment plants: White River, White River North, Fall Creek, and Thomas W. Moses Station (Eagle Creek). There are four groundwater treatment plants: Geist Station, Harding Station, South Wellfield Station, and Ford Road Station. Mr. Clifford explained that in July 2001, the City provided a letter of intent to purchase the IWC. A definitive agreement was reached on November 26, 2001 at a price of \$515 million. Part of the agreement is that NiSource retains \$80 million of long-term IWC debt and executive non-compete contracts, which have a liability of \$20 million. There will be no tax dollars used for the purchase of IWC. NiSource has certain termination rights if closing gets delayed beyond April 30, 2001. The goals of the asset purchase agreement are that it be structured to look like a stock deal, that it keep water system assets in place to assure continuity

of service, and that there be minor changes from the letter of intent. He said that NiSource did not want an asset sale, and the City could not own stock. This structure simplifies the pricing and avoids stranding assets.

Mr. Clifford pointed out that the letter of intent had a price of \$522.5 million and the Asset Purchase Agreement is \$515 million for capitalization. In the letter of intent, the City was accepting all existing liabilities. In the Asset Purchase Agreement several liabilities have been excluded. The liabilities that have been excluded include the \$20 million of non-compete contracts that the management of IWC had entered into. The financing of the transaction of IWC will be that the City will issue tax exempt revenue bonds, and there will be no property tax pledge on the bonds. The bond ordinance will be introduced in January 2002. The bonds will be issued only after the IURC approves the transaction, and the repayment of debt will come from existing rates paid by customers. Mr. Chinn explained that the City-County Council will not set water rates, but rather, the Board of Waterworks will establish rates, and those rates will continue to be regulated by the IURC. The Office of the Utility Consumer Counselor will have a say in all future rate hearings.

Councillor Coughenour said that a list of "Comparative Water User Charges" from different cities throughout the United States is attached to the minutes from the Committee meeting and she encouraged Council members to take note of it. By an 8-1 vote, the Public Works Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Bradford moved, seconded by Councillor Soards, to amend Proposal No. 687, 2001 as per the language contained in Proposal No. 636, 2001, which was introduced on November 12, 2001.

Councillor Coughenour said that Proposal No. 636, 2001 is tabled in the Public Works Committee and she is not sure this motion is in order. Councillor Bradford said that this Council is responsible for tax increases and he believes this amendment pertains to this proposal and he would like to have it discussed and voted on. Councillor Coughenour said that this proposal was on the agenda at the last Public Works Committee hearing, and the sponsor did not show up at that hearing to address the proposal; therefore, it was tabled. She added that any amendment, according to Council Rules, needs to be in writing before members of the Council. Councillor Bradford said that this proposal has been in writing for several weeks. Councillor Coughenour said that the proposal has been in writing, but the proposal does not suffice as a written amendment to a separate proposal.

Councillor Coonrod said that copies can easily be made of the proposal, if the Council feels they need further writing in front of them. He added that he was one of the sponsors of these proposals that were tabled. He said that he and some of the other sponsors of these proposals attended a previous Committee meeting and wanted to present these proposals as amendments at that time. They were told that they were being disrespectful to the chairman in appearing before the Committee and were not allowed to speak. Therefore, these proposals were then filed as ordinances, and he felt no reason to attend another Public Works Committee meeting, because he felt he again would not receive a fair hearing.

Councillor Coughenour said that if Councillor Coonrod felt there was no need in attending the subsequent Committee meeting, then he should not have filed proposals. She added that Councillor Coonrod knew that he would have an opportunity to speak to these proposals because she e-mailed him two days before the hearing and asked him how long his presentation would be.

He did not respond to her e-mail, and she feels it is inappropriate for these proposals to be heard here when they are tabled before her Committee.

Councillor Soards asked if the proposal is passed as written, what is the procedure for rate increases for water users in the County. Robert Elrod, General Counsel, said that the ordinance passed two meetings ago provides that the Board of Waterworks will recommend rates for review by the IURC, and the IURC will approve the rates. Councillor Soards said that Councillor Bradford's amendment would require the Council to give approval before any rates are increased. Mr. Elrod said that he believes there is some confusion. He said that the amendment that has been offered is not an amendment to the proposal now on the table, but is an amendment to something that was adopted two meetings ago. The proposal before the Council at this time does not deal with the composition of the Department of Waterworks. He said that the Rules of the Council provides that "no amendment to a proposal shall be in order unless in writing and copies presented to the President and the Clerk...the adoption of any amendment not having the prior approval of the General Counsel as to form shall have the effect of tabling the proposal until the next meeting." He said that to the best of his knowledge, what has been read has not been prepared as an amendment to Proposal No. 687, 2001 and presented to the President and Clerk.

Councillor Massie said that the procedure for amending on the floor has not been adhered to. Because the sponsor bypassed the opportunity for a hearing before Committee, they are now requesting an exception. He said that recently, there was a situation where a proposal was before his Committee and was afforded quite a bit of public input. The night of the full Council, a group which chose not to attend the public hearings showed up and asked to be heard. At that time, the Rules of the Council were broken and this group was allowed to speak. He said that there is a group here this evening who will ask to speak with regards to charter schools, and he is also opposed to this, as these individuals did not show up at the public hearings during Committee when this issue was addressed. He said that there are rules and protocol in place to guide the Council business, and he is frustrated that exceptions continue to be made time after time. He said that unless it is an extraordinary situation, he feels individuals should not be accommodated out of the scope of the Council rules simply because they feel strongly about a particular issue.

Councillor Bradford said that this is not simply his issue, but is an issue for all the taxpayers in the County. He said that approving a half million dollars on a fast track is not appropriate, and this Council was elected to represent all the assets of this City. He said that he has handed a copy of this proposed amendment to both the President and Clerk and still moves for its adoption.

Councillor Coonrod said that he appreciates Councillor Massie's comments about following the rules, and agrees with his intent. However, Councillor Massie was not in attendance at the meeting where he tried to present these amendments through the Committee process as he was supposed to do, and was flatly told that he could not speak and did not have the opportunity to present these amendments. He said that he agrees that the rules need to be followed, but the rules say that Committees should allow members of the Council to speak as though they are members of that Committee. He said that since the rules were not followed in that instance, he had no other recourse but to bring the issue up before the Committee as a Whole.

Councillor Conley said that Councillor Coonrod and the others attending that Committee meeting were asked to speak to a particular ordinance, and they did not adhere to the protocol and wished to bring up issues that were not germane to the proposal. He said that the Council needs to adhere to protocol and abide by the rules that have been set.

Councillor Coughenour said that when these Council members came before the Committee the first time, they had nothing in writing and were not speaking to the proposal before the Committee. The second time, when the proposal was on the agenda, these individuals did not show up to speak. She said that they also did not extend her the same courtesy that is usually afforded chairmen to inform them of attendance and wishing to express feelings on certain issues. She added that Proposal No. 636, 2001 is not an amendment to Proposal No. 687, 2001 and she does not understand what Councillor Bradford is trying to do.

President SerVaas asked Mr. Elrod if this amendment is properly in order. Mr. Elrod said that it is up to the chair to rule whether or not the motion is in order. However, he feels the motion is probably out of order in two respects. First, the motion is not in writing as an amendment, and it is not written in such a way as to direct where it should be inserted in the proposal now on the table. Secondly, an amendment must be germane to the subject matter. Proposal No. 687, 2001 is an approval of an agreement and does not address the structure of the department that enters into the agreement. Therefore, he does not believe the motion is germane to the proposal now on the table.

Councillor Massie said that the practice of the Council is that when an amendment is to be offered on the floor of the Council, it should be written in consultation with legal counsel. He said that amendments need to comply with the law and be in acceptable form, and he does not believe Councillor Bradford's amendment meets this requirement.

Councillor Coonrod asked if a more appropriate motion would be to take Proposal No. 636, 2001 off the table and bring it forward for consideration this evening. Mr. Elrod said that this motion would be in order after the proposal which is presently before the Council is disposed of.

President SerVaas ruled that, on the advice of Mr. Elrod, Councillor Bradford's motion for amendment is out of order and not subject to a vote.

Councillor Borst asked why NiSource would be willing to retain the debt referred to in the presentation, and does the City have provisions in the agreement to make sure they will pay this debt so that the City will not be liable. Mr. Clifford said that the notes NiSource are retaining are notes that are guaranteed by their corporation. The company is structured in such a way that these notes can be transferred among entities of NiSource. Whereas this debt did not have an attractive interest rate for the City, NiSource will move it to a different subsidiary. He said that a higher purchase price for the equity was built in so that the City would not have to take in the debt. Councillor Borst asked if there is enough net revenue to continue the infrastructure needs annually while still keeping the rates low, and if the infrastructure will be maintained through cash flow or issuing debt. Mr. Clifford said that they are estimating 125% to 135% coverage on their debt service, which would leave between \$8 and \$12 million for capital. The other \$20 to \$30 million would need to be borrowed to continue that capital infrastructure program. Councillor Borst asked where the money would come from to pay off the additional borrowing. Mr. Clifford said that it would be end-of-the-line debt, and would be financed over a 30-year period. He said that a 3% to 5% revenue growth is estimated and should be sufficient to pay off the newly issued debt.

Councillor Schneider said that he is opposed to this proposal because he feels it is being promoted with a failed premise of keeping local control and low rates. He said that he believes that an out-of-state company would be preferable to having the company run by a municipality that is very poor at fixed asset management. He believes there are a host of reasons this transaction should not go forward: 1) the City is bloating government by adding \$500 million of private company

assets, 2) it politicizes the management and operation of a private company, 3) it creates another agency of government, and with it another budget seeking additional funds, 4) government will not be as responsive to customer service as a private owner, 5) the transaction substantially increases the City's long-term debt, 6) it creates a controlling board of political has-beens instead of professionals who know what they are doing, 7) it increases the City's liability, 8) it might cause the City to lose private investment, 9) it shows a lack of accountability, 10) it creates the possibility of a taxing district, and 11) it causes the City to go backwards instead of being progressive, by eliminating privatization. He said that he received a package that stated that this process has been in the works for 16 months and has had several public hearings, but he does not believe this is true. He said that he feels it is a done deal and has been fast-tracked and ramrodded through the system.

President SerVaas said that Councillors keep referring to IWC as a private company, but it has long been a public company. State law says that if a company buys another company, they are entitled to recapture their purchase price by raising the rates. NiSource bought this company and immediately applied for a rate increase of 30%, which is eligible to go into effect at the beginning of 2002. The City's purchase will prevent this increase, and hopefully insure no rate increase for five years. He added that the government will not operate the water company, but will merely own the equity. He said that water is one of the most precious commodities the City has, and they must guard its future.

Councillor Dowden said that he is very disappointed by this transaction because by going through with it, the City is "kicking free enterprise in the teeth." He said that there are many large out-of-state companies that give great service and keep rates low, and he believes this is a vote against free enterprise.

Councillor Boyd moved, seconded by Councillor Coughenour, to close debate on Proposal No. 687, 2001.

Councillors Horseman and Short asked to be shown as abstentions on all votes concerning Proposal No. 687, 2001.

The motion to close debate carried on the following roll call vote; viz:

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

Councillor Coughenour moved, seconded by Councillor Boyd, for adoption. Proposal No. 687, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 687, 2001 was retitled SPECIAL ORDINANCE NO. 11, 2001, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 2001

A PROPOSAL FOR A SPECIAL ORDINANCE approving the Asset Purchase Agreement by and between the Consolidated City of Indianapolis, Marion County, Indiana, IWC Resources Corporation and NiSource, Inc. and approving and authorizing other actions in respect thereto.

WHEREAS, in the summer of 2000, the City of Indianapolis, Indiana, ("City") began discussing the purchase of the waterworks system and related facilities of NiSource, Inc. ("NiSource") and IWC Resources Corporation ("IWC"); and

WHEREAS, by General Ordinance No. 112, 2001, adopted on November 12, 2001, the City-County Council of the City and of Marion County ("City-County Council") and signed by the Mayor on November 20, 2001, the City established a Department of Waterworks of the City ("Department"); and

WHEREAS, the Mayor, pursuant to authority granted by City-County Special Ordinance No. 19, 2000, has negotiated an Asset Purchase Agreement between the City, IWC and NiSource November 26, 2001, (Agreement), a copy of which is attached as Exhibit A; and

WHEREAS, the Board of Directors of the Department ("Board"), being the governing body of the Waterworks District of the City ("Waterworks District"), has the authority to construct, acquire, improve, and operate waterworks such as the Waterworks and to finance the same through the issuance of waterworks revenue bonds of the district ("Bonds") and bond anticipation notes of the District ("BANs"); and

WHEREAS, the Board has ratified the Agreement and authorized the issuance of Bonds and BANs for the purpose of procuring funds to apply on the costs of acquiring and improving the Waterworks; and

WHEREAS, pursuant to IC 36-3-5-8, the issuance of the Bonds and BANs for the purpose of procuring funds to apply on the costs of acquiring and improving the Waterworks, subject to approval of the City-County Council; and

WHEREAS, the Waterworks will be acquired by the Department of the time of the issuance of the Bonds or BANs, pursuant to the Agreement, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the City-County Council has determined that the purchase of the Waterworks by the Department pursuant to the Agreement should be approved; 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 does hereby approve the price, terms and conditions of the acquisition as provided in the Agreement a copy of which is attached to the official copy of this ordinance on file with the Clerk of the Council and incorporated herein by reference. The Mayor is hereby authorized to execute and deliver the same to NiSource and IWC.

SECTION 2. The Mayor may approve changes in form or substance to the Agreement which are consistent with the terms and provisions of this ordinance and Indiana law and do not increase the price or change the terms and conditions of the acquisition unfavorably to the City, such changes to be conclusively evidenced by its execution, and take any and all further actions to effectuate the Agreement.

SECTION 3. The City-County Council does hereby approve the purchase of the Waterworks by the Department pursuant to the Agreement, subject, however, to the satisfaction of any conditions contained therein and of any requirements of Indiana law, including the approval of the transaction by the Indiana Utility Regulatory Commission, and subject further to the Board or the Department having entered into a management agreement with a qualified private operator for the operation and management of the Waterworks. The purchase of the Waterworks by the Department is also subject to completion of the statutory procedures required for issuance of the Bonds or BANs by the Waterworks District for the acquisition and improvement of the Waterworks.

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

Councillor Coonrod moved, seconded by Councillor Schneider, to take Proposal No. 636, 2001 off the table and consider it this evening. Councillors Horseman and Short abstained from voting on the motion. The motion failed on the following roll call vote; viz:

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

Councillor Bradford moved, seconded by Councillor Smith, to take Proposal No. 641, 2001 off the table and consider it this evening. Councillors Horseman and Short abstained from voting on the motion. The motion failed on the following roll call vote; viz:

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

Councillor Coonrod moved, seconded by Councillor Bradford, to take Proposal No. 643, 2001 off the table and consider it this evening. Councillors Horseman and Short abstained from voting on the motion. The motion failed on the following roll call vote; viz:

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

PROPOSAL NO. 692, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 692, 2001 on December 10, 2001. The proposal is an inducement resolution hearing for Dakota Ridge Apartments in an amount not to exceed \$12,000,000 which consists of the construction and equipping of a 192-unit apartment complex on an approximately 19.3 acre parcel of land located on the southeast corner of Banta and Harding Road (District 25). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 692, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 692, 2001 was retitled SPECIAL RESOLUTION NO. 92, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 92, 2001

A SPECIAL RESOLUTION authorizing the City of Indianapolis to issue \$12,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Dakota Ridge Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Flaherty & Collins, Inc., on behalf of Dakota Ridge, a to-be-formed limited partnership (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the construction and equipping of an apartment complex with a total of 192 units, located on approximately 19 acres, at the southeast corner of Banta and Harding Road, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$12,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Dakota Ridge Apartments Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 2001, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found 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 Issuer and its citizens; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and; now, therefore:

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

SECTION 1. It is hereby found that the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project, which consists of the acquisition and rehabilitation of Dakota Ridge Apartments by the Borrower, will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$12,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 3. All costs of the Project incurred after the date which is sixty (60) days prior to the date of adoption of the special resolution to be adopted by the City-County council of the Issuer, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition and rehabilitation, underwriting, expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular, Section 1.150-2.

SECTION 4. This special resolution shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SECTION 5. The Issuer hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

PROPOSAL NO. 693, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 693, 2001 on December 10, 2001. The proposal is an inducement resolution for Herman Associates, Inc. in an amount not to exceed \$12,000,000 which consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray said that this project is in his district, and he would appreciate the Council's support. Councillor Smith moved, seconded by Councillor Gray, for adoption. Proposal No. 693, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 693, 2001 was retitled SPECIAL RESOLUTION NO. 93, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 93, 2001

A SPECIAL RESOLUTION authorizing the City of Indianapolis to issue \$12,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Herman Associates, Inc. on behalf of Heritage Park Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited

to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex with a total of 344 units, located on approximately 22 acres, at 3215 N. Alton, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$12,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (Heritage Park Apartments Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 5, 2001, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found 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 Issuer and its citizens; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and, now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project, which consists of the acquisition and rehabilitation of Heritage Park Apartments by the Borrower, will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$12,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 3. All costs of the Project incurred after the date which is sixty (60) days prior to the date of adoption of the special resolution to be adopted by the City-County council of the Issuer, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition and rehabilitation, underwriting, expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular, Section 1.150-2.

SECTION 4. This special resolution shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SECTION 5. The Issuer hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and

either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 6. The Issuer hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

Councillor Massie reported that the Rules and Public Policy Committee heard Proposal Nos. 688-691, 2001 on December 11, 2001. He said that he will report on the proposals together, but believes they should each be voted on separately.

PROPOSAL NO. 688, 2001. The proposal, sponsored by Councillors Bainbridge, Gibson, and Soards, approves the Mayor's establishment of a charter school by issuing a charter to 21st Century Community School. PROPOSAL NO. 689, 2001. The proposal, sponsored by Councillors Bainbridge, Gibson, and Soards, approves the Mayor's establishment of a charter school by issuing a charter to The Imani School for Excellence. PROPOSAL NO. 690, 2001. The proposal, sponsored by Councillors Bainbridge, Gibson, and Soards, approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Elementary School. PROPOSAL NO. 691, 2001. The proposal, sponsored by Councillors Bainbridge, Gibson, and Soards, approves the Mayor's establishment of a charter school by issuing a charter to Christel House Academy. Councillor Massie applauded all of the efforts that have gone on to establish charter schools in the City, and he explained the emphasis of each proposed charter school. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Gibson said that while he is a product of public schools, he believes charter schools provide innovative ideas in education, and he supports them. He added that there have been four separate public hearings on this matter, and while he is aware there are audience members opposed to passage of these proposals, there are many in attendance who support charter schools. He asked those in support of charter schools to stand. He recognized IPS and their efforts in the charter schools process.

Councillor Bradford said that members of the Community Affairs Committee visited the Flanner House school facility recently and he was impressed and feels Flanner House is a good choice for a charter. He said, however, that he has had phone calls asking for a continuation to get

clarification on funding, and he asked if a short continuance would harm the process. Councillor Massie said that these proposals are a culmination of many weeks of public hearings, and the process has allowed an extraordinary amount of time for the public to raise questions regarding funding. He said that one of the reasons to move with dispatch on these proposals is because these schools must be up and running next fall, and every week they have to wait on the Council to decide places an unfair burden on them to complete their mission.

Councillor Bainbridge said that the selection process has been very professional and thorough. He said that he spent 39 years in public education, and if there was a fault with the process, he would point it out. He said that public funding for schools is a very complex thing and there is no way the Council can fix these funding issues. Those who are dissatisfied with the funding need to approach their State Representatives and Senators to straighten out the law as it now stands.

Councillor Black asked what happens if one of these charters cannot find a location and get their school up and running by the deadline. Councillor Bainbridge said that all four awardees are committed to making it happen. David Harris, executive director of charter schools, said that in order to sign a lease or buy a building, the schools must first obtain their charter. Without the approval of these proposals, these groups cannot move forward. He added that before the charter is fully operational, there must be an executed contract between the applicant and the Mayor. He said that one of the things looked at before that final contract is executed is the facility issue, and each of these entities are very aggressively pursuing this issue. Councillor Conley asked what happens to the school if it is not ready to open by the deadline. Mr. Harris said that if they are not ready, the charter could either be revoked by the Mayor or extended, but he does not anticipate such with any of these applicants.

Councillor Gray said that as a product of IPS, unlike Councillor Gibson, he is not wholeheartedly in support of charter schools. Three of these applicants are schools with no records of performance and no buildings or locations. All the City has from them is a promissory note that says if the City grants them this charter, they will build a school and produce great students. He said that while this sounds good on paper, he has reservations. Other than the Flanner House group, these schools have no success stories, and he hopes that a year from now, the Council will not regret this decision.

Councillor Boyd said that he believes the process has indeed served the public well; however, there are people in the audience who have expressed concerns and reservations and have selected one person to voice these concerns. He said that these reservations do not deal philosophically with the concept of charter schools, but with the funding issue. He moved to allow three minutes for this spokesperson to share their concerns.

Councillor Massie said that he believes this is another example of breaking the rules of the Council and violating protocol on the Council floor. He said that there has been over 30 hours of public testimony on this issue and none of these people were present to raise these issues at any of those hearings. He added that the concern of funding is out of the Council's purview anyway, and even after hearing these concerns, there is nothing the Council can do to resolve them.

Councillor Horseman seconded Councillor Boyd's motion to allow for public testimony and said that these individuals have sat through several hours of non-related discussion, and should be given the courtesy to speak for three minutes.

Councillor Conley said that the rules must apply and protocol needs to be adhered to, and the Council cannot continue to make exceptions in every instance.

Councillor Coonrod moved, seconded by Councillor Conley, to close debate on Councillor Boyd's motion. The motion to close debate carried on the following roll call vote; viz:

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

President SerVaas said that he agrees that the public should only be allowed to speak on the Council floor regarding items under Public Testimony. He said that there are times, however, when he asks the Council for their input regarding exceptions to the rule, and this is one of those instances.

Councillor Boyd's motion to allow for public testimony failed on the following roll call vote; viz:

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

Councillor Short said that this process has been at the General Assembly for many years, and the Mayor and administration have pursued charter schools with vigor. He said that the process has been extensive, and what makes education successful in this nation is providing choices.

Councillor Talley complimented the sponsors and staff who provided a very thorough, public, yet expedited process, and encouraged Councillors to support charter schools.

Councillor Massie moved, seconded by Councillor Bainbridge, for adoption of Proposal No. 688, 2001. Proposal No. 688, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 688, 2001 was retitled COUNCIL RESOLUTION NO. 80, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2001

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to 21st Century Community School.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to 21st Century Community School; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to 21st Century Community School.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Councillor Sanders stated that her negative vote is not directed at particular entities, but rather due to her opposition philosophically to charter schools.

Councillor Massie moved, seconded by Councillor Gibson, for adoption of Proposal No. 689, 2001. Proposal No. 689, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 689, 2001 was retitled COUNCIL RESOLUTION NO. 81, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2001

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to The Imani School for Excellence.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to The Imani School for Excellence; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to The Imani School for Excellence.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Councillor Massie moved, seconded by Councillor Soards, for adoption of Proposal No. 690, 2001. Proposal No. 690, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 690, 2001 was retitled COUNCIL RESOLUTION NO. 82, 2001, and reads as follows:

December 17, 2001

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 2001

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Flanner House Elementary School.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Flanner House Elementary School; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Flanner House Elementary School.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Councillor Massie moved, seconded by Councillor Bainbridge, for adoption of Proposal No. 691, 2001. Councillor Horseman said that she will be abstaining from voting on this proposal to avoid the appearance of a conflict of interest. Proposal No. 691, 2001 was adopted on the following roll call vote; viz:

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

1 NAY: Sanders

1 NOT VOTING: Horseman

Proposal No. 691, 2001 was retitled COUNCIL RESOLUTION NO. 83, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 83, 2001

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Christel House Academy.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Christel House Academy; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Christel House Academy.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 665, 2001. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 665, 2001 on December 11, 2001. The proposal approves an increase of \$265,625 in the 2001 Budgets of the County Auditor and Cooperative Extension Service (State and Federal Grants Fund) for the continuation of the Indiana Grassroots Coalition Program through May 31, 2003, funded by a grant from the Indiana Family and Social Services Administration. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 10:07 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley, for adoption. Proposal No. 665, 2001 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Gray, Short, Talley

Proposal No. 665, 2001 was retitled FISCAL ORDINANCE NO. 171, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 171, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Sixty-five Thousand Six Hundred Twenty-five Dollars (\$265,625) in the State and Federal Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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(b,dd) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Cooperative Extension Service to continue the Indiana Grassroots Coalition Program through May 31, 2001.

SECTION 2. The sum of Two Hundred Sixty-five Thousand Six Hundred Twenty-five Dollars (\$265,625) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services- fringes	19,488
<u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	69,600
2. Supplies	71,926
3. Other Services and Charges	<u>104,611</u>
TOTAL INCREASE	265,625

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>265,625</u>
TOTAL REDUCTION	265,625

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 668 and 669, 2001 on December 17, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 668, 2001. The proposal approves an increase of \$200,356 in the 2001 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse the County Sheriff for prior expenses, funded by a U.S. Department of Justice Federal Grant (State Criminal Alien Assistance Program). PROPOSAL NO. 669, 2001. The proposal approves an increase of \$600 in the 2001 Budget of the County Sheriff (County Grants Fund) to purchase a TV/VCR for the Marion County Crime Prevention Office, funded by a grant from the Target Corporation. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 10:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 668 and 669, 2001 were adopted on the following roll call vote; viz:

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

Proposal No. 668, 2001 was retitled FISCAL ORDINANCE NO. 172, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 172, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Thousand Three Hundred Fifty-six Dollars (\$200,356) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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(dd) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of appropriating a U.S. Department of Justice Federal Grant to reimburse the County Sheriff for prior expenses (State Criminal Alien Assistance Program).

SECTION 2. The sum of Two Hundred Thousand Three Hundred Fifty-six Dollars (\$200,356) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>200,356</u>
TOTAL INCREASE	200,356

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>200,356</u>
TOTAL REDUCTION	200,356

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 669, 2001 was retitled FISCAL ORDINANCE NO. 173, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 173, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Six Hundred Dollars (\$600) in the County Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(y) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase a TV/VCR for the Marion County Crime Prevention Office.

SECTION 2. The sum of Six Hundred Dollars (\$600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	<u>600</u>
TOTAL INCREASE	600

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>600</u>
TOTAL REDUCTION	600

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 670, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 670, 2001 on December 13, 2001. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$195,000 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Consolidated County Fund) to pay additional costs associated with the abandoned vehicle program, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 10:13 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 670, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 670, 2001 was retitled FISCAL ORDINANCE NO. 174, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 174, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating an additional One Hundred Ninety-five Thousand Dollars (\$195,000) in the Consolidated County Fund for purposes of the Department of Public Works, Contract Compliance Division, and decreasing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Contract Compliance Division, to pay additional costs associated with the abandoned vehicle program.

SECTION 2. The sum of One Hundred Ninety-five Thousand Dollars (\$195,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by decreasing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby increased:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>CONTRACT COMPLIANCE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>195,000</u>
TOTAL INCREASE	195,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>195,000</u>
TOTAL DECREASE	195,000

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

Councillor Sanders asked if it is permissible according to the Rules of the Council for Councillors to cast ballots for another Councillor. She said that on the last couple of votes, she has noticed votes being cast for members who are not at their desks. Councillor Coughenour said that it has been the practice of the Council that if the member is in the room, they can signal to their seatmate to cast their ballot, or if they have to leave the room briefly to go to the restroom, but do not want to miss a vote, they can indicate how they wish to vote on the next proposal. President SerVaas said that this has been the case; however, the Rules say that each person must cast their own ballot. Mr. Elrod confirmed that the Rules do not give anyone else the authority to vote for a Council member. President SerVaas reminded the Council of a past problem with one person voting for another member when they were not present. Councillor Smith said that this is a different situation, because he was out of town when another member cast a ballot for him. In this instance, the members were in the room and indicated how they wished to vote. President SerVaas stated that the Rules say that each member must cast their own ballot, and if a member wishes to change this Rule, they should introduce an ordinance to do so, as he is not opposed to doing so. Councillor Bradford added that it is important to note that the Rules also indicate that if a person is present they must vote on each item. He said that many people are sitting at their desks and simply not casting votes on particular items.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Coonrod reported that the Administration and Finance Committee heard Proposal Nos. 600 and 662-664, 2001 on December 4, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 600, 2001. The proposal, sponsored by Councillors Boyd, McWhirter, and Soards, extends by four years the age at which taxicabs and limousines must be removed from service, with the requirement of annual inspections during each of the four years. PROPOSAL NO. 662, 2001. The proposal, sponsored by Councillors Moriarty Adams and Smith, determines the need to lease office space at 604 North Sherman Drive for the Departments of Metropolitan Development and Public Works. PROPOSAL NO. 663, 2001. The proposal, sponsored by Councillors Dowden and Boyd, determines the need to lease office space at 4150 North Keystone Avenue for the Sheriff's Department, IPD, Prosecutor's Office, Child Protective Services, and the Family Advocacy Center, Inc. PROPOSAL NO. 664, 2001. The proposal, sponsored by Councillor Coonrod, authorizes the establishment of the Sales Disclosure Fund as a nonreverting fund. By 6-0 votes, the Committee reported Proposal No. 600, 2001 to the Council with the recommendation that it do pass as amended and Proposal Nos. 662-664, 2001 to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor McWhirter, for adoption. Proposal No. 600, 2001, as amended, and Proposal Nos. 662-664, 2001 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Black, Gray, Talley

Proposal No. 600, 2001, as amended, was retitled GENERAL ORDINANCE NO. 117, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 117, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 996 of the "Revised Code of the Consolidated City and County" regarding the age at which public vehicles for hire must be taken out of service.

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

SECTION 1. Sec. 996-62 of the "Revised Code of the Consolidated City and County," regarding the eligibility for a limousine license, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-62. Eligibility.

To be eligible for a limousine license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicle for hire; and
- (2) Be either:
 - a. Of the current or past ten (10) model years; or
 - b. A luxury vehicle (including a classic car as defined by the Classic Car Club of America, a Rolls Royce, or an elongated Cadillac, Chrysler or Lincoln or a similar vehicle) determined by the controller to be marketable primarily for the experience of the ride, rather than for the mere ability of the vehicle to transport passengers from one (1) geographic point to another; or
 - c. Beyond the past ten (10) model years, but not more than fourteen (14) model years, and inspected and approved annually by the city garage and the controller as remaining fit for quality service both mechanically and aesthetically.

SECTION 2. Sec. 996-72 of the "Revised Code of the Consolidated City and County," regarding eligibility for taxicab licenses, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-72. Eligibility.

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicles for hire;
- (2) ~~Be of the current or past six (6) model years; either:~~
 - a. Of the current or past six (6) model years; or
 - b. Beyond the past six (6) years but not more than ten (10) model years and inspected and approved annually by the controller and the Indianapolis fleet services division of the department of administration as remaining fit for quality service both mechanically and aesthetically;
- (3) Be equipped with a certified taximeter;
- (4) Have a permanently affixed top light clearly identifying the vehicle as a taxicab;
- (5) Have a color scheme which is either:
 - a. Not similar to that in use by any taxicab licensed to another licensee; or
 - b. Similar to that of a taxicab licensed to a licensee who has consented to such use of the color scheme; and
- (6) Have affixed to both sides and the rear of the vehicle the controller's license number for the taxicab in a format prescribed by the controller, designed to be readable by potential customers.

SECTION 3. Sec. 996-47 of the "Revised Code of the Consolidated City and County," regarding fees for public vehicle for hire licenses, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-47. Fees.

The annual fee for each public vehicle for hire license shall be one hundred dollars (\$100); however, an inspection fee of fifty dollars (\$50) shall be added to the annual fee for each license of a limousine beyond the past ten (10) model years, and for each license of a taxicab beyond the past six (6) model years.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 662, 2001 was retitled SPECIAL RESOLUTION NO. 94, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 94, 2001

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 48,328 square feet of office space at 604 N. Sherman Drive, Indianapolis, Indiana for the Department of Metropolitan Development and for the Department of Public Works.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7 has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Department of Metropolitan Development and for the Department of Public Works is necessary.

SECTION 2. The property to be leased is located at 604 N. Sherman Drive, Indianapolis, Indiana, and is owned by Sherman Park, L.P., which is owned by 53 limited partners, none of whom have an interest greater than ten percent (10%).

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

Proposal No. 663, 2001 was retitled SPECIAL RESOLUTION NO. 95, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 95, 2001

A SPECIAL RESOLUTION determining the need to lease office space (totaling approximately 39,062 square feet) at 4150 N. Keystone Avenue for personnel of the Marion County Sheriff's Department, the IPD, the Marion County Prosecutor's Office, Child Protective Services, and the Family Advocacy Center, Inc.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7(2), has investigated the conditions requiring the subject lease and hereby determines the lease of the office space for the use of personnel of the Marion County Sheriff's Department (Sexual and Physical Assault Unit, and Internal Affairs/Polygraph Unit), the IPD (Child Abuse Unit), Child Protective Services, Marion County Prosecutor's Office (Special Victims Unit) and the Family Advocacy Center is necessary.

SECTION 2. The office space to be leased is located at 4150 N. Keystone Avenue in Indianapolis, and is owned by Mainscape, Inc., the principal owners of which are David B. Mazanowski and Zygmunt J. Mazanowski.

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

Proposal No. 664, 2001 was retitled GENERAL ORDINANCE NO. 118, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 2001

A SPECIAL ORDINANCE amending the Revised Code of the Consolidated City of Indianapolis and Marion County, Indiana to establish the sales disclosure fund as a nonreverting fund.

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

SECTION 1. Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding the underlined text as a new Section 135-223 to read as follows:

Sec. 135-223. Sales Disclosure Fund.

(a) There is hereby created a dedicated fund to be designated as the "sales disclosure fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) The auditor shall deposit into the sales disclosure fund all revenue received for filing sales disclosure forms pursuant to IC 6-1.1-5.5-4.

(c) The money in the sales disclosure fund may be used only for:

- (1) administration of sales disclosure forms;
- (2) verification of information contained on sales disclosure forms;
- (3) training of assessing officials; or
- (4) purchasing computer hardware or software for a property record system.

(d) Amounts shall be paid from such fund only pursuant to requests by county assessing officials and appropriations authorized by the city-county council.

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

PROPOSAL NO. 667, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 667, 2001 on December 17, 2001. The proposal establishes the Forensic Services Training Revenue Fund as a special nonreverting fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 667, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Black, Talley*

Proposal No. 667, 2001 was retitled GENERAL ORDINANCE NO. 119, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 119, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to create a forensic services training fund.

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

SECTION 1. Chapter 135 of the "Revised Code of the Consolidated City and County," regarding funds, is hereby amended by the addition of a NEW section to read as follows:

Sec. 135-254. Forensic services training revenue fund.

(a) There is hereby created a special nonreverting fund for the forensic services agency, to be designated as the "forensic services training fund." The auditor shall deposit in such fund all moneys received by or credited to the forensic services agency for providing training in forensic science to domestic and foreign students, and other moneys duly appropriated during each year, as approved by the council, and as provided by law.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted directly or indirectly in any manner other than that set forth in subsection (c) of this section.

(c) Moneys in the forensic services training fund may be used for expenses incurred in providing training to domestic and foreign students and in carrying out the functions and duties of the Indianapolis-Marion County forensic services board and forensic services agency as provided in sections 283-311 through 283-343 of this Code.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the council.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 624-632 and 671-673, 2001 on December 13, 2001. She asked for consent to vote on the proposals together. Consent was given.

PROPOSAL NO. 624, 2001. The proposal, sponsored by Councillor Tilford, authorizes intersection controls for the Valley Creek Subdivision (District 12). PROPOSAL NO. 625, 2001. The proposal, sponsored by Councillor Tilford, authorizes a multi-way stop at 36th Street and

Harvest Avenue (District 12). PROPOSAL NO. 626, 2001. The proposal, sponsored by Councillor Soards, authorizes intersection controls at Lafayette Road and Pilgrim Drive (District 1). PROPOSAL NO. 627, 2001. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 10th Street and New Jersey Street (west leg), and one-way traffic on 10th Street from Alabama Street to Central Avenue (District 22). PROPOSAL NO. 628, 2001. The proposal, sponsored by Councillor Douglas, authorizes multi-way stops at 31st Street and Bolton Avenue and at 32nd Street and Bolton Avenue (District 10). PROPOSAL NO. 629, 2001. The proposal, sponsored by Councillor Brents, authorizes 60 degree angled parking on Shelby Street from Prospect Street to Woodlawn Avenue (District 16). PROPOSAL NO. 630, 2001. The proposal, sponsored by Councillor Short, authorizes one-way traffic flow on Sanders Street from Hartford Street to Leonard Street; and on Leonard Street from Sanders Street to Morris Street (District 21). PROPOSAL NO. 631, 2001. The proposal, sponsored by Councillors Douglas and Nytes, authorizes parking restrictions on Rural Street, on the west side, from 13th Street to a point 320 feet north of Brookside Parkway South Drive (Districts 10, 22). PROPOSAL NO. 632, 2001. The proposal, sponsored by Councillor Soards, repeals the weight limit restriction on 79th Street between Zionsville Road and Moore Road, and imposes a weight limit restriction for 79th Street between Moore Road and Innovation Boulevard (District 1). PROPOSAL NO. 671, 2001. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at Furnas Road and High School Road (District 19). PROPOSAL NO. 672, 2001. The proposal, sponsored by Councillor Nytes, authorizes one-way restrictions on Herman Street between Market Street and Ohio Street. PROPOSAL NO. 673, 2001. The proposal, sponsored by Councillor Langsford, authorizes changes in the parking restrictions on New York Street, from Audubon Road to Bolton Avenue (District 13). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 624-632 and 671-673, 2001 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Gibson, Horseman, Talley

Proposal No. 624, 2001 was retitled GENERAL ORDINANCE NO. 120, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 120, 2001

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Allford Ct Valley Creek W. Ln	Valley Creek W. Ln	Stop
28	Borgman Ct Valley Creek N. Dr Valley Creek W. Ln	Valley Creek N. Dr Valley Creek W. Ln	Stop

28	Borgman Dr Valley Creek E. Dr Valley Creek N. Dr	Valley Creek E. Dr Valley Creek N. Dr	Stop
28	Cardis Ct Cardis Ln	None	None
28	Cardis Ct Valley Creek E. Ln Valley Creek S. Dr	Valley Creek E. Ln Valley Creek S. Dr	Stop
28	Cumberland Rd Valley Creek Way	Cumberland Rd	Stop
28	Valley Creek E. Ln (west leg), Valley Creek Way	None	All Way Stop
28	Valley Creek E. Ln (east leg), Valley Creek Way	Valley Creek Way	Stop

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

Proposal No. 625, 2001 was retitled GENERAL ORDINANCE NO. 121, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 121, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 44I-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. 44I-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>
20	36 th St Harvest Ave	36 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 44I-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>
20	36 th St Harvest Ave	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. 626, 2001 was retitled GENERAL ORDINANCE NO. 122, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 122, 2001

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Lafayette Rd Pilgrim Dr	Lafayette Rd	Stop

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

Proposal No. 627, 2001 was retitled GENERAL ORDINANCE NO. 123, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 123, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls; and Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 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	10 th St New Jersey St	10 th 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>
25	10 th St New Jersey St (west leg)	None	All Way Stop
25	10 th St New Jersey St (east leg)	10 th St	Stop

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

WESTBOUND
Tenth Street, from Cornell Avenue to Alabama Street

SECTION 4. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

WESTBOUND
Tenth Street, from Alabama Street to Central Avenue

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

Proposal No. 628, 2001 was retitled GENERAL ORDINANCE NO. 124, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 124, 2001

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>
19	31 st St Bolton Av	Bolton Av	Stop
19	32 nd St Bolton Av	Bolton 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>
19	31 st St Bolton Av	None	All Way Stop
19	32 nd St Bolton 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. 629, 2001 was retitled GENERAL ORDINANCE NO. 125, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 125, 2001

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

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

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

(e) *Sixty degree angles.* Whenever parking is permitted on any of the following streets or parts thereof, parking at an angle of sixty (60) degrees to the curb, or if there is no curb, then to the line of the traveled roadway, shall be used, and vehicles shall not park otherwise thereon:

Shelby Street, on the west side, from Prospect Street to Woodlawn Avenue

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

Proposal No. 630, 2001 was retitled GENERAL ORDINANCE NO. 126, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 126, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

Sanders Street, from Hartford Street to Leonard Street

NORTHBOUND

Leonard Street, from Sanders Street to Morris Street

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

Proposal No. 631, 2001 was retitled GENERAL ORDINANCE NO. 127, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 127, 2001

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

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

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

Rural Street, on the west side, from 13th Street to a point 320 feet north of
Brookside Parkway South Drive

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

Proposal No. 632, 2001 was retitled GENERAL ORDINANCE NO. 128, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 128, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT
79th Street, from Zionsville Road to Moore Road

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT
79th Street, from Moore Road to Innovation Boulevard

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

Proposal No. 671, 2001 was retitled GENERAL ORDINANCE NO. 129, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 129, 2001

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>
37	Furnas Rd High School Rd	High School Rd	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>
37	Furnas Rd High School Rd	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. 672, 2001 was retitled GENERAL ORDINANCE NO. 130, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 130, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

December 17, 2001

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

NORTHBOUND

Herman Street, from Market Street to Ohio Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

SOUTHBOUND

Herman Street, from the first alley north of Market Street to Market Street

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

Proposal No. 673, 2001 was retitled GENERAL ORDINANCE NO. 131, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 131, 2001

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Section 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

New York Street, on the south side, from Audubon Road to Bolton Avenue

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

New York Street, on the north side, from Audubon Road to Bolton Avenue

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

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) Councillor Moriarty Adams in memory of Icie Roberts and Kenneth Underhill; and
- (2) Councillors Coonrod, Tilford, and Langsford in memory of Edith Roake; and
- (3) Councillor Short in memory of Michael Uber; and
- (4) Councillor Bradford in memory of Beatrice Moos; and
- (5) Councillors Massie and Bradford in memory of JoAnn Shambaugh; and
- (6) Councillors Bradford, Knox, and Short in memory of John "Jack" Murphy; and
- (7) Councillor Talley in memory of Robert Payton; and
- (8) Councillor Schneider in memory of Robert W. Bloss; and
- (9) Councillors Coughenour and Nytes in memory of Faye Bailey; and

- (10) Councillors Langsford, Tilford, and Gray in memory of Chad Aaron Breedlove; and
- (11) Councillors Langsford and Moriarty Adams in memory of Hubert Nally; and
- (12) Councillors Smith, Tilford, Langsford, Coonrod, and Dowden in memory of Matthew Schneider; and
- (13) Councillor Boyd in memory of Adrian Hicks; and
- (14) Councillor Cockrum in memory of Paul E. Burkley.

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 Icie Roberts, Kenneth Underhill, Edith Roake, Michael Uber, Beatrice Moos, JoAnn Shambaugh, John "Jack" Murphy, Robert Payton, Robert W. Bloss, Faye Bailey, Chad Aaron Breedlove, Hubert Nally, Matthew Schneider, Adrian Hicks, and Paul E. Burkley. 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 10:21 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 17th day of December, 2001.

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



President

ATTEST:



Clerk of the Council

(SEAL)