

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

**REGULAR MEETINGS
MONDAY, JUNE 3, 2002**

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 7:12 p.m. on Monday, June 3, 2002, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford thanked the Marion County Cooperative Extension Service for hosting a dinner for Councillors preceding this meeting. He recognized Maryann Dickason, executive director, and his mother, Jean Bradford, director. He also recognized citizen Ann Truitt and her family and the Brightwood 4-H Club. Councillor Black introduced Ramona Baker, Indianapolis Arts Council. Councillor Douglas recognized Sue Shively, Center Township board member.

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, June 3, 2002, 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

May 21, 2002

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 May 22, 2002, and in the *Indianapolis Star* on Thursday, May 23, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 237-242, 2002, said hearing to be held on Monday, June 3, 2002, at 7:00 p.m. in the City-County Building.

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

May 31, 2002

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. 40, 2002 - approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency

GENERAL ORDINANCE NO. 56, 2002 - creates a clerk's cash change fund

GENERAL ORDINANCE NO. 57, 2002 - authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3)

GENERAL ORDINANCE NO. 58, 2002 - authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)

GENERAL ORDINANCE NO. 59, 2002 - authorizes intersection controls for Dandy Trail and Cove Court (District 1)

GENERAL ORDINANCE NO. 60, 2002 - authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)

GENERAL ORDINANCE NO. 61, 2002 - authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)

GENERAL ORDINANCE NO. 62, 2002 - authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)

June 3, 2002

GENERAL ORDINANCE NO. 63, 2002 - authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)

GENERAL ORDINANCE NO. 64, 2002 - authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)

GENERAL ORDINANCE NO. 65, 2002 - authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)

GENERAL ORDINANCE NO. 66, 2002 - authorizes parking restrictions on Dorman Street and on New York Street (District 22)

GENERAL ORDINANCE NO. 67, 2002 - authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)

GENERAL ORDINANCE NO. 68, 2002 - authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)

GENERAL ORDINANCE NO. 69, 2002 - authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)

GENERAL ORDINANCE NO. 70, 2002 - authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)

SPECIAL RESOLUTION NO. 31, 2002 - welcomes Mexican Consul, Honorable Sergio Aquilera, to Indianapolis

SPECIAL RESOLUTION NO. 33, 2002 - recognizes the Warren Pride Cleanup Day when 1,265 people removed over 15 tons of trash

SPECIAL RESOLUTION NO. 34, 2002 - recognizes the April 27, 2002, Rebuilding Together Indianapolis housing revitalization blitz

SPECIAL RESOLUTION NO. 35, 2002 - recognizes the June 21-22, 2002, African Unity Festival which is organized by African Community International, Inc.

SPECIAL RESOLUTION NO. 36, 2002 - recognizes the Beech Grove Police Department for earning Accreditation status by the Commission on Accreditation for Law Enforcement Agencies

SPECIAL RESOLUTION NO. 37, 2002 - recognizes Captain Dudley Taylor of the Indianapolis Fire Department for his initiative in promoting cryogenic technology with fire truck brakes

SPECIAL RESOLUTION NO. 38, 2002 - recognizes the Indiana School for the Blind Sidewalk Project

Respectfully,
s/Bart Peterson, Mayor

May 16, 2002

Bob Elrod
c/o City-County Council

Dear Mr. Elrod:

This letter is to notify you that the Indiana State Fire Prevention & Building Commission has approved the revised City County General Ordinance No. 43, 2002, Chapter 591, Fire Prevention and Protection at its monthly meeting of May 8, 2002.

Sincerely,
s/Joseph M. Anderson, Fire Chief
Washington Township Fire Department

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 May 20, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 279, 2002. The proposal, sponsored by Councillors Horseman, Gray, and Brents, remembers the life of Mary A. Artist. Councillor Horseman read the proposal and presented representatives with copies of the document and Council pins. Councillors Black, Gray, and Brents and State Senator Glenn Howard recognized Mrs. Artist's accomplishments and added that she would be sorely missed. Friends Sue Shively and Thelma Barnett, daughter Carol Rotlin, and husband Neal Artist thanked the Council for the recognition on behalf of Mrs. Artist. Councillor Horseman moved, seconded by Councillor Gray, for adoption. Proposal No. 279, 2002 was adopted by a unanimous voice vote.

Proposal No. 279, 2002 was retitled SPECIAL RESOLUTION NO. 39, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2002

A SPECIAL RESOLUTION remembering the life of Mary A. Artist.

WHEREAS, Mary A. Artist had two distinct adult careers, the first as a 33 year worker and a union steward at the former Western Electric plant, and then her second life as an involved neighborhood activist; and

WHEREAS, she was President of the United Northwest Area, Inc., otherwise known as UNWA, and served on the UNWA Board of Directors, was Chair of the UNWA Weed and Seed Steering Committee and was active in UNWA's High School Truancy Project, Hot Lunch Program and their Senior Club; and

WHEREAS, Mrs. Artist was also on the Watkins Park Advisory Council, served as President of the Riverside Civic League, served as a member of the Indianapolis Neighborhood Empowerment Initiative, the Blackburn Center Development Board, and was the 5th Ward Democrat Chair; and

WHEREAS, she led a full life, always working to serve and promote the residents of the northwest side of Indianapolis, her family and anyone who came to her for assistance, and laughed at those who say they did know what they'll do when they retired; 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 pauses to remember the very busy, active and full life of Mary A. Artist, and the many, many contributions she made to this city, her neighborhood and her family.

SECTION 2. The Council expresses its condolences to her husband Neal Artist, to her children Carol Ann Rutland and Paul D. Rice, and to her grandchildren and great-grandchildren. Their loss is a loss felt by an entire city and this Council.

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. 280, 2002. The proposal, sponsored by Councillors Horseman, Conley, Gibson, Sanders, and Nytes, commends Doug Sword for his professional work as City Hall reporter for *The Indianapolis Star*. Councillor Sanders read the proposal and presented Mr.

Sword with a copy of the document and a Council pin. Mr. Sword thanked the Council for the recognition and said that he has covered Congress and the State House, and covering the City news was the most rewarding for him. Councillor Sanders moved, seconded by Councillor Horseman, for adoption. Proposal No. 280, 2002 was adopted on the following roll call vote; viz.

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

1 NAY: Short

1 NOT VOTING: Gray

1 ABSENT: Langsford

Proposal No. 280, 2002 was retitled SPECIAL RESOLUTION NO. 40, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 2002

A SPECIAL RESOLUTION commending Doug Sword for his professional work as city hall reporter for "The Indianapolis Star".

WHEREAS, Doug Sword worked for "The Indianapolis Star" for two years covering the State House as a regulatory affairs reporter before moving to the east end of Market Street as city hall reporter during the past three years; and

WHEREAS, he is a Cincinnati native, who has a Bachelor's Degree *cum laude* in business finance from the University of Maryland—whose Terrapins deprived Indiana University from being able to hang a sixth national basketball championship banner in Assembly Hall; and

WHEREAS, Doug took a special interest in business and governmental finance reporting, starting with the "Cincinnati Business Courier" in 1984, and from there to the "Evansville Courier", and then the big time in Washington, D.C. with the Scripps Howard News Service; and

WHEREAS, in the mid-1990's he left the Potomac River to return to the Ohio River city of Evansville where he covered the Statehouse beat, and while in Indy, he jumped ship to the local Indianapolis newspaper where he won the Clarity in Reporting Award from the American Waterworks Association; and

WHEREAS, during Doug's city hall years he was known for his excellent grasp of budgets, government spending and he left the City-County Building with a farewell story on city inventory control that saw the bureaucrats scrambling in a lost-and-found mad search to document lost objects; 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 commends the accurate and insightful reporting by newspaper reporter Doug Sword.

SECTION 2. The Council wishes Doug the best of success when he decides to reenter the world of work from his self-imposed sabbatical.

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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 265, 2002. Introduced by Councillors McWhirter, Horseman, Sanders, and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and

limousine industries by the City"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 266, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1,250,000 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

Councillor Cockrum moved, seconded by Councillor Douglas, to suspend the Rules of the Council and vote on Proposal No. 266, 2002 this evening. He said that this proposal has already been heard in Committee, although the proposal had not yet been properly introduced. The Rules were suspended by a unanimous voice vote.

Proposal No. 266, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 266, 2002 on May 23, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves certain public purpose grants totaling \$1,250,000 for the support of the arts. By a unanimous vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that an exhibit attached to the minutes from the Parks meeting shows a list of \$236,000 in various project grant programs, guide workshops, and technical programs, but these programs and other costs are not itemized, and he would like to see where those dollars are going. Ramona Baker, director of the Indianapolis Arts Council, said that this is the same process as followed in the past, with 90% of the grants recommended and allocated. She said that the project grant program consists of small grants ranging from \$750 to \$1,000 and are allocated later in the year, and have not yet been received this year. She added that the arts initiatives, resource guides, workshops, and special initiatives include fund-raising workshops, grant-writing workshops, and copyright law workshops. She said these funds are also used to publish the guide on arts education programs distributed throughout the City. The technical assistance programs consist of grants to small and mid-size arts organizations based on needs and recommendations from the staff to keep them administratively strong, such as through auditing and strategic plan consulting. The adjudication and panel costs are self-explanatory, as out-of-state panelists are brought in to determine grant awards in order to avoid conflicts of interest. The administrative costs are less than 8% of the overall figure, and represents staff costs in the Arts Council office and administrative costs of running the program and overseeing the contracts. These costs also include funds for auditors. Ms. Baker said that the Council receives a very detailed breakdown and a report every year of how these funds are awarded and used. Councillor Bradford said that he does not remember receiving this breakdown. Ms. Baker said that this list is usually distributed in February. Councillor Bradford said that he wants to insure that the money is going to actual projects and not for administrative costs for the Arts Council, which could be raised in other ways. Ms. Baker said that the Arts Council is pleased to be doing this service for the City, and she is honored to be working with a staff that has a great level of professionalism and knowledge. Councillor Bradford said that there are some great arts organizations who could use these funds and he would rather see the money go to help them, than towards administrative costs.

Councillor Horseman asked if the arts initiatives, arts education programs, and arts education resource guide are all arts-related activities and therefore not administrative costs. Ms. Baker said that this is correct. Councillor Horseman asked if the technical assistance program is used to assist the arts groups. Ms. Baker said that this is correct, and that money is used for organizations that need some planning or auditing help, and are not administrative funds. Councillor Horseman

said that these programs are helping the arts organizations be good business people and she believes this is also important.

Councillor Schneider asked what the administrative costs were in 2000 and 2001. Ms. Baker said that both years, the administrative costs were less than 8%. Councillor Schneider asked if this is calculated as a percentage of the grant amount. Ms. Baker said that it is not, but the Arts Council made a commitment not to go over 15% and has never spent more than 8%. Councillor Schneider asked if administration is funded as a percentage of the grant amount. Ms. Baker said it is not funded in that way, and these are simply costs. Councillor Schneider said that the grant amounts have gone up a quarter of a million dollars in the last two years. Ms. Baker said that the administrative costs have also risen, but have still never grown above 8%. Councillor Schneider said that this indicates that the administrative costs are somewhat tied to a percentage of the total grant. Ms. Baker said that as the Arts Council administers more money, signs more contracts, and works with more organizations, the administrative costs do increase.

Councillor Cockrum said that the budget was amended last year to allow internal audit to audit these grants, and this audit is planned shortly and may provide more information.

Councillor Massie said that he would like to be noted as an abstention on Proposal No. 266, 2002 to avoid the appearance of a conflict of interest.

Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 266, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 266, 2002 was retitled GENERAL RESOLUTION NO. 3, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2002

PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,250,000 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000) in Section 4(d) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

WHEREAS, Section 4(c) of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council approves the amount and identity of the recipient of each grant; now, therefore:

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

SECTION 1. The following grants and administrative expenses totaling One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.00) for support of the arts is approved in the following amounts for the following organizations:

Journal of the City-County Council

Arts Council of Indianapolis
2002 Annual Grants Program
Community Outreach and Arts Education Initiatives

Organization Name	Award Amount
African Community International	\$ 2,000
American Pianists Association	23,000
At Your School, Inc.	5,000
Ballet Internationale	18,000
Children's Museum of Indianapolis	80,000
Clowes Memorial Hall	28,000
Crown Hill Heritage Foundation, Inc.	3,000
Dance Kaleidoscope	36,000
Eiteljorg Museum of American Indians and Western Art	60,000
Festival Music Society	4,000
Freetown Village	23,000
Gregory Hancock Dance Theatre	6,500
Heartland Film Festival	19,000
Hoosier Salon Patrons Association	6,000
Indiana Black Expo	19,000
Indiana Repertory Theatre	60,000
Indianapolis Art Center	40,000
Indianapolis Arts Chorale	5,000
Indianapolis Baroque Orchestra	3,000
Indianapolis Chamber Orchestra	32,000
Indianapolis Children's Choir	22,000
Indianapolis Civic Theatre	36,000
Indianapolis Museum of Art	70,000
Indianapolis Opera	30,000
Indianapolis Symphonic Band	4,500
Indianapolis Symphonic Choir	18,000
Indianapolis Symphony Orchestra	80,000
Indy Choruses	3,000
International Violin Competition of Indianapolis	33,000
League of Indianapolis Theatres	1,500
Madame Walker Theatre Center	44,000
Martin Luther King Multi Service Center	7,000
National Art Museum of Sport	1,000
New World Youth Orchestras	6,000
Philharmonic Orchestra of Indianapolis	4,500
Phoenix Theatre	42,000
Pike Performing Arts Center	4,000
President Benjamin Harrison Home	3,000
ShadowApe Theatre Company	5,000
South East Neighborhood Development, Inc.	2,000
Storytelling Arts of Indiana	15,000
Susurrus	4,000
Urban Arts Consortium of Indianapolis	11,000
VSA arts of Indiana	38,000
WFYI Teleplex	11,000
Writers' Center of Indiana	2,000
Young Audiences of Indiana	<u>44,000</u>
Total of Community Outreach and Arts Education Grants	\$1,014,000

Arts Council of Indianapolis
Distribution of 2002 City Arts Funding

Grants for Community Outreach and Arts Education Initiatives (see breakdown)	\$1,014,000
Community Arts Programs	15,000
Arts Initiatives: Arts Education Programs and Arts Education Resource Guide	32,000
Technical Assistance Programs	60,000

Adjudication and Panel Costs	23,910
Administration of Grants Program, Contracts, Administration, Audits, Processing, Workshops, Printing, and Promotion of Grants	<u>105,590</u>
Total of 2002 Arts Funding as Line Item through Indy Parks and Recreation	\$1,250,000

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

PROPOSAL NO. 267, 2002. Introduced by Councillors Dowden, Moriarty Adams, Smith, Soards, and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves a re-appropriation of \$1,411,603 in the 2002 Budget of the Department of Public Safety, Police Division (Federal Grants and Police General Funds) for a variety of community policing initiatives, youth programs, and law enforcement equipment, financed by federal and local grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$10,624 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for the Metro Drug Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salary support for an IVRP (Indianapolis Violence Reduction Partnership) coordinator, funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$350,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to compensate the County for the housing of felons in the Corrections Center Component, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$316,142 in the 2002 Budget of Community Corrections (State and Federal Grants Fund) to appropriate carryover funds from FY 1999/2000 and FY 2000/2001 from adult and juvenile programs to compensate the County for the housing of felons in the Corrections Center Component"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 272, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$182,775 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to provide funding for a mental health component, funded by a state grant (Indiana Department of Correction Community Corrections Grant Program)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 273, 2002. Introduced by Councillors Dowden, Smith, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) to pay the rent and telephone expenses for an office at the Forest Manor Multi-Service Center, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 274, 2002. Introduced by Councillors Talley and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which regulates the city's dog and cat populations through (1) the requirement of an annual registration for dogs and cats which are not spayed or neutered, (2) an increase in fines imposed for unaltered dogs and cats running at large, and (3) the establishment of a spay/neuter special projects fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 275, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$755,000 in the 2002 Budget of the Department of Public Works, Operations Division (Consolidated County Fund) to fund the expansion of the Abandoned Vehicle Program to process vehicles from private property, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 276, 2002. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$615,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Storm Water Management Fund) to continue the stormwater billing system and finance a contract for account review services, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 277, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 278, 2002. Introduced by Councillors Horseman, Black, Brents, Conley, Nytes, and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends various sections of Chapter 291 of the Revised Code regarding employee health benefits"; and the President referred it to the Rules and Public Policy Committee.

President SerVaas said that the original agenda indicated Proposal No. 278, 2002 would be referred to the Administration and Finance Committee, but after further review, feels that it is a policy issue and should be heard by the Rules and Public Policy Committee. He said that he has spoken with Councillor Horseman regarding this change, and after assuring her a prompt hearing, she has agreed to the referral.

Councillor Cockrum stated that Proposal No. 210, 2002 which was adopted as Fiscal Ordinance No. 42, 2002 at the May 20th meeting needs a technical amendment. He moved, seconded by Councillor Massie, to reconsider Proposal No. 210, 2002. The motion to reconsider carried by a unanimous voice vote.

Councillor Cockrum made the following motion:

Mr. President:

I move that Fiscal Ordinance No. 42, 2002 (Proposal No. 210, 2002), Section 1, line two, be amended by changing the year of the City-County Annual Budget from 2001 to 2002.

Councillor Gray seconded the motion. Proposal No. 210, 2002 was amended by a unanimous voice vote.

Councillor Cockrum moved, seconded by Councillor Knox, to adopt Proposal No. 210, 2002, as amended. Proposal No. 210, 2002, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 210, 2002, as amended, was retitled FISCAL ORDINANCE NO. 42, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) in the Federal Grants Fund and the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund and reducing certain other appropriations in the Park General Fund for that department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (1) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108 and to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses.

SECTION 2. The sum of Two Hundred Ninety Thousand One Hundred Seventeen Dollars (\$290,117) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	60,240
2. Materials and Supplies	18,941
3. Other Services and Charges	147,783
4. Capital Outlay	<u>2,913</u>
TOTAL INCREASE	229,877
<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>60,240</u>
TOTAL INCREASE	60,240

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>229,877</u>
TOTAL DECREASE	229,877
	<u>PARK GENERAL FUND</u>
<u>DEPARTMENT OF PARKS AND RECREATION</u>	
1. Personal Services	<u>60,240</u>
TOTAL DECREASE	60,240

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

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 281, 2002 and PROPOSAL NOS. 282-286, 2002. Introduced by Councillor Smith. Proposal No. 281, 2002 and Proposal Nos. 282-286, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 29, 2002. 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. 67-72, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 67, 2002.

2002-ZON-810

4701 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9.

PORTRAIT HOMES, LLC, by Joseph M. Scimia, requests a rezoning of 10.33 acres, being in the D-A and D-6II Districts, to the D-6II classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 68, 2002.

2002-ZON-042

2342 WEST 86TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

O'MALIA INVESTMENT COMPANY, L.P., by Brian J. Tuohy, requests a rezoning of 4.106 acres, being in the D-7 and C-3 Districts, to the C-3 classification to legally establish a supermarket.

REZONING ORDINANCE NO. 69, 2002.

2002-ZON-043

501 NORTH NEW JERSEY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.

GREATER INDIANAPOLIS. FIREFIGHTERS CREDIT UNION requests a rezoning of 0.286 acre, being in the C-S (RC) District, to the CBD-2 (RC) classification to provide for central business district uses.

REZONING ORDINANCE NO. 70, 2002.

2002-ZON-045

3820 and 3850 SOUTH FOLTZ STREET (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19.
DECATUR TOWNSHIP, by Philip C. Thrasher, requests a rezoning of 1.638 acres, being in the D-A (FF) District to the SU-9 (FF) classification to provide for a new fire station and a small claims court.

REZONING ORDINANCE NO. 71, 2002.
2002-ZON-046 (2002-DP-003)
1260 NORTH POST ROAD and 8850 SPOON DRIVE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.
GREENTREE AT POST, LLC, by Joseph M. Scimia, requests a rezoning of 1.843 acres, being in the D-A and D-P Districts, to the D-P classification to provide for a medical office.

REZONING ORDINANCE NO. 72, 2002.
2002-ZON-820
501 STOVER AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20.
DONALD B. SCHOFIELD, by Lawrence M. Lunn, requests a rezoning of 0.39 acre, being in the D-3 District, to the C-1 classification, to provide for office use.

PROPOSAL NO. 264, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 264, 2002 on May 29, 2002. The proposal, sponsored by Councillor Smith, is an inducement resolution for Tomahawk Village Apartments (to be renamed Country Club Commons Apartments) in an amount not to exceed \$10,000,000 which project consists of the acquisition and rehabilitation of an existing 200-unit apartment complex located on an approximately 13.395 acre parcel of land at 7801 W. 10th Street (District 18). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting on Proposal No. 264, 2002 to avoid the appearance of a conflict of interest.

Councillor Smith moved, seconded by Councillor McWhirter, for adoption. Proposal No. 264, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 264, 2002 was retitled SPECIAL RESOLUTION NO. 41, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2002

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, Country Club Commons - HFAH, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes

that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 200-unit Tomahawk Village Apartments (anticipate to be renamed Country Club Commons Apartments) located on an approximately 13.395 acre parcel of land at 7801 West 10th Street, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on December 31, 2002, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to the Applicant or loan the

June 3, 2002

proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof, in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 188, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 188, 2002 on May 1 and May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health]). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that there was a lot of discussion in Committee regarding a graduated decrease in grant funding and an increase in corresponding City or County funding, and he said that he will be looking at this closely in the future.

President SerVaas called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 188, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Black, Gray, Massie

1 ABSENT: Langsford

Proposal No. 188, 2002 was retitled FISCAL ORDINANCE NO. 44, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred Twenty Thousand Two Hundred Forty Dollars (\$220,240) in the State and Federal Grants Fund for purposes of the County Auditor and the 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 1 (b) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Public Defender Agency to fund advocate alternative sentencing options and a Mental Health Coordinator who identifies incarcerated mentally ill offenders and responds to Court and Public Defender requests to evaluate and recommend treatment if needed and to determine competency.

SECTION 2. The sum of Two Hundred Twenty Thousand Two Hundred Forty Dollars (\$220,240) 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	33,615
<u>PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	120,054
3. Other Services and Charges	64,971
4. Capital Outlay	1,600
TOTAL INCREASE	220,240

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>220,240</u>
TOTAL REDUCTION	220,240

SECTION 5. The local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Public Defender Agency General Fund budget and \$13,371 from an outside agency (Midtown Mental Health).

Existing appropriation for the Marion County Public Defender Agency:

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>60,042</u>
TOTAL	60,042

SECTION 6. Except to the extent of matching funds 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor McWhirter asked for consent to hear Proposal No. 238, 2002 before Proposal No. 237, 2002 because of an amendment made in Committee which affects Proposal No. 237, 2002. Consent was given.

PROPOSAL NO. 238, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 238, 2002 on May 28, 2002. The proposal, sponsored by Councillors Langsford, Boyd, Nytes, and Sanders, approves an appropriation of \$74,514 in the 2002 Budget of the Office of Corporation Counsel (Federal Grants Fund) to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:01 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 238, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *Black, Coonrod, Dowden, Gray*

1 ABSENT: *Langsford*

Proposal No. 238, 2002 was retitled FISCAL ORDINANCE NO. 45, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Seventy-four Thousand Five Hundred Fourteen Dollars (\$74,514) 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(e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to fund a Community Prosecutor and Paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the City Prosecutor's Office, law enforcement and the community in addressing public safety and quality of life issues, financed by a federal grant.

SECTION 2. The sum of Seventy-four Thousand Five Hundred Fourteen Dollars (\$74,514) 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 increased appropriation is hereby approved:

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	53,881
2. Materials and Supplies	675
3. Other Services and Charges	15,581
4. Capital Outlay	<u>4,377</u>
TOTAL INCREASE	74,514

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>74,514</u>
TOTAL REDUCTION	74,514

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City County Fiscal Ordinance No. 49, 2001, be and is hereby further amended to increase the number of authorized employees for the Office of Corporation Counsel to fifty two (52) F.T.E.'s from fifty (50) F.T.E.'s for the calendar year 2002.

SECTION 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 237, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 237, 2002 on May 28, 2002. The proposal, sponsored by Councillors McWhirter and Boyd, approves an appropriation of \$54,000 in the 2002 Budget of the Office of Corporation Counsel (Consolidated County Fund) to add a staff attorney to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider said that he is opposed to the proposal, as the proposal will add a staff member solely for the purpose of the acquisition of the water company. He said that during the entire acquisition process, the Council was told that there would be no additional City employees needed, and this would be administered through private contracts. He said that he reviewed the minutes from the Public Works Committee which established the Waterworks Department, and they indicate that there would be no City employees in the department. He added that the minutes indicate that the staffing would be covered by the Office of Corporation Counsel, but that no additional staffing would be required. Councillor Schneider said that he was opposed to the creation of the Waterworks because it is an open-ended department that can continue to grow.

Councillor Coughenour said that during discussions, it was testified that a whole new department would not be created and that the Waterworks would be run through the Controller's Office and the Office of Corporation Counsel. She said that it was never testified that an additional person would not be needed, just that another department would not be established. She said the negotiators probably always knew that staff would need to be added.

Councillor Soards said that he opposes the proposal because he believes the duties of this new position can be handled by existing staff in the Office of Corporation Counsel. He said he believes these are legal services that can be handled in-house, and outside contractors or additional staff are not needed.

General Counsel Robert Elrod agreed with Councillor Coughenour and said that the testimony during negotiations indicated that the legal and financial aspects of the department would be handled by the Controller's Office and the Office of Corporation Counsel. The budget that the Waterworks Board approved several weeks ago contemplates as many as four-employees in these two offices to handle the affairs of this department. The department is already structured and collects an estimated \$105 million yearly in fees from users. The staff in the Controller's Office and Corporation Counsel has to manage the contract and oversee the compliance. He said that it is not an unreasonable request to hire an additional person to protect the City's interest with respect to the ownership of \$400,000 worth of assets.

President SerVaas called for public testimony at 8:08 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 237, 2002, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Talley, Tilford

8 NAYS: Black, Borst, Bradford, Coonrod, Dowden, Schneider, Smith, Soards

0 NOT VOTING:

1 ABSENT: Langsford

Proposal No. 237, 2002, as amended, was retitled FISCAL ORDINANCE NO. 46, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fifty Four Thousand Dollars (\$54,000) in the Consolidated County Fund for purposes of the Office of Corporation Counsel, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (e) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to add a staff attorney in the Office of Corporation Counsel to provide legal representation to the Department of Waterworks as well as the Board of Waterworks, to be financed by revenues from the Department of Waterworks.

SECTION 2. The sum of Fifty-four Thousand Dollars (\$54,000) 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 increased appropriation is hereby approved:

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	54,000
TOTAL INCREASE	54,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	54,000
TOTAL REDUCTION	54,000

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City County Fiscal Ordinance No. 49, 2001, be and is hereby further amended to increase the number of authorized employees for the Office of Corporation Counsel to fifty three (53) F.T.E.'s from fifty (50) F.T.E.'s for the calendar year 2002.

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

PROPOSAL NO. 239, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 239, 2002 on May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$3,000 in the 2002 Budget of the County Sheriff (County Grants Fund) to purchase a laptop computer, data projector, and two portable projection screens, funded by a grant from the Target Corporation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 239, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 239, 2002 was retitled FISCAL ORDINANCE NO. 47, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Three Thousand Dollars (\$3,000) in the County Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase a laptop computer, data projector, and two (2) portable projections screens.

SECTION 2. The sum of Three Thousand Dollars (\$3,000) 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 SHERIFF</u>	<u>COUNTY GRANTS FUND</u>
4. Capital Outlay	3,000
TOTAL INCREASE	3,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	3,000
TOTAL REDUCTION	3,000

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. 240, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 240, 2002 on May 22, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$6,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund a Protective Order Intake Clerk for the period from 04/01/02 through 06/30/02, financed by a grant from the Indiana Criminal Justice

Institute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal No. 240, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 240, 2002 was retitled FISCAL ORDINANCE NO. 48, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Six Thousand Dollars (\$6,000) in the State and Federal Grants Fund for purposes of the 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 (c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to support a protective Order Intake Clerk for the period from 04/01/02 through 06/03/02.

SECTION 2. The sum of Six Thousand Dollars (\$6,000) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>6,000</u>
TOTAL INCREASE	6,000

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>6,000</u>
TOTAL REDUCTION	6,000

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. 241, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 241, 2002 on May 22, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting

services for an Alternative Dispute Resolution, funded by a federal grant. By a 7-0 vote, the Committee tabled the proposal. Councillor Dowden moved, seconded by Councillor Soards, to postpone Proposal No. 241, 2002 until July 22, 2002. Proposal No. 241, 2002 was postponed by a unanimous voice vote.

PROPOSAL NO. 242, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 242, 2002 on May 22, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$4,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a summer youth program, funded by a grant from the Indianapolis Foundation. 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 8:12 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 242, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 242, 2002 was retitled FISCAL ORDINANCE NO. 49, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Four Thousand Dollars (\$4,000) in the County Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, 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 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to fund a summer youth program

SECTION 2. The sum of Four Thousand Dollars (\$4,000) 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 SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GRANTS FUND</u>
2. Supplies	1,955
3. Other Services and Charges	<u>2,045</u>
TOTAL INCREASE	4,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>4,000</u>
TOTAL REDUCTION	4,000

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

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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.

NEW BUSINESS

Councillor Cockrum said that he has received no response to his e-mail requesting volunteers to host members of the Toronto City Council during the Scarborough Peace Games for a golf outing. He asked those interested to let him know as soon as possible.

Councillor Boyd asked how many will be attending the Peace Games. Councillor Cockrum said that the number has not yet been determined, but there will be four Toronto Councillors attending, three of which would like to join members of this Council in a golf outing. Councillor Boyd said that he would like to see a letter from the President of the Council as a matter of protocol be sent to the Toronto Council and citizens to invite them to the games.

The President asked if there are members interested in helping Councillor Cockrum with these games, they should let him know.

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillor Talley in memory of Sherry Loanna Sayles and Marcus Webb; and
- (2) Councillor Soards in memory of Joe Roseman and Don Scroggins; and
- (3) Councillor Douglas in memory of George Russell Scott; and
- (4) Councillor Boyd in memory of Sidney Marie Garner and Don E. Boyd.

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 Sherry Loanna Sayles, Marcus Webb, Joe Roseman, Don Scroggins, George Russell Scott, Sidney Marie Garner, and Don E. Boyd. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:17 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 3rd day of June, 2002.

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)