

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

**REGULAR MEETINGS
MONDAY, AUGUST 4, 2003**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m. on Monday, August 4, 2003, with President Borst presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford introduced his wife Lynn and recognized Jack Miller of Hoosier Environmental Partners, union employees of Indianapolis Waterworks, and residents of the Meridian-Kessler, Forest Hills, Broad Ripple Village, Butler-Tarkington, and Garfield Park neighborhoods. Councillor Talley recognized State Representative Mae Dickinson. Councillor Gray recognized Jesse and Cordelia Lewis Burke of the Crown Hill Neighborhood Association. Councillor Black introduced Caroline Farrar, executive director of the Meridian-Kessler Neighborhood Association. Councillor Douglas recognized Charlotte Scott, City-County Council candidate. Councillor Horseman recognized City-County Council candidates Angie Mansfield, Greg Bowes, and Patrice Abdullah. Councillor Massie recognized long-time neighborhood activist and unofficial Garfield Park mayor, Margie Nackenhorst. Councillor Gray recognized Pike Township Trustee Lula Patton and her sister Carol. Councillor Conley wished his wife

Judy, who is still at home recuperating from surgery, a happy birthday tomorrow. Councillor Sanders recognized City-County Council candidate Mike Edmondson. Councillor Massie introduced City-County Council candidate Mike Speedy. Councillor Frick recognized mayoral candidate and County Treasurer, Greg Jordan. President Borst stated that it is good to have Councillor Cockrum back from surgery and doing well.

OFFICIAL COMMUNICATIONS

President Borst called for the reading of Official Communications. He recognized Mayor Bart Peterson and asked him to present his communication regarding the 2003 budget. Mayor Peterson introduced his wife Amy and her sister Cindy. He recognized the hard work of Katherine Davis, City Controller, and her staff and all of the Department Heads in making this budget possible. He then delivered the following address:

I suspect none of us sought the privilege of serving in our offices solely to manage local government budgets. We don't put in long hours merely to maintain the status quo in Indianapolis. We believe that local government, in partnership with businesses, neighborhood associations, service organizations and others, can be a force for making our city a better place and improving the lives of the people we serve.

This year, as in the past, we have tried to be just that. Since I proposed my last budget, our economic development team has had many successes. The NNC Group, a business serving nine of the world's ten largest pharmaceutical companies, is consolidating operations from St. Louis to expand its corporate headquarters in Indianapolis, creating more than 270 local high-paying jobs. Life sciences giant Roche Diagnostics has committed to a \$132 million expansion that will add 600 new jobs. Stanley Access Technologies is planning a \$5 million expansion, establishing a new divisional headquarters, and retaining 546 local jobs. Norwood Promotional Products is moving its international headquarters to Indianapolis from Austin, Texas, bringing in 80 top-level jobs. AIT Laboratories, a national leader in analytical pharmacology and toxicology, is investing \$5 million, retaining 40 jobs and creating 75 new jobs at a new corporate headquarters and toxicology laboratory on the west side of Indianapolis. And Finish Line, one of our homegrown companies, broke ground on a \$20 million eastside corporate headquarters and distribution center expansion project in June, which will add 90 new jobs and retain 461 jobs.

New jobs, new corporate headquarters, new investment, all coming in a very tough economy. In fact, our unemployment rate, which has risen with the national economic downturn of the last three years, has just dropped below 5% for the first time since late in 2001. It is more than a percent below the national unemployment rate.

We've broken ground on two critical components of the new midfield terminal project at the airport – the relocation of Interstate 70 and the airport tower. Soon, we will unveil the design for the new terminal building, which will accommodate more passenger volume, improve services to business and leisure travelers, shorten taxi times, and serve as a national model for modern airport security. The new terminal building, funded by negotiated airline charges, will not impact the City's budget. Through three orange alerts issued by the Department of Homeland Security, our public safety personnel – police officers, firefighters, emergency management specialists – have prepared us for the unlikely event of a terrorist attack. The threat level was raised during the first and second rounds of the NCAA Men's Basketball Tournament in the RCA Dome and at the time of the Indianapolis 500, both events that drew tens of thousands of visitors to our city.

Three weeks ago, 300,000 visitors came downtown for Indiana Black Expo's Summer Celebration, the premier event of its kind in the country. The men and women of the Indianapolis Police Department stepped up, working to ensure our residents and out of town visitors had a great experience and a good feeling about our city. They gave directions, kept pedestrian and vehicle traffic moving safely, and helped create an atmosphere of respect.

From devastating tornadoes almost a year ago, to one of the snowiest winters on record, to one of the most difficult pothole seasons in memory, to rains and floods that nearly crippled some of our neighborhoods last month, the men and women of the Department of Public Works are the frontline

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warriors in keeping our city going, come what may. A plague of locusts may be the only thing they didn't have to handle this past year!

When the Indiana Department of Transportation announced it was closing the I65/I70 connector downtown, the Department of Public Works prepared city streets for the increased traffic load, the Indianapolis Police Department helped lead a coordinated education effort for local drivers, and the Mayor's Action Center expanded its hours to meet the needs of commuting citizens. By any standard, Hyperfix was a success.

Over at Indianapolis Animal Care and Control, our staff has been working feverishly to link abandoned pets to new owners. From community outreach activities like Microchip Day, to online donations, to partnerships with local businesses and schools, Animal Care and Control is leading the way to control pet overpopulation and to encourage a more humane treatment of animals in our city.

And two weeks ago, when a car crashed through a chain link fence and plunged into four feet of water at the swimming pool at Gustafson Park, six of our Indy Parks lifeguards leapt to action, keeping swimmers safe while rescuing the car's passengers from the water.

All these things have been done without asking for any more money from our taxpayers. I am so proud of the people who work for the City of Indianapolis. Please join me in giving our city employees a hand!

This is my fourth year to stand before you and offer a city budget proposal. It is, in many ways, the most difficult one yet. My budgets have always reflected my strong belief in delivering services in the most efficient way possible and looking for ways to reduce the cost of government. The state of the national economy, while showing some signs of recovery, continues to suggest particular caution with government spending. But the property tax crisis so many of our homeowners face makes this a truly unique budget year.

We have been careful and prudent in our spending in the last three and a half years, yet we have made tremendous advancements. We shored up public safety, giving our police officers, firefighters and emergency management personnel the tools they need to better protect our community. We beefed up code enforcement in our neighborhoods, making tangible improvements in neighborhood livability. We invested in our parks, adding more parkland and programs for everyone to enjoy. And we increased funding for the arts, a vital component of our strategies for economic development, quality of life, and education.

We have done these things – and more – in a fiscally conservative way. In fact, the people of Indianapolis and Marion County have seen the city government share of their property tax bill shrink from 1999 to 2003.

But even more is required of us in these tough times. Indianapolis is not alone in dealing with the challenges of an economic downturn that has hit nearly every city in this country hard. But we face an additional challenge. We have homeowners in our city who are reeling from higher property taxes resulting from the recent reassessment.

The reassessment was prompted by an Indiana Supreme Court ruling in 1998, which found our state's property tax system to be unconstitutional. Assessors were required to start assessing property – homes and businesses – based on market value. The impact has been felt most acutely by owners of older homes. Many fear losing their home or having to move out of their neighborhoods.

We have reached out to assist those homeowners. I created the position of Taxpayer Advocate – which helps Indianapolis homeowners understand their rights under the law and educates them about the property tax process – and used already budgeted dollars to hire Amy Corsaro to take on this great responsibility.

Amy – assisted by local lawyers we recruited to donate their time – has had a busy month. In early July, volunteer lawyers staffed a help line for those affected by the reassessment. Throughout the past month, Amy and other lawyers working with her have helped 400 people with their property tax questions. Also, Amy has been out in our neighborhoods, holding one-on-one meetings with

taxpayers, working in conjunction with township assessors. As a reminder, Amy Corsaro can be reached by contacting the Mayor's Action Center at 327-4MAC, that's 327-4622.

I also asked the Indianapolis Neighborhood Housing Partnership to help. They've responded with a terrific program called "Preserving the American Dream," which gives qualifying homeowners the opportunity to utilize historically low interest rates to relieve the pressures of property tax bills and to get needed home repairs done at the same time. INHP is doing wonderful job, and I applaud them for stepping up to the plate to help homeowners in our community who are hurting.

But city government must also lead by example in providing relief to our taxpayers. In these tough times, we will respond to changed circumstances and still deliver quality and effective services by aggressively cutting our budget and reducing spending.

I am proposing to reduce the 2004 city budget by \$20.9 million. That includes \$12.2 million in spending cuts and the elimination of the \$8.7 million in Public Mass Transit Funds which you may have read about in the news recently. \$12.2 million represents a 5.6% cut in non-public safety spending, and an overall cut of 2.24%. And, I have already ordered city government to reduce its spending by at least 6.5% for the current budget year.

I am proposing a salary freeze for non-union city employees which will affect more than 1,200 people. There will be a two-percent pay cut for me, my senior staff and department directors. I'm proposing to eliminate at least 20 positions citywide, two of which are in my office.

Every city department is cutting back on new computers, supplies, vehicles, equipment, tools, office furniture, outside contracts, and fuel.

Our city departments are able to do this without compromising essential services because of flexibility, determination, and creativity. They will be doing more with less. The Department of Metropolitan Development is cutting its budget even while providing maintenance on new city-owned properties like the Keystone Enterprise Park and Central State Hospital. Indy Parks will still open nine new facilities including new trails and greenways – thanks in part to a generous grant for capital projects from the Lilly Endowment – without increasing staff. Public Works is reducing 11 positions without layoffs, realigning its workforce to run leaner.

Together, over four city budgets, we have held the annual growth in property tax levies to an average of three tenths of one percent per year. This compares to 3% annual growth in city property tax levies in the five preceding years. The 2004 budget proposal cuts the city's reliance on property taxes by \$2.5 million.

Austerity measures are more than just cuts. Austerity measures force us to temporarily hold off on some of the things we would dearly like to have. For example, I am not proposing funding increases for code enforcement or the arts. We will have to make progress in these areas without more funding. We will continue to make progress in these areas with a leaner budget.

Just think: three and a half years ago, Lynn's Lingerie had two strip clubs masquerading as neighborhood clothing retailers; Citizen's Lodge was the Indianapolis Police Department's number one criminal hotspot; and our code inspectors spent considerable time filing paperwork and reports. Today, Lynn's Lingerie is out of business; Citizen's Lodge has been leveled; and our inspectors have better technology that allows them more time to rid our neighborhoods of serial code violators. We've come a long way! We're going to keep it up – we will just do more with no additional funding.

Arts funding means a lot to me. I believe in the power the arts have to transform lives. It is a source of pride to me that we have worked together to nearly double city support of our arts organizations. However, at a time when city employees will not be getting pay raises, I could not in good conscience ask for an increase in arts funding.

Public safety is an area in which we will keep a close eye on spending and continue to be efficient, but we will see a relatively small increase from last year's budget. Public safety was, is, and will always be my top priority in city government.

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I will, in spite of all these measures, allow no compromise in essential city services. Streets will be paved, sewers maintained, and sidewalks replaced. Neighborhood services, such as community development and affordable housing initiatives, code enforcement and parks programs, will go on. Nuts and bolts services, for which we pay property taxes in the first place – such as snow removal and trash pickup – will be unaffected.

We will do more with less. I deeply regret that many of those from whom we will ask more will not receive any more pay in 2004. This will be a priority to fix when city finances allow.

The city's 2004 budget proposal is austere. It is stark and it is straightforward. Reducing spending in 2003 and 2004 has not been an easy task. The responsibility to do so comes with the office to which I am elected. And it falls upon you as well. I look forward to working with you in a bipartisan fashion in the upcoming weeks for the benefit of the people we all serve. Thank you.

President Borst recognized Martha Womacks, County Auditor, and asked her to present her budget communication. Ms. Womacks recognized Deputy Auditor Dan Jones and Budget Manager Cindy Mowery and the rest of her staff. She then delivered the following remarks:

Mayor Peterson, Mr. President, Members of the City-County Council, and Citizens of Marion County:

It seems as though every year gets more and more difficult to find a way to fund county government. Because of our public safety needs, all agencies in county government must contribute. Before I explain more about the budget and how it will be funded, I would like to point out some positives that are occurring in Marion County.

The Arrestee Processing Center is scheduled to begin operations later this month. This center was established on the principle that everyone taken into custody by the law enforcement community and processed for the Superior Court System and the Marion County Jail will be managed in an efficient manner within a secure and healthy environment. It is expected that timely, informed decisions will be made with regard to the conditions by which arrestees may be released. The opening of the center is the culmination of the efforts of many county, city and Building Authority officials. It will be staffed by employees of the Indianapolis Police Department, Marion County Sheriff's Department, Superior Court including judicial probation, Prosecutor, Public Defender, Clerk and the Justice Agency. I am hopeful that this center will have a positive effect on our jail population by processing those who have been arrested in a more expedient way and meet the requirements ordered by Judge Sarah Evans Barker.

I know the term "Reassessment" is now considered an expletive by many in Marion County. However, I would like to publicly commend the programmers with ACS and the staff of ISA who saw to it that extensive changes were made to our antiquated property system in order to meet the statutory changes necessary for the implementation of HB1001 as well as other changes. Meetings of pertinent staff kept everyone focused in order to meet the established deadlines and make us one of the first counties in Indiana to complete the Reassessment. I would like to compliment the township assessors and the staff of the county treasurer and especially my own staff who have worked diligently to see that we could send out bills and collect dollars for units of government.

New voting machines were put into use in the May Primary replacing the lever machines, which had been used for over fifty years. Storage, delivery to the voting site, and quicker results are among the advantages. In May, the first election results were obtained in thirteen minutes. It is our hope that promised federal funding will save our taxpayers millions.

After many years of being located in a variety of places, the Prosecutor's Office has consolidated all of its offices in one location – 251 W. Ohio Street. The Grand Jury is also located there after experiencing horrible conditions in their former site. The areas in the city-county building that were vacated will be back-filled by offices that had been renting out of the building thereby keeping all costs flat.

Technological successes have been achieved in both GIS and the Internet. GIS, which stands for Geographic Information System, has been diligently working with many agencies such as Voter's Registration. They have worked with both probation and the prosecutor's office identifying where

their respective "clients", if you will, are located. The new aerial photography, which allows building heights to be identified is extremely helpful to the township assessors. Also, address information is becoming more finite.

Many web sites within Marion County have been redesigned or newly created when new elected officials came in on January 1. The Internet staff created an online budget questionnaire for ISA's use for the budgeting process.

The JUSTIS System will be replaced in 2004 by a state of the art system, which is being given to Marion County by the state of Indiana. We are pleased to have been selected as the pilot county for our current computer system, JUSTIS, which badly needs to be replaced. This new system should create efficiencies in our courts not currently available.

Public safety continues to be a priority with Marion County tax dollars and 2004 is no exception. Judge Sarah Evans Barker issued an order in mid-July, which requires Marion County to fund a variety of public safety measures, which will help curb the jail population. The judge's order requires each prisoner in the jail to be provided a bed or bunk above the floor and that all prisoners be treated in a safe and humane manner. Prior to the judge's order, the Sheriff directed that a jail staffing study be initiated to determine appropriate staffing levels throughout the jail. I believe the proposed staffing plan, which includes changes in staffing, changes in facilities, and an increase in equipment and utilization of technology will be reviewed with the Council in detail. I would like to commend the team for its exhaustive efforts in developing the plan. Many difficult financial decisions lie before us, but we must ensure the public's safety and that of our employees. The jail bed capacity at CCA or Jail II has been expanded to its fullest. Community Corrections has expanded both its home detention program and work release. Also, the food contract is being evaluated and funding is being supplemented. These programs, along with the arrestee processing center, which have begun in 2003 will continue into 2004.

In finding a way to finance next year's budget, administrative areas have been affected. We have been careful not to impair public safety, which includes the Sheriff, Courts, Prosecutor, Public Defender, Probation and the Clerk. Public safety costs have risen \$30.5M since the year 2000. Appropriations from the general fund have been moved to other funds in order to protect the general fund. County agencies have been cooperative in finding ways to do with less this year that will carry over to 2004. We have pared the budget down to bare bones to, hopefully, help Marion County homeowners in 2004. The 2004 county budget will return over \$7 million to property tax payers.

As you probably noticed in the paper this morning, the costs of incarcerating our juveniles have not been included in the 2004 budget. I am hopeful the Criminal Justice Planning Council will help address this issue. A bit of good news is that as a result of the audit we contracted to have done, the bills are being calculated differently and we were given a two-year credit of almost one million dollars that is being applied to our debt. Also, the bill for the first six months of 2003 was less than expected, primarily due to the calculation change.

This budget includes the 27th pay, which occurs rarely. However, it is my hope that we can do this for the dedicated workers for the county so they will not see less in their paychecks in January. The budget for employee benefits has been distributed to each agency within the county to comply with the Government Accounting Standards Board's (GASB's) reporting requirements.

Sir Winston Churchill said, "A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty." The 2004 Budget has many difficulties; my hope is that we can all be optimists as we work through it together. Thank you very much.

President Borst stated that there are challenges ahead and he hopes the Council body is prepared to work hard the next several weeks to make it all come together.

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

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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, August 4, 2003, 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/Philip C. Borst, D.V.M.
President, City-County Council

July 22, 2003

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 23, 2003, and in the *Indianapolis Star* on Thursday, July 24, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 383, 384, 390, and 391, 2003, said hearing to be held on Monday, August 4, 2003, at 7:00 p.m. in the City-County Building.

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

August 1, 2003

TO PRESIDENT BORST 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. 78, 2003 – approves an increase of \$674,517 in the 2003 Budget of Community Corrections (County General Fund) to fund six months of expanded capacity of Work Release Programming for an additional 153 clients, financed by fund balances

FISCAL ORDINANCE NO. 79, 2003 - approves an increase of \$281,304 in the 2003 Budgets of the County Auditor and Community Corrections (County General Fund) to fund six months of expanded capacity of Home Detention Programming for an additional 600 clients, financed by fund balances

FISCAL ORDINANCE NO. 80, 2003 - approves an increase of \$700,000 in the 2003 Budget of the Office of the City Controller (Landmark Building Preservation Fund) to fund repairs to electrical, lighting, flooring, and window systems at the City Market, and to repair elevators and remodel the lobby at the Indiana Repertory Theater, financed by fund balances

FISCAL ORDINANCE NO. 81, 2003 - approves an increase of \$195,000 in the 2003 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase servers and editing equipment to be used by WCTY/Channel 16, financed by a cable franchise PEG (Public Educational or Government Access Facilities) grant

FISCAL ORDINANCE NO. 82, 2003 - approves an increase of \$400,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to construct the driving range, practice area, and three-hole short course for the Indianapolis First Tee Junior Golf Facility, as well as test and remove contaminated soil from the Whispering Hills, Pleasant Run and Sara Shank golf courses, financed by fund balances

FISCAL ORDINANCE NO. 86, 2003 - approves an increase of \$749,927 in the 2003 Budgets of Community Corrections and the County Auditor (Home Detention User Fee Fund) to fund personnel, home detention equipment, and supplies for the first six months of fiscal year 2003-2004, financed by fund balances

FISCAL ORDINANCE NO. 87, 2003 - approves an increase of \$2,935,128 in the 2003 Budget of Community Corrections and the County Auditor (State and Federal Grants Fund) to appropriate the annual Department of Corrections Grant for fiscal year 2003-2004

FISCAL ORDINANCE NO. 88, 2003 - approves an increase of \$218,070 in the 2003 Budgets of Community Corrections and the County Auditor (State and Federal Grants Fund) to fund a Juvenile Court Intensive Probation Services Program for fiscal year 2003-2004, funded by a state grant (Department of Correction)

GENERAL ORDINANCE NO. 51, 2003 - authorizes a multi-way stop at Furman Avenue and Lockertie Drive (District 18)

GENERAL ORDINANCE NO. 52, 2003 - authorizes a multi-way stop at Orange Street and Spruce Street (District 21)

GENERAL ORDINANCE NO. 53, 2003 - authorizes a multi-way stop at Minnesota Street and Orleans Street (District 21)

GENERAL ORDINANCE NO. 54, 2003 - authorizes a multi-way stop at Pinecreek Drive and Ridgecreek Drive (District 4)

GENERAL ORDINANCE NO. 55, 2003 - authorizes an increase in the speed limit from 35 mph to 40 mph for Decatur Boulevard from Ameriplex Parkway to Kollman Road (District 19)

GENERAL ORDINANCE NO. 56, 2003 - authorizes a one-way restriction on 10th Street from Delaware Street to Alabama Street (District 22)

GENERAL ORDINANCE NO. 57, 2003 - authorizes parking restrictions on Lexington Avenue from Virginia Avenue to Park Avenue (District 16)

GENERAL ORDINANCE NO. 58, 2003 - authorizes parking restrictions on Muskingum Street from Walnut Street to 10th Street (Districts 16, 22)

GENERAL ORDINANCE NO. 59, 2003 - authorizes parking restrictions on Manor Court from 36th Street to the Dead End (Districts 11, 14)

GENERAL ORDINANCE NO. 60, 2003 - authorizes special parking restrictions on College Avenue near 42nd Street (District 6)

GENERAL ORDINANCE NO. 61, 2003 - authorizes a multi-way stop at 13th Street and Glen Arm Road (District 18)

SPECIAL RESOLUTION NO. 40, 2003 - recognizes Eagle Scout Luke Samuel Williams

SPECIAL RESOLUTION NO. 41, 2003 - congratulates the Wayne Township Fire Department Extrication Team

SPECIAL RESOLUTION NO. 42, 2003 - recognizes the Peruvian Association of Indiana

SPECIAL RESOLUTION NO. 43, 2003 - recognizes BAA Indianapolis LLC for their perfect FAA Inspection

SPECIAL RESOLUTION NO. 44, 2003 - urges a Special Session of the Indiana General Assembly

SPECIAL RESOLUTION NO. 45, 2003 - determines the need to lease approximately 1,584 square feet of office space at 4150 North Keystone Avenue for the Indianapolis Police Department

SPECIAL RESOLUTION NO. 46, 2003 - allows household hazardous waste generated in Johnson County to be collected and disposed of by the City's Tox Drop Program in exchange for a fee paid by Johnson County

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 July 21, 2003. There being no additions or corrections, the minutes were approved as distributed.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 432, 2003. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 33rd Street and Ashland Avenue (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 433, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the deletion of parking restrictions on Park Avenue between 21st Street and Sutherland Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 434, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Alabama Street near 10th Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 435, 2003. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Mann Road between I-465 and Gambel Road (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 436, 2003. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Meadow Drive between Horner Drive and Southeastern Avenue (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 437, 2003. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 46th Street between College Avenue and Carvel Avenue (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 438, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Wisconsin Street near Meridian Street (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 439, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$69,885 in the 2003 Budgets of the County Auditor and Public Defender Agency (State and Federal Grants Fund) for the continuation of the Sentencing Alternative Programs, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$42,190 is funded by existing appropriations in the Public Defender Agency, Marion Superior Court, and Community Corrections budgets.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 440, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$6,024 in the 2003 Budget of the Marion Superior Court, Juvenile Division (Guardian Ad Litem Fund) to appropriate the final GAL/CASA (Guardian ad Litem/Court Appointed Special Advocate) funds from the State of Indiana"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 442, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$42,609 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding to Volunteers of America for partial cost of staffing A Child's Haven, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 443, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$31,994 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Adult Protective Services Victim Assistance Program for Breaking Free, Inc., funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 444, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$81,045 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Salvation Army Social Service Center which provides quality shelter and supportive services to women and children who are victims of domestic violence, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$45,352 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding for therapy for battered women and children through the Julian Center, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 446, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,698 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide partial funding for the volunteer coordinator at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,237 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund a trained child interviewer and also to fund Project Safe Families at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 448, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$104,511 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund a protective order advocate salary and a percentage of two supervisors salaries at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 449, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,000 in the 2003

Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Breaking Free Hispanic Outreach Project, which provides access to services for Hispanic individuals, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 450, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$389,623 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to enhance adjudication of cases involving violent offenders to include juvenile offenders, funded by a federal grant (Block Grant #7)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 462, 2003. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which adopts the annual budget of the Police Special Service District for 2004 appropriating \$125,276,616 and levying property taxes to fund such budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 463, 2003. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which adopts the annual budget for the Fire Special Service District for 2004 appropriating \$85,792,951 and levying property taxes to fund such budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 464, 2003. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which adopts the annual budget for the Solid Waste Collection Special Service District for 2004 appropriating \$30,005,245 and levying property taxes to fund such budget"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 465, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for 2004 for the Consolidated City appropriating \$245,752,767"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 466, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$39,018,209 for the necessary payments for city sinking funds for 2004"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 467, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2004 totaling \$58,868,213"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 468, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Metropolitan Emergency Communications Agency for 2004 appropriating \$12,019,529"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 469, 2003. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget and levies for the Marion County Office of the State Department Family and Children for 2004 appropriating \$70,958,890 and levying property taxes to fund such expenditures"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 470, 2003. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for 2004 for certain constitutional officers of Marion County appropriating \$32,666,683"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 471, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for 2004 for certain Marion County law enforcement and correction agencies appropriating \$99,563,546"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 472, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for 2004 for certain judicial agencies of Marion County appropriating \$73,061,085"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 473, 2003. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for 2004 for certain administrative offices and agencies of Marion County appropriating \$50,569,849"; and the President referred it to the Administration and Finance and Community Affairs Committees.

PROPOSAL NO. 474, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 475, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which determines the tax levy for 2004 for each fund of the Consolidated City and Marion County"; and the President referred it to the Administration and Finance, Community Affairs, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 476, 2003. Introduced by Councillors Coughenour and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes the payment of certain dues for the city and county offices and agencies"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 477, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which directs a reduction of expenditures of budgeted 2003 appropriations from the County General Fund, County Reassessment Fund, Metropolitan Emergency Communications Fund, and Forensic Training Fund"; and the President referred it to the Administration and Finance, Metropolitan Development, and Public Safety and Criminal Justice Committees.

Councillor Talley said that Proposal No. 477, 2003 is not on this Wednesday's agenda for the Public Safety and Criminal Justice Committee. He asked why it was left off and when it will be scheduled. President Borst said that the chairman of that committee, Councillor Dowden, is absent this evening. He said that it was probably not included on the agenda because it was a late submission, and he is sure Chairman Dowden will schedule it in a timely fashion. Councillor Talley said that he has many neighbors interested in the issue who need to be notified ahead of the hearing. He said that he wants to make sure it is not added to the agenda at the last minute. President Borst said that Councillor Talley will have to contact Chairman Dowden to find out when it might be scheduled.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Cockrum made the following motion:

Mr. President:

I move that Proposal No. 452, 2003 (Rezoning Case 2002-ZON-178) be scheduled for a hearing before this Council at its next regular meeting on August 25, 2003 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Soards seconded the motion, and Proposal No. 452, 2003 was scheduled for public hearing on August 25, 2003 by a unanimous voice vote and is identified as follows:

2002-ZON-178

4375 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

KENTUCKY AVENUE DEVELOPMENT, LLC, by Thomas Michael Quinn, requests a rezoning of 4.46 acres, being in the D-A and D-3 Districts, to the C-S classification to provide for a gas station, convenience store, hotel and restaurant.

Mr. Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2002-ZON-178, Council Proposal No. 452, 2003, at its next regular meeting on August 25, 2003, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 4.46 acres at 4375 Kentucky Avenue from D-A and D-3 Districts to C-S classification to provide for a gas station, convenience store, hotel, and restaurant.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

PROPOSAL NOS. 453-457, 459-461, 2003. Introduced by Councillor Langsford. Proposal Nos. 453-457, 459-461, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 31, 2003. 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. 111-118, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 111, 2003.

2002-ZON-172 (Amended)

901 EAST MICHIGAN STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

MIDLAND ARTS AND ANTIQUE MARKET, by David Kingen, requests a rezoning of 4.37 acres, being in the C-S (FF) District, to the C-S (FF) classification to provide for a mixed use residential and commercial development.

REZONING ORDINANCE NO. 112, 2003.

2003-ZON-047

529, 533, and 537 SOUTH EAST STREET and 509, 519, 523, 527, 531 and 535 EAST WARSAW STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

CLARA BOVA AND ANTONIO SIMEONE, by David Kingen, requests a rezoning of 0.77 acre, being in the D-8 (RC) and CBD-2 (RC) Districts, to the CBD-2 (RC) classification to provide for residential development.

REZONING ORDINANCE NO. 113, 2003.

2003-ZON-048

1128 and 1130 EARHART STREET and 1133, 1137 and 1139 MADEIRA STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #21

HALLS TEMPLE CHURCH OF GOD IN CHRIST requests a rezoning of 0.685 acre, being in the D-5 and PK-1 Districts, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 114, 2003.

2003-ZON-061

8023, 8427, 8032 and 8431 PENDLETON PIKE BOULEVARD and 4519 MAPLE LANE (approximate addresses), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #14

MI S. YUN, by David Kingen, requests a rezoning of 1.09 acres, being in the D-3 and C-5 Districts to the C-5 classification, to provide for the expansion of automobile sales.

REZONING ORDINANCE NO. 115, 2003.

2003-ZON-066

1542 NORTH GRANT AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #10

WENDELL BRAGG, by Thomas Michael Quinn, requests a rezoning of 0.12 acre, being in the D-5 District, to the C-1 classification to provide for commercial development.

REZONING ORDINANCE NO. 116, 2003.

2003-ZON-090

1540 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

LOUIS MAHERN requests a rezoning of 0.23 acres, being in the C-3 District, to the D-8 classification to build a single-family dwelling with garage and carriage house.

REZONING ORDINANCE NO. 117, 2003.

2003-ZON-806

10 WEST HANNA AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25

JERRY W. and CHERYL A. PATTON request a rezoning of 1.75 acres, being in the D-3 District to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 118, 2003.

2003-ZON-812

5943 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20

AMOCO OIL COMPANY, by David Kingen, requests a rezoning of 0.45 acre, being in the D-1 District, to the C-3 classification to provide for neighborhood commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 383 and 384, 2003 on July 31, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 383, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$206,000 (Federal Grants Funds) and a transfer of \$21,905 (Park General Fund) in the 2003 Budget of the Department of Parks and Recreation to continue the after school programs in the Forest Manor School, School #108, and The Boys and Girls Club in Raymond Park Middle School for the 2003-2004 school year, financed by a federal grant and a transfer between characters. PROPOSAL NO. 384, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$522,138 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to replace the burned playground equipment in Washington Park, install shelters at the summer lunch sites, and support projects at Garfield, Christian, Rhodius, and Bethel Parks, financed by interest earnings on Lilly Endowment funds. By 7-0 votes, the Committee reported Proposal No. 383, 2003 to the Council with the recommendation that it do pass and Proposal No. 384, 2003 to the Council with the recommendation that it do pass as amended.

Councillor Bradford asked if there are any new taxes involved in these proposals. Councillor Cockrum said that there are not, and these are funded through transfers, grants, and interest on grants.

President Borst called for public testimony at 8:13 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 383, 2003 and Proposal No. 384, 2003, as amended, were adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Soards, Tilford

1 NAY: Schneider

2 NOT VOTING: Coonrod, Talley

2 ABSENT: Dowden, Langsford

Proposal No. 383, 2003 was retitled FISCAL ORDINANCE NO. 91, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Two Hundred Six Thousand (\$206,000) in the Federal Grants Fund and transferring and appropriating Twenty-one Thousand Nine Hundred Five Dollars (\$21,905) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund and reducing certain other appropriations for that department.

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 (l) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the after school programs in the Forest Manor School near 38th & Sherman, School #108, and The Boys and Girls Club in Raymond Park Middle School for the 2003-2004 school year, financed by a federal grant and a transfer between characters.

SECTION 2. The sum of Two Hundred Six Thousand Dollars (\$206,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4; and the sum of Twenty-one Thousand Nine Hundred Five Dollars (\$21,905) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	21,905
2. Supplies	16,495
3. Other Services and Charges	164,600
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	206,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARKS GENERAL FUND</u>
3. Other Services and Charges	<u>21,905</u>
TOTAL INCREASE	21,905

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>206,000</u>
TOTAL REDUCTION	206,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARKS GENERAL FUND</u>
1. Personal Services	<u>21,905</u>
TOTAL DECREASE	21,905

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 controller 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. 384, 2003, as amended, was retitled FISCAL ORDINANCE NO. 92, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Five Hundred Twenty-two Thousand One Hundred Thirty-eight Dollars (\$522,138) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to replace the burned playground equipment in Washington Park, install shelters at the summer lunch sites, and to support projects at Garfield, Christian, Rhodius, and Bethel Parks, financed by interest earnings Lilly Endowment funds.

SECTION 2. The sum of Five Hundred Twenty-two Thousand One Hundred Thirty-eight Dollars (\$522,138) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>522,138</u>
TOTAL INCREASE	522,138

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Parks General Fund	<u>522,138</u>
TOTAL REDUCTION	522,138

SECTION 5. The projected December 31, 2003, fund balance for the Park General Fund is as follows:

Cash balance as of June 30, 2003	12,010,067
Estimated revenues July through December, 2003	<u>14,987,992</u>
Projected funds available	26,998,059
2003 remaining appropriations, including all encumbrances	24,028,350
Pending additional appropriation (Proposal 327, 2003)	400,000
Proposed additional appropriation (Proposal No. 384, 2003)	<u>522,138</u>
Total Requirements	24,950,488
Projected fund balance December 31, 2003	2,047,571

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

In Chairman Dowden's absence, Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 390 and 391, 2003 on July 23, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 390, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,421 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salaries for Crisis Line employees, funded by a grant from the Julian Center. PROPOSAL NO. 391, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$9,500 in the 2003 Budget of the Marion County Justice Agency (Law Enforcement Fund) to appropriate unappropriated and unencumbered funds for the 2003 Budget. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:16 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 390 and 391, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 390, 2003 was retitled FISCAL ORDINANCE NO. 93, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Twenty Thousand Four Hundred Twenty-one Dollars

(\$20,421) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency 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 (i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to provide salaries for the Crisis Line employees.

SECTION 2. The sum of an additional Twenty Thousand Four Hundred Twenty-one Dollars (\$20,421) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>20,421</u>
TOTAL INCREASE	20,421

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>20,421</u>
TOTAL REDUCTION	20,421

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. 391, 2003 was retitled FISCAL ORDINANCE NO. 94, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Nine Thousand Five Hundred Dollars (\$9,500) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to appropriate unappropriated and unencumbered funds for the 2003 Budget.

SECTION 2. The sum of Nine Thousand Five Hundred Dollars (\$9,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	<u>9,500</u>
TOTAL INCREASE	9,500

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	9,500
TOTAL REDUCTION	9,500

SECTION 5. The projected December 31, 2003, fund balance for the Law Enforcement Fund is as follows:

Current cash balance June 30, 2003	975,000
Anticipated additional revenue through December 31, 2003	<u>585,000</u>
Projected funds available	1,560,000
Remaining appropriations and encumbrances	879,724
Proposed additional appropriation (Proposal No. 391, 2003)	<u>9,500</u>
Funds required	889,224
Projected fund balance December 31, 2003	670,776

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

SPECIAL ORDERS - FINAL ADOPTION

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 380-382, 2003 on July 29, 2003. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 380, 2003. The proposal, sponsored by Councillor Langsford, determines the need to lease approximately 3,500 square feet of office space at 8311 North Perimeter Road for Indiana Task Force One. PROPOSAL NO. 381, 2003. The proposal, sponsored by Councillor Frick, seeks renewal of authorization and approval for the County Treasurer and the City Controller to invest public funds in money-market mutual funds. PROPOSAL NO. 382, 2003. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print-disabled in Marion County. By 7-0 votes, the Committee reported Proposal No. 380, 2003 to the Council with the recommendation that it do pass as amended and Proposal Nos. 381 and 382, 2003 to the Council with the recommendation that they do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 380, 2003, as amended, and Proposal Nos. 381 and 382, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: Dowden, Langsford

Proposal No. 380, 2003, as amended, was retitled SPECIAL RESOLUTION NO. 47, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2003

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 3,500 square feet of office space at 8311 North Perimeter Road, Indianapolis, Indiana, for the use of office and classroom space of Indiana Task Force One.

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 that the lease of office and classroom space for the use of Indiana Task Force One, an urban search and rescue task force of the Federal Emergency Management Agency's National Urban Search and Rescue Response System, sponsored by the Indianapolis Department of Public Safety, is needed.

SECTION 2. The property to be leased is located at 8311 North Perimeter Road, Indianapolis, Indiana. Such property is owned by Airport Trade Center, LLC, which in turn is owned by Agracel, Inc., MMR Properties, LLC, and Cherry Hill Enterprises, Inc.

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

Proposal No. 381, 2003 was retitled COUNCIL RESOLUTION NO. 84, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 84, 2003

A Council Resolution of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving the investment of public funds in money market mutual funds.

WHEREAS, IC 5-13-9-1 et seq. authorizes county treasurers and the fiscal officers of political subdivisions to invest public funds; and

WHEREAS, the City of Indianapolis and Marion County, Indiana ("the City" and "the County," respectively) have public funds which are eligible for investment pursuant to the provisions of IC 5-13 by the City Controller and the County Treasurer, respectively, and regularly exercise their powers to invest such funds pursuant to the provisions thereof; and

WHEREAS, IC 5-13-9-2.4 requires that any investment of public funds in money market mutual funds be approved and authorized annually by the fiscal body of such political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the City and the County and desires to authorize the City and the County to invest public funds in money-market mutual funds, subject to the limitations of IC 5-13-9-2.5 now, therefore:

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

SECTION 1. The Council does hereby authorize and approve the investment of public funds by the City and the County in investments commonly known as "money market mutual funds."

SECTION 2. Pursuant to IC 5-13-9-1, the County Treasurer is the investing officer of the County and the City Controller is the investing officer of the City.

SECTION 3. Investments authorized by this Resolution may not exceed fifty percent (50%) of the funds held by the investing officer and available for investment. This limitation does not apply to investments made by the County Treasurer between the date that is ten (10) days before each property tax installment is due, and the property tax settlement distribution date.

SECTION 4. The money market mutual funds must be in the form of securities of or interests in an open-end, no-load, management-type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, as amended (i.e., 15 U.S.C. Sec. 80a et seq.).

SECTION 5. The portfolio of the investment company or investment trust described in Section 4 of this Resolution must be limited to the following: (1) direct obligations of the United States; (2) obligations issued by a federal agency, a federal instrumentality, or an enterprise sponsored by the federal government; or (3) repurchase agreements fully collateralized by obligations described in (1) or (2).

SECTION 6. The form of securities of or interests in an investment company or investment trust described in Section 4 of this Resolution must be rated as either: (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor; or (2) Aaa, or its equivalent, by Moody's Investors Service, Inc., or its successor.

SECTION 7. Investments made pursuant to this Resolution shall be made through depositories designated by the Indiana Board of Finance as depositories for state deposits.

SECTION 8. This Resolution shall expire one (1) calendar year from its adoption.

SECTION 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 382, 2003 was retitled SPECIAL RESOLUTION NO. 48, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2003

A SPECIAL RESOLUTION approving a public purpose grant to Indiana Reading and Information Services (IRIS), a division of Metropolitan Indianapolis Public Broadcasting, Inc., in the amount of \$35,000 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$35,000 to IRIS to provide radio reading programs for the blind and print-disabled in Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 99, 2002 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4 (c) of City-County Fiscal Ordinance No. 99, 2002, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$35,000 to Indiana Reading and Information Services, a division of Metropolitan Indianapolis Public Broadcasting, Inc., is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

In Chairman Dowden's absence, Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 386, 388, and 389, 2003 on July 23, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 386, 2003. The proposal, sponsored by Councillor Dowden, clarifies the application and procedures under which the city and county indemnify and defend officers, employees, and agents. PROPOSAL NO. 388, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$38,921 in the 2003 Budget of the Circuit Court (County General Fund) to appropriate funds to pay for current expenses. PROPOSAL NO. 389, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer of \$23,530 in the 2003 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for rabies vaccines for animal control officers, repair the facility's power washers, pay for server support fees, and provide work suits for field and

kennel employees required by the AFSCME agreement. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Talley, for adoption. Proposal Nos. 386, 388, and 389, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 386, 2003 was retitled GENERAL ORDINANCE NO. 62, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 2003

PROPOSAL FOR A GENERAL ORDINANCE to clarify the application and procedures under which the city and county indemnify and defend officers, employees, and agents.

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

SECTION 1. Section 292-1 of the "Revised Code of the Consolidated City and County," regarding defense and indemnification of officers, employees and agents, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 292-1. Defense and indemnification of officers, employees and agents.

(a) The consolidated city and the county shall indemnify and defend their respective officers, employees and agents, as those terms are herein defined, without expense to those persons, with respect to any action filed against them in their official or individual capacities, or both, if the action complained of was taken within the scope and arising out of the performance of official duties and responsibilities. The corporation counsel, consistent with his or her powers and duties under Chapter 202, Article II, of this code, shall investigate the circumstances of any such complaint and determine whether the actions of the officer, employee or agent were taken within the scope and arising out of the performance of official duties and responsibilities. The corporation counsel's determination shall be based upon a reasonable interpretation of the law and facts so as to give full effect to the provisions of this section.

(b) Indemnification under this section shall encompass any judgment recovered against any such officer, employee or agent in any court of law having jurisdiction thereof, arising out of a civil action brought to recover damages to persons or property resulting from alleged acts of negligence, wrongful acts or omissions of an officer, employee or agent acting within the scope of his or her authority and official employment or appointment.

(c) The obligation to indemnify shall not extend to acts of malice, acts of a willful or wanton nature, criminal acts, acts calculated to accrue to the personal benefit of the individual officer, employee or agent, or acts which are clearly beyond the duties and/or scope of authority of such person. Exoneration by a court of law shall be conclusive as to the absence of malice, criminality and other such conditions. In the absence of such a judicial determination, a determination as to the presence of such conditions shall be made by the corporation counsel and presented to the city-county council in the form of a written finding. The finding of the corporation counsel shall prevail unless the council, within thirty (30) days of the receipt thereof, passes a resolution rejecting the finding.

(d) "Officers, employees and agents," as used in this section, shall include the mayor, deputy mayors, department directors, members of all boards and commissions of the consolidated city and of the county, all elected or appointed officials of the consolidated city and of the county, including all township assessors, all judges of the Marion circuit and superior courts, attorneys at law employed as independent contractors by the city, the county, and the township assessors whenever indemnification and defense is required by state law or by contract, members of the city-county council, the Marion County sheriff's department reserve, county police officers and all other employees of the consolidated city, the county, and of the township assessors.

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.

Proposal No. 388, 2003 was retitled FISCAL ORDINANCE NO. 95, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 95, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Thirty-eight Thousand Nine Hundred Twenty-one Dollars (\$38,921) in the County General Fund for purposes of the Circuit Court and reducing certain other appropriations from that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(h) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Circuit Court to transfer monies from Character 04 to Characters 02 and 03 to pay current expenses.

SECTION 2. The sum of Thirty-eight Thousand Nine Hundred Twenty-one Dollars (\$38,921) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	10,000
3. Other Services and Charges	<u>28,921</u>
TOTAL INCREASE	38,921

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

<u>CIRCUIT COURT</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>38,921</u>
TOTAL DECREASE	38,921

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

Proposal No. 389, 2003 was retitled FISCAL ORDINANCE NO. 96, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 96, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring and appropriating an additional Twenty-three Thousand Five Hundred Thirty Dollars (\$23,530) in the Consolidated County Fund for purposes of the Animal Care and Control Division and reducing certain other appropriations for Animal Care and Control Division, Department of Public Safety.

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(k) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Animal Care and Control Division to pay for rabies vaccines for animal control officers, repair the facility's power washers, pay for server support fees, and to provide work suits for field and kennel employees required by the AFSCME agreement, financed by a transfer of funds.

SECTION 2. The sum of Twenty-three Thousand Five Hundred Thirty Dollars (\$23,530) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	1,800
3. Other Services and Charges	21,730
TOTAL INCREASE	23,530

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

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	23,530
TOTAL DECREASE	23,530

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

PROPOSAL NO. 403, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 403, 2003 on July 29, 2003. The proposal, sponsored by Councillors Sanders, Langsford, and McWhirter, amends the Revised Code regarding licenses to operate public vehicles for hire and the eligibility requirements pertaining to drunk driving. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 403, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 403, 2003 was retitled GENERAL ORDINANCE NO. 63, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code regarding licenses to operate public vehicles for hire and the eligibility requirements pertaining to drunk driving.

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

SECTION 1. Section 996-22 of the "Revised Code of the Consolidated City and County," regarding eligibility for a license to operate a public vehicle for hire, 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. 996-22. Eligibility.

(a) To be eligible for a license to operate a public vehicle for hire, a person:

- (1) Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application; ~~and~~
- (3) Must not have been convicted of drunk driving within the period of ten (10) years immediately preceding the date of the filing of the application;
- (4) Must not have two (2) or more convictions at any time of drunk driving;

~~(3)~~(5) Either:

- a. Must not have been convicted at any time of:
 1. A felony or misdemeanor that involved violence towards another person;
 2. ~~Drunk or d~~Drugged driving;
 3. Being an habitual traffic offender; or
 4. Being an habitual substance offender; or
- b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this section; and

~~(4)~~(6) Either:

- a. Must have been a resident of Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months; or
- b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this subsection.

(b) In addition to any other basis for revocation of a license, no person shall be eligible to retain a license to operate a public vehicle for hire if he or she operates such vehicle with either:

- (1) An alcohol concentration in his or her blood; or
- (2) A controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in his or her body, unless such person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

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 Bainbridge reported that the Public Works Committee heard Proposal Nos. 392-401, 2003 on July 31, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 392, 2003. The proposal, sponsored by Councillor Brents, authorizes a traffic signal at 360 W. 11th Street (District 16). PROPOSAL NO. 393, 2003. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at Blake Street and University Boulevard (District 16). PROPOSAL NO. 394, 2003. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 25th Street and Franklin Place (District 16). PROPOSAL NO. 395, 2003. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at Burn Court and Fabyan Road (District 25). PROPOSAL NO. 396, 2003. The proposal, sponsored by Councillor Langsford, authorizes a multi-way stop at Mitthoefer Road and Rawles Avenue (District 13). PROPOSAL NO. 397, 2003. The proposal, sponsored by Councillor Langsford, authorizes a multi-way stop at Gibson Avenue and Ivanhoe Street (District 13). PROPOSAL NO. 398, 2003. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Henry Street and Woodrow Avenue (District 17). PROPOSAL NO. 399, 2003. The proposal, sponsored by Councillor Knox, authorizes a weight limit restriction on Farnsworth Street from Holt Road to Maywood Road (Tibbs Avenue) (District 17). PROPOSAL NO. 400, 2003. The proposal, sponsored by Councillor Knox, authorizes parking restrictions on White River Parkway West Drive between Washington Street and Michigan Street (District 17). PROPOSAL NO. 401, 2003. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on Strum Avenue near State Avenue (District 22). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Bainbridge moved, seconded by Councillor Knox, for adoption. Proposal Nos. 392-401, 2003 were adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Gray, Smith, Talley

2 ABSENT: Dowden, Langsford

Proposal No. 392, 2003 was retitled GENERAL ORDINANCE NO. 64, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 2003

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>
25	11 th St 360 W. 11 th St	None	Signal

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

Proposal No. 393, 2003 was retitled GENERAL ORDINANCE NO. 65, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 65, 2003

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>
24	Blake St University Blvd	University Blvd	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>
24	Blake St University Blvd	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. 394, 2003 was retitled GENERAL ORDINANCE NO. 66, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 66, 2003

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>
24	25 th St Franklin Place	25 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>
24	25 th St Franklin Place	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. 395, 2003 was retitled GENERAL ORDINANCE NO. 67, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 67, 2003

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>
45	Burn Ct Fabyan Rd	Fabyan 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>
45	Burn Ct Fabyan 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. 396, 2003 was retitled GENERAL ORDINANCE NO. 68, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 2003

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>
28	Mitthoefer Rd Rawles Av	Mitthoefer 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>
28	Mitthoefer Rd Rawles 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. 397, 2003 was retitled GENERAL ORDINANCE NO. 69, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 2003

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>
27	Gibson Av Ivanhoe St	Gibson 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>
27	Gibson Av Ivanhoe St	None	All Way Stop

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

Proposal No. 398, 2003 was retitled GENERAL ORDINANCE NO. 70, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 70, 2003

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>
30	Henry St Woodrow Av	Henry 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>
30	Henry St Woodrow 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. 399, 2003 was retitled GENERAL ORDINANCE NO. 71, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 2003

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 addition of the following, to wit:

11,000 POUNDS GROSS

Farnsworth Street, from Holt Road to Maywood Road (Tibbs Avenue)

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

Proposal No. 400, 2003 was retitled GENERAL ORDINANCE NO. 72, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-126, Parking time restricted on designated days.

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. 621-126, Parking time restricted on designated days, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS
ON ANY DAY
EXCEPT SATURDAYS OR SUNDAYS
From 7:00 a.m. to 6:00 p.m.

White River Parkway West Drive, on the east side, from a point 126 feet north of Michigan Street to a point 170 feet north of Michigan Street

White River Parkway West Drive, on the east side, from a point 247 feet north of Michigan Street to a point 292 feet north of Michigan Street

White River Parkway West Drive, on the east side, from a point 370 feet north of Michigan Street to a point 413 feet north of Michigan Street

White River Parkway West Drive, on the east side, from a point 578 feet south of New York Street to a point 535 feet south of New York Street

White River Parkway West Drive, on the east side, from a point 458 feet south of New York Street to a point 415 feet south of New York Street

White River Parkway West Drive, on the east side, from a point 338 feet south of New York Street to a point 295 feet north of New York Street

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White River Parkway West Drive, on the east side, from a point 218 feet south of New York Street to a point 175 feet south of New York Street

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

Proposal No. 401, 2003 was retitled GENERAL ORDINANCE NO. 73, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-126, Parking time restricted on designated days.

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. 621-126, Parking time restricted on designated days, be and the same is hereby amended by the addition of the following, to wit:

THIRTY MINUTES
ON ANY DAY EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS
From 9:00 a.m. to 4:00 p.m.

Sturm Avenue, on the south side, from State Avenue to the 1st alley east of State Avenue

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

NEW BUSINESS

Councillor Horseman asked for consent to present a Special Resolution celebrating the diversity of Indianapolis and encouraging attendance at such a celebration on August 24, 2003 at the City Market beginning at noon. Consent was given.

PROPOSAL NO. 478, 2003. The proposal, sponsored by Councillor Horseman, proclaims that Indianapolis celebrates its wide cultural diversity. Councillor Horseman read the proposal and moved for its adoption.

Councillor Frick asked if there is community support for this initiative and if there are other programs being planned to recognize diversity in the City. Councillor Horseman said that the Race Relations Network and some other groups are planning other such programs.

Councillor Nytes seconded the motion for adoption and Proposal No. 478, 2003 was adopted by a unanimous voice vote.

Proposal No. 478, 2003 was retitled SPECIAL RESOLUTION NO. 49, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2003

A SPECIAL RESOLUTION proclaiming that Indianapolis celebrates its wide cultural diversity.

WHEREAS, since its very earliest days Indianapolis has been peopled by immigrants arriving from many different homelands; and

WHEREAS, it was the effort of these same immigrants that literally built our city as many immigrants helped lay the brick and pour the concrete for the foundation of our city; and

WHEREAS, immigrants continue to arrive in Indianapolis, seeking the same economic and professional opportunities as those sought by our grandfathers while other immigrants arrive after fleeing despotism, or seeking religious freedom; and

WHEREAS, immigrants have brought Indianapolis many gifts, including art, music, teaching skills, medical skills, technical knowledge, manual labor and cultural diversity; and

WHEREAS, over 13,000 immigrants and non U.S. citizens serve as military reservists and over 30,000 immigrant noncitizens are currently on active duty in the military, and other immigrant noncitizens have died in Iraq on behalf of the United States; and

WHEREAS, today thousands of Indianapolis residents remember and acknowledge their ethnic roots in their own families and proudly remember their immigrant forefathers; and

WHEREAS, as Indianapolis is stronger and richer because of generations of new immigrant residents; 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 applauds the rich and varied cultural heritage that people from different backgrounds have brought to this city for the past 150 years

SECTION 2. While supporting the right of free speech and petition, the Council deplors the motivation behind certain ethnocentric nativists who would publicly demean others on the basis of race and ethnic heritage.

SECTION 3. The Indianapolis City-County Council encourages the residents of Indianapolis to celebrate diversity on August 24, 2003, starting at Noon at the City Market in downtown Indianapolis.

SECTION 4. This resolution 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 Councillor Langsford in memory of Christopher Pea and Thomas A. Reckley.

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 Christopher Pea and Thomas A. Reckley. 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 family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:30 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 4th day of August, 2003.

August 4, 2003

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

Philip C. Booth DVM

President

ATTEST:

Shelley Hart

Clerk of the Council

(SEAL)