

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

**REGULAR MEETINGS
MONDAY, APRIL 30, 2001**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, April 30, 2001, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gibson recognized Stephen J. Clay, pastor of Missionary Baptist Church. Councillor Horseman introduced Julie Keagle, former director of the Indianapolis Neighborhood Resource Center. Councillor Talley recognized Reverend Joy L. Thornton, pastor of Greater St. Mark Baptist Church.

Councillor Boyd recognized attendees representing the taxi industry. He said that these constituents were denied a hearing on Proposal No. 83, 2001 on April 3, 2001. He said that these people attended the meeting of the Administration and Finance Committee in order to give public testimony on this proposal. Chairman Coonrod made a unilateral decision not to allow public testimony on the proposal at that hearing, and Councillor Boyd feels this is insulting to both the public and the Councillors. He said that the proposal was left until last on the agenda, and after

these persons had waited such a long time to testify, the Chairman decided it was too late, and he would not take further testimony. Councillor Coonrod stated that he believes Councillor Boyd is out of order as this proposal is not on the floor for action this evening. He added, however, that the Committee hearing to which Councillor Boyd refers was very lengthy, and this proposal was put last on the agenda at the request of Councillor Boyd, in order to fit his personal schedule. He said that he does not understand therefore why Councillor Boyd is complaining about the length of time these constituents had to wait. He added that the discussion of this proposal lasted 45 minutes and a motion was made to table the proposal. He said that it is his understanding that a motion to table a proposal signifies that there is no further discussion. He said that being aware that there were many in attendance who had come to testify, however, he invited them to stay and talk with those Committee members who could stay. He added that he did stay for quite a while after the meeting talking with some of these representatives and intends to spend significant time on this issue in the future. Councillor Horseman stated that it is the responsibility of the Committee chairman to insure that the public is heard at these meetings.

Councillor Dowden stated that this is not the appropriate time in the agenda for this discussion, as it is reserved for introduction of guests and visitors. President SerVaas ruled this discussion out of order and said that this issue will be taken up again in Committee as it is not on tonight's agenda. He added that a possible sub-committee should be formed with a consultant on this matter, as it is very complicated.

Councillor Bradford introduced Eric Miller, president of Advance America. Councillor Schneider recognized Rich Best, president of Heritage Christian School. Councillor Gray recognized various ministers from the community in attendance and asked them to stand. Councillor Brents introduced friend and constituent Bernetta Tanner.

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, April 30, 2001, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

April 17, 2001

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, April 18, 2001, and in the *Indianapolis Star* on Thursday, April 19, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 168, 169, 171-175, 178, and 179, 2001, said hearing to be held on Monday, April 30, 2001, at 7:00 p.m. in the City-County Building.

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

April 30, 2001

April 20, 2001

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 18, 2001 - approves an increase of \$24,972 in the 2001 Budgets for the County Auditor and the Cooperative Extension Service (County Grants Fund) to provide for the CARE (Communities Against Rape) after school project, funded by a grant from Inland Foundation

FISCAL ORDINANCE NO. 20, 2001 - approves an increase of \$7,406,370 in the 2001 Budget of the Department of Metropolitan Development, Divisions of Administrative Services, Community Development and Financial Services, and Planning (State Grants, Federal Grants, Consolidated County, and City Cumulative Capital Improvement Funds) to provide affordable and supportive housing opportunities, community development, emergency shelters, brownfield assessment and remediation, a mass transit study, economic development initiatives, an economic/reuse study for the Market Square Arena site, and to make repairs and modifications to the Lower Canal project area, financed by state and federal grants and by transfer of \$62,749 from the Divisions of Administrative Services and Planning (City Cumulative Capital Improvement and Transportation General Funds)

FISCAL ORDINANCE NO. 21, 2001 - approves an appropriation of \$327,510 in the 2001 Budget of Department of Metropolitan Development, Permits Division (Consolidated County Fund) to update technology used in the city's permit and inspection processes, financed by fund balances

FISCAL ORDINANCE NO. 22, 2001 - approves an increase of \$24,975 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to undertake the reforestation of 38 acres of fields and wetlands at Eagle Creek Park, financed by a federal grant

FISCAL ORDINANCE NO. 23, 2001 - approves an appropriation of \$120,080 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to provide employment skills training for youth ages 12 to 17, financed by a federal grant

FISCAL ORDINANCE NO. 26, 2001 - approves an appropriation of \$442,336 in the 2001 Budget of the Department of Capital Asset Management, Administration and Finance Division (State Grants Fund) which will be passed through to the Indianapolis Public Transportation Corporation for the purchase of a forty-foot transit coach and for additional operating expenses, funded by a grant from the Public Mass Transportation Fund

FISCAL ORDINANCE NO. 27, 2001 - approves a re-appropriation of \$119,047 in the 2001 Budget of the Department of Capital Asset Management (State Grants Fund) to match federal funds for the widening of Harding Street from Raymond Street to Hanna Avenue, financed with funds remaining on a 1998 Build Indiana Grant

FISCAL ORDINANCE NO. 28, 2001 - approves a reduction of \$421,885 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Solid Waste Disposal Fund) to allow a transfer of those appropriations to the Solid Waste Collection Service District Fund

FISCAL ORDINANCE NO. 29, 2001 - appropriates the proceeds of the City of Indianapolis ("City") Transportation Refunding and Improvement Revenue Bonds, Series 2001 ("Bonds"), in an amount not to exceed \$39,000,000

FISCAL ORDINANCE NO. 33, 2001 - approves a transfer of \$7,000 in the 2001 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) from over-budgeted fringes to personal services (salaries)

GENERAL ORDINANCE NO. 32, 2001 - authorizes a multi-way stop at Connection Avenue and Subway Street (District 13)

GENERAL ORDINANCE NO. 33, 2001 - authorizes a multi-way stop at 46th Street and Lincoln Road (District 2)

GENERAL ORDINANCE NO. 34, 2001 - authorizes a change in intersection controls for 37th Street and Ralston Avenue (District 11)

GENERAL ORDINANCE NO. 35, 2001 - authorizes a multi-way stop at Glen Shire Lane and Southern Lakes Drive, and at Gunyon Way and Southern Lakes Drive (District 23)

GENERAL ORDINANCE NO. 36, 2001 - authorizes intersection controls for the Spring Oaks Subdivision (District 23)

GENERAL ORDINANCE NO. 37, 2001 - authorizes intersection controls at 7500 South Acton Road at the railroad crossing (District 23)

GENERAL ORDINANCE NO. 38, 2001 - authorizes a weight limit restriction on McGaughey Road from Southeastern Avenue to Post Road (District 23)

GENERAL ORDINANCE NO. 39, 2001 - authorizes a change in parking restrictions on East Street from Washington Street to Ohio Street (District 22)

GENERAL ORDINANCE NO. 40, 2001 - authorizes a traffic signal at 5325 East Thompson Road (shopping center) (District 23)

SPECIAL ORDINANCE NO. 2, 2001 - authorizes (i) the issuance and sale of one or more series of notes of the City for the purpose of procuring funds through the Indianapolis Local Public Improvement Bond Bank to provide for the purchase of certain equipment, vehicles and related capital items, including all expenses in connection with or on account of the issuance of notes therefor, and (ii) the appropriation of the amount not to exceed \$7,400,000 for such purposes

SPECIAL ORDINANCE NO. 3, 2001 - authorizes the City to refund the 1992 and 1996 Transportation Revenue Bond issues, finance certain street, road, curb and sidewalk improvements, and to issue up to \$39,000,000 City of Indianapolis, Indiana Transportation Refunding and Improvement Revenue Bonds, Series 2001 and approves and authorizes other actions in respect thereto

GENERAL RESOLUTION NO. 3, 2001 - approves the issuance of a limited recourse note of the Redevelopment District for the purpose of paying the costs of certain infrastructure improvements in or serving property located in the Fall Creek Redevelopment Area and in the Citizens Redevelopment Area, and approves other matters related thereto

GENERAL RESOLUTION NO. 4, 2001 - authorizes the Department of Public Works to implement a parking meter blackout downtown on May 25, 2001

SPECIAL RESOLUTION NO. 16, 2001 - recognizes the State Champion Ben Davis High School Lady Giants Basketball Team

SPECIAL RESOLUTION NO. 17, 2001 - recognizes the Pike High School State Champion boys basketball team

SPECIAL RESOLUTION NO. 18, 2001 - congratulates new Eagle Scout Dallas Webb

SPECIAL RESOLUTION NO. 19, 2001 - recognizes the Promise of Purity program of Greater St. Mark Baptist Church

SPECIAL RESOLUTION NO. 20, 2001 - recognizes the 5th American Jazz Piano Competition and the American Pianists Association

SPECIAL RESOLUTION NO. 21, 2001 - recognizes physical fitness experts and Team USA members Melanie Roberts and Heather Hedrick of the National Institute for Fitness and Sport

SPECIAL RESOLUTION NO. 22, 2001 - recognizes the April 28, 2001, Rebuilding Together with Christmas in April Indianapolis housing revitalization blitz

SPECIAL RESOLUTION NO. 23, 2001 - determines the need to lease office space at the Legacy House, 2505 North Arlington Avenue, for victim-assistance personnel of the Marion County Sheriff's Department

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE 2, 2001 - approves an increase of \$421,885 in the 2001 Budget of the Department of Public Works, Contract Compliance Division (Solid Waste Collection Service District Fund) to pay for solid waste contract monitoring, financed by a transfer from the Solid Waste Disposal Fund

On April 17, 2001, I approved and signed the following ordinance:

FISCAL ORDINANCE NO. 16, 2001 - approves an increase of \$363,877 in the 2001 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to fund a project enabling better air handling and cooling in the kennel area, financed by a reduction in fund balances

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 16, 2001. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 224, 2001. The proposal, sponsored by Councillor Dowden, concerns the National Day of Prayer. Councillor Dowden read the proposal and moved, seconded by Councillor Bradford, for its adoption. Proposal No. 224, 2001 was adopted by a unanimous voice vote.

Proposal No. 224, 2001 was retitled COUNCIL RESOLUTION NO. 55, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 55, 2001

A COUNCIL RESOLUTION concerning the National Day of Prayer.

Whereas, from the Pilgrims kneeling on the shore at Plymouth Rock in 1620 to the first call to prayer by the Continental Congress in 1775 and throughout these past 226 years, Americans have been a people of prayer, and

Whereas, our national leaders have time and again called for prayers to God in praise and thanksgiving as well as for help in times of distress, and

Whereas, President Harry Truman in 1952 signed the unanimous Congressional resolution establishing an annual National Day of Prayer in our nation, now, therefore:

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

SECTION 1. The Indianapolis-Marion County Council joins with our national leaders in affirming that Thursday, May 3, 2001, is a special day of prayer in our community.

SECTION 2. Further, the City-County Council encourages the citizens of Indianapolis to join together in public assemblies for prayer on this 50th National Day of Prayer to re-affirm that America truly is "One Nation Under God."

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

PROPOSAL NO. 225, 2001. The proposal, sponsored by Councillor Coughenour, recognizes journalist, broadcaster, and military veteran Gerald L. "Jerry" Sargent. Councillor Coughenour read the proposal and presented Mr. Sargent with a copy of the document and a Council pin. Councillor Borst stated that Mr. Sargent is probably one of the most knowledgeable people he knows regarding Indiana and Marion County. Mr. Sargent thanked the Council for the recognition. Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 225, 2001 was adopted by a unanimous voice vote.

Proposal No. 225, 2001 was retitled SPECIAL RESOLUTION NO. 24, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2001

A SPECIAL RESOLUTION recognizing journalist, broadcaster, and military veteran Gerald L. "Jerry" Sargent.

WHEREAS, Jerald L. "Jerry" Sargent served in the U.S. Navy in both the Pacific and Atlantic Theaters during World War II, and after the war and graduating from Indiana University, he became a commissioned officer and again saw service during the Korean War and later in the Selective Service System; and

WHEREAS, in the early days of television Jerry Sargent was a reporter and an on-air personality with WTTV Channel 4, where he telecast the first-ever Indianapolis Indians baseball game in 1954, and over the years conducted over 3,200 interviews on Indiana history on several Indianapolis radio stations; and

WHEREAS, in 1962, Colonel Sargent bought the community newspaper "The Perry Township Weekly", later renamed "The Southside Times", of which he still remains as Editor Emeritus; and

WHEREAS, the Sargent family has lived in the Hoosier State since the 1830's, Jerry graduated from Bloomington High School, he was a boy scout as a youth, many years later he founded the Fort Benjamin Harrison Historical Society, and currently is or has been actively involved with the American Legion, the Perry Township-Southport Historical Society, Johnson County Community Foundation, Baxter Branch YMCA, Indianapolis World War II Roundtable, the Greenwood Economic Development Board, and St. Timothy Episcopal Church; 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 Gerald L. "Jerry" Sargent, an accomplished journalist, an innovative broadcaster, and distinguished Navy and Army veteran.

SECTION 2. His very full life serves as an inspiration for the citizens of Indianapolis, and the Council wishes Jerry the very best of happiness and good health for many years to come.

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. 226, 2001. The proposal, sponsored by Councillors Brents and Horseman, recognizes the Eiteljorg Museum and its Ansel Adams photographic exhibit. Councillor Brents read the proposal and presented representatives with copies of the document and Council pins. John VonAusdall, Eiteljorg Museum, stated that he is proud to a part of the arts in Indianapolis. Ramona Baker, Indianapolis Arts Council, thanked the Council for the recognition. Councillor Brents moved, seconded by Councillor Horseman, for adoption. Proposal No. 226, 2001 was adopted by a unanimous voice vote.

Proposal No. 226, 2001 was retitled SPECIAL RESOLUTION NO. 25, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2001

A SPECIAL RESOLUTION recognizing the Eiteljorg Museum and its Ansel Adams photographic exhibit.

WHEREAS, Indianapolis' Eiteljorg Museum of American Indians and Western Art located at the eastern end of White River State Park was built in 1989, and features the American Western collection of benefactor Harrison Eiteljorg; and

April 30, 2001

WHEREAS, the unique museum is only one of two museums east of the Mississippi River that is devoted to Native American and Western art; and

WHEREAS, Ansel Adams who lived from 1902 to 1984 is considered possibly the greatest American West photographer of all time, and his widely known photographs had not been displayed in Indianapolis for over a quarter century; and

WHEREAS, through the insight and perseverance of the Eiteljorg Museum President and CEO John Vanausdall and the Museum's Chief Curatorial Officer Arnold Jolles, 75 Ansel Adams images arrived in January for a special two month display at the Eiteljorg; and

WHEREAS, in eight weeks, 37,000 visitors from throughout the Midwest came to see the display, Museum attendance records were broken, the Museum had to extend its hours, and during the final weekend Museum visitors were lined up out the front door all the way to Washington Street; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends the staff and Directors of the Eiteljorg Museum for its initiative and hard work during the Ansel Adams special exhibit.

SECTION 2. The exhibit demonstrates the quality and impact of the arts in Indianapolis, and hopes that this excellent example by the Eiteljorg Museum will be emulated throughout the city.

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. 235, 2001. The proposal, sponsored by Councillor Horseman, recognizes WISH-TV Special Projects Manager Clayton M. Taylor, Jr. Councillor Horseman read the proposal and presented Mr. Taylor with a copy of the document and a Council pin. Lee Giles, News Director of Channel 8, stated that Mr. Taylor was instrumental in pioneering the I-Team investigation series and he will be greatly missed. Mr. Taylor thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Gibson, for adoption. Proposal No. 235, 2001 was adopted by a unanimous voice vote.

Proposal No. 235, 2001 was retitled SPECIAL RESOLUTION NO. 26, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2001

A SPECIAL RESOLUTION recognizing WISH-TV Special Projects Manager Clayton M. Taylor, Jr.

WHEREAS, Clayton M. Taylor, Jr. was Special Projects Manager for WISH-TV and created the WISH-TV investigative news unit now known as the I-Team; and

WHEREAS, the investigative news stories produced by Mr. Taylor have caused great discomfort to those upon whom he has shined the spotlight of his investigative reporting skills while at the same time leading to reforms which have improved the quality of life of thousands of people; and

WHEREAS, Mr. Taylor and the I-Team broke such stories as those involving the New Castle State Development Center which resulted in moving statewide mentally retarded residents to smaller residential group homes and other community-based settings; and stories that focused upon federal food stamp fraud which resulted in two felony convictions; and stories regarding serious deficiencies at federally subsidized apartment buildings that led to the closing of two dozen such apartment buildings; and

WHEREAS, Mr. Taylor has received more than 40 honors in recognition of his outstanding work in news coverage, public service and investigative reporting; 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 the intrepid actions and efforts of Clayton M. Taylor, Jr. and the impact his work has had in improving the lives of Hoosiers all around Indiana.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

President SerVaas asked for consent to vote on Proposal No. 816, 2000 and Proposal No. 184, 2001 together. Consent was given.

PROPOSAL NO. 816, 2000. The proposal, sponsored by Councillor Smith, reappoints J. Darrell Bakken to the Metropolitan Board of Zoning Appeals Division III. PROPOSAL NO. 184, 2001. The proposal, sponsored by Councillors Bainbridge and Smith, appoints David B. Sears to the Speedway Economic Development Commission. By 6-0 votes, the Metropolitan Development Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 816, 2000 and Proposal No. 184, 2001 were adopted by a unanimous voice vote.

Proposal No. 816, 2000 was retitled COUNCIL RESOLUTION NO. 56, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 2001

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 reappoints:

J. Darrell Bakken

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. 184, 2001 was retitled COUNCIL RESOLUTION NO. 57, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2001

A COUNCIL RESOLUTION appointing David B. Sears to the Speedway Economic 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 Speedway Economic Development Commission., the Council reappoints:

David B. Sears

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 208, 2001. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 209, 2001. Introduced by Councillors Smith and Brents. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,614,097 in the 2001 Budget of the Department of Metropolitan Development, Community Development and Financial Services Division (Redevelopment General and Federal Grants Funds) to develop market rate rental units and parking at the former William. H. Block Building, financed by a federal grant (Urban Development Action Grant) and by insurance proceeds deposited last year in the Redevelopment General Fund"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 210, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an appropriation of \$150,000 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 211, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$133,000 in the 2001 Budget of the Marion County Superior Court (Alcohol and Drug Services Fund) to fund the renovation of space in the basement of the City-County Building for the drug testing lab, and to purchase computers and furniture, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 212, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$295,000 in the 2001 Budget of the Marion County Superior Court (Adult Probation Fund) to pay for programming in the JUSTIS system for bookkeeping enhancements, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 213, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$9,280 in the 2001 Budgets of the County Auditor and the Marion County Justice Agency (Law Enforcement Fund) to help fund the salary of an existing position within the Metro Drug Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 214, 2001. Introduced by Councillors Coughenour, Borst, and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a second re-appropriation of funds remaining in a 1998 Build Indiana grant in the amount of \$43,183 in the 2001 Budget of the Department of Capital Asset Management (State Grants Fund) to match

federal funds to continue the widening of Harding Street from Raymond Street to Hanna Avenue"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 215, 2001. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$105,000 in the 2001 Budget of the Department of Capital Asset Management, Permits Division (Federal Grants Fund) to develop detailed floodplain and floodway maps and prepare a hydraulic analysis within the Little Buck Creek flood plain area, financed by a grant from the Federal Emergency Management Agency, which funds seventy-five percent of the project"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 216, 2001. Introduced by Councillors Coughenour, Bainbridge, and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a re-appropriation of \$284,660 in the 2001 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund) to complete a project which enhances the 16th Street/Crawfordsville Road Corridor, financed by a contribution from the Hulman Memorial Foundation"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 217, 2001. Introduced by Councillors Boyd, Coughenour, Bainbridge, Conley, and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides an alternative to Barrett Law funding for sanitary sewer projects"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 218, 2001. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Market Street between Highland Avenue and Oriental Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 219, 2001. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for 42nd Street, on the south side, from Central Avenue to College Avenue (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 220, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Ray Street, on both sides, from Harding Street east to the dead-end (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 221, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Alabama Street, on the east side, from Henry Street to a point 92 feet north of Henry Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 222, 2001. Introduced by Councillors Douglas, Langsford, Moriarty Adams, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions for various intersections along 10th Street (Districts 10, 13, 15, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 223, 2001. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Avondale Place at 22nd Street (District 10)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 227, 2001, PROPOSAL NOS. 228-229, 2001, and PROPOSAL NOS. 230-233, 2001. Introduced by Councillor Smith. Proposal Nos. 164-165, 2001, and Proposal No. 166, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 24, 2001 and April 25, 2001. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 58-64, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 58, 2001.

2001-ZON-001

5741 SHELBYVILLE ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

DENNIS C. and DEBORAH J. RUMLEY request a rezoning of 1 acre, being in the SU-18 and D-A Districts, to the D-1 classification to provide for an addition to an existing single-family dwelling.

REZONING ORDINANCE NO. 59, 2001.

2000-ZON-868 (Amended)

2902 EAST 46TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11

AMERICAN PARTNERS, L.P., by J. Murray Clark, requests a rezoning of 8.59 acres, from the C-4 District, to the C-S classification to provide for neighborhood retail uses and warehousing.

REZONING ORDINANCE NO. 60, 2001.

2001-ZON-007

1850 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

BLOSSOM REALTY, by Thomas Michael Quinn, requests a rezoning of 18.598 acres, being in the D-4, C-4, and C-5 Districts, to the C-S classification to provide for light industrial uses in the I-2-S zoning district and neighborhood commercial uses in the C-3 zoning district.

REZONING ORDINANCE NO. 61, 2001.

2001-ZON-002

10100 EAST 46TH STREET (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

INDIANAPOLIS TEEN CHALLENGE requests a rezoning of 5 acres, being in the D-A District, to the SU-7 classification to provide for a youth housing and counseling facility.

REZONING ORDINANCE NO. 62, 2001.

2001-ZON-806

9340 CORPORATION DRIVE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 3

WDAE, by Joseph D. Calderon, requests a rezoning of 3.8 acres, being in the I-3-S District, to the C-S classification to provide for the construction of a home improvement center and specified C-4, I-2-S, and I-3-S uses.

REZONING ORDINANCE NO. 63, 2001.

2001-ZON-807

3813 EAST NOWLAND AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

MORPHEY CONSTRUCTION INC., by Joseph D. Calderon, requests a rezoning of 0.20 acre, being in the SU-8 District, to the I-2-U classification to provide for industrial uses.

REZONING ORDINANCE NO. 64, 2001.
2001-ZON-808 (2001-DP-001)
7600 SARGENT ROAD (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4
FRONTGATE DEVELOPMENT CO., INC., by Joseph M. Scimia, requests a rezoning of 14.471 acres, being in the D-S District, to the D-P classification to provide for eight single-family dwellings (0.55 unit/acre).

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 64, 35, and 207, 2001 on April 26, 2001. She asked for consent to move these proposals next on the agenda. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 64, 2001. The proposal, sponsored by Councillor Coughenour, creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works. PROPOSAL NO. 35, 2001. The proposal, sponsored by Councillor Moriarty Adams, increases the sewer user fee. PROPOSAL NO. 207, 2001. The proposal, sponsored by Councillor Coughenour, creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works and increases sewer user fees.

Councillor Coughenour moved, seconded by Councillor Soards, to postpone Proposal Nos. 64, 35, and 207, 2001 until the next meeting on May 21, 2001. She said that Proposal Nos. 64 and 35, 2001 passed out of committee with do pass recommendations, and she had hoped to move for their adoption this evening. However, she said that she has been unable to secure a commitment from the Mayor that he would sustain and not veto the stormwater management proposal. She said that she feels that there are three legs to this "stool": the septic systems, the stormwater systems, and the combined sewer overflows (CSOs). She said that she does not feel the problem can be fixed unless all three legs of the stool are in place and a comprehensive plan is committed to by the administration.

Councillor Moriarty Adams said that, as the sponsor of Proposal No. 35, 2001, she is opposed to postponing this particular proposal due to the potential of possible litigation being assessed against the City up to a maximum of \$25,000 a day. She said the proposal has been thoroughly researched and all possible input has been sought. She added that regarding the Mayor not coming forth with a commitment to sign Proposal No. 64, 2001, she does not recall any time in her tenure on the Council that an ordinance has been passed based on whether or not the current Mayor verbally committed ahead of time to signing the ordinance.

Councillor Soards said that he supports the motion to postpone, as Councillor Coughenour has worked on this issue for a number of years, and it is an extremely complex matter with many different components that affect water quality issues in the community. He said that the stormwater management system is just as important as the CSO system, and without a commitment on one, it seems right that the County not have just half-clean water. He said that he believes the City should move forward with both these issues at the same time, and it is an important enough issue that the Council should know where the Mayor's Office stands with regard to these issues, so that the proposals can be moved forward in a bi-partisan fashion.

Councillor Moriarty Adams stated that the federal regulators have not linked these two systems together, and she would therefore like to see Proposal No. 35, 2001 moved forward this evening.

Councillor Talley said that it is unfortunate that Councillor Coughenour is linking these two proposals together. He said that this year is the first time a resolution to the CSO problem is being proposed. He said that he believes Councillor Coughenour is starting to get cold feet because of the presence of many ministers in the audience this evening. He added that the Mayor respects the legislative process and is not trying to pre-empt the authority given to the legislative body by committing to passing or not passing an ordinance before it is acted on by this body.

Councillor Bradford said that he has reservations on all these proposals because they involve tax increases, and there was a motion to amend these proposals to exempt churches and schools, yet this exemption was left out of Proposal No. 35, 2001, and he believes more discussion needs to take place.

Councillor Horseman said that the administration has been working on the CSO project for 16 months, and there have been numerous public hearings, and she does not understand why it cannot be moved forward. She said that while she believes there is a stormwater problem, she does not believe the same public input has been put into Proposal No. 64, 2001 as was put into Proposal No. 35, 2001.

Councillor Massie said that he supports the motion to postpone, and believes that considering these proposals together provides a comprehensive solution to a very significant problem. As it is, even in passing these proposals tonight, the City would only pay for one-fifth of the solution that Environmental Protective Agency (EPA) may not even accept. He said that the Mayor is asking the Council to commit to his plan, and the Council is simply asking the Mayor to commit to a bi-partisan comprehensive solution as well.

Councillor Short stated that these are two separate ordinances, and although he agrees that Councillor Coughenour has put a lot of work into these issues, they have never gotten to the Council floor before. He said that he believes that both proposals would pass tonight if voted on this evening.

Councillor Langsford said that many remarks have been made about the three-legged stool, and he believes if one of those legs is eliminated, the stool will not function, and he supports the motion to postpone action on the proposals this evening.

Councillor Boyd said that he does not support the motion to postpone, and he believes Proposal No. 35, 2001 is ready to move forward and should not be held up because it is being linked with Proposal No. 64, 2001, which should not be the case. He said that these are separate proposals and Proposal No. 35, 2001 should not be used as a political ploy to get passage on Proposal No. 64, 2001. He said that while these proposals may be related, they are separate proposals.

Councillor Moriarty Adams applauded the efforts of the administration for public hearings and said that it is sad that the Council cannot move forward on these proposals.

Councillor Coughenour said that there have been a technical advisory committee and a citizens advisory committee working for four years on the stormwater plan, and public hearings have been held all over the County. She said that the plan has passed out of Committee in the past, but the former Mayor did not support it, as it looked like a tax increase, and she chose not to bring it to the floor. She added that she has met with the current Mayor several times and the CSO plan does not even begin to make a dent in what has to be done to the rivers, and will still cost over \$1 billion. It is true that Indiana has one standard for all their waters, unlike other states. She said that the City cannot go to EPA and expect to get by without doing a holistic plan. She added that

she serves on two national steering committees, and has worked on this water situation longer than anyone in this room, and to try to force one piece through tonight makes no sense to her. She said that her proposal includes a \$1.25 stormwater fee per household per month, and this would accomplish all that was needed for stormwaters for five months. The \$1.94 proposed for the sewer user fee is a bare minimum, even with possible money from the State, which is not at all certain. She said that she believes the EPA will never approve 85% capture of CSOs all by itself, without an additional plan in place.

President SerVaas passed the gavel to Vice President Borst. Councillor SerVaas said that he would like to see these measures pass this evening, as would most members. He said that he has worked with six different administrations, and he knows that nothing truly moves forward unless the Council and the administration are in agreement. He said that he does not feel asking for a commitment is unreasonable on such an important non-partisan issue. He said that he was pleased to see a unanimous vote on both of these proposals in Committee, and he would hope the administration could support the measures as well. Vice President Borst returned the gavel to Councillor SerVaas.

Proposal Nos. 64, 35, and 207, 2001 were postponed until May 21, 2001 by the following roll call vote; viz:

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

Councillor Talley asked for consent to explain his vote. Consent was given. Councillor Talley said that by continuing to postpone proposals such as this, the relationship of the administration and the community continues to be affected. He added that the clergy present this evening are going to support their congregations.

President SerVaas said that he voted to postpone these issues because he believes the proposals should both move forward together in a bi-partisan manner, and it is evident that sewer and stormwater problems are interrelated, and the way to maximize environmental improvements is to address both at the same time.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 168, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 168, 2001 on April 24, 2001. The proposal, sponsored by Councillors Coonrod and Talley, approves an appropriation of \$32,000 in the 2001 Budget of the Office of Corporation Counsel (Federal Grants Fund) to pay the salary of a Nuisance Abatement Task Force coordinator, funded by a grant from the U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance Discretionary Grant funds for Community Prosecution Enhancement). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Talley, for adoption. Proposal No. 168, 2001 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Tilford

0 NAYS:

7 NOT VOTING: Boyd, Coughenour, Gray, Moriarty Adams, Short, Soards, Talley

Proposal No. 168, 2001 was retitled FISCAL ORDINANCE NO. 34, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating Thirty-two Thousand Dollars (\$32,000) in the Federal Grants Fund for purposes of the Office of Corporation Counsel, 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(e) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Office of Corporation Counsel to fund the salary of a Nuisance Abatement Task Force coordinator. This task force is a joint project with the Prosecuting Attorney's Office.

SECTION 2. The sum of Thirty Two Thousand Dollars (\$32,000) 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>OFFICE OF THE CORPORATION COUNSEL</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	<u>32,000</u>
TOTAL INCREASE	32,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>32,000</u>
TOTAL REDUCTION	32,000

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. 169, 2001. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 169, 2001 on April 24, 2001. The proposal approves an increase of \$37,500 in the 2001 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to appropriate the Marion County 4-H Clubs, Inc. grant funding for the Youth Program. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Langsford, for adoption. Proposal No. 169, 2001 was adopted on the following roll call vote; viz:

22 YEAS: Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Tilford

0 NAYS:

7 NOT VOTING: Boyd, Coughenour, Gray, Moriarty Adams, Short, Soards, Talley

Proposal No. 169, 2001 was retitled FISCAL ORDINANCE NO. 35, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Thirty-seven Thousand Five Hundred Dollars (\$37,500) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,dd) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Cooperative Extension Service to appropriate the Marion County 4-H Clubs, Inc. grant funding for the Youth Program.

SECTION 2. The sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500) 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>COUNTY GRANTS FUND</u>
1. Personal Services-fringes	7,500
<u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	<u>30,000</u>
TOTAL INCREASE	37,500

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>37,500</u>
TOTAL REDUCTION	37,500

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.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 171-175, and 178, 2001 on April 18, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 171, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$148,000 in the 2001 Budgets for the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to fund a paralegal's salary, supplies, equipment and operation expenses for the Nuisance Abatement Task Force, funded by a grant from the U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance Discretionary Grant funds for Community Prosecution Enhancement). PROPOSAL NO. 172, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$57,300 in the 2001 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide continued funding for a deputy prosecutor and part-time investigator/victim advocate for the Regional Gang Interdiction Program, funded by a grant from the Indiana Criminal Justice Institute (Bryne Memorial Funds). PROPOSAL NO. 173, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$161,140 in the 2001 Budgets of the County Auditor and Marion County Public Defender Agency (State and Federal Grants Fund) to continue the Sentencing Alternative Program, funded by a grant from the Indiana Criminal Justice Agency. PROPOSAL NO. 174, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,021 in the 2001 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program, funded by a federal grant. PROPOSAL NO. 175, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$88,000 in the 2001 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the coordinator position and the public awareness campaign for the Indianapolis Violence Reduction Partnership, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 178, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$58,060 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to continue funding for Child Advocates, funded by an Indiana Criminal Justice Institute grant. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 171-175, and 178, 2001 were adopted on the following roll call vote; viz:

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

Proposal No. 171, 2001 was retitled FISCAL ORDINANCE NO. 36, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional One Hundred Forty-eight Thousand Dollars (\$148,000) 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 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to fund a paralegal's salary, supplies, equipment and operation expenses for the Nuisance Abatement Task Force. This task force is a joint project with the Office of Corporate Council and other city officials.

SECTION 2. The sum of One Hundred Forty-eight Thousand Dollars (\$148,000) 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	8,776
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	35,104
2. Supplies 1,350	
3. Other Services and Charges	97,270
4. Capital Outlay	<u>5,500</u>
TOTAL INCREASE	148,000

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	<u>148,000</u>
TOTAL REDUCTION	148,000

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. 172, 2001 was retitled FISCAL ORDINANCE NO. 37, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Fifty-seven Thousand Three Hundred Dollars (\$57,300) 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 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to provide continuation funding for a deputy prosecutor and part time investigator/victim advocate for the joint project, Regional Gang Interdiction Program.

SECTION 2. The sum of Fifty-seven Thousand Three Hundred Dollars (\$57,300) 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	7,300
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>50,000</u>
TOTAL INCREASE	57,300

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>57,300</u>
TOTAL REDUCTION	57,300

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. 173, 2001 was retitled FISCAL ORDINANCE NO. 38, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional One Hundred Sixty-one Thousand One Hundred Forty Dollars (\$161,140) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Public Defender 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 I.02(b,u) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Public Defender Agency to continue the Sentencing Alternative Program.

SECTION 2. The sum of One Hundred Sixty-one Thousand One Hundred Forty Dollars (\$161,140) 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	22,069
<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	88,274
3. Other Services and Charges	<u>50,797</u>
TOTAL INCREASE	161,140

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>161,140</u>
TOTAL REDUCTION	161,140

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. 174, 2001 was retitled FISCAL ORDINANCE NO. 39, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Twenty Thousand Twenty-one Dollars (\$20,021) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,bb) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to continue the funding of the Arrestee Drug Abuse Monitoring Program.

SECTION 2. The sum of Twenty Thousand Twenty-one Dollars (\$20,021) 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	961
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	6,002
3. Other Services and Charges	<u>13,058</u>
TOTAL INCREASE	20,021

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>20,021</u>
TOTAL REDUCTION	20,021

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. 175, 2001 was retitled FISCAL ORDINANCE NO. 40, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Eighty-eight Thousand Dollars (\$88,000) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(bb) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to support the coordinator position and the public awareness campaign for the Indianapolis Violence Reduction Partnership.

April 30, 2001

SECTION 2. The sum of Eighty-eight Thousand Dollars (\$88,000) 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 JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	50,000
3. Other Services and Charges	<u>38,000</u>
TOTAL INCREASE	88,000

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	<u>88,000</u>
TOTAL REDUCTION	88,000

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. 178, 2001 was retitled FISCAL ORDINANCE NO. 41, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Fifty-eight Thousand Sixty Dollars (\$58,060) in the Guardian Ad Litem Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem 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(cc) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to continue funding for Child Advocates, Inc.

SECTION 2. The sum of Fifty-eight Thousand Sixty Dollars (\$58,060) 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 SUPERIOR COURT, JUVENILE DIVISION</u>	<u>GUARDIAN AD LITEM FUND</u>
3. Other Services and Charges	<u>58,060</u>
TOTAL INCREASE	58,060

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

	<u>GUARDIAN AD LITEM FUND</u>
Unappropriated and Unencumbered Guardian Ad Litem Fund	<u>58,060</u>
TOTAL REDUCTION	58,060

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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 723, 2000. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 723, 2000 on several occasions, the last hearing on April 24, 2001. The proposal amends the Annual Budget for 2001 to authorize and to fix the salaries of City employees for calendar year 2001. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coonrod stated that one technical amendment needs to be made to the proposal because inadvertently public safety employees compensated from the Police and Fire Funds were included in this ordinance and should not have been. This amendment removes reference to these employees. He moved, seconded by Councillor Talley, to amend Proposal No. 723, 2000. Proposal No. 723, 2000 was amended by a unanimous voice vote.

Councillor Nytes moved to amend Proposal No. 723, 2000 by adding the following language to Sec. 5.02(b)(1): "All staffing levels in this subsection are expressed as Full Time Equivalents or F.T.E. One F.T.E. is based on a full time employee's work year of 2,080 hours. To calculate F.T.E.s for part time or seasonal employees, the total of the hours budgeted is divided by 2,080."

Councillor Horseman seconded the motion and stated that Kathy Davis, City Controller, and Scott Chinn, Corporation Counsel, are present to answer any questions if needed.

Councillor Coonrod said that he does not really have a disagreement in principle, but it seems a lot of effort to authorize the salaries the Mayor proposed and then vetoed. He stated that his intent was to identify the number of employees the City presently has, and any other amendments simply represent a drafting problem. He said he differs with Councillor Nytes as to how the term FTE is used in governmental budgeting, and he believes FTE refers to job positions and not necessarily number of hours per year. In principle, he believes the objective is the same, but the amendment as presented defines a FTE as 2,080 hours, and may cause overtime hours to count against FTEs during the normal workday. He said that the intent is not to quibble with the administration over part-time lifeguard positions, and he believes this can be worked out amicably without further amendment.

Mr. Chinn said that this proposal comes to the Council and to the Mayor in part to resolve some litigation. He said that the language in this proposal stems from an agreement signed by President SerVaas's counsel and by himself on behalf of the Mayor, that represents the notion of putting in departmental headcounts in the proposal as described in the budget book presented for 2001. He said that the budget book refers specifically to FTEs and states the number of employees by division and department in fractions. Ms. Davis said that the FTE for seasonal employees for the Parks Department are shown as 13.12, but there are actually 41 positions that get filled. She said that this amendment makes it clear that the maximum headcount should be based on FTEs.

Councillor Coonrod stated that he believes this amendment requires further discussion. He moved, seconded by Councillor Schneider, to return Proposal No. 723, 2000 to Committee.

Councillor Nytes stated that it would be acceptable to her to return the proposal to Committee to further address this issue and her amendment. She said that she feels the Committee is the appropriate place to address the issue, even though she regrets that additional Committee time will be spent on this proposal.

Proposal No. 723, 2000 was returned to Committee by a voice vote.

PROPOSAL NO. 99, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 99, 2001 on April 26, 2001. The proposal, sponsored by Councillor Talley, authorizes a traffic signal for the 42nd Street/Shadeland Avenue/Faris Street intersection (Districts 11, 14). Councillor Coughenour moved, seconded by Councillor Talley, to strike Proposal No. 99, 2001. Proposal No. 99, 2001 was stricken by a unanimous voice vote.

PROPOSAL NO. 127, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 127, 2001 on April 24, 2001. The proposal, sponsored by Councillor SerVaas, amends the Revised Code concerning vehicle inventory. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coonrod moved, seconded by Councillor Black, for adoption. Proposal No. 127, 2001, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *McWhirter, SerVaas, Short, Smith*

Proposal No. 127, 2001 was retitled GENERAL ORDINANCE NO. 41, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 2001

A GENERAL ORDINANCE amending Sec. 181-103 of the Revised Code concerning the vehicle inventory.

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

SECTION 1. Sec. 181-103 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 181-103. Vehicle inventory.

The department of administration and all appropriate county officials shall file with the city-county council an annual fleet inventory report ~~listing~~. This report should list each vehicle's make, model, description, purpose, odometer reading (taken at the last vehicle transaction activity on or before May 31), assigned driver (if a drive take-home vehicle) and odometer reading at the time of the report with information obtained from Take Home Vehicle reports as of May 31. Law enforcement personnel are excluded from the assigned driver listing. The report shall be made as of ~~June thirtieth~~ May thirty first each year and ~~submitted~~ delivered to the Council office by July first each year.

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

PROPOSAL NO. 129, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 129, 2001 on April 24, 2001. The proposal, sponsored by Councillors Coonrod and Nytes, authorizes and approves an Interlocal Agreement for the investment of public funds. By a 6-0 vote, the Committee reported the proposal to the Council

with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Nytes, for adoption. Proposal No. 129, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Boyd, Smith

Proposal No. 129, 2001 was retitled COUNCIL RESOLUTION NO. 58, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2001

A COUNCIL RESOLUTION of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving an Interlocal Agreement for the investment of public funds

WHEREAS, IC 36-1-7 (the "Interlocal Law") authorizes political subdivisions to enter into interlocal cooperation agreements for the joint exercise of powers; and

WHEREAS, the City of Indianapolis, Indiana (the "City") has public funds which are eligible for investment pursuant to the provisions of IC 5-13, and regularly exercises its power to invest such moneys pursuant to the provisions thereof; and

WHEREAS, the Interlocal law requires that any interlocal cooperation agreement be approved and authorized by the fiscal body of such participating political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the City and desires to enter into an interlocal agreement for the joint exercise of the power to invest public funds; now, therefore:

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

SECTION 1. The Council does hereby authorize and approve the entry of the City into the Interlocal Agreement dated as of October 1, 1996 (the "Agreement"), constituting an interlocal cooperation agreement by and among the Indiana participants that enter into the Interlocal Agreement (the "Participants"), and an agreement for services by and among the Participants, Bank One, Indianapolis, N.A., as Custodian, and MBIA Municipal Investors Service Corporation, a copy of which has been previously filed with this Council.

SECTION 2. The Controller is the investing officer (as defined in IC 5-13-9) of the City (the "Investing Officer") and is hereby designated as the representative of the Board of Representatives described and set forth in the Agreement.

SECTION 3. The execution and delivery of a Participation Certificate, in the form attached to this Resolution are hereby authorized and approved, to evidence the entry into the Agreement by the City as a Participant.

SECTION 4. The Investing Officer is authorized to return the executed Participation Certificate to MBIA Municipal Investors Service Corporation and to take any such other action as may be necessary to effectuate the participation by the City in the Agreement, and is further authorized to take such other actions as may be necessary or desirable for the investment of funds of the City pursuant to the Agreement.

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

PARTICIPATION CERTIFICATE

Pursuant to Section 2.3 of the Interlocal Agreement (the "Interlocal Agreement") dated as of October 1, 1996, by and between the Participants, Bank One, Indianapolis, N.A., as Custodian, and MBIA Municipal

April 30, 2001

Investors Service Corporation, the undersigned City of Indianapolis, Indiana, does hereby request that it be admitted as a Participant. By executing this Participation Certificate, the undersigned agrees that, upon the execution by the Program Administrator of this Certificate, it will become subject to the same obligations and shall have the same rights as if it had executed the Interlocal Agreement.

The undersigned, Kathy Davis, the Controller of the City, is the duly designated Representative of the undersigned as required by the Interlocal Agreement. The undersigned hereby certifies that its fiscal body has taken all actions required by Indiana law in order for it to enter into and perform the Interlocal Agreement.

PARTICIPANT EXECUTION DATE

CITY OF INDIANAPOLIS, INDIANA

By:

Kathy Davis, Controller
City of Indianapolis, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Kathy Davis, Controller of the City of Indianapolis, who acknowledged the execution of the foregoing on behalf of the City of Indianapolis and who, having been duly sworn stated that the representations contained herein are true.

WITNESS my hand and notarial seal this ____ day of _____, 20__.

Notary Public Signature

Notary Public Printed

County of Residence

Commission Expiration Date

ACCEPTED:

MBIA Municipal Investors Service Corporation

By: _____

Name: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared _____, the _____ of MBIA Municipal Investors Service Corporation, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of MBIA Municipal Investors Service Corporation, before me.

WITNESS my hand and notarial seal this ____ day of _____, 20__.

Notary Public Signature

Notary Public Printed

County of Residence

Commission Expiration Date

PROPOSAL NO. 131, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 131, 2001 on April 24, 2001. The proposal, sponsored by Councillors Black and Cockrum, determines the need to lease office space at 3549 Boulevard Place for the Department of Parks and Recreation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Cockrum, for adoption. Proposal No. 131, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Horseman, Smith*

Proposal No. 131, 2001 was retitled SPECIAL RESOLUTION NO. 27, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2001

A PROPOSAL FOR A SPECIAL RESOLUTION determining that the lease of 3,676 square feet of office space at 3549 Boulevard Place, Indianapolis, Indiana, is needed for the Department of Parks and Recreation.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7 and Sec. 151-66 of the Revised Code, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the Department of Parks and Recreation is necessary.

SECTION 2. The only person or firm with a 10% or greater equitable interest in the real estate at 3549 Boulevard Place, Indianapolis, Indiana, is the Mount Zion Baptist Church.

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

PROPOSAL NO. 177, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 177, 2001 on April 18, 2001. The proposal approves a transfer of \$1,590 (balance of the Positive Permanency Project Grant) in the 2001 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund modifications to the Quest software. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Massie, for adoption. Proposal No. 177, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Dowden, Smith, Talley*

Proposal No. 177, 2001 was retitled FISCAL ORDINANCE NO. 42, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional One Thousand Five Hundred Ninety Dollars (\$1,590) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to fund modifications to the Quest software.

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SECTION 2. The sum of One Thousand Five Hundred Ninety Dollars (\$1,590) 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>MARION COUNTY SUPERIOR COURT</u> <u>JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>1,590</u>
TOTAL INCREASE	1,590

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

<u>MARION COUNTY SUPERIOR COURT</u> <u>JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personnel Services	1,190
4. Capital Outlay	<u>400</u>
TOTAL DECREASE	1,590

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

PROPOSAL NO. 180, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 180, 2001 on April 18, 2001. The proposal, sponsored by Councillors Dowden, Gray, and Langsford, concerns smoking restrictions in local governmental buildings. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Gray, for adoption. Proposal No. 180, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 180, 2001 was retitled GENERAL ORDINANCE NO. 42, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 2001

A GENERAL ORDINANCE amending the Revised Code concerning smoking restrictions in local governmental buildings.

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

SECTION 1. Sec. 416-602 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text to read as follows:

Sec. 416-602. Definitions.

As used in this article, the following terms shall mean:

(a) Local government building shall mean any enclosed structure, or room therein, which is owned, leased or controlled by the City of Indianapolis or Marion County or any of their departments or agencies, including courts, and which is used or occupied for governmental purposes; provided, however, the following shall not be considered a local government building for purposes of this article:

(1) Buildings owned or controlled by township trustee, the Marion County Healthcare Center, or independent municipal corporations having jurisdiction in Marion County.

- (2) Residential dwelling units occupied as private residences under agreements with the city or county, including public housing units.
 - (3) Those portions of the county jail or other buildings used primarily as the living areas of inmates or other detainees.
 - (4) Any buildings of the city or county occupied entirely by private businesses.
 - ~~(5) The bay area of a fire station that has living quarters.~~
- (b) Smoking means the use of lighted tobacco in the form of a cigarette, cigar or similar item or in a pipe or similar smoking equipment, by inhaling and exhaling the smoke of the tobacco, and includes the holding or carrying of such items when burning.

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

POLICE SPECIAL SERVICE DISTRICT COUNCIL SPECIAL ORDERS - PUBLIC HEARING

President SerVaas convened the Police Special Service District Council.

PROPOSAL NO. 179, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 179, 2001 on April 18, 2001. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$505,832 in the 2001 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay a previous obligation to the County Sheriff for the city's share of 1999 costs of the combined dispatch system, financed by fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:45 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 179, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 179, 2001 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2001, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2001

A FISCAL ORDINANCE amending the City-County Police Special Service District Budget for 2001 (City-County Police Special Service District Ordinance No. 3, 2000) appropriating Five Hundred Five Thousand Eight Hundred Thirty-two Dollars (\$505,832) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT 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 Police Special Service District Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to pay a previous obligation to the County Sheriff for the city's share of 1999 costs of the combined dispatch system.

SECTION 2. The sum of Five Hundred Five Thousand Eight Hundred Thirty-two Dollars (\$505,832) 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>POLICE SERVICE DISTRICT FUND</u>
3. Other Services and Charges	<u>505,832</u>
TOTAL INCREASE	505,832

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	<u>505,832</u>
TOTAL REDUCTION	505,832

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

NEW BUSINESS

General Counsel Robert Elrod stated that per Section 282-112 of the Code, the Majority and Minority Leaders have recommended the following persons to serve as this year's Marion County Salary Recommendation Panel: Joe Staehler, Jeff Saunders, and Bob Lazard. He asked for consent to approve these recommendations. Consent was given.

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) All Democratic Councillors in memory of Gerald Michael Looper; and
- (2) Councillors Langsford and Tilford in memory of Patricia Luttrell; and
- (3) Councillor Coonrod in memory of Richard Todderud; and
- (4) Councillor Talley in memory of Donald J. Adams; and
- (5) Councillors Coonrod, Short, and Bradford in memory of Edwin T. French, Jr.; and
- (6) Councillors Coughenour, SerVaas, and Soards in memory of Dorothy Daniels.

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 Gerald Michael Looper, Patricia Luttrell, Richard Todderud, Donald J. Adams, Edwin T. French, Jr., and Dorothy Daniels. 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 9:46 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 30th day of April, 2001.

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



President

ATTEST:



Clerk of the Council

(SEAL)