

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 14, 2000**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:13 p.m. on Monday, February 14, 2000, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford recognized Charity Ryerson, an advocate for human rights for the people of Tibet. Councillor Boyd introduced newly appointed Indianapolis Police Department Chief Jerry Barker. Mr. Barker stated that he is honored by the appointment and that in his commitment to law enforcement, politics is not an issue, just community service. He stated that he looks forward to developing a good working relationship with each of the Councillors. Councillor Borst recognized Assistant Clerk Ava Earles, who is at home recovering from recent surgery, and wished her well in her recovery.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 14, 2000, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

February 1, 2000

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, February 2, 2000, and in the *Indianapolis Star* on Thursday, February 3, 2000, a copy of a Notice of Public Hearing on Proposal Nos. 2, 65, 69-71, 73-77, and 79-83, 2000, said hearing to be held on Monday, February 14, 2000, at 7:00 p.m. in the City-County Building.

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

February 2, 2000

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 4, 2000, a copy of a Notice of Public Hearing on Proposal No. 106, 2000, said hearing to be held on Monday, February 14, 2000, at 7:00 p.m. in the City-County Building.

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

February 7, 2000

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 1, 2000 - approves an increase of \$33,194 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the continuation of the funding of an advocate to represent the abused and neglected children who appear in Juvenile Court, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 2, 2000 - approves an increase of \$45,456 in the 2000 Budget of Community Corrections (State and Federal Grant Fund) to fund the Prevention Grant for Community Action of Greater Indianapolis for the period of January 1, 2000 to December 31, 2000, funded by a grant from the Department of Corrections

FISCAL ORDINANCE NO. 3, 2000 - approves an increase of \$44,893 in the 2000 Budget of Community Corrections (State and Federal Grant Fund) to fund the Prevention Grant for the John H. Boner Community Center from the period of January 1, 2000 to December 31, 2000, funded by a grant from the Department of Corrections

SPECIAL RESOLUTION NO. 2, 2000 - recognizes the public service of Dennis M. Neidigh

SPECIAL RESOLUTION NO. 3, 2000 - recognizes the IPD and IFD humanitarian delegation to Honduras

SPECIAL RESOLUTION NO. 4, 2000 - congratulates the Indianapolis-Marion County Public Library for its recent award

SPECIAL RESOLUTION NO. 5, 2000 - an inducement resolution for Bennett, Bennett & Reindl, Inc. or its designee on behalf of a to-be-formed Indiana limited partnership in an amount not to exceed \$4,000,000 to be used for the acquisition and rehabilitation of a 160-unit apartment complex located at 11415 Knollridge Lane (District 13)

SPECIAL RESOLUTION NO. 6, 2000 - an inducement resolution for Ecological Systems, Inc. in an amount not to exceed \$20,000,000 to be used for the acquisition, rehabilitation, improvement, expansion and equipping of the existing facilities located at 4910 West 86th Street (District 1)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Borst moved to hear Proposal No. 106, 2000 first on the agenda because of the number of people present in support of the proposal. General Counsel Robert Elrod stated that several meetings have been held and the developer has agreed to several additional written commitments, which the neighbors have accepted. Councillor Smith seconded the motion, and Proposal No. 106, 2000 was moved first on the agenda by a unanimous voice vote.

SPECIAL ORDERS – REZONING PUBLIC HEARING

PROPOSAL NO. 106, 2000. The proposal, sponsored by Councillor Hinkle, proposes to rezone 80.643 acres at 7919 East Southport Road in Franklin Township, being in the D-A District, to the D-P classification to provide for single-family residential development (99-Z-107/ 99-DP-18) (District 23). At the Council meeting on January 31, 2000, Councillor Smith called the proposal out for a public hearing.

Councillor Smith made the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 7919 East Southport Road in Franklin Township have reached a compromise and it will not be necessary to have a hearing on this matter, therefore, I move that Proposal No. 106, 2000 (Rezoning Petition No. 99-Z-107/99-DP-18) be adopted incorporating therein the additional commitments dated February 14, 2000.

Councillor Borst seconded the motion, and Proposal No. 106, 2000 was adopted on the following roll call vote:

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

Proposal No. 106, 2000 was retitled REZONING ORDINANCE NO. 38, 2000, and is identified as follows:

REZONING ORDINANCE NO. 38, 2000.
99-Z-107 (99-DP-18)
7919 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

J. GREG ALLEN, by Robert T. Wildman, requests a rezoning of 80.643 acres, being in the D-A District, to the D-P classification to provide for single-family residential development.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 31, 2000. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 92, 2000. The proposal, sponsored by Councillor Hinkle, recognizes the public service of DMD Director Eugene "Gene" Lausch. Councillor Hinkle read the proposal and presented Mr. Lausch with a copy of the document and a Council pin. He stated that the proposal was postponed on January 31, 2000, due to Mr. Lausch having to travel in connection with his new position. Mr. Lausch thanked the Council for the recognition and stated that it has been a pleasure working with this body. Councillor Hinkle moved, seconded by Councillor Cockrum, for adoption. Proposal No. 92, 2000 was adopted by a unanimous voice vote.

Proposal No. 92, 2000 was retitled SPECIAL RESOLUTION NO. 1, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 2000

A SPECIAL RESOLUTION recognizing the public service of DMD Director Eugene "Gene" Lausch.

WHEREAS, Eugene "Gene" Lausch came to work for the City of Indianapolis at the very dawn of Unified Government during the time of anti-war riots, the American flag being planted on the Moon, and the Baltimore Colts playing in Super Bowl III; and

WHEREAS, Mr. Lausch is a native of Indianapolis, is a graduate of Northwest High School, the University of Indianapolis and the University of Michigan Law School, and served as the Deputy Director of the city's Department of Metropolitan Development, and for the last two years as DMD's Director, along with the added challenge and responsibility of managing the Mayor's special initiative to eliminate many of the city's regulations upon businesses and the citizens; and

WHEREAS, the Indy Northside resident directed the Department with skill, letting his 175 employees operate with freedom to develop their ideas and programs without a heavy hand; and

WHEREAS, one of his recent successes was having the city buy a group of decrepit downtown federal government apartments to rehabilitate them into newly-remodeled low income and market rate housing; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks DMD Director Gene Lausch for his 31 years of dedicated work for the people of Indianapolis.

SECTION 2. The Council extends its best wishes to Gene and to his wife, children and grandchildren, and hopes that in the future he will be able to find a little more time to enjoy his hobbies of gardening, travel and running.

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

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

PROPOSAL NO. 127, 2000. The proposal, sponsored by Councillors Borst, Coonrod, and SerVaas, recognizes Martha Womacks and the County Auditor's Office for earning the Government Finance Officers Association Distinguished Budget Presentation Award. Councillor Borst read the proposal and presented representatives with copies of the document and Council pins. Dan Jones, Deputy Auditor, stated that he is honored to accept this recognition on behalf of the Auditor, Marty Womacks, who is ill this evening, and stated that this award represents the County's commitment to improving the budget each year. Councillor Coonrod stated that the Government Finance Officers Association is a highly regarded organization and this award is a great achievement. Councillor Borst moved, seconded by Councillor Coonrod, for adoption. Proposal No. 127, 2000 was adopted by a unanimous voice vote.

Proposal No. 127, 2000 was retitled SPECIAL RESOLUTION NO. 7, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2000

A SPECIAL RESOLUTION recognizing Ms. Martha Womacks and the Marion County Auditor's Office for earning the Government Finance Officers Association Distinguished Budget Presentation Award.

WHEREAS, the Distinguished Budget Presentation Award by the Government Finance Officers Association reflects the commitment of the local governing body and staff to meeting the highest principles of governmental budgeting; and

WHEREAS, the Marion County Auditor has met nationally recognized guidelines for effective budget presentation; and

WHEREAS, the award recognizes the quality of budgeting demonstrated by the Auditor and provides an excellent example for other governments throughout North America; and

WHEREAS, the Auditor and her staff have demonstrated such professional competence and extraordinary effort as demonstrated by this award from this recognized national professional organization; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Martha (Marty) Womacks and the Marion County Auditor's Office for their national budget award, the only such award to any county in the state of Indiana.

SECTION 2. The people of Indianapolis and Marion County benefit from the competence and initiative demonstrated by Ms. Womacks and her staff who prepared the 1999 budget document.

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

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

PROPOSAL NO. 136, 2000. The proposal, sponsored by Councillor Boyd, recognizes the first graduating class of the Marion County Drug Treatment Diversion Program. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. Raymond Smith, graduate of the program, thanked the Council for the recognition and stated that he is grateful for the program and it works. Councillor Talley congratulated Judges Z. Mae Jimison and Patricia Gifford for a successful program, and added that he will help to find continued funding for the program. Councillor Conley stated that he attended the graduation ceremony and this is a good step for all of these participants on the road to recovery. Councillor

Boyd moved, seconded by Councillor Conley, for adoption. Proposal No. 136, 2000 was adopted by a unanimous voice vote.

Proposal No. 136, 2000 was retitled SPECIAL RESOLUTION NO. 8, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 2000

A SPECIAL RESOLUTION recognizing the first graduating class of the Marion County Drug Treatment Diversion Program.

WHEREAS, the Marion County Drug Treatment Diversion Program is a federally funded initiative to offer substance abusers a chance to go through treatment to shed their addictions in exchange for dismissing the arrest charges; and

WHEREAS, locally, the program is a collaborative partnership between the Marion County Superior Court Judge Z. Mac Jimison, Prosecutor Scott Newman, the Public Defender Agency and Fairbanks Hospital; and

WHEREAS, when they are introduced to the program, the nonviolent offenders are generally in the rock bottom pits of their lives, and are offered the chance to go through a comprehensive three stage 12-18 month treatment program to restore some order, dignity and direction to their lives, in exchange for the government's charges against them being dropped; and

WHEREAS, on Thursday, January 27th, in an emotion packed ceremony, eleven people became the first graduates of this new Marion County Courts diversion plan; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes all of the offices and individuals who helped make the Marion County Drug Treatment Diversion Program a success.

SECTION 2. The Council especially commends the First Graduating Class members who are all now drug free productive citizens with jobs: Tijuana Anderson Welch, Earnestine Cathey, Bob Green, Paul Lawrence, Kurt Long, Theresa McGill, Jeremiah Pullin, Raymond Smith, Michael Tosi, Derrick Williams and Cynthia Wilson.

SECTION 3. The people of Indianapolis have helped give each of these graduates hope, empowerment, and a purpose in life; and challenge each one to now use this newfound strength to stand tall as a glowing human testimony to this community, to your relatives, to God, and to yourselves.

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

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

Councillor Borst asked for consent to vote on Proposal Nos. 10, 17, 21, 22, 27, 40, 67, 68, 84, 85, and 89, 2000 together. All are board appointments and passed out of respective Committees with unanimous do pass recommendations. Consent was given.

PROPOSAL NO. 10, 2000. The proposal, sponsored by Councillor Hinkle, reappoints Lance L. Bundles to the Metropolitan Development Commission. PROPOSAL NO. 17, 2000. The proposal, sponsored by Councillor Hinkle, reappoints J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 21, 2000. The proposal, sponsored by Councillor Coonrod, reappoints Mark Bowell to the Indianapolis-Marion County Public Library Board. PROPOSAL NO. 22, 2000. The proposal, sponsored by Councillor Cockrum, reappoints Scott Fitzgerald to the Board of Parks and Recreation. PROPOSAL NO. 27, 2000. The proposal, sponsored by Councillor Massie, reappoints Stuart Rhodes to the Cable Franchise Board. PROPOSAL NO. 40, 2000. The proposal, sponsored by Councillors Dowden and Talley,

appoints Jerry Canon to the Citizens Police Complaint Board. PROPOSAL NO. 67, 2000. The proposal, sponsored by Councillor Tilford, reappoints Philip C. Borst to the Capital Improvement Board of Managers. PROPOSAL NO. 68, 2000. The proposal, sponsored by Councillors SerVaas and Tilford, reappoints Henry C. Bock, M.D. to the Health and Hospital Corporation Board of Trustees. PROPOSAL NO. 84, 2000. The proposal, sponsored by Councillor Dowden, appoints Lucinda Meyer to the Animal Care and Control Board. PROPOSAL NO. 85, 2000. The proposal, sponsored by Councillor Dowden, appoints Leonard Simpson to the Marion County Community Corrections Advisory Board. PROPOSAL NO. 89, 2000. The proposal, sponsored by Councillor Massie, reappoints Robert Spear to the Alcoholic Beverage Board of Marion County. By unanimous votes, the Committees reported the proposals to the full Council with the recommendation that Proposal Nos. 10, 17, 21, 22, 27, 67, 68, 84, 85, and 89, 2000 do pass, and that Proposal No. 40, 2000 do pass as amended. Councillor Borst moved, seconded by Councillor Hinkle, for adoption.

Councillor Nytes stated that she would like to be noted as an abstention on Proposal No. 21, 2000, and Councillors Bradford and Langsford stated that they would like to be noted as abstaining from voting on Proposal No. 89, 2000.

Proposal Nos. 10, 17, 21, 22, 27, 67, 68, 84, 85, and 89, 2000 and Proposal No. 40, 2000, as amended, were adopted by the following roll call vote; viz:

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

Proposal No. 10, 2000 was retitled COUNCIL RESOLUTION NO. 31, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 2000

A COUNCIL RESOLUTION reappointing Lance L. Bundles to the Metropolitan Development Commission.

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

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Lance L. Bundles

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 17, 2000 was retitled COUNCIL RESOLUTION NO. 32, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 2000

A COUNCIL RESOLUTION reappointing J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division III?, the Council appoints:

J. Darrell Bakken

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 21, 2000 was retitled COUNCIL RESOLUTION NO. 33, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 33, 2000

A COUNCIL RESOLUTION reappointing Mark Bowell to the Indianapolis-Marion County Public Library Board.

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

SECTION 1. As a member of the Indianapolis-Marion County Public Library Board, the Council appoints:

Mark Bowell

SECTION 2. The appointment made by this resolution is for a term ending April 6, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 22, 2000 was retitled COUNCIL RESOLUTION NO. 34, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 2000

A COUNCIL RESOLUTION reappointing Scott Fitzgerald to the Board of Parks and Recreation.

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

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

Scott Fitzgerald

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 27, 2000 was retitled COUNCIL RESOLUTION NO. 35, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2000

A COUNCIL RESOLUTION reappointing Stuart Rhodes to the Cable Franchise Board.

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

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Stuart Rhodes

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

Proposal No. 40, 2000, as amended, was retitled COUNCIL RESOLUTION NO. 36, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2000

A COUNCIL RESOLUTION appointing Jerry Canon to the Citizens Police Complaint Board.

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

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

Jerry Canon

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

Proposal No. 67, 2000 was retitled COUNCIL RESOLUTION NO. 37, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2000

A COUNCIL RESOLUTION reappointing Philip C. Borst to the Capital Improvement Board of Managers.

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

SECTION 1. As a member of the Capital Improvement Board of Managers, the Council appoints:

Philip C. Borst

SECTION 2. The appointment made by this resolution is for a term ending January 14, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 68, 2000 was retitled COUNCIL RESOLUTION NO. 38, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2000

A COUNCIL RESOLUTION reappointing Henry C. Bock, M.D. to the Health and Hospital Corporation Board of Trustees.

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

SECTION 1. As a member of the Health and Hospital Corporation Board of Trustees, the Council appoints:

Henry C. Bock, M.D.

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

Proposal No. 84, 2000 was retitled COUNCIL RESOLUTION NO. 39, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2000

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

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

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

Lucinda Meyer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 85, 2000 was retitled COUNCIL RESOLUTION NO. 40, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2000

A COUNCIL RESOLUTION appointing to the Marion County Community Corrections Advisory Board.

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

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Leonard Simpson

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

Proposal No. 89, 2000 was retitled COUNCIL RESOLUTION NO. 41, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2000

A COUNCIL RESOLUTION reappointing Robert Spear to the Alcoholic Beverage Board of Marion County.

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

SECTION 1. As a member of the Alcoholic Beverage Board of Marion County, the Council appoints:

Robert Spear

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Borst moved, seconded by Councillor Coonrod, to suspend the rules to allow for Proposal No. 135, 2000 to be acted on this evening by the full Council. He stated that due to expiration dates according to statute, a replacement is needed for this position.

Councillor Talley stated that several of these Common Construction Wage appointments come before the Council with urgent time constraints. He asked what can be done to correct this problem. Mr. Elrod stated that the State legislature would have to change the laws and allow for appointees to serve in overlapping taxing districts. Councillor Coonrod stated that the City does

not know an appointment is needed until a project reaches a certain point. Mr. Elrod added that until the school board approves a project, the Council does not know an appointment is needed. The 45 days for normal Council business does not provide an appointee quickly enough to continue with the project uninterrupted.

Councillor Sanders stated that this dilemma could be avoided if the Prevailing Wage Act were to be adopted.

Proposal No. 135, 2000 was placed on the agenda by a unanimous voice vote.

PROPOSAL NO. 135, 2000. The proposal, sponsored by Councillor Borst, reappoints Marvin Hawkins to the Common Construction Wage Committee for Marion County. Councillor Borst moved, seconded by Councillor Coonrod, for adoption. Proposal No. 135, 2000 was adopted on the following roll call vote, viz:

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

Proposal No. 135, 2000 was retitled COUNCIL RESOLUTION NO. 42, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2000

A COUNCIL RESOLUTION reappointing Marvin Hawkins to the Common Construction Wage Committee for Marion County.

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

SECTION 1. As a member of the Common Construction Wage Committee for Marion County, the Council reappoints:

Marvin Hawkins

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 125, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$27,500 in the 2000 Budgets of the County Auditor and Community Corrections (County General Fund) to hire an additional maintenance coordinator for the annex"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 126, 2000. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sue Beesley to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 131, 2000. Introduced by Councillors Coonrod and Soards. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Cynthia L. Urban to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 132, 2000. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Sarah Taylor to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 133, 2000. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Martha A. Womacks to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 134, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Carol Ryan to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 137-138, 2000, PROPOSAL NOS. 139-147, 2000, and PROPOSAL NO. 148, 2000. Introduced by Councillor Hinkle. Proposal Nos. 137-138, 2000, Proposal Nos. 139-147, 2000, and Proposal No. 148, 2000 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 7, 9, 8, 2000, respectively. 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. 39-50, 2000, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 39, 2000.

99-Z-181 (Amended)

16 WEST STOP 11 ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

DOUGLAS REALTY ADVISORS, INC., by Michael D. Keele, requests a rezoning of 2.3 acres being in the D-A and C-3 Districts, to the C-3 classification to provide for a pharmacy.

REZONING ORDINANCE NO. 40, 2000.

99-Z-200

4902 NORTH GERMAN CHURCH ROAD (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

LAWRENCE FIRE STATION BUILDING CORPORATION, by David F. Rees, requests a rezoning of 4.6 acres, being in the D-A District, to the SU-9 classification to provide for the construction of a fire station.

REZONING ORDINANCE NO. 41, 2000.

99-Z-167

2119 NORTH KILDARE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

LIVING WORD BAPTIST CHURCH requests a rezoning of 0.12 acre, being in the D-5 District, to the SU-1 classification to provide for the construction of a new church building.

REZONING ORDINANCE NO. 42, 2000.

99-Z-170 (99-DP-29)

6601 TROY AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

ARBOR HOMES, INC., by Michael D. Keele, requests a rezoning of 43 acres, being in the D-A and SU-1 Districts, to the D-P classification to provide for a single-family residential development on 140 lots.

REZONING ORDINANCE NO. 43, 2000.

99-Z-184

5602 RAHKE ROAD (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
COMMUNITY DEVELOPMENT II, INC., by Raymond Good, requests a rezoning of 12.31 acres,
being in the D-A District, to the D-5 classification to provide for two-family dwellings.

REZONING ORDINANCE NO. 44, 2000.

99-Z-196

9350 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
WASHINGTON PARK SERVICES, INC., requests a rezoning of 5.15 acres, being in the SU-10
District, to the C-1 classification to provide for a funeral home.

REZONING ORDINANCE NO. 45, 2000.

99-Z-205

3702 EAST 10TH STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10
CLARK BROTHERS, LLP, by Paul G. Roland, requests a rezoning of 0.26 acre, being in the I-4-U
District, to the C-3 classification, to provide for commercial use.

REZONING ORDINANCE NO. 46, 2000.

99-Z-209

365 SOUTH MERIDIAN STREET, 26 – 28 EAST SOUTH STREET, 31 EAST SOUTH STREET
(approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16
NORLE INVESTMENTS, INC., by Joseph M. Scimia, requests a rezoning of 1.8 acres, being in
the I-3-U(RC) District, to the CBD-2 (RC) classification to provide for the current use as a surface
parking lot.

REZONING ORDINANCE NO. 47, 2000.

99-Z-211

5275 EMCO DRIVE (approximate address), INDIANAPOLIS.
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4
IOS, LLC, by J. Murray Clark, requests a rezoning of 1.388 acres, being in the C-1 and I-2-S
Districts, to the I-2-S classification to provide for light industrial use.

REZONING ORDINANCE NO. 48, 2000.

99-Z-213 (A)

2501 NORTH RACEWAY ROAD (approximate addresses), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18
ASHLEY, LLC, by Michael D. Keele, requests a rezoning of 10.08 acres, being in the D-A
District, to the D-4 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 49, 2000.

99-Z-213 (B)

2801 NORTH RACEWAY ROAD (approximate addresses), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18
ASHLEY, LLC, by Michael D. Keele, requests a rezoning of 9.56 acres, being in the D-A District,
to the D-4 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 50, 2000.

98-Z-229

2120 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25
DAVID JOHNSTON, by Thomas Michael Quinn, requests a REZONING of 31.31 acres, being in
the D-A and SU-3 (FW) (FF) District, to the C-4 (FW) (FF) classification to provide for
community-regional commercial uses.

PROPOSAL NO. 128, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 128, 2000 on February 7, 2000. The proposal is a special

ordinance for Orchard School Foundation in an amount not to exceed \$7,500,000 to be used to finance the renovation and expansion of classrooms and the construction and relocation of student activity space; the installation of a centralized HVAC system; and ancillary site improvements for use at the educational facilities located at 615 West 64th Street (Orchard School Foundation Project) (District 2). By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Boyd stated that the City needs to review the process for granting economic development bonds. He stated that while it is correct that the City bears no financial responsibility, it should be careful about the organizations which are borrowing the City's image and credibility.

Councillor Hinkle stated that lenders look very thoroughly at the financial background of the borrowers involved in these economic bond transactions, and it is unlikely a high-risk organization would receive financing.

Councillor Black asked if union or minority labor will be used in this project. Councillor Hinkle stated that Shiel Sexton has been selected as the contractor, and it is not a union contract. He added that the developers' goal is to employ 10% minorities, and they are currently at 8%.

Councillors Black and Talley stated that they cannot support this proposal.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 128, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 128, 2000 was retitled SPECIAL ORDINANCE NO. 1, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 1, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$7,500,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Orchard School Foundation Project) (the "Bonds"), and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, a representative of Orchard School Foundation (the "Applicant") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Applicant in order to enable the Applicant to proceed with the renovation and expansion of classrooms and the construction and relocation of student activity space; the installation of a centralized HVAC system; and ancillary site improvements for use at the educational facilities located at 615 West 64th Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Applicant and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the renovation and expansion of the Project by issuing up to \$7,500,000 City of Indianapolis, Indiana Economic Development Revenue Bonds (Orchard School Foundation Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24, adopted a Resolution finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to the Trust Indenture dated as of February 15, 2000 (the "Indenture") between the Issuer and Bank One Trust Company, NA, Indianapolis, Indiana, as trustee (the "Trustee") in order to obtain funds to lend to the Applicant, pursuant to the Loan Agreement dated as of February 15, 2000 (the "Loan Agreement") between the Issuer and the Applicant, and pursuant to the Promissory Note issued by the Applicant to the Issuer in a principal amount equal to the aggregate principal amount of the Bonds and dated the same date as the date of the Bonds (the "Note"), for the purpose of financing or providing reimbursement for the costs of financing the Project including a portion of the interest on the Bonds during construction, funding a debt service reserve fund for the Bonds, obtaining credit enhancement for the Bonds, and paying certain costs of issuing the Bonds; and

WHEREAS, the Indenture, Loan Agreement, and Note provide for the repayment by the Applicant of the loan of the proceeds of the Bonds pursuant to which the Applicant will agree to make payments sufficient to pay the principal and interest on the Bonds as the same come due and payable and to pay administrative expenses in connection with the Bonds; and

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

WHEREAS, substantially final forms of the Indenture, Loan Agreement, Note, Bond Purchase Agreement among the Issuer, Applicant and the underwriter named therein (the "Underwriter"), Preliminary Official Statement, and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") regarding the Bonds have been presented at this meeting and reviewed by the Commission; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Applicant for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Applicant will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms and terms of the Financing Documents are hereby approved in their substantially final forms.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed \$7,500,000 for the purpose of procuring funds to loan to the Applicant in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Applicant pursuant to the Loan Agreement, Indenture and Note to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer shall deem the Preliminary Official Statement final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Issuer shall authorize the Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement to certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final as stated above prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter thereof at a price not less than ninety-five percent (95%) of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed ten percent (10%) per annum. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 129, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 129, 2000 on February 7, 2000. The proposal is an inducement resolution for Web Industries, Inc. in an amount not to exceed \$4,815,000 to be used for the relocation and construction of a manufacturing facility and the acquisition of machinery, equipment and other fixtures to be located on a 7.2 acre parcel of land on West 54th Street (Web Industries, Inc. Project) (District 2). By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Smith, for adoption. Proposal No. 129, 2000 was adopted by the following roll call vote, viz:

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

Proposal No. 129, 2000 was retitled SPECIAL RESOLUTION NO. 9, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2000

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

WHEREAS, the City of Indianapolis, Indiana acting pursuant to and in accordance with the provisions of Indiana Code 36-7-12, et seq., as amended (the "Act"), is authorized to issue its economic development revenue bonds to assist in the financing of certain economic development facilities in the City of Indianapolis, Indiana (the "City") for the benefit of Web Industries, Inc. (the "Company"); and

WHEREAS, Web Industries, Inc. (the "Applicant") has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the relocation and construction of a manufacturing facility to service new contracts with national accounts and the acquisition of machinery, equipment and other fixtures to be located on a 7.2 acre parcel of land on West 54th Street (the "Project") all for use by the Company in its manufacture of flexible roll and sheet products for industry; and

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

WHEREAS, the relocation, expansion and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer, now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$4,815,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the relocation, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the relocation, construction and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the relocation, construction and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires August 31, 2000, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and relocation, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

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

PROPOSAL NO. 130, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 130, 2000 on February 7, 2000. The proposal is a special resolution extending the expiration date from February 29, 2000, to August 31, 2000, for Oasis of Hope Development Corporation, Inc. in an amount not to exceed \$4,000,000 to be used for the acquisition, construction and rehabilitation of a 185-unit apartment complex on an approximately 526,866 square foot parcel of land to be located at 2350 Hillside Avenue (Parkview Apartments Project) (District 10). By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Hinkle stated that a neighbor present at the meetings had testified that the neighbors were opposed to the development. He stated that he called a meeting with neighborhood group representatives this afternoon, and that does not seem to be the case.

Councillor Douglas, in whose district the project is located, stated that he supports the project because it is a holistic, comprehensive plan for neighborhood development. The project will address several unmet needs of the community and after a series of meetings, he feels the project will improve the quality of life for many residents of his district.

Councillor Douglas moved, seconded by Councillor Hinkle, for adoption. Proposal No. 130, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 130, 2000 was retitled SPECIAL RESOLUTION NO. 10, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2000

A SPECIAL RESOLUTION amending City-County Special Resolution No. 58, 1999, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and rehabilitation of a 185-unit apartment complex on an approximately 526,866 square foot parcel of land to be located at 2350 Hillside Avenue, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, City-County Special Resolution No. 58, 1999 has been previously-adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Oasis of Hope Development Corporation, Inc. (the "Company") which resolution set an expiration date of February 29, 2000 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; now, therefore:

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Resolution is hereby amended by deleting the expiration date of February 29, 2000, contained therein and replacing said date with the date of August 31, 2000.

SECTION 2. The City-County Council further finds, determined, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of City-County Special Resolution No. 58, 1999 shall remain unchanged and are hereby reaffirmed and confirmed.

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

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 2, 73-77, 79-83, 2000 on January 12, 2000 and February 2, 2000.

PROPOSAL NO. 74, 2000. The proposal approves an increase of \$93,749 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (Alternative School Fund) to extend the Lilly Endowment grant for the New Directions Academy for another year. Councillor Dowden stated that the proposal was amended by the Committee and must be readvertised. He moved, seconded by Councillor Smith, to postpone Proposal No. 74, 2000 until February 28, 2000. Proposal No. 74, 2000 was postponed by a unanimous voice vote.

PROPOSAL NO. 82, 2000. The proposal, sponsored by Councillors Dowden and Talley approves an increase of \$676,510 in the 2000 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to make improvements to the City's animal shelter and to upgrade the services provided by the Animal Care and Control Division, as mandated by the City-County Council in 1999, financed by reduction in fund balances. Councillor Dowden reported that the proposal was postponed in Committee by an 8-1 vote until March 1, 2000. Councillor Dowden moved, seconded by Councillor Talley, to postpone Proposal No. 82, 2000 until March 20, 2000. Proposal No. 82, 2000 was postponed by a unanimous voice vote.

Councillor Dowden asked for consent to vote on Proposal Nos. 2, 73, 75-77, 79, 80, and 83, 2000 together. Consent was given.

PROPOSAL NO. 2, 2000. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$212,586 in the 2000 Budgets of the County Auditor and the County Sheriff (County General Fund) to fund the cost of maintaining seven Court Line Deputies for various courts, funded by City Fine Revenues. PROPOSAL NO. 73, 2000. The proposal approves an increase of \$642,500 in the 2000 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court (State and Federal Grants Fund) for activities by these agencies that will benefit the community, funded by a block grant from the Bureau of Justice Assistance through the Indianapolis Police Department. PROPOSAL NO. 75, 2000. The proposal approves an increase of \$85,000 in the 2000 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocacy Unit for personnel and support costs, funded by a grant from U.S. Department of Justice, Bureau of Justice Assistance. PROPOSAL NO. 76, 2000. The proposal approves an increase of \$21,847 in the 2000 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide partial funding for the Grants Manager Position in the Prosecutor's Office, funded by Indiana Criminal Justice Institute grants. PROPOSAL NO. 77, 2000. The proposal approves an increase of \$58,278 in the 2000 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee

Drug Abuse Monitoring Program, funded by a federal grant. PROPOSAL NO. 79, 2000. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$118,620 in the 2000 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to implement a school safety plan for reducing violence in schools in conjunction with the Indianapolis Public Schools, funded by a federal grant. PROPOSAL NO. 80, 2000. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$112,000 in the 2000 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to implement a new anti-drug program in the Byrne Court/East Washington Street area, funded by a federal grant. PROPOSAL NO. 83, 2000. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$272,600 in the 2000 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to fund the increased costs of contracting with the Indianapolis Humane Society for the operation of the City's animal care facility, as mandated by the City-County Council in 1999, financed by a reduction in fund balances. By unanimous votes, the Committee reported the proposals to the full Council with the recommendation that they do pass.

Councillor Boyd asked if how Proposal No. 83, 2000 will relate to adoption services and the spay and neuter capabilities at the animal shelter. Councillor Borst stated that the animal control system already requires that animals adopted from the shelter be spayed or neutered.

President SerVaas stated that the Humane Society has made a real effort to find animals a good home and he hopes the relationship will continue to be a positive one.

The President called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 2, 73, 75-77, 79, 80, and 83, 2000 were adopted by the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Gray

Proposal No. 2, 2000 was retitled FISCAL ORDINANCE NO. 4, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Two Hundred Twelve Five Hundred Eighty-six Dollars (\$212,586) in the County General Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(a,y) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to pay for the cost of maintaining seven (7) Court Line Deputies for various courts.

SECTION 2. The sum of Two Hundred Twelve Thousand Five Hundred Eight-six Dollars (\$212,586) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - fringes	41,260

<u>COUNTY SHERIFF</u>	
1. Personal Services	165,040
2. Supplies	4,466
3. Other Services and Charges	<u>1,820</u>
TOTAL INCREASE	212,586

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>212,586</u>
TOTAL REDUCTION	212,586

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

Proposal No. 73, 2000 was retitled FISCAL ORDINANCE NO. 5, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Six Hundred Forty-two Thousand Five Hundred Dollars (\$642,500) in the State and Federal Grants Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, v, y, cc) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the appropriation of the Block Grant IV.

SECTION 2. The sum of Six Hundred Forty-two Thousand Five Hundred Dollars (\$642,500) 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>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-Fringes	67,067

<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	356,719

<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	168,714

<u>MARION COUNTY SUPERIOR COURT</u>	
3. Other Services and Charges	<u>50,000</u>
TOTAL INCREASE	642,500

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>642,500</u>
TOTAL REDUCTION	642,500

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. 75, 2000 was retitled FISCAL ORDINANCE NO. 6, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Eighty-five Thousand Dollars (\$85,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to provide funding for the Street Level Advocacy Unit.

SECTION 2. The sum of Eighty-five Thousand Dollars (\$85,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	12,750
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	50,000
3. Other Services and Charges	7,750
4. Capital Outlay	14,500
TOTAL INCREASE	85,000

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	85,000
TOTAL REDUCTION	85,000

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. 76, 2000 was retitled FISCAL ORDINANCE NO. 7, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Twenty-one Thousand Eight Hundred Forty-seven Dollars (\$21,847) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to provide partial funding for the Grants Manager Position in the Prosecutor's Office.

SECTION 2. The sum of Twenty-one Thousand Eight Hundred Forty-seven Dollars (\$21,847) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-fringes	2,125
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	19,722
TOTAL INCREASE	21,847

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>21,847</u>
TOTAL REDUCTION	21,847

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. 77, 2000 was retitled FISCAL ORDINANCE NO. 8, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Fifty-eight Thousand Two Hundred Seventy-eight Dollars (\$58,278) in the State and Federal Grants Fund for purposes of the County Auditor and 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 1.02(b,bb) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to support the continuation of the Arrestee Drug Abuse Monitoring (ADAM) program which conducts drug tests and interviews with defendants held in lock-up.

SECTION 2. The sum of Fifty-eight Thousand Two Hundred Seventy-eight Dollars (\$58,278) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services-Fringes	3,072
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	22,500
2. Supplies	2,156
3. Other Services and Charges	<u>30,550</u>
TOTAL INCREASE	58,278

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>58,278</u>
TOTAL REDUCTION	58,278

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. 79, 2000 was retitled FISCAL ORDINANCE NO. 9, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional One Hundred Eighteen Thousand Six Hundred Twenty Dollars (\$118,620) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the 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 1.01(m) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to implement a school safety plan for reducing violence in schools, in conjunction with the Indianapolis Public Schools.

SECTION 2. The sum of One Hundred Eighteen Thousand Six Hundred Twenty Dollars (\$118,620) 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 PUBLIC SAFETY</u>	<u>FEDERAL GRANTS FUND</u>
<u>POLICE DIVISION</u>	
1. Personal Services	640
3. Other Services and Charges	<u>117,980</u>
TOTAL INCREASE	118,620

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>118,620</u>
TOTAL REDUCTION	118,620

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. 80, 2000 was retitled FISCAL ORDINANCE NO. 10, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional One Hundred Twelve Thousand Dollars (\$112,000) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the 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 1.01(m) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to implement a new anti-drug program in the Byrne Court/East Washington Street area, in cooperation with several other governmental and non-profit groups.

SECTION 2. The sum of One Hundred Twelve Thousand Dollars (\$112,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>		
<u>POLICE DIVISION</u>		<u>FEDERAL GRANTS FUND</u>
1. Personal Services		80,000
3. Other Services and Charges		<u>32,000</u>
TOTAL INCREASE		112,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>112,000</u>
TOTAL REDUCTION	112,000

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. 83, 2000 was retitled FISCAL ORDINANCE NO. 11, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Two Hundred Seventy-two Thousand Six Hundred Dollars (\$272,600) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Control Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division, to fund the increased costs of contracting with the Indianapolis Humane Society for the operation of the City's animal care facility, as mandated by the City-County Council in 1999.

SECTION 2. The sum of Two Hundred Seventy-two Thousand Six Hundred Dollars (\$272,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>272,600</u>
TOTAL INCREASE	<u>272,600</u>

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>272,600</u>
TOTAL REDUCTION	<u>272,600</u>

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

PROPOSAL NO. 81, 2000. The proposal, sponsored by Councillors Dowden, Talley, and Soards, approves an increase of \$361,689 in the 2000 Budget of the Department of Public Safety, Police Division, (Consolidated County Fund) to design and construct improvements to reduce the noise levels at the Eagle Creek Pistol Range, financed by reduction in fund balances. By a 7-2 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Soards thanked Councillors Dowden and Talley for allowing him to co-sponsor this proposal as the range is located in his district. He stated that many of the neighbors and other people in the area support the proposal and the range has seen increased usage since the closing of Ft. Benjamin Harrison. Many branches of law enforcement use the facility, and this proposal is a small step to help rectify the noise pollution problem for that area.

Councillor Moriarty Adams asked if there is a possibility that private funds could be used for this proposal. Peter Beering, Department of Public Safety, stated that the neighbors did fund part of this study, but that he is not aware of any private funding source available for this project.

Councillor Talley encouraged Councillors to support this proposal.

Councillor Horseman stated that if the Sheriff's Department uses this range, can the City recover costs for this project. Mr. Beering stated that the proposal is being funded from the Consolidated County Fund, which includes the Sheriff's Department. Councillor Dowden stated that the funding is not coming solely from the Indianapolis Police Department, but is a county-wide expense and effort. Councillor Horseman asked why the cost can not be shared among the federal officers and the Sheriff's Department's discretionary fund. Councillor Dowden stated that the cost is being shared among those entities that use the range.

Councillor Schneider stated that he voted in favor of the proposal in Committee, but that he is now opposed to the proposal because there is no guarantee that spending this money will alleviate the problem or guarantee that the range will remain. He added that the range has been there for over 35 years, and housing developments should not have moved into the area if they were afraid of the noise pollution from the range.

President SerVaas stated that the City approved the zoning for building houses in the surrounding area, and permits were issued.

Councillor Black stated that Councillor Schneider raised some good points and if the neighbors were against the noise caused by the range, they should not have moved in.

Councillor Bainbridge asked what amount is being spent on the study. Mr. Beering stated that the total study cost is \$45,000.

Councillor Black stated that he is still confused as to whether or not this study will actually accomplish anything. Councillor Borst stated that union personnel will be using the firing ranges, and as a supporter of the union, Councillor Black would be casting a vote to help the union.

The President called for public testimony at 8:44 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 81, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 81, 2000 was retitled FISCAL ORDINANCE NO. 12, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Three Hundred Sixty-one Thousand Six hundred Eighty-nine Dollars (\$361,689) in the Consolidated County Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2000 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to design and construct improvements to reduce the noise levels at the Eagle Creek Pistol Range.

SECTION 2. The sum of Three Hundred Sixty-one Thousand Six hundred Eighty-nine Dollars (\$361,689) 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:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

3. Other Services and Charges

4. Capital Outlay

TOTAL INCREASE

CONSOLIDATED COUNTY FUND

50,000

311,689

361,689

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

CONSOLIDATED COUNTY FUND

Unappropriated and Unencumbered

Consolidated County Fund

TOTAL REDUCTION

361,689

361,689

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

PROPOSAL NO. 65, 2000. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 65, 2000 on February 9, 2000. The proposal approves an increase of \$5,163,000 in the 2000 Budget of the Office of Family and Children (Welfare General Fund) to fund the expenses that will be incurred in 2000, financed by the reduction in the fund balances. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Coughenour, for adoption. Proposal No. 65, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 65, 2000 was retitled FISCAL ORDINANCE NO. 13, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2000

A FISCAL ORDINANCE amending the Marion County Office of Family and Children Budget for 2000 (City-County Fiscal Ordinance No. 96, 1999) appropriating an additional Five Million One Hundred Sixty-three Thousand Dollars (\$5,163,000) in the Welfare General Fund for purposes of the Marion County Office of Family and Children, and reducing the unappropriated and unencumbered balance in the Welfare 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 of the Marion County Office of Family and Children Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Office of Family and Children to pay expenses that will be incurred in 2000.

SECTION 2. The sum of Five Million One Hundred Sixty-three Thousand Dollars (\$5,163,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY OFFICE OF FAMILY AND CHILDREN</u>	<u>WELFARE GENERAL FUND</u>
3. Other Services and Charges	5,163,000
TOTAL INCREASE	5,163,000

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

	<u>WELFARE GENERAL FUND</u>
Unappropriated and Unencumbered	
Welfare General Fund	5,163,000
TOTAL REDUCTION	5,163,000

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

Councillor Bradford asked for consent to move Proposal No. 66, 2000 next on the agenda due to the number of people present in support of the proposal. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 66, 2000. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 66, 2000 on February 9, 2000. The proposal, sponsored by Councillors Bradford and Boyd, denounces the People's Republic of China for its human rights abuses in China and Tibet. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

Charity Ryerson, supporter of the proposal, stated that this resolution will send a strong message to China. Several cities have passed similar resolutions, and she urged Council members to remember that human rights issues are not just a national issue, but a local one as well.

Councillor Conley stated that he received several e-mails and phone calls on this subject, and it must therefore have a lot of support. President SerVaas added that the Council office has also received several calls in support of the proposal.

Councillor Borst stated that while this issue is a serious one, he does not believe such a resolution is germane to this Council as the people of Tibet will never see it. Councillor Cockrum stated that he agrees with Councillor Borst and will also be voting against the proposal.

President SerVaas stated that Indianapolis is rapidly becoming an international city, and is a part of the bigger picture and should be concerned about issues such as this in other parts of the world. Councillor Coughenour added that local government influences State government, and State government influences national government.

Councillor Sanders stated that this resolution does not absolve members from addressing civil rights in their own communities.

Councillor Bradford moved, seconded by Councillor Coughenour, for adoption. Proposal No. 66, 2000 was adopted by the following roll call vote, viz:

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

Proposal No. 66, 2000 was retitled SPECIAL RESOLUTION NO. 11, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2000

A SPECIAL RESOLUTION denouncing the People's Republic of China for its human rights abuses in China and Tibet.

WHEREAS, the Government of the People's Republic of China has signed two important United Nations human rights treaties: The International Covenant on Civil and Political Rights and the International Covenant on Economics, Social, and Cultural Rights; and

WHEREAS, the Government of the People's Republic of China recognizes the United Nations Universal Declaration of Human Rights which calls for the protection of the rights of freedom of association, press, assembly, religion, and other fundamental rights of free people; and

WHEREAS, the Government of the People's Republic of China demonstrates a pattern of continuous, serious, and widespread violations of internationally recognized human rights standards; and

WHEREAS, repression in Tibet has increased steadily, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, the secret trial and sentencing of former Middlebury College Fulbright scholar and Tibetan ethnomusicologist Ngawang Choephel to 18 years in prison on espionage charges, suppression of peaceful protests, and the Government of the People's Republic of China refusing direct dialogue with the Dalai Lama or his representatives on a negotiated solution for Tibet; 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 supports the recommendation of the International Commission of Jurists to the People's Republic of China.

SECTION 2. The Council supports the recommendation to end those practices which threaten to erode the district cultural, religious, and national identity of the Tibetan people—in particular, to cease policies which result in the movement of Chinese to Tibetan territory.

SECTION 3. The Indianapolis City-County Council supports the recommendation to immediately contact Governor Frank O'Bannon of the State of Indiana, the Indiana State Legislature and Senate, urging them to cosponsor and support such a resolution.

SECTION 4. The Council calls upon individuals and companies doing business in Tibet to follow the development guidelines of the Tibetan Government-in-exile.

SECTION 5. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 69, 2000. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 69, 2000 on February 3, 2000. The proposal approves an increase of \$200,416 in the 2000 Budget of the Department of Parks and Recreation (Park General Fund) for completing the installation of playground equipment at several Indianapolis Housing Agency playgrounds, for arts programming for youth, and for matching a state grant from the Indiana Heritage Trust to purchase land at Cottonwood Lake in Decatur and Perry Townships, financed from fund balances. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:03 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 69, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 69, 2000 was retitled FISCAL ORDINANCE NO. 14, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Two Hundred Thousand Four Hundred Sixteen Dollars (\$200,416) 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 1.01(n) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of completing installation of playgrounds at several Indianapolis Housing Agency playgrounds; for arts programming for youth, and for matching a state grant from the Indiana Heritage Trust to purchase land at Cottonwood Lake in Decatur and Perry Townships.

SECTION 2. The sum of Two Hundred Thousand Four Hundred Sixteen Dollars (\$200,416) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	22,372
3. Other Services and Charges	26,792
4. Capital Outlay	<u>151,252</u>
TOTAL INCREASE	200,416

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>200,416</u>
TOTAL REDUCTION	200,416

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

PROPOSAL NO. 70, 2000. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 70, 2000 on February 3, 2000. The proposal approves an increase of \$1,232,000 in the 2000 Budget of the Department of Parks and Recreation (State Grants Fund) for improvements to Carson Park, Southwestway Park, Garfield Park, and the Broad Ripple Canal Greenway, financed by grants from the Build Indiana Fund. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:05 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 70, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 70, 2000 was retitled FISCAL ORDINANCE NO. 15, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional One Million Two Hundred Thirty-two Thousand dollars (\$1,232,000) in the State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the State 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 1.01(n) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of making improvements to Carson Park, Southwestway Park, Garfield Park, and the Broad Ripple Canal Greenway.

SECTION 2. The sum of additional One Million Two Hundred Thirty-two Thousand dollars (\$1,232,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	268,000
4. Capital Outlay	964,000
TOTAL INCREASE	1,232,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	1,232,000
TOTAL REDUCTION	1,232,000

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. 71, 2000. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 71, 2000 on February 3, 2000. The proposal approves an increase of \$95,936 in the 2000 Budget of the Department of Parks and Recreation (Federal Grants Fund) to make trail and environmental improvements within Juan Solomon Park, financed with federal funds. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass.

The President called for public testimony at 9:06 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Gray, for adoption. Proposal No. 71, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 71, 2000 was retitled FISCAL ORDINANCE NO. 16, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Ninety five Thousand Nine Hundred Thirty-six dollars (\$95,936) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the 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 1.01(n) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of making trail and environmental improvements within Juan Solomon Park.

SECTION 2. The sum of additional Ninety-five Thousand Nine Hundred Thirty-six dollars (\$95,936) 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>FEDERAL GRANTS FUND</u>
2. Materials and Supplies	25,000
3. Other Services and Charges	55,936
4. Capital Outlay	<u>15,000</u>
TOTAL INCREASE	95,936

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Federal Grants Fund	<u>95,936</u>
TOTAL REDUCTION	95,936

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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 1, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 1, 2000 on February 7, 2000. The proposal amends the Sign Regulations of Marion County (98-AO-8). By a 7-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Smith, for adoption. Proposal No. 1, 2000 was adopted by the following roll call vote, viz:

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

1 NOT VOTING: *Massie*

CITY-COUNTY GENERAL ORDINANCE NO. 1, 2000
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 98-AO-8

AN ORDINANCE to amend certain sections of the Code of Indianapolis and Marion County, Appendix D, Part 19, The Sign Regulations of Marion County, Indiana, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council both desire to ensure that the Sign Regulations of Marion County, Indiana is within the parameters of the First Amendment to the Constitution of the United States of America; now, therefore:

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

SECTION 1. The Sign Regulations of Marion County, Indiana, Appendix D, Part 19 of the Code of Indianapolis and Marion County, Indiana, as adopted under Metropolitan Development Commission Docket Numbers 71-AO-4, 86-AO-1, 88-AO-3, 90-AO-2, 91-AO-2, and 97-AO-7, is further amended by adopting the language as follows:

A. That Section 2.10 be amended by deleting the stricken language, inserting the underscored language, and reordering the provisions as follows:

Sec. 2.10. Exempt signs.

The following signs are permitted in any zoning district and are exempt from other provisions of this Ordinance, except the provision for a clear sight area as noted in Chapter 2.00, Section 2.40, J. The area of such signs shall not be included in the calculation of the area of signs permitted for any parcel or use. The requirements for Improvement Location Permits (ILPs) shall not apply to certain of the signs specifically referenced in this section:

AB. *Construction signs, project* - One construction sign per project construction site shall be permitted on each street frontage of the project, subject to the following:

1. Maximum sign area. The construction sign shall not exceed:
 - a. sixty-four (64) square feet in area,
 - b. twenty (20) feet in height.
2. Additional standards. Further, such signs shall:
 - a. not be erected until the applicable zoning and platting approvals have been obtained.
 - b. be confined to the site of construction,
 - c. meet the setback requirements for signs in the applicable district; and,
 - d. be removed five (5) days after completion of construction and prior to occupancy.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

BC. *Flags, emblems or insignia of any nation, state or political subdivision* shall be permitted, provided the setback requirements for signs in the applicable district are met. In addition, one (1) flag, displaying a corporate emblem, shall be permitted for each business not located in an integrated center. A flag displaying a corporate emblem, however, shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site.

An ILP shall not be required if the provisions noted above are satisfied.

CD. *Garage sale signs* - are permitted provided there shall be only one (1) sign, not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such sign shall be located on the lot having the sale and not on or within any public right-of-way. In the case of corner lots, one (1) additional sign is permitted on the other street frontage of the lot, for a maximum of two (2) signs on the lot. further, such sign(s) shall be permitted for no longer than two (2) days prior to the sale and be removed immediately after the sale is completed.

An ILP shall not be required if the provisions noted above are satisfied.

DE. *Historic or commemorative plaques*. An historic or commemorative plaque shall not exceed four (4) square feet. An ILP shall not be required if the provisions noted above are satisfied. Historic or commemorative plaques in excess of four (4) square feet shall be regulated and permitted as wall signs.

EF. *Home improvement, home construction, home remodeling signs* - are permitted, provided there shall be only one (1) such sign not exceeding six (6) square feet in total surface area and four (4) feet in height for each lot. Such signs shall be located on the lot the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring.

An ILP shall not be required if the provisions noted above are satisfied.

FG. *House numbers and name plates* - House numbers and name plates, each not exceeding two (2) square feet in area, are permitted for each residential unit or dwelling.

An ILP shall not be required if the provisions noted above are satisfied.

House numbers and nameplates in excess of two (2) square feet in area shall be regulated as wall signs.

GI. *Interior signs* - Signs located:

1. Within the interior of any building, or within an enclosed lobby or court of any building.
2. Located within the inner or outer lobby, court or entrance of any theatre, that are not viewable or intended to be viewable from the public right-of-way and do not qualify as "window signs" as herein defined, are permitted. An ILP shall not be required if the provisions noted above are satisfied.

HJ. *Memorial signs or tablets* - Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building, shall be permitted. Such signs shall not be located within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

IK. *Model home signs* - are permitted, provided there shall be only one (1) such sign not exceeding sixteen (16) square feet in total surface area and four (4) feet in height located on the street frontage of the lot containing the model home. Such sign shall:

1. Not be located on or within any public right-of-way or located on the model home building, and,
2. Be removed immediately after the building no longer serves as a model home.

An ILP shall not be required if the provisions noted above are satisfied.

JL. Murals, defined as works of graphic art painted or applied to building walls, which contain no advertising, ~~identification~~ commercial messages, or logos. An ILP shall not be required if the provisions noted above are satisfied, however, such murals are still subject to all requirements of any overlay district zoning which may apply.

M. Noncommercial opinion sign, as defined in Section 6.00, shall be permitted, in any Dwelling District or for any legally established residence in any other zoning district, provided the following provisions are met:

Freestanding Sign-

1. Number of signs per street frontage - one (1)
2. Maximum sign area - six (6) square feet.
3. Maximum sign height - four (4) feet.
4. Setback - not within the public right-of-way, nor within the clear sight triangular area.

Window Sign - Regulated per the applicable zoning district provisions pertaining to window signs.

Noncommercial Opinion Signs shall have no time limits.

An Improvement Location Permit (ILP) shall not be required if the provisions noted above are satisfied.

KN. Official signs - authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. An ILP shall not be required if the provisions noted above are satisfied.

LQ. Political signs - Political or campaign signs on behalf of candidates for public office or measures on election ballots are permitted for sixty (60) days prior to an election, and shall be removed within five (5) days after the election has been decided. Such sign shall not exceed six (6) square feet in total surface areas and (4) feet in height. No such sign shall be located on, within, or over the public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

MP. Public notices - Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. An ILP shall not be required.

NQ. Public signs - Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Administrator's Approval; which may be any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected.

Signs authorized by Administrator's Approval shall:

- Not be applicable in any "Protected District",
- Be preceded by a Petition for Approval to the Hearing Examiner of the Metropolitan Development Commission with notice given to each neighborhood organization whose boundaries include all or some part of the subject request, and, including with respect to any petitions within the Regional Center, notice to all registered neighborhood organizations whose boundaries include all or part of the Regional Center.

Provided, the Administrator may approve public signs to be located temporarily, for a period not to exceed sixty (60) days, with the Central Business District for purposes of promoting specific civic, sporting or special events, on conditions that such signs be removed prior to the end of such period.

An ILP shall not be required.

OR. Real estate signs - Real estate signs announcing the sale or lease of that property by the owner or a real estate company shall be permitted, provided there shall only be one (1) sign for each lot, not exceeding:

1. Six (6) square feet in total area and four (4) feet in height (for all districts permitting single or two-family residential development); or,
2. Thirty-two square feet in total surface area and four (4) feet in height (for any other zoning district).

Such sign shall be located on the lot for sale or lease and not on or within any public right-of-way.

Real estate signs which remain on the site for no longer than one (1) year shall not be required to obtain an ILP, however, if such signs remain beyond the one year period, an ILP shall be required, and such signs shall meet the requirements applicable to freestanding identification signs of the District.

Exceptions: In the case of a:

1. Corner lot, one (1) additional sign, with the same maximum dimensions, is permitted, for a maximum of two (2) signs on a corner lot.
2. Through lot, one (1) additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two (2) signs on a through lot.
3. Lots which abut a water body or golf course, one (1) additional sign, with the same maximum dimensions, is permitted on the water or golf course frontage of the lot, for a maximum of two (2) signs on such a lot. This exception shall not apply if the water body is designated as a "greenway corridor" in the Indianapolis Greenways Plan", adopted by the Metropolitan Development Commission (May, 1994).

An ILP shall not be required if the provisions noted above are satisfied.

PS. Real estate signs, temporary directional - Temporary directional real estate signs shall not exceed twenty (20) per subdivision with no more than five (5) signs per subdivision allowed on the same street, in the same direction.

The maximum number of temporary directional real estate signs at an intersection shall be twelve (12). The intersection, for purposes of this provision, is defined as an area within one hundred (100) foot radius of the intersecting centerlines of two or more streets.

Temporary directional real estate signs shall be placed at no less than two hundred (200) feet from any sign of the same subdivision and no closer than twenty (20) feet from another temporary directional real estate sign.

Further, temporary directional real estate signs shall be permitted only if:

1. They are limited to freestanding signs not to exceed eight (8) square feet in total area or four (4) square feet per sign face and shall not exceed forty (40) inches in height.
2. Signs shall not be placed before 5:00 p.m. on Friday and shall be removed by 7:00 Am. on Monday. Signs shall be installed no earlier than 5:00 p.m. preceding any commonly recognized holiday and shall be removed by 7:00 a.m. the day following a holiday. All poles and stakes shall be completely removed.
3. Signs shall not be placed on private property without permission of the owner. signs shall be placed at least six (6) feet from the pavement edge of the street (said pavement edge of the street includes the shoulder). Signs shall not touch or block any road marking signs, nor shall they be attached to utility poles, trees or natural features.

An ILP shall not be required if the provisions noted above are satisfied.

QT. Seasonal or holiday signs-displays - ~~for display on private or public property shall be permitted shall not be considered signs and shall not be regulated by these regulations,~~ so long as they contain no commercial message, are primarily decorative in nature, and are clearly incidental and commonly associated with any national or religious holiday. ~~Such signs may be of any type, number, area, height, illumination or animation. Such signs shall not be located on or within any public right-of-~~

~~way, and shall be set back a minimum of ten (10) feet from the lot lines of the property. An ILP shall not be required if the provisions noted above are satisfied.~~

RU. *Temporary signs for grand openings or city-recognized special events* - provided that the maximum sign area of each sign shall not exceed thirty-two (32) square feet. Temporary signs allowed under this subsection include pennants and banners.

1. Grand Openings: Temporary signs for grand openings may be erected not more than ten (10) days prior to the grand opening and shall be removed no more than five (5) days after the event. In no case shall such signs remain on the premises for more than thirty (30) days.
2. City-Recognized Special Events: Temporary signs for City-recognized special events may be erected throughout the year, however, the maximum number of days such signs may be displayed shall not exceed a total of thirty (30) days per year.

Such signs shall not be located on or within any public right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

SV. *Tombstones* - An ILP shall not be required.

FW. *Works of art* - Three-dimensional works of art (statuary, sculptures), and two-dimensional works of art (i.e. murals) that are clearly artistic in nature and which do not promote commercial interests shall not be considered signs, and are exempt from regulation under this ordinance. An ILP shall not be required if the provisions noted above are satisfied.

UC. *Incidental signs, other than directional, and parking and loading signs* shall be permitted subject to the following:

1. The maximum height of the sign shall not exceed four (4) feet.
2. The maximum sign surface area shall not exceed one (1) square foot.
3. The sign shall be setback a minimum of ten (10) feet from the existing street right-of-way.

An ILP shall not be required if the provisions noted above are satisfied.

VA. *Building outline lighting* - Outlining of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any Commercial and Industrial District shall not be considered a sign, nor regulated by this ordinance. If, however, such outline contains text or logos, such items shall be considered signs and regulated by this ordinance according to their type. Outlining of structural/architectural elements of buildings using neon, incandescent or similar type of lighting shall be prohibited in any Protected district, and in no case shall it be permitted within six hundred (600) feet of a Protected District (see also Section 2.20 K, for restrictions on other types of outline lighting). In no case, however, shall such building outlining be flashing or be animated.

B. That Section 2.20, D, F, G, and H be amended by deleting the stricken language and inserted the underscored language as follows:

D. *Prohibition of signs affixed to utility poles, etc.* No sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, street, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under Section 2.10, ℞ Q (Public Signs).

F. *Pennants*. Pennants shall not be permitted.

Exception: Temporary exception to this stipulation is noted in Section 2.10, R, U "Temporary Signs for Grand Openings and Special Events."

G. *Banners*. Banners shall not be permitted.

Exceptions:

1. Temporary exception to this stipulation is noted in section 2.10, R, N "Temporary Signs for Grand Openings and Special Events."
- H. *Wind signs.* Wind signs shall not be permitted.

Temporary exception to this stipulation is noted in Section 2.10, R O, "Temporary Signs for Grand Openings and Special Events."

- C. That Section 3.20, B, 8 be deleted.
- D. That Section 3.20 be amended by adding a new subsection D as follows:

D. Regulations for window signs.

1. Where permitted. Window signs shall be permitted in any Dwelling District as noted in Chapter 5.00, Table B, "Permitted Sign Types" - On-Premise Signs - Residential Districts".
2. Maximum sign copy area. The sign copy area shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed. However, in no case shall the sign copy area exceed a maximum of six (6) square feet.
3. Number of window signs. One (1) window sign shall be permitted for each building.
4. Illumination. Window signs shall be non-illuminated.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

- E. That Section 3.30, B, 7 be deleted, and subsequent provisions renumbered as follows:

7. ~~Window signs~~

~~The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed.~~

~~The sign surface area of window signs shall be calculated separately from the calculation of other building identification signs and shall not be included in the total area of other building identification signs permitted.~~

8. ~~Awning and canopy signs.~~ See Chapter 4.00, Section 4.10, "Awning and Canopy Sign Regulations."
9. ~~Marquee signs.~~ See Chapter 4.00, Section 4.20, "Marquee Sign Regulations."

- F. That Section 3.30 be amended by adding a new subsection D as follows:

D. Window signs

The sign copy area shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

- G. That Section 3.40, B, 9 be deleted.
- H. That Section 3.40 be amended by adding a new subsection D as follows:

D. Window signs

1. Where permitted. Window signs shall be permitted in any Special Zoning District as noted in Chapter 5.00, Table C, - "Permitted Sign Types - On-Premise Signs, Special Zoning Districts".

2. Maximum sign area. The sign copy area of window signs shall not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

L. That Section 3.50, B, 10 be deleted.

J. That Section 3.50 be amended by adding a new subsection D, and renumbering the existing subsection D as follows:

D. Window signs.

1. Where permitted. Window Signs shall be permitted in any CBD District.
2. Maximum sign area. The sign copy area of window signs shall not exceed twenty (20) percent of the window surface area on which it is placed or through which it is viewed, however, in no case shall the sign copy area exceed 100 square feet.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

The Administrator, upon request by the applicant, shall have the power to modify the requirements of this provision and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative plan, stamped approved by the Administrator and become a part of the requirements for the Improvement Location Permit. Under no circumstances, however, shall the Administrator modify the content of a sign.

~~E. Special regulations for promotional banners.~~

K. That Section 4.30, A, 6 be deleted.

L. That Section 4.30 be amended by adding a new subsection D as follows:

D. Window signs.

Window signs shall be permitted provided they do not exceed twenty-five (25) percent of the window area on which it is placed or through which it is viewed.

The sign surface area of window signs shall be calculated separately from the calculation of other signs and shall not be included in the total area of other signs permitted.

M. That Section 6.00, B, be amended by deleting the stricken language, and inserting the underscored language on the following definitions, as well as renumbering all definitions in this Section:

76. Noncommercial opinion sign. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.
109. Seasonal or holiday sign display. Any temporary sign display, such as Christmas decorations, used for an historic holiday and installed for a short, limited period of time.
154. Wall sign. Any building sign attached parallel to, but within eighteen (18) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of on an outside wall of any building or structure, which is supported by such wall or building with no more than 50% of the sign structure extending above the wall, to a maximum extension of four (4) feet, and which displays only one sign surface (Refer to Diagram 32).
156. Window sign. Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed: 1) inside of, and within two (2) feet of, a window; or, 2) upon the window panes or glass, and is visible from the exterior of the window (Refer to Diagram 32).

SECTION 2. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. Attestation. This ordinance shall be in full force and effect upon its adoption in accordance with IC 36-7-4.

PROPOSAL NO. 28, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 28, 2000 on February 2, 2000. The proposal amends various sections in the Code concerning the police and fire departments to allow carryover of years worked for purposes of leave accrual, to allow the assignment of officers to specific pay grades, to make changes in the residency requirements, to require the inclusion of a military component in the promotion process, and to make clarifications in the disciplinary procedure. By a 9-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass as amended.

Councillor Black stated that he has concerns about the residence requirement changes. Councillor Talley stated that this was brought up in Committee, and this proposal brings the City into compliance with State law, and the City cannot have different requirements from those allowed by State Law.

Councillor Gray stated that he thought the amendment removed the inclusion of a military component in the promotion process. Councillor Talley stated that the digest listed in the agenda does not reflect the amended version. He said that this component was eliminated from the proposal. Mr. Elrod stated that all references to military were taken out of the proposal, but was inadvertently left in the digest. He stated that this is simply a technical amendment that needs to be made.

Councillor Talley stated that he has spoken with a representative from the Department of Public Safety, and the new director of this department is not opposed to this proposal.

Councillor Langsford stated that he will abstain from voting on this proposal.

Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 28, 2000, as amended, was adopted by the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Langsford

Proposal No. 28, 2000, as amended, was retitled GENERAL ORDINANCE NO. 2, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2000

A PROPOSAL FOR A GENERAL ORDINANCE to amend various sections of the Code of Indianapolis and Marion County to allow carryover of years worked for purposes of leave accrual, to allow the assignment of officers to specific pay grades, to make changes in the residency requirements, and to make clarifications in the disciplinary procedure.

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

SECTION 1. Sec. 291-202 of the Revised Code of the Consolidated City and County is hereby amended by adding the words underlined as follows:

Sec. 291-202. Leave allowances generally.

(a) Leave allowances shall be as indicated in the categories set out in this article. All leave periods are for the total time in any calendar year. Any employee transferring between city and county offices and departments covered by this chapter, within thirty (30) days of terminated employment, shall be considered to be in continued employment for leave purposes and such transfer shall not affect the employee's status as to accrued leave or eligibility for leave.

(b) In accordance with the reduction-in-force plan, in the case of a layoff, those employees laid off will receive credit for their previously accumulated sick leave and short term disability leave and years of service at the time of their reinstatement, provided they are recalled within one (1) year from the date they were laid off.

(c) Effective January 1, 1999, a sworn firefighter or a sworn police officer with the City of Indianapolis who, subsequent to July 1, 1996, retires after twenty or more years of service or is eligible for the disability pension due to a line of duty injury or illness and is rehired by a department of the City of Indianapolis in a civilian position within thirty (30) days of the date of retirement will be entitled to be paid for accumulated, unused annual leave time at his/her rate of pay at the time of retirement or eligibility for the disability pension and will be entitled to credit for years of service as a firefighter or police officer in determining benefit leave accrual pursuant to 291-203.

SECTION 2. Sec. 252-103 of the Revised Code of the Consolidated City and County hereby amended by adding the words underlined as follows:

Sec. 252-103. Chief.

(a) The director of public safety shall appoint a chief of the Indianapolis Fire Department who shall serve at the pleasure of the director. The chief shall be selected from members of the department who hold the permanent merit rank of captain or above on the basis of prior training and experience, and shall have a minimum of ten (10) years continuous service with the department.

(b) The chief shall have general charge of the daily operations of the department and may, with the approval of the director of the department of public safety, appoint any number of executive assistants who shall hold the temporary rank and title of assistant chief, deputy chief or division chief, as he deems necessary to allow him to efficiently discharge his executive duties. The chief shall select these executive assistants from among those holding the permanent merit rank of captain or above in the department. The appointed ranks of assistant chief, deputy chief, and division chief shall be temporary, and each executive assistant shall retain his permanent merit rank, unless promoted in accordance with the merit system. The Chief may temporarily assign sworn members of the department to a higher pay grade in the non-suppression division when such pay grade is commensurate with the duties and qualifications required of the member. Such assignment shall have no effect on the merit rank of the member.

SECTION 3. Section 252-202 of the Revised Code of the Consolidated City and County is hereby amended by deleting the words stricken and adding the words underlined as follows:

Sec. 252-202. Merit selection and procedures.

(a) Any person, including persons seeking reappointment or reinstatement, shall be appointed to the city fire department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of their procedure but not the substance of the requirements established by this action. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) ~~Any resident of the State of Indiana individual~~ of the age of twenty-one (21) or above and not over the age of thirty-five (35) having at least a high school education or equivalent is eligible to make application to become a member of the department; however, each applicant must meet minimum fitness/medical standards adopted by the department and continue to meet minimum fitness/medical standards, as a condition of employment, while serving as a member of the department. The department shall develop job-related minimum standards with the assistance of an independent consultant in order to meet applicable federal and state guidelines. ~~Applicants are required to be residents of the State of Indiana in order to be appointed to the department.~~ All individuals appointed or reappointed to the department must establish residency in Marion

County or a contiguous county at the time ~~within six (6) months~~ of such appointment or reappointment. Applicants shall not have been convicted of an offense which is a felony under Indiana law.

Applicants must obtain an application form from the personnel branch and must comply with the following additional requirements:

- (1) Applicants must pass a complete physical examination and a psychological examination in accordance with state law. The psychological examination shall be given by an individual approved by the state board of examiners in psychology or the state board of medical registration. If a written psychological examination is administered, such examination shall be approved by the state board of examiners in mental health or the state board of medical registration, in accordance with psychological examinations approved by the PERF board in consultation with the commissioner of mental health. Applicants may be required to pay up to one-half of the costs of the required physical and psychological examinations in accordance with applicable departmental rules.
- (2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for fire work.
- (3) Applicants must pass a job-related agility test.
- (4) Applicants shall have a structured oral interview as established by the fire merit board.

The rules and procedures for the above requirements shall be set by the chief of the department with the approval of the merit board.

(c) The personnel branch shall prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination shall constitute no more than fifty (50) per cent of the applicant's total eligible score. Prior to the creation of the eligibility list, the personnel branch, with approval of the merit board, shall establish the weight of each of the components of the applicant process.

(d) Beginning with the applicant having the highest eligibility score on the eligibility list, the department shall conduct a background investigation into the personal history and character of applicant. Any information indicating that the applicant has engaged in any conduct or activities which would warrant the disqualification of the applicant from appointment to the department shall be forwarded to the chairman of the personnel branch and shall be made a part of the applicant's file. The file shall be presented by the chairman of the personnel branch to the merit board which shall determine whether said conduct or activities are such as to disqualify the applicant for appointment.

(e) Final eligibility lists prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs sooner. The merit board shall establish procedures for the management of the final eligibility lists. Any applicant who personally or through any other person solicits any member of the merit board to favor his appointment or reinstatement to the department shall be thereby rendered ineligible for any such appointment.

SECTION 4. Sec. 252-206 of the Revised Code of the Consolidated City and County is hereby amended by deleting the words stricken and adding the words underlined as follows:

Sec. 252-206. Merit promotion system.

(a) There shall be a merit promotion system which shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and ~~district~~ battalion chief. It shall not apply to the appointment of the chief by the director or to the appointment of assistant chief, deputy chiefs and division chiefs by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the department:

Private to lieutenant: To be eligible for promotion to the rank of lieutenant, an individual must have completed five (5) years continuous service as a sworn member of the department.

Lieutenant to captain: To be eligible for promotion to the rank of captain an individual must have served two (2) years in the rank of lieutenant.

Captain to ~~district~~ battalion chief: To be eligible for promotion to the rank of ~~district~~ battalion chief, an individual must have served two (2) years in the rank of captain.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if an officer is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief of the department, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to ~~selecting~~ selection methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Promotions shall be made by the chief of the department with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief and the director of public safety. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the promotion selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all Indianapolis Fire Department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

(e) All promotions to the ranks of lieutenant, captain and ~~district~~ battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who personally or through any other person solicits any member of the merit board to favor his promotion shall be thereby rendered ineligible for any such promotion.

(f) There shall be no acting ranks, however, in instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

SECTION 5. Sec. 252-208 of the Revised Code of the Consolidated City and County shall be amended by deleting the words stricken and adding the words underlined as follows:

Sec. 252-208. Discipline.

(a) The fire chief shall have the ultimate authority to discipline all members of the fire department. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;

- (6) Conduct unbecoming a firefighter;
 - (7) Substandard performance;
 - (8) Violation, with the determination by the chief, of any federal, state or local law; and
 - (9) Failure to cooperate or be truthful.
- (c) An officer may be placed on leave with pay for up to thirty (30) calendar days by the chief pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The delegation by the chief of the authority to discipline shall not exceed the following:

- (1) Any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of district battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (2) Any district battalion chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of district battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) Firefighters who are classified by the department as exempt executive, administrative or professional employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(ef) A disciplinary board of district battalion chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member officers with the permanent merit rank of district battalion chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be empaneled every six (6) months. No district battalion chief shall serve as a member of the board in consecutive six-month periods.

- (1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours or any suspension of a firefighter by an assistant chief, the chief shall appoint a firefighter to gather all of the pertinent facts and to investigate the event surrounding the suspension. The results of that investigation shall be reported to the chief, to the disciplinary board and to the chairman of the personnel branch for inclusion in the firefighter's personnel record. The chief, or his designee if the chief so determines, may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges. Alternatively, the chief, in his discretion, may also cause the firefighter to appear directly before the merit board for a hearing.
- (2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five (5) days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in his behalf upon forty-eight (48) hours' advance notice to the board. If the firefighter requests that witnesses be subpoenaed, he shall provide a list of such witnesses to the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter appearing at this hearing, whether as an accused or as a witness shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the firefighter shall have the right to have legal counsel.
- (3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board shall, by a majority vote, make a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his designee for his determination and shall be made available to the accused firefighter.

- (4) After receiving the findings and recommendations, the chief or his designee may, with or without hearings, either concur with the disciplinary board or may reverse the board in full or in part. After making this determination, the chief or his designee may:
 - a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right to appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
 - b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;
 - c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
 - d. Reprimand the firefighter verbally or in writing;
 - e. Reinstatement with pay any firefighter who has been previously suspended without pay.

- (5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. A copy of all of these findings of fact and recommendations as well as the chief's determination shall also be referred to the director of the department of public safety within fifteen (15) days.

(g) Appeals to the merit board shall be handled in the following manner:

- (1) Any member of the fire department may appeal the following determinations to the fire merit board within thirty (30) calendar days of such determination:
 - a. That portion of any suspension without pay exceeding eighty (80) working hours;
 - b. Any demotion in rank.
- (2) The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of ~~district~~ battalion chiefs if such disciplinary board is convened, the written charges are [and] the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the aggrieved firefighter, or presented by the chief.
- (3) Any firefighter appealing any decision of the chief shall be given notice at least fifteen (15) calendar days prior to the hearing before the merit board.
- (4) The appealing firefighter may be represented by legal counsel before the merit board and the chief shall be represented by the corporation counsel or his designee.
- (5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination which is appealable. In the case of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one (1) time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the fire chief.
- (6) After hearing the evidence, the merit board shall make a finding by majority vote and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the firefighter in question and to the director of the department of public safety and shall become a permanent part of the firefighter's personnel record.

(ah) For the purpose of all hearings from the chief, the disciplinary board of ~~district~~ battalion chiefs, and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.

(hi) Any member of the fire department may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review shall be filed within thirty (30) days of the written decision of the merit board. The consolidated city shall be the sole defendant in the petition. Within thirty (30) days after receipt of the summons, the city shall cause the

merit board to file a complete transcript of the hearing. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing firefighter. Either party may appeal the decision of the court.

SECTION 6. The Revised Code of the Consolidated City and County is hereby amended by adding a NEW Sec. 252-305 to read as follows:

Sec. 252-305. Military Leave.

Military leave shall be granted in accordance with applicable state and federal law. Notwithstanding the provisions of Sec. 291-210, firefighters assigned to the non-suppression division shall be granted a maximum of fifteen (15) eight hour working days of paid military leave in a calendar year and firefighters assigned to the suppression division shall be granted a maximum of 144 work hours of paid military leave in a calendar year.

SECTION 7. Sec. 253-202 of the Revised Code of the Consolidated City and County shall be amended by deleting the words stricken and adding the words underlined as follows:

Sec. 253-202. Application selection process.

(a) The civilian police merit board of the Indianapolis police department shall establish a merit select process for all applicants to sworn positions within the department. The merit board shall be responsible for police development relating to the process and shall oversee the administration of the process as conducted by the personnel office.

For the purpose of this section, the term "appointment" shall refer to individuals seeking initial sworn employment with the department. The term "reappointment" shall refer to individuals who were previously employed as sworn members of the department and who are seeking to return to sworn employment with the department. All appointments and reappointments shall be made in accordance with this section of the Code.

The term "reinstatement" shall refer only to individuals who were wrongfully discharged from the department and who are being returned to the department through court or merit board order, or who are returning to active duty from disability pension pursuant to IC 36-8-7.5-13(e) or IC 36-8-13.7. Reinstatements are not covered by this section of the Code.

(b) The following minimum qualifications are established for all individuals seeking sworn employment with the department:

- (1) *Residency:* Although applicants are not required to reside within Marion County, all individuals appointed or reappointed to the Indianapolis police department shall be required to establish residency in Marion County ~~within one (1) month of appointment or reappointment to the department~~ or a contiguous county at the time of such appointment or reappointment.
- (2) *Citizenship:* An applicant for appointment to the department must be a resident citizen of the United States.
- (3) *Age:* All applicants must be at least twenty-one (21) years of age and shall not have reached their thirty-sixth birthday. This age requirement shall ~~not~~ apply to individuals seeking reappointment to the department as well as to those seeking initial sworn employment.
- (4) *Criminal record:* Applicants for appointment or reappointment shall not have been convicted in any state of an offense which is a felony in Indiana.
- (5) *Military record:* Applicants for appointment or reappointment shall not have been dishonorably discharged from the military.
- (6) *Personal history:* An applicant shall not have a history of alcohol or drug abuse or domestic violence.
- (7) *Educational record:* Applicants for appointment or reappointment shall have at least a high school education or its equivalent.
- (8) *Driving record:* Applicants for appointment or reappointment shall possess a valid driver's license from their state of residence.

In addition to these minimum requirements, the merit board may establish other qualifications in accordance with accepted law enforcement standards.

(c) The merit board, in conjunction with the chief of police, shall establish process phases and procedures for use in screening applicants to the department. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally acceptable law enforcement standards. The process may include, but need not to be limited to, such phases as preliminary screening, physical agility testing, written examinations, interviews, background investigations, psychological testing, medical examinations, and polygraph examinations related specifically to the application process.

(d) The personnel office shall administer the selection phases established by the merit board. Based on the results of the process, the merit board then may reject candidates who, in the opinion of the board, would not be successful recruit officer candidates. A final eligibility listing shall then be prepared and certified by the board.

(e) Eligibility lists prepared as the result of an applicant screening process shall be in effect until the list for the next process has been certified. Except as otherwise provided in this Code, when an applicant for appointment reaches his or her thirty-sixth birthday, that applicant's name shall be removed from the eligibility listing. The merit board shall establish administrative procedures relating to the management of the eligibility list.

(f) Any applicant who, personally or through any other individual, seeks to solicit favor from the director of public safety, the merit board or the chief of police for consideration of his or her application shall be deemed ineligible for any appointment or reappointment to the department.

SECTION 8. Sec. 253-207 of the Revised Code of the Consolidated City and County shall be amended by deleting the words stricken and adding the words underlined as follows:

Sec. 253-207. Merit promotion system.

(a) The civilian police merit board of the Indianapolis police department shall establish a merit selection process for promotion to all merit ranks in the Indianapolis police department. The merit board shall be responsible for policy development relating to the process and shall oversee the administration of the process.

(b) This merit promotion system shall apply to all promotions to the ranks of sergeant, lieutenant and captain. It shall not apply to appointments to the appointive ranks of major, deputy chief, assistant chief, nor chief. However, an individual holding an appointive rank may participate in the merit promotion process and receive a merit rank promotion while holding the appointive rank.

(c) The following eligibility requirements are established for all individuals seeking promotion within the department:

- (1) *Patrol officer to sergeant*: To be eligible for participation in the promotion process to sergeant, an individual must have three (3) years' continuous service as a sworn member of the department.
- (2) *Sergeant to lieutenant*: To be eligible for participation in the promotion process to lieutenant, an individual must have served two (2) years in the rank of sergeant.
- (3) *Lieutenant to captain*: To be eligible for participation in the promotion process to captain, an individual must have served two (2) years in the rank of lieutenant.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment or date of rank to the date the promotion process begins shall be considered. However, if an officer is demoted no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of an officer's years of service. A member shall be promoted only to the next highest rank.

(d) The merit board, in conjunction with the chief of police, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally accepted law

enforcement standards. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations and/or assessment center techniques, as structured to accommodate the various rank levels.

(e) The personnel office shall assist in the process of administration. However, in no case shall a candidate eligible for promotion be involved in any activities that would provide an unfair advantage in the process.

(f) Upon completion of the process phases, an eligibility listing shall be prepared for each rank in conformity with standard psychometric procedures. All such lists shall be certified by the merit board. Eligibility lists prepared as the result of a promotion process shall be in effect until the list from the next process has been certified. There shall be no carry over of any scores from one (1) list to the next. Therefore, candidates whose names are on an eligibility listing, but who are not promoted, must successfully recompute in subsequent promotional processes if they wish to continue their eligibility. Eligibility lists for each rank shall be in effect for at least two (2) years but not more than three (3) years.

(g) The merit board shall establish review and appeal procedures for candidates participating in the promotional process.

(h) Any applicant who, personally or through any other individual, seeks to solicit favor from the director of public safety, the merit board or the chief of police for consideration of his or her promotion shall be deemed ineligible for promotion for one (1) year.

(i) The merit board shall establish rules and guidelines relating to process integrity, confidentiality and ethics.

(j) Promotions shall be made by the chief of police with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief of police and designated to be filled by the chief and the director of public safety. In making final selections for promotion, the chief shall promote the candidate receiving the highest promotion score who, in the opinion of the chief and the merit board, is best qualified for the position.

(k) All promotions to the ranks of sergeant, lieutenant and captain shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities.

(l) There shall be no acting ranks.

(m) Upon promotion to the new rank, the member shall be probationary for a period of one (1) year of actual service. In determining time of actual service, time spent away from the department (e.g., sick leave and/or suspension) shall not be included. Prior to the expiration of such one-year period, the chief, with the approval of the merit board, may reduce the member to his or her former rank for just cause. This reduction in rank shall be without right to a formal hearing.

SECTION 9. Section 253-208 of the Revised Code of the Consolidated City and County is hereby amended by deleting the words stricken and adding the words underlined as follows:

Sec. 253-208. Discipline.

(a) The civilian police merit board of the Indianapolis police department shall establish disciplinary policies for use in all disciplinary matters of the department. The merit board, in conjunction with the chief of police, shall establish the rules and regulations of the department. All disciplinary charges shall be based on these rules and regulations.

(b) Disciplinary actions within the department shall be in one (1) of the following forms:

- (1) Written reprimand
- (2) Suspension without pay
- (3) Demotion
- (4) Discharge

(c) An officer may be placed on leave with pay for up to thirty (30) calendar days by the chief of police pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The chief shall have the ultimate authority to discipline any member of the department, subject only to the restrictions outlined below. In making his determination, the chief may refer the matter to a disciplinary board of captains for recommendation. Following his determination in a disciplinary matter, the chief may:

- (1) Issue a written reprimand.
- (2) Suspend an officer without pay for up to six (6) calendar months. If the suspension is for more than ten (10) working days, the officer may appeal that portion of the suspension greater than ten (10) days to the merit board. Such appeal must be made within thirty (30) calendar days of notice of the action.
- (3) Demote the officer in rank by one (1) merit rank. An demotion may be appealed to the merit board within thirty (30) calendar days of notice of action.
- (4) Recommend discharge of the officer to the merit board. Upon referral of the matter to the merit board, the merit board shall conduct a de novo administrative hearing of record. Pending determination by the merit board, the officer shall be placed on suspension without pay.
- (5) Reinstate with pay any officer who previously was suspended without pay.

(e) Departmental superiors shall have the authority to discipline subordinate officers as outlined below. However, these superiors may recommend any of the above disciplinary actions to the chief through the chain of command.

The assistant chief, deputy chiefs and majors may: (1) issue a written reprimand or (2) suspend an officer for not more than ten (10) working days without pay. The chief may delegate additional disciplinary authority to the assistant and deputy chiefs.

Captains may: (1) issue a written reprimand or (2) suspend an officer for not more than three (3) working days without pay.

Lieutenants may: (1) issue a written reprimand or (2) suspend an officer for not more than two (2) working days without pay.

Sergeants may: (1) issue a written reprimand or (2) suspend an officer for one (1) working day without pay.

(f) Officers in non-merit appointed ranks who are classified by the department as exempt executive, administrative or professional employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(fg) All disciplinary actions taken by anyone except the chief of police shall be forwarded in writing to the disciplinary board of captains through the chain of command within three (3) working days of the action. The disciplinary board of captains shall ensure due process and consistency of discipline through the department. This disciplinary board may conduct an administrative review of the matter, request further investigation by internal affairs or other appropriate personnel, or hold a hearing on the matter.

(gh) If a hearing is held by the disciplinary board of captains, the officer charged shall be notified in writing of the charges and the time and date of the hearing. In such hearings, and pursuant to departmental policy, the officer shall have the right to have counsel present and to have witnesses subpoenaed by the board of captains to testify in his or her behalf upon advance notice to the board. All testimony before the captains' board shall be under oath, and any individual appearing before the board shall cooperate fully and answer all questions truthfully and directly. The hearing before the captains' board shall be conducted in accordance with the written directives of the chief and the merit board. After the hearing, the board of captains shall, upon majority vote, reduce to writing its findings of either guilty or not guilty.

(hi) The disciplinary board of captains shall report the results of its review and/or hearing to the chief of police for determination. Included in this report shall be the disciplinary board's findings and recommendations. If the finding is "guilty," the disciplinary board shall also make its recommendations for punishment. The chief may concur with the captain's board in full or in part or may fully or partially reverse its recommendations.

(ji) The disciplinary board of captains shall consist of three (3) officers holding the permanent merit rank of captain, who shall serve for a period of three (3) months. Each captain shall be selected at random. The names of the captains shall be drawn from a list of all eligible captains by the police officer ranking first on the most current sergeant's promotion list who shall serve for a period of three (3) months and who shall then be succeeded by the next highest ranking officer on such list who shall serve for a three-month period and so forth. If a vacancy occurs on the board of captains by reason of a board member becoming unable to perform his duties and serve on such board, the vacancy shall be filled in the same manner in which the board was selected.

(jk) Disciplinary actions addressed by the merit board on appeal from the officer shall be handled through administrative hearing. This hearing shall be de novo and shall be a hearing of record. In making an appeal, the officer shall submit a written request for appeal to the merit board within thirty (30) calendar days of notice of disciplinary action. The merit board then shall schedule the hearing, providing the officer with at least fifteen (15) calendar days' notice prior to the hearing date. The evidence before the merit board shall consist of the written charges and action taken on such charges, the findings of fact and recommendations from the chief of police and/or the disciplinary board of captains, and any other evidence requested by the merit board or presented by the charged officer.

(kl) The officer requesting an appeal and the chief of police may be represented by legal counsel before the merit board.

(lm) After hearing the evidence, the merit board shall, by majority vote, reduce its findings and decision to writing. The merit board may fully or partially affirm or reverse any portion of the chief's determination which is appealable. In addition, the merit board may remand the action for further review by the chief of police.

(mn) If the officer is found not guilty by the merit board, any pay he or she may have lost due to suspensions, or any rank lost due to demotion, shall be returned to the officer.

(no) Any officer who disagrees with the findings of the merit board shall have the right to file a verified petition to the superior or circuit court of Marion County for a review of the decision. The petition for review must be filed within thirty (30) calendar days after the written decision of the board. The City of Indianapolis shall be the sole defendant in the petition for review. Within thirty (30) calendar days after receipt of a summons, the city shall cause the merit board to file a true and complete copy of the transcript of the hearing with the court. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing officer. Either party may appeal the decision of the court.

(op) For the purpose of all hearings before the disciplinary board of captains and the merit board, each shall have subpoena power enforceable by the circuit or superior court of the county.

(pq) A copy of any disciplinary action taken and of the findings of fact and recommendations of the board shall be forwarded to the charged officer. In addition, if an officer is found guilty, notice of the action shall be forwarded to the merit board and made a permanent part of the officer's personnel record.

SECTION 10. Should any provisions (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 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 11. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 72, 2000. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 72, 2000 on February 3, 2000. The proposal, sponsored by Councillors Cockrum and Soards, approves a transfer of \$292,119 in the 2000 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) for the design and installation of spray pools at six parks and for design of a new Pike Township trail, financed by transfers between characters. By an 8-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Soards, for adoption. Proposal No. 72, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 72, 2000 was retitled FISCAL ORDINANCE NO. 17, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) transferring and appropriating an additional Two Hundred Ninety-two Thousand One Hundred Nineteen Dollars (\$292,119) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation 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 1.01(n) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for the design of spray pools at six parks and for design of a new Pike Township trail.

SECTION 2. The sum of Two Hundred Ninety-two Thousand One Hundred Nineteen Dollars (\$292,119) 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 PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
3. Other Services and Charges	292,119
TOTAL INCREASE	292,119

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Materials and Supplies	31,000
4. Capital Outlay	261,119
TOTAL REDUCTION	292,119

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

PROPOSAL NO. 78, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 78, 2000 on February 2, 2000. The proposal approves a transfer of \$48,806 in the 2000 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to fund salaries and supplies in the appropriate characters for County agencies. By a 9-0 vote, the Committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 78, 2000 was adopted by the following roll call vote; viz:

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

Proposal No. 78, 2000 was retitled FISCAL ORDINANCE NO. 18, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) transferring and appropriating an additional Forty-eight Thousand Eight Hundred Six Dollars (\$48,806) in the Drug Free Community Fund for purposes of the County Auditor and Marion County Justice Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,bb) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to fund salaries and supplies in the appropriate characters for County agencies.

SECTION 2. The sum of Forty-eight Thousand Eight Hundred Six Dollars (\$48,806) 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>COUNTY AUDITOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services-Fringes	9,161
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	38,645
2. Supplies	<u>1,000</u>
TOTAL INCREASE	48,806

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

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
3. Other Services and Charges	<u>48,806</u>
TOTAL DECREASE	48,806

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

NEW BUSINESS

Councillor Boyd introduced new City Controller, Katherine Davis. Ms. Davis stated that she has been impressed by what she has seen of this Council so far and appreciates the members' service to the City. She stated that she looks forward to working with the Council on the 2001 budget.

Councillor Boyd stated that orientation continues tomorrow morning at 8:00 a.m. at the Athletic Club in the Chase Room. He stated that the Chamber of Commerce is doing an excellent job with orientation, and the sessions can benefit both new and veteran Council members. He added that tomorrow's session will focus on the budgeting process. President SerVaas agreed that the Chamber has done an excellent job so far, and urged Council members to show their appreciation.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Smith in memory of Alan D. Brassard and Victor A. Mascari; and
- (2) Councillors Boyd and Short in memory of Hubert and Faye Dabner.

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 Alan D. Brassard, Victor A. Mascari, and Hubert and Faye Dabner. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:26 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of February, 2000.

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



President

ATTEST:



Clerk of the Council

(SEAL)