

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

**REGULAR MEETINGS
MONDAY, JULY 22, 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 7:17 p.m. on Monday, July 22, 2002, with President SerVaas presiding.

Councillor Knox 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst said that Councillor Bainbridge had a hip and knee replacement recently, and he is at home and doing well. Councillor Langsford recognized Robert Stoffel of the Forest Creek Neighborhood Association. Councillor Black introduced Joe Simpson, president of the Board of Directors of Cardinal Ritter High School. Councillor Nytes welcomed Michael Crowther, new president and chief executive officer of the Indianapolis Zoological Society. Mr. Crowther said that he moved to Indianapolis because he would rather raise his young children in this type of environment, and because he believes the Indianapolis Zoo can be turned into the best zoo in the world by 2010. Councillor Gray recognized Indianapolis Fire Department (IFD) Senior Deputy Chief of Operations David Grider and Tom Hanify, president of Indianapolis Firefighters Local 416. Councillor Dowden introduced Jerry Mann, a local engineer who has helped in many developments in the City. Councillor Conley recognized his wife, Judy Conley. Councillor

Soards recognized State Senator Murray Clark. Councillor Brents recognized friends Reverend Oscar Smith and his wife, Laura.

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, July 22, 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

June 25, 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* and in the *Indianapolis Star* on Friday, June 28, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 287-293, 296-299, 301-308, and 317, 2002, said hearing to be held on Monday, July 22, 2002, at 7:00 p.m. in the City-County Building.

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

July 5, 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. 50, 2002 - 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

FISCAL ORDINANCE NO. 51, 2002 - 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

FISCAL ORDINANCE NO. 52, 2002 - 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

FISCAL ORDINANCE NO. 53, 2002 - 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)

FISCAL ORDINANCE NO. 54, 2002 - 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

July 22, 2002

FISCAL ORDINANCE NO. 55, 2002 - 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

FISCAL ORDINANCE NO. 56, 2002 - 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

FISCAL ORDINANCE NO. 57, 2002 - 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

GENERAL ORDINANCE NO. 71, 2002 - authorizes a traffic signal for Airport Expressway, Bradbury Access, and Stout Field East Drive (District 17)

GENERAL RESOLUTION NO. 4, 2002 - establishes that the City-County Council is interested in making the purchase of approximately 1.5 acres located at 1711 East 39th Street

SPECIAL RESOLUTION NO. 42, 2002 - recognizes long time University of Indianapolis WICR Radio, General Manager Edward (Ed) Roehling

SPECIAL RESOLUTION NO. 43, 2002 - recognizes Prince Julius Adeniyi as Indiana's first Young Audiences national Artist of the Year

SPECIAL RESOLUTION NO. 44, 2002 - recognizes the Indy Parks Greenways latest awards, and National Recreational Trails designation by the National Park Service

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2002 - 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

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 June 24, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 359, 2002. The proposal, sponsored by Councillor Bradford, recognizes National Spelling Bee contestant Trevor Leslie. Councillor Bradford read the proposal and presented Mr. Leslie with a copy of the document and a Council pin. Mr. Leslie thanked the Council for the recognition and thanked his sponsors. Dan Jones, Deputy Auditor representing the Eastwood Neighborhood Association, commended Mr. Leslie and stated that his community is proud of his accomplishment. Councillor Bradford moved, seconded by Councillor Talley, for adoption. Proposal No. 359, 2002 was adopted by a unanimous voice vote.

Proposal No. 359, 2002 was retitled SPECIAL RESOLUTION NO. 45, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2002

A SPECIAL RESOLUTION recognizing National Spelling Bee contestant Trevor Leslie.

WHEREAS, the 75-year-old Scripps Howard National Spelling Bee is the nation's largest and longest-running spelling bee educational program; and

WHEREAS, it is limited to students who have not reached their 16th birthday nor are beyond the eighth grade; and

WHEREAS, at the advanced contest levels, the spelling words are chosen from a 460,000-word Webster's Dictionary, and this years finalist winning word was "prospicience", and

WHEREAS, in late May, Trevor Leslie a sixth-grader at Washington Township's Eastwood Middle School made it through the school, local and regional spelling bee competition and went to the national finals in Washington, D.C.; and

WHEREAS, Trevor didn't quite make the national title -- no Hoosier has won the championship trophy since 1928 -- but his hard work, focus, studying and experiences has reflected great credit upon himself; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Trevor Leslie for advancing to the national finals of the spelling bee contest.

SECTION 2. Trevor, the son of proud parents Kent and Mary Leslie, can steel himself for another run for the trophy next year, but even if he doesn't, the work that he has already done has made him a winner in more ways than what he can probably appreciate at this time.

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. 360, 2002. The proposal, sponsored by Councillor Boyd, recognizes the high school graduating seniors of the Mayor's Youth Council. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. Councillor Talley moved, seconded by Councillor Gray, for adoption. Proposal No. 360, 2002 was adopted by a unanimous voice vote.

Proposal No. 360, 2002 was retitled SPECIAL RESOLUTION NO. 46, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2002

A SPECIAL RESOLUTION recognizing the high school graduating seniors of the Mayor's Youth Council.

WHEREAS, Indianapolis Mayor Bart Peterson created his Mayor's Youth Council in the year 2000 to advise him on youth issues, help plan youth town hall conferences, and to volunteer their time in community work; and

WHEREAS, Council members are age 14 to 18 and are nominated by schools, faith-based organizations and by community group leaders; and

WHEREAS, during the past two years the Youth Council has participated in the "Violent Video Buyback Program", some attended National League of Cities meetings in Boston and Atlanta, appeared on radio and TV to promote the work of the Council, and won a \$2,000 grant from "Youth as Resources" to give 120 school backpacks to homeless youth; and

July 22, 2002

WHEREAS, three Youth Council Members served on city boards and commissions: John Stickler on the Information Technology Board, Sierra Weaver on the Greenways Board, and Amir Hayat on the Mayor's Commission on Latino Affairs; 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 Mayor's Youth Council as a means of gaining meaningful understanding between young people and City Hall.

SECTION 2. The Council congratulates the Youth Council's graduating seniors: Uriel Caldera and Russell McDonald (Warren), Ryan Neal (Park Tudor), Isabel Rodriguez (Roncalli) John Stickler and Reginald Walton (Ben Davis), Anita Michelle Cobb (Broad Ripple), Catherine "Katie" Crossin and Amir Hayat (Brebeuf), Ryan Donovan (Franklin), Stacey Koerner (Decatur), Siem Tesfaslase (Arlington), Sierra Weaver (North Central), and Shanna Wiley (Beech Grove).

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. 361, 2002. The proposal, sponsored by Councillor Talley, recognizes Laura M. A. Moore Smith. Councillor Talley read the proposal and presented Ms. Smith with a copy of the document and a Council pin. Ms. Smith and her husband Reverend Smith thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Black for adoption. Proposal No. 361, 2002 was adopted by a unanimous voice vote.

Proposal No. 361, 2002 was retitled SPECIAL RESOLUTION NO. 47, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2002

A SPECIAL RESOLUTION recognizing Laura M. A. Moore Smith.

WHEREAS, Mrs. Laura M. A. Moore Smith's spiritual anchor is Psalm 27:1 "The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?"; and

WHEREAS, Mrs. Smith overcame her very humble beginnings and earned her B.S. Degree in home economics in education from Jackson State College, Jackson, Mississippi, her Master's Degree from Indiana University at Indianapolis, and an endorsement in home economics from Butler and Purdue Universities; and

WHEREAS, Mrs. Smith is involved in many community and Church projects and programs, as well as other purposeful humane acts of one-on-one charity and kindness; and

WHEREAS, Indianapolis is a proud city of achievement, and is a city that has been the beneficiary of the many gifts and talents of Mrs. Laura M. A. Moore Smith; 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 Laura M. A. Moore Smith, as a real character builder and role model for our youth in Indianapolis.

SECTION 2. As we reach the mid-point of the second year of the new Millennium, I pray that Mrs. Smith continues seeking and accepting the new challenges and opportunities for future generations.

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. 358, 2002. The proposal, sponsored by Councillors Bradford, Schneider, Dowden, Coonrod, Tilford, and Smith, declares the Indianapolis City-County Council's support of the Pledge of Allegiance. Councillor Bradford invited any Councillors to come forward in support of the proposal as it is read. Councillor Schneider read the proposal and moved, seconded by various Councillors, for adoption.

Councillor Nytes said that while she is in support of the spirit of this proposal, she has never known this Council to engage in name-calling. She moved, seconded by Councillor Talley, to amend Proposal No. 358, 2002, by striking out the second half of Section 2 beginning with the words "by crank lawyers and out-of-touch federal judges." Councillor Horseman agreed, as a lawyer, that this is offensive, and that there are cases pending in front of federal judges, and such disrespect would not be viewed as advantageous.

The proposal was amended by a voice vote. Proposal No. 358, 2002, as amended, was adopted by a unanimous voice vote. Councillor Bradford asked that Councillor Knox again come forward and lead the Council body in the Pledge of Allegiance to the flag.

Proposal No. 358, 2002, as amended, was retitled COUNCIL RESOLUTION NO. 70, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 2002

A COUNCIL RESOLUTION declaring the Indianapolis City-County Council's support of the Pledge of Allegiance.

WHEREAS, the patriotic Pledge of Allegiance was written by a Baptist minister in 1892, and that same year, former Indianapolis City Attorney, then President Benjamin Harrison, a Presbyterian, issued a Presidential Proclamation that the Pledge which promotes values and citizenship should be recited in public schools during Columbus Day observances; and

WHEREAS, in 1954, a Catholic fraternal organization, the Knights of Columbus, successfully petitioned President Eisenhower and Congress to add "under God" to the pledge; and

WHEREAS, the 31-word Pledge contains four themes which account for much of what has made America great: Loyalty, unity of the people, reverence for God, and freedom for all; and

WHEREAS, last month the federal Ninth Circuit Court of Appeals in San Francisco ruled 2-1 that the two words "under God" were unconstitutional, and suddenly the nine Western states in that court's domain cannot begin a school day with the Pledge of Allegiance; and

WHEREAS, in a time of mass suicide-murders in America, a difficult war on terrorism, forest fires consuming the West, a heat wave, floods in Texas, a stock market implosion that is wrecking retirement funds, and questionable ethics of some corporations and accounting firms, these federal judges appointed for life in California decided that a student was "injured" as her classmates recited a pledge that asks God to watch over America; 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 does hereby strongly support America's Pledge of Allegiance, and condemns the befuddled twisting of the Constitution by the Federal Circuit Court of Appeals in San Francisco regarding the Pledge.

SECTION 2. The Pledge does not "establish a religion" as a court decided, and if the First Amendment is eroded by a decree of two federal judges, the Council fears that other Constitutional freedoms of the American people will be watered down.

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

Councillor Borst asked for consent to vote on Proposal Nos. 310 and 315, 2002 together. Both proposals are board appointments which passed out of their respective committees with do pass recommendations. Consent was given.

PROPOSAL NO. 310, 2002. The proposal, sponsored by Councillors Nytes, Boyd, and Gibson, appoints Gary A. Gibson to the Equal Opportunity Advisory Board. PROPOSAL NO. 315, 2002. The proposal, sponsored by Councillors McWhirter and Smith, appoints Judy Stanley to the Indianapolis City Market Corporation Board of Directors. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Borst moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 310 and 315, 2002 were adopted by a unanimous voice vote.

Proposal No. 310, 2002 was retitled COUNCIL RESOLUTION NO. 71, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2002

A COUNCIL RESOLUTION appointing Gary A. Gibson to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Gary A. Gibson

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

Proposal No. 315, 2002 was retitled COUNCIL RESOLUTION NO. 72, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2002

A COUNCIL RESOLUTION appointing Judy Stanley to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council appoints:

Judy Stanley

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 329, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which is a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 330, 2002. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 98-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3201 North Baltimore (District 11)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 331, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 332, 2002. Introduced by Councillors Sanders and Tilford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 333, 2002. Introduced by Councillors Coughenour and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 334, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) for the rent payment of the Child Advocacy Center, funded by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 335, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 336, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting

Programs, and also due to jail overcrowding, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 338, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 339, 2002. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 340, 2002. Introduced by Councillors Cockrum and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 341, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 342, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the schedules of ordinance violations for the Town of Cumberland"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 343, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions"; and the President referred it to the Administration and Finance Committee and parts of Exhibit A will be referred to Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 344, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 345, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Crystal Drive and Halifax Drive (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 346, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 12th Street and Brooks Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 347, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 348, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 349, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 350, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 351, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 352, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 353, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 355, 2002. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 356, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jon M. Bailey to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 357, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Virginia Dill McCarty to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Langsford made the following motion:

Mr. President:

I move that Proposal No. 371, 2002 (Rezoning Case 2002-ZON-005) be scheduled for a hearing before this Council at its next regular meeting on August 5, 2002 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Borst seconded the motion, and Proposal No. 371, 2002 was scheduled for a public hearing on August 5, 2002 by a unanimous voice vote and is identified as follows:

2002-ZON-005
1419 BADE ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13
MANN PROPERTIES, by Stephen D. Mears, requests a rezoning of 120.56 acres, being in the D-A (FW) (FF) District, to the D-2 (FW) (FF) classification to provide for a single-family residential development.

Robert Elrod, General Counsel, read the following:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2002-ZON-005, Council Proposal No. 371, 2002, at its next regular meeting on August 5, 2002, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 120.56 acres at 1419 Bade Road from a D-A (FW) (FF) District, to the D-2 (FW) (FF) classification to provide for a single-family residential development.

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

PROPOSAL NO. 362, 2002, PROPOSAL NO. 363, 2002, PROPOSAL NOS. 364-370, 2002, and PROPOSAL NOS. 372-374, 2002. Introduced by Councillor Smith. Proposal No. 362, 2002, Proposal No. 363, 2002, Proposal Nos. 364-370, 2002, and Proposal Nos. 372-374, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 18, 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. 84-95, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 84, 2002.

2002-ZON-019

5700 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

REAINCO DEVELOPMENT CORPORATION requests a rezoning of 3.96 acres, being in the D-3 District, to the C-4 classification to provide for a community-regional commercial shopping center.

REZONING ORDINANCE NO. 85, 2002.

2002-ZON-821

140 and 203 SOUTH AUDUBON ROAD (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

SHERRIE A. LEUCHT, by Edward Williams, requests a rezoning of 0.481 acre, being in the D-6, C-1, and C-3 Districts, to the C-3 classification to provide for a restaurant.

REZONING ORDINANCE NO. 86, 2002.

2002-ZON-041

5722 SOUTH HARDING STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

SOUTH HARDING LIMITED PARTNERSHIP, by Christopher D. Long, requests a rezoning of 4.05 acres, being in the I-2-S (FF)(W-1) District, to the C-S (FF)(W-1) classification to provide for all I-2-S uses and a motor truck/trailer terminal with truck sales, leasing, truck/trailer equipment storage, and associated operations.

REZONING ORDINANCE NO. 87, 2002.

2002-ZON-050

89 NORTH 17TH AVENUE and 1600, 1616, 1618, and 1624 WEST MAIN STREET (approximate address), BEECH GROVE.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS. PROPERTIES, INC., by James L. Touhy, request a rezoning of 3.48 acres, being in the SU-2 and D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 88, 2002.

2002-ZON-065

1650 SOUTH GIRLS SCHOOL ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

HOWARD L. LACEY, III AND MELISSA ANN LACEY, by Michael J. Kias, request a rezoning of 1.0 acre, being in the D-5 District, to the C-5 classification to provide for the commercial development.

REZONING ORDINANCE NO. 89, 2002.

2002-ZON-068

6283 OAKLONDON ROAD (approximate address), LAWRENCE

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5.

PENDLETON PIKE PROPERTIES and WATSON'S INDIANAPOLIS. PROPERTIES, by Thomas Michael Quinn, request a rezoning of 9.3 acres, being in the D-A District, to the C-5 classification to provide for retail commercial development.

REZONING ORDINANCE NO. 90, 2002.

2002-ZON-070

529, 533, 537, 541, 544, 545, 548, 549, 553, 554, 556, and 560 WEST 30TH STREET and 3011 CALIFORNIA STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.14 acres, being in the C-1 District, to the D-8 classification to legally establish 12 single-family dwellings.

REZONING ORDINANCE NO. 91, 2002.

2002-ZON-074

2635-2751 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20

CHRISTEL HOUSE, INC, by Philip A. Nicely, requests a rezoning of 24.28 acres, being in the SU-1 and C-2 Districts, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 92, 2002.

2002-ZON-075

2111, 2135, and 2137 NORTH KITLEY AVENUE (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

CHRISTIAN COMMUNITY MISSIONARY BAPTIST CHURCH, INC. requests a rezoning of 1.001 acres, being in the I-2-S District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 93, 2002.

2002-ZON-051

8235 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

VILLA BAPTIST CHURCH, by David Kingen, requests a rezoning of 19.661 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 94, 2002.

2002-ZON-052

7117 SOUTH US 31 (approximate address) INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

PAUL D. and MARY X. CALDWELL, by David Retherford, request a rezoning of 0.519 acre, being in the D-3 District, to the C-1 classification to provide for an office use.

REZONING ORDINANCE NO. 95, 2002.

2002-ZON-079

450 EAST EPLER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

CARL E. STAGE requests a rezoning of 0.5 (±) acre, being in the D-A District, to the C-1 classification to provide for an insurance office.

PROPOSAL NO. 328, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 328, 2002 on July 8, 2002. The proposal, sponsored by Councillor Smith, is a final resolution and public hearing for Herman Associates, Inc. in an amount not to exceed \$14,000,000 which project consists of the rehabilitation of a 344-unit pre-existing apartment complex on an approximately 22.04 acre parcel of real estate located at 3215 North Alton Avenue (District 9). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray said that there have been remonstrators at some of the community meetings and there are some mixed feelings. He said that Cardinal Ritter High School and Marian College are concerned that this development may not allow them room to expand, but this project is supported by residents and City staff. He added that there were other suggestions, but no one has come forth with another proposal or secured financial backing. He said that there is a shortage of housing and the residents who live there strongly support this project, and he cannot deny quality housing to those who need it.

Councillor Borst said that he received some contact over the weekend by neighbors who felt they were left out of the public input process. He said that they did not seem to want to halt the process, but would simply like an informational hearing. He asked if it is time-sensitive or if another public hearing could be held. Councillor Gray said that this project has already been delayed for numerous additional public hearings, and if the project is further delayed, it could jeopardize the funding. Rod Morgan, bond counsel for the Economic Development Commission, said that full complete published hearings have been held, and there have been remonstrators at every meeting. He said that there have already been several delays due to remonstrators' wishes, and he feels a further delay is unnecessary.

President SerVaas asked what the objection is by these remonstrators. Mr. Morgan said that he is not in a position to speak for the remonstrators, but Joe Simpson, president of the Board of Directors of Cardinal Ritter High School, might be able to express those objections. Mr. Simpson said that the high school and the neighbors felt due process did not take place. He said that there are some letters of support from the community, but not everyone was notified of public hearings. He added that the high school is concerned with being competitive in the future.

Councillor Gray said that prolonging this for another public hearing would not serve much of a purpose. He said that the high school should simply keep in contact with the developer and be aware of the development as it takes shape.

Councillor Knox said that his two youngest daughters graduated from Cardinal Ritter, and there are problems on the road across from Ritter behind this apartment complex. He said that more security is needed in the new development or problems will continue.

Councillor Smith moved, seconded by Councillor Gray, for adoption. Proposal No. 328, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

1 NAY: Knox

0 NOT VOTING:

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 328, 2002 was retitled SPECIAL ORDINANCE NO. 3, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$14,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Herman Associates, Inc. on behalf of Heritage Park Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex with a total of 344 units, located on approximately 22 acres, at 3215 N. Alton, in Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$14,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2001 (Heritage Park Apartments Project) (Heritage Park Apartments Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on this date, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

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

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

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

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file on by the Clerk of the Council or City-Controller.

SECTION 3. The Commission hereby recommends the Issuer issue the Bonds in one or more series and in the principal amounts not to exceed \$14,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project, which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipals securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Commission recommends that: (i) the Issuer approve the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and that the Mayor of the Issuer sign the Official Statement if so requested by counsel to the Underwriter; (ii) the Issuer deem the Preliminary Official Statement to be final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters; and (iii) the Mayor, the City Clerk or any other officer or the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement certify to the Underwriter that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 40 years from their date of issuance.

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

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said

Bonds, the special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Commissions recommends that the Issuer preliminarily find and determine that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. The Secretary of this Commission is directed to cause this resolution and two copies of the Financing Documents in their final forms to be transmitted to the office of the Clerk of the Council for presentation to the City-County Council with the recommendation that the City-County Council approve such documents in their final forms pursuant to the proposed form of Special Ordinance hereby recommended to the City-County Council.

Councillor Borst said that it seems due process has been served and public hearings have been held, or otherwise he would have voted to return the proposal to Committee. Councillor Gray added that he will be diligent to make sure that the developer lives up to the community expectations in providing a quality project with proper security.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 317, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 9.928 acres at 3096 West 62nd Street in Pike Township, Councilmanic District 1, being in the D-A and SU-1 Districts to a D-4 classification to provide for residential development (2002-ZON-029 [Amended]). On June 24, 2002, Councillor Soards called Proposal No. 317, 2002 out for public hearing for July 22, 2002.

Councillor Soards made the following motion:

Mr. President:

I am pleased to report that an agreement has been reached between the petitioners and remonstrators, and it will not be necessary to have a full public hearing on this matter; therefore I move that Proposal No. 317, 2002 (Rezoning Petition No. 2002-ZON-029 [Amended]) be adopted.

Councillor Gray seconded the motion.

Michael Quinn, counsel for the petitioner, said that a list of requests was given to the developer at a preliminary hearing, and he feels most of these items have been resolved, and he read some amendments to the commitments. Don Drenner and Michelle Hall, representatives of the Homeowners Association, said that they are pleased with the outcome and thanked the Council for working with them through this process.

Proposal No. 317, 2002 was adopted by a unanimous voice vote. Proposal No. 317, 2002 was retitled for identification as REZONING ORDINANCE NO. 96, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, and is identified as follows:

REZONING ORDINANCE NO. 96, 2002.
2002-ZON-029 (Amended)
3096 WEST 62nd STREET (approximate address), INDIANAPOLIS.
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1
HERITAGE DEVELOPMENT OF INDIANA, LLC., by Thomas Michael Quinn, requests a rezoning of 9.928 acres, being in the D-A and SU-1 Districts, to the D-4 classification to provide for residential development

PROPOSAL NO. 241, 2002. Councillor Dowden reported that Proposal No. 241, 2002 was tabled by the Public Safety and Criminal Justice Committee on May 22, 2002 and postponed in Council on June 03, 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. Councillor Dowden moved, seconded by Councillor Smith, to postpone Proposal No. 241, 2002 until August 26, 2002. Proposal No. 241, 2002 was postponed by a unanimous voice vote.

Councillor Dowden asked for consent to handle all Public Safety and Criminal Justice Committee proposals at this time. Consent was given. Councillor Dowden reported that the Committee heard Proposal Nos. 290-300, 2002 on July 10, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 290, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$12,500 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund off-site storage of records and the electronic preservation of paternity and financial documents, financed by fund balances. PROPOSAL NO. 291, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,500 in the 2002 Budget of the Clerk of the Circuit Court (Enhanced Access Fund) to fund the Small Claims Court judgement docket program into the JUSTIS system and the data entry of divorce index books into an electronic database, financed by fund balances. PROPOSAL NO. 292, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,021 in the 2002 Budget of the Marion County Justice Agency and the County Auditor (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant. PROPOSAL NO. 293, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$25,368 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to reimburse the County Sheriff for 151 bulletproof vests, financed by fund balances. PROPOSAL NO. 296, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$25,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to continue funding for Child Advocates, Inc., funded by a grant from Indiana Criminal Justice Institute. PROPOSAL NO. 297, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$4,039 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund) to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice. PROPOSAL NO. 298, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves a transfer of \$136,400 in the 2002 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) to purchase supplies and accessories needed to

outfit police vehicles. PROPOSAL NO. 299, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$229,939 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah, financed by federal funds. PROPOSAL NO. 294, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$8,890 in the 2002 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to provide sufficient funding for fringes for the Metro Drug Task Force Grant for FY 2001/2002. PROPOSAL NO. 295, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots. PROPOSAL NO. 300, 2002. The proposal, sponsored by Councillors Dowden and Talley, requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000. The Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Bradford asked if the bullet-proof vests being purchased through Proposal No. 293, 2002 are in addition to current vests or are replacement vests. Councillor Dowden said that they are replacement vests. Councillor Bradford asked how often these vests need to be replaced. Councillor Dowden said that vests are constantly being improved and there is normal wear and tear, but he is not sure of the lifespan of such vests. He added that with new officers being added, more vests are needed, as well.

President SerVaas called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal Nos. 290-300, 2002 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 290, 2002 was retitled FISCAL ORDINANCE NO. 58, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twelve Thousand Five Hundred Dollars (\$12,500) in the Clerk's Perpetuation Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the Clerk's Perpetuation 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(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund off-site storage of records and the electronic preservation of paternity and financial documents.

SECTION 2. The sum of Twelve Thousand Five Hundred Dollars (\$12,500) be, and the same is hereby, appropriated 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>CLERK OF THE CIRCUIT COURT</u>	<u>CLERK'S PERPETUATION FUND</u>
3. Other Services and Charges	<u>12,500</u>
TOTAL INCREASE	12,500

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

	<u>CLERK'S PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Clerk's Perpetuation Fund	<u>12,500</u>
TOTAL REDUCTION	12,500

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

Proposal No. 291, 2002 was retitled FISCAL ORDINANCE NO. 59, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty Thousand Five Hundred Dollars (\$20,500) in the Enhanced Access Fund for purposes of the Clerk of the Circuit Court and reducing the unappropriated and unencumbered balance in the Enhanced Access 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(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Clerk of the Circuit Court to fund the small claims court judgement docket program to transfer into JUSTIS and the data entry of divorce index books into an electronic data base.

SECTION 2. The sum of Twenty Thousand Five Hundred Dollars (\$20,500) be, and the same is hereby, appropriated 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>CLERK OF THE CIRCUIT COURT</u>	<u>ENHANCED ACCESS FUND</u>
3. Other Services and Charges	<u>20,500</u>
TOTAL INCREASE	20,500

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

	<u>ENHANCED ACCESS FUND</u>
Unappropriated and Unencumbered	
Enhanced Access Fund	<u>20,500</u>
TOTAL REDUCTION	20,500

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

Proposal No. 292, 2002 was retitled FISCAL ORDINANCE NO. 60, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty Thousand Twenty-one Dollars (\$20,021) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor 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 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 Marion County Justice Agency and County Auditor to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM).

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	819
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	6,003
3. Other Services and Charges	<u>13,199</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 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. 293, 2002 was retitled FISCAL ORDINANCE NO. 61, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Twenty-five Thousand Three Hundred Sixty-eight Dollars (\$25,368) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Justice Agency to reimburse the County Sheriff for 151 bulletproof vests.

SECTION 2. The sum of Twenty-five Thousand Three Hundred Sixty-eight Dollars (\$25,368) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
2. Supplies	<u>25,368</u>
TOTAL INCREASE	25,368

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>25,368</u>
TOTAL REDUCTION	25,368

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

Proposal No. 296, 2002 was retitled FISCAL ORDINANCE NO. 62, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division 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 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 Marion County Superior Court, Juvenile Division, to continue funding for Child Advocates, Inc.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated 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</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>	
2. Supplies 3,400	
3. Other Services and Charges	19,500
4. Capital Outlay	<u>2,100</u>
TOTAL INCREASE	25,000

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>25,000</u>
TOTAL REDUCTION	25,000

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. 297, 2002 was retitled FISCAL ORDINANCE NO. 63, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) re-appropriating Four Thousand Thirty-nine Dollars (\$4,039) in the Federal Grants Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) 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 Public Safety, Emergency Management and Planning Division, to purchase a fax machine, communication equipment for FCC compliance, and equipment for decontamination and hazardous material cleanup, financed by grants from the US Department of Justice.

SECTION 2. The sum of Four Thousand Thirty-nine Dollars (\$4,039) 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>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
4. Capital Outlay	4,039
TOTAL INCREASE	4,039

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	4,039
TOTAL REDUCTION	4,039

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. 298, 2002 was retitled FISCAL ORDINANCE NO. 64, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating One Hundred Thirty-six Thousand Four Hundred Dollars (\$136,400) in the City Cumulative Capital Development Fund for purposes of the Department of Public Safety, Police Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to purchase supplies and accessories needed to outfit police vehicles.

SECTION 2. The sum of One Hundred Thirty-six Thousand Four Hundred Dollars (\$136,400) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Materials and Supplies	136,400
TOTAL INCREASE	136,400

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

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
3. Other Services and Charges	<u>136,400</u>
TOTAL REDUCTION	136,400

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

Proposal No. 299, 2002 was retitled FISCAL ORDINANCE NO. 65, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Twenty-nine Thousand Nine Hundred Thirty-nine Dollars (\$229,939) in the Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to pay the costs incurred in managing the FEMA-sponsored Marion County Urban Search and Rescue Task Force-1 and to reimburse the Task Force for the costs of their deployment to the 2002 Winter Olympics in Salt Lake City, Utah.

SECTION 2. The sum of Two Hundred Twenty-nine Thousand Nine Hundred Thirty-nine Dollars (\$229,939) 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>FIRE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
2. Materials and Supplies	64,533
3. Other Services and Charges	113,524
4. Capital Outlay	<u>51,882</u>
TOTAL INCREASE	229,939

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>229,939</u>
TOTAL REDUCTION	229,939

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. 294, 2002 was retitled FISCAL ORDINANCE NO. 66, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional Eight Thousand Eight Hundred

Ninety Dollars (\$8,890) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor and reducing certain other appropriations from that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 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 Marion County Justice Agency and County Auditor to provide sufficient funding for fringes.

SECTION 2. The sum of additional Eight Thousand Eight Hundred Ninety Dollars (\$8,890) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	<u>8,890</u>
TOTAL INCREASE	8,890

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

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	6,551
3. Other Services and Charges.	<u>2,339</u>
TOTAL DECREASE	8,890

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

Proposal No. 295, 2002 was retitled FISCAL ORDINANCE NO. 67, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Two Thousand Twenty-four Dollars (\$102,024) in the State and Federal Grants Fund for purposes of Community Corrections and the County Auditor 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to transfer carryover money from FY 01/02 to fund additional work release beds and day reporting slots.

SECTION 2. The sum of One Hundred Two Thousand Twenty-four Dollars (\$102,024) 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>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>102,024</u>
TOTAL INCREASE	102,024

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

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	36,024

<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	<u>66,000</u>
TOTAL DECREASE	102,024

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

Proposal No. 300, 2002 was retitled SPECIAL ORDINANCE NO. 4, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2002

A SPECIAL ORDINANCE election to fund MECA in 2003 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the City-County Council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 2003, the City-County Council, prior to September 1, 2002, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

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

SECTION 1. The City-County Council hereby elects to fund the operation of the District through MECA in 2003 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is \$2,750,000.

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

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 287-289 and 309, 2002 on July 2, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 287, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$25,000 in the 2002 Budget of the Wayne Township Assessor (State and Federal Grants Fund) to pay for wall repair, painting, carpet and floor covering, funded by a Build Indiana Grant. PROPOSAL NO. 288, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$2,032 in the 2002 Budget of the County Election Board (Campaign Finance Fines Fund) to fund mailings and manuals to publicize campaign finance requirements, financed by fund balances. PROPOSAL NO. 289, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves an appropriation of \$287,000 in the 2002 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a PEG grant (Public Educational or Governmental Access Facilities). PROPOSAL NO. 309, 2002. The proposal, sponsored by Councillor Massie, seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds. By 7-0 votes, the Committee reported Proposal Nos. 287, 288, and 309, 2002 to the Council with the recommendation that they do pass and Proposal No. 289, 2002 to the Council with the recommendation that it do pass as amended.

Councillor Talley referred to Proposal No. 289, 2002 and asked how the cameras that are being replaced are disposed of. Councillor McWhirter said that she does not know the answer to that question but will find out and let Councillor Talley know.

President SerVaas called for public testimony at 8:43 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 287, 288, and 309, 2002 and Proposal No. 289, 2002, as amended, were adopted on the following roll call vote; viz:

23 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Borst, Dowden, Short

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 287, 2002 was retitled FISCAL ORDINANCE NO. 68, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 98, 2001) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the State and Federal Grants Fund for purposes of the Wayne Township Assessor 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(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Wayne Township Assessor to pay for wall repair, painting, carpet and floor covering.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby, appropriated 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>WAYNE TOWNSHIP ASSESSOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	25,000
TOTAL INCREASE	25,000

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 Grant Fund	25,000
TOTAL REDUCTION	25,000

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. 288, 2002 was retitled FISCAL ORDINANCE NO. 69, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 98, 2001) appropriating an additional Two Thousand Thirty-two Dollars (\$2,032) in the Campaign Finance Fines Fund for purposes of the County Election Board and reducing the unappropriated and unencumbered balance in the Campaign Finance Fines 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(a) 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 Election Board to fund mailing and manuals to publicize campaign finance requirements.

SECTION 2. The sum of Two Thousand Thirty-two Dollars (\$2,032) be, and the same is hereby, appropriated 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 ELECTION BOARD</u>	<u>CAMPAIGN FINANCE FINES FUND</u>
2. Supplies	80
3. Other Services and Charges	<u>1,952</u>
TOTAL INCREASE	2,032

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

	<u>CAMPAIGN FINANCE FINES FUND</u>
Unappropriated and Unencumbered	
Campaign Finance Fines Fund	<u>2,032</u>
TOTAL REDUCTION	2,032

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

Proposal No. 289, 2002, as amended, was retitled FISCAL ORDINANCE NO. 70, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Eighty-seven Thousand Dollars (\$287,000) in the Consolidated County Fund for purposes of the Cable Communications Agency 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(d) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Cable Communications Agency to purchase replacement cameras and other related video equipment used by WCTY/Channel 16, financed by a cable franchise Public Educational or Governmental Access Facilities (P.E.G.) grant.

SECTION 2. The sum of Two Hundred Eighty-seven Thousand Dollars (\$287,000) 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>CABLE COMMUNICATIONS AGENCY</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Materials and Supplies	53,000
4. Capital Outlay	<u>234,000</u>
TOTAL INCREASE	287,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>287,000</u>
TOTAL DECREASE	287,000

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

Proposal No. 309, 2002 was retitled SPECIAL RESOLUTION NO. 48, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2002

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 301-305, 2002 on July 11, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 301, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves a transfer and appropriation totaling \$1,001,402 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to initiate several construction projects targeted for bid in the 2002 calendar year, financed by fund balance of 2001 unspent capital funds and a transfer between characters. PROPOSAL NO. 302, 2002. The proposal, sponsored by Councillors Langsford and Gray, approves an appropriation of \$235,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility, financed by fund balances. PROPOSAL NO. 303, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$5,633,404 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund architectural and engineering designs for six projects and for the construction of three projects, financed by a grant from Lilly Endowment, Inc. in 2001. PROPOSAL NO. 304, 2002. The proposal, sponsored by Councillors Massie and Gray, approves a re-appropriation of \$63,549 in the 2002 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park, financed by grants from the Build Indiana Fund. PROPOSAL NO. 305, 2002. The proposal, sponsored by Councillors Cockrum and Nytes, approves an appropriation of \$33,916 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park, financed by a grant from Lilly Endowment. 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 Cockrum moved, seconded by Councillor Massie, for adoption. Proposal Nos. 301-305, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

2 NOT VOTING: Dowden, Soards

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 301, 2002 was retitled FISCAL ORDINANCE NO. 71, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating One Million One Thousand Four Hundred Two Dollars (\$1,001,402) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development Fund and reducing certain other appropriations for the department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by

the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to initiate several construction projects targeted for bid in the 2002 calendar year.

SECTION 2. The sum of One Million One Thousand Four Hundred Two Dollars (\$1,001,402) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	1,001,402
TOTAL INCREASE	1,001,402

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	940,000
TOTAL DECREASE	940,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
2. Materials and Supplies	61,402
TOTAL DECREASE	61,402

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

Proposal No. 302, 2002 was retitled FISCAL ORDINANCE NO. 72, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred and Thirty-five Thousand Dollars (\$235,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) 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 renovate the parking lot and path of travel to the Whispering Hills clubhouse and first tee to make the facility accessible and to adhere to universal design for accessibility.

SECTION 2. The sum of Two Hundred and Thirty-five Thousand Dollars (\$235,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	40,635
4. Capital Outlay	194,365
TOTAL INCREASE	235,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	235,000
TOTAL DECREASE	235,000

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

Proposal No. 303, 2002 was retitled FISCAL ORDINANCE NO. 73, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Five Million Six Hundred Thirty-three Thousand Four Hundred Four Dollars (\$5,633,404) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(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 fund architectural and engineering design for six (6) projects and for the construction of three (3) projects, financed by a prior year grant from the Lilly Endowment.

SECTION 2. The sum of Five Million Six Hundred Thirty-three Thousand Four Hundred Four Dollars (\$5,633,404) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	1,233,404
4. Capital Outlay	<u>4,400,000</u>
TOTAL INCREASE	5,633,404

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>5,633,404</u>
TOTAL DECREASE	5,633,404

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

Proposal No. 304, 2002 was retitled FISCAL ORDINANCE NO. 74, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Sixty-three Thousand Five Hundred Forty-nine Dollars (\$63,549) in the State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the State Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(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 complete beautification of the Central Canal in the Broad Ripple area and for a HVAC project at Garfield Park.

SECTION 2. The sum of Sixty-three Thousand Five Hundred Forty-nine Dollars (\$63,549) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	35,491
4. Capital Outlay	<u>28,058</u>
TOTAL INCREASE	63,549

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>63,549</u>
TOTAL DECREASE	63,549

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. 305, 2002 was retitled FISCAL ORDINANCE NO. 75, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 75, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Thirty-three Thousand Nine Hundred Sixteen Dollars (\$33,916) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(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 fund the following projects at Talbott and 29th Street Park: (1) to asphalt the brick driveway within the park, and (2) to purchase and install outdoor checkerboard tables, bleachers, and landscaping at the park.

SECTION 2. The sum of Thirty-three Thousand Nine Hundred Sixteen Dollars (\$33,916) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	2,000
3. Other Services and Charges	13,986
4. Capital Outlay	<u>17,930</u>
TOTAL INCREASE	33,916

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>33,916</u>
TOTAL DECREASE	33,916

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

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 306-308, 2002 on July 18, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 306, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$375,000 in the 2002 Budget of the Department of Public Works, Engineering Division (State Grants Fund) for the purchase of equipment for research and development purposes for Dow AgroSciences LLC, financed by an Industrial Development Grant from the Indiana Department of Commerce. PROPOSAL NO. 307, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$108,942 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001, financed by a grant from Eli Lilly and Company. PROPOSAL NO. 308, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves the Sanitary District Note Resolution and the issuance of Sanitary District Notes payable from proceeds of bonds of the Sanitary District in an amount not to exceed \$15 million; and approves the Stormwater District Note Resolution and the issuance of Stormwater District Notes payable from proceeds of bonds of the Stormwater District in an amount not to exceed \$15 million. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:51 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 306-308, 2002 were adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Schneider, SerVaas, Short, Soards, Talley, Tilford

1 NAY: Coonrod

3 NOT VOTING: Dowden, Gray, Smith

3 ABSENT: Bainbridge, Moriarty Adams, Sanders

Proposal No. 306, 2002 was retitled FISCAL ORDINANCE NO. 76, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 76, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Three Hundred Seventy-five Thousand Dollars (\$375,000) in the State Grants Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the State Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 Department of Public Works, Engineering Division, for the purchase of equipment for research and development purposes for Dow AgroSciences LLC.

SECTION 2. The sum of Three Hundred Seventy-five Thousand Dollars (\$375,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	
4. Capital Outlay	<u>375,000</u>
TOTAL INCREASE	375,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>375,000</u>
TOTAL DECREASE	375,000

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. 307, 2002 was retitled FISCAL ORDINANCE NO. 77, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 77, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating One Hundred Eight Thousand Nine Hundred Forty-two Dollars (\$108,942) in the Transportation General Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.01(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 Department of Public Works, Engineering Division, to complete infrastructure improvements near the downtown Eli Lilly & Company complex and other projects started in 2001.

SECTION 2. The sum of One Hundred Eight Thousand Nine Hundred Forty-two Dollars (\$108,942) 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>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	
4. Capital Outlay	<u>108,942</u>
TOTAL INCREASE	108,942

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>108,942</u>
TOTAL DECREASE	108,942

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

Proposal No. 308, 2002 was retitled SPECIAL RESOLUTION NO. 49, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2002

A SPECIAL RESOLUTION (i) approving the issuance of a limited recourse note of the Sanitary District of the City of Indianapolis, Indiana (the "Sanitary District"), for the purpose of paying the costs of certain infrastructure improvements, (ii) approving the issuance of a limited recourse note of the Stormwater District of the City of Indianapolis, Indiana (the "Stormwater District"), for the purpose of paying the costs of certain infrastructure improvements, and (iii) approving other matters related thereto.

WHEREAS, on July 10, 2002, the Board of Public Works (the "Board"), being the governing body of the Sanitary District, adopted a Note Resolution (Resolution No. _____) (the "Sanitary District Note Resolution") pursuant to Indiana Code 5-1.4-8-6 authorizing the issuance of limited recourse notes of the Sanitary District in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) (the "Sanitary District Notes"), the principal of and interest on which are payable from proceeds of bonds of the Sanitary District, when and if issued to finance or refinance the Sanitary District Project (as defined herein), or from other revenues available to the Sanitary District, which revenues may be pledged to the payment of principal of and interest on the Sanitary District Notes, for the purpose of procuring funds to be applied to the cost of financing certain infrastructure improvements listed in Exhibit A hereto, including planning and design costs for such improvements (the "Sanitary District Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Sanitary District Notes therefor (collectively, the "Sanitary District Project"); and

WHEREAS, on July 10, 2002, the Board, being the governing body of the Stormwater District, adopted a Note Resolution (Resolution No. _____) (the "Stormwater District Note Resolution") pursuant to Indiana Code 5-1.4-8-6 authorizing the issuance of limited recourse notes of the Stormwater District in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000) (the "Stormwater District Notes"), the principal of and interest on which are payable from proceeds of bonds of the Stormwater District, when and if issued to finance or refinance the Stormwater District Project (as defined herein), or from other revenues available to the Stormwater District, which revenues may be pledged to the payment of principal of and interest on the Stormwater District Notes, for the purpose of procuring funds to be applied to the cost of financing certain infrastructure improvements listed in Exhibit B hereto, including planning and design costs for such improvements (the "Stormwater District Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Stormwater Notes therefor (collectively, the "Stormwater District Project"); and

WHEREAS, the Sanitary District Notes and the Stormwater District Notes are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code 5-1.4, and the Bond Bank anticipates purchasing the Sanitary District Notes and the Stormwater Notes with proceeds from the issuance of the Bond Bank's tax-exempt commercial paper notes (the "Commercial Paper Notes"), which Commercial Paper Notes may be secured by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council; and

WHEREAS, the Sanitary District and the Stormwater District have requested the approval of the City-County Council for the issuance of the Sanitary District Notes and the Stormwater District Notes pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Sanitary District Notes and the Stormwater District Notes should be approved; now therefore:

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

SECTION 1. The City-County Council does hereby approve (i) the Sanitary District Note Resolution and (ii) the issuance of the Sanitary District Notes payable from proceeds of bonds of the Sanitary District, when and if issued to finance or refinance the Sanitary District Project, or from other revenues available to the Sanitary District, which revenues may be pledged to the payment of principal of and interest on the Sanitary District Notes, in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000), which amount does not exceed the estimated costs of the Sanitary District Project.

SECTION 2. The City-County Council does hereby approve (i) the Stormwater District Note Resolution and (ii) the issuance of the Stormwater District Notes payable from proceeds of bonds of the Stormwater District, when and if issued to finance or refinance the Stormwater District Project, or from other revenues available to the Stormwater District, which revenues may be pledged to the payment of principal of and interest on the Stormwater District Notes, in an aggregate principal amount not to exceed Fifteen Million Dollars (\$15,000,000), which amount does not exceed the estimated costs of the Stormwater District Project.

SECTION 3. The City-County Council does hereby acknowledge that the Commercial Paper Notes may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67,85 of the City-County Council.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

EXHIBIT A

Initiation and Implementation of Projects Identified in the Long Term Capital Plan
(attached hereto as Schedule I)

Design, Engineering and Construction Management Costs

EXHIBIT B

Initiation and Implementation of Projects Identified on the Stormwater Priority List
(attached as Schedule I)

Design, Engineering and Construction Management Costs

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillor Moriarty Adams in memory of Tom Kirk, Alice Lundy, Richard Campbell, Helen Allen, and Mary Strutner; and
- (2) Councillors Gray, Boyd, Gibson, Douglas, Nytes, and Conley in memory of Thaddeus Eugene "Butch" Gray; and
- (3) Councillor Brents in memory of Freddie Bell Davis; and
- (4) Councillor Talley in memory of Willie Mae Rainey; and
- (5) Councillor Short in memory of Felix T. McWhirter, II.

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 Tom Kirk, Alice Lundy, Richard Campbell, Helen Allen, Mary Strutner, Thaddeus Eugene "Butch" Gray, Freddie Bell Davis, Willie Mae Rainey, and Felix T. McWhirter, II. 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 8:53 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 22nd day of July, 2002.

July 22, 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)