

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

**REGULAR MEETINGS
MONDAY, AUGUST 5, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, August 5, 2002, with President SerVaas presiding.

Councillor Langsford 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:

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

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

OFFICIAL COMMUNICATIONS

President SerVaas called for the reading of Official Communications. He recognized Mayor Bart Peterson and asked him to present his communication regarding the 2003 budget. Mayor Peterson delivered the following address:

I began this budget season with the belief that it was time to address the long-term challenges faced by both our city and our county budgets. I believed that bipartisan cooperation, if it did not come naturally, would be forced by the difficult circumstances we are in. We have a structural problem on the city side in which public safety is funded by a very slow-growing tax base within the old city limits. We have a massive budget shortfall on the county side that will only get worse each year.

I still believe bipartisan cooperation will prevail in the end. But I'm not sure what form the final resolution will take. I have put forward a plan to expand the district for police funding to include the entire consolidated city. I have talked in small groups or individually with virtually every

member of the city-county council about the proposal and have not heard an encouraging word from anyone in the council majority, or from any elected county official. Bipartisan cooperation requires two sides to deal with problems realistically and to find solutions together. I will not pursue this plan alone.

Instead, I am submitting a budget tonight that does not include the citywide police district. I have asked Councillor Boyd, the sponsor of the citywide police district ordinance, not to move the ordinance forward unless bipartisan support emerges.

The city budget, the budget for which I am responsible, is fully funded and it does not increase taxes! It does not rely on any funding that has traditionally been treated as county revenue. This budget completes my commitment to increase the number of Indianapolis Police Department officers by 200 over the number that had been funded in January 1999 when I made the promise – and it completes that commitment without any tax increases!

The budget continues my administration's strong emphasis on neighborhood quality of life with a modest expansion of resources devoted to code enforcement. Parks and recreation is another area receiving special attention in this budget, primarily due to the significant expansion of facilities made possible by the \$10 million grant from the Lilly Endowment. And, of course, our city's commitment to the arts and culture as a key component of our quality of life and of our economic development strategy is reflected in this budget.

But it is public safety that I would like to focus on this evening. As we all know, public safety is the bedrock of our local government. It is impossible to build great neighborhoods if our city is not safe. If the people who live in our neighborhoods are afraid to leave their homes. If crime impacts our business climate.

We are at a crossroads and we have choices before us: we can eviscerate public safety in Marion County, or pay for it; we can provide funding for the pensions of our retired public safety heroes, or go back on our community's promise to them; we can continue to release dangerous criminals from jail early, or put a stop to it.

Marion County Auditor Marty Womacks will present her budget next. While I certainly do not mean to preempt her presentation in any way, I would point out that there is no easy way to fix the huge shortfalls in the county budget nor the crisis that will envelope the city budget in coming years due to police and fire pension costs. Money cannot be manufactured. Absent new revenues, cutting expenses or taking money from the city are the county's only options.

Cutting expenses is critical. We have proposed a no-frills city public safety budget that holds the line on all but unavoidable expenses, and holds the line on taxes. I expect the Council to go over this budget in its usual thorough way, and if there are additional cuts that can be made in the police and fire budgets without threatening public safety, our team will work with you.

Taking city money is not acceptable! We do not have funds on the city side to give to the county without the citywide police district that I proposed. To take any significant amount of the city's funding sources for the county would have two disastrous effects: cutting police officers from the Indianapolis Police Department at a time when we know that putting more officers on the streets gets results; and effectively stealing pensions from our retired public safety heroes, those who put their lives on the line for us and were promised a pension upon their well-deserved retirement. I will not let that happen!

Cutting police officers from the Indianapolis Police Department would be both irresponsible and counterproductive. Whether it is walking the beat or developing grassroots crime-fighting strategies with neighborhood block captains, people across this city will tell you – our new police officers are working to prevent crime in our neighborhoods. And, since September 11th, we live in a different world. Consider this: on July 3rd, we learned that organizations with ties to terrorism were downloading information from the internet about the RCA Dome, and we had a major convention going on at the time. Then, the following day, as we gathered downtown to celebrate our nation's birthday, more than three times the usual number of officers were there – on alert. Heightened security is simply a reality that we now must responsibly address.

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A few weeks ago, I participated in an emergency preparedness exercise with public safety personnel from across our city and county. Firefighters, police officers, sheriff's deputies – all of whom are on the front lines of defending our city in the post-September 11 world. Will we meet our commitment to them – with pensions they can rely on - or will we join the captains of Enron and Worldcom as purveyors of fraudulent promises to longtime employees?

Think for a moment about Bob McGrath. Fresh from a stint in the Army, he joined the Indianapolis Fire Department in 1959. During his years with the department, he worked out of stations across the city, finally retiring from Station 34 on St. Patrick's Day 1997. Bob McGrath fought fires large and small, and did his absolute best to save the lives of people in trouble. Commitment to public service runs deep in his family – his father retired from IPD, and his brother Patrick served with him at IFD.

Today, Bob is the president of the Retired Firefighters Club, a group of more than 600 retired local firefighters who are engaged with both the department and the community. Like Bob, these retired firefighters have been drawing on their pensions for several years. And like Bob, because they were hired before 1977, their pensions are in danger.

Equally as daunting as the city's challenge in meeting its police and fire pension obligations in the long-term is the public safety challenge faced by the county. According to figures provided by the Marion County Auditor's Office, 61 percent of the county general fund budget is earmarked for public safety. Given the size of the county shortfall just for 2003, filling the gap through spending cuts alone would mean slashing sheriff's deputies, correctional officers and prosecutors. And if the solution is to take city money – let me make it clear here and now – I will not stand for it!

And, of course, we must not forget what may be the greatest immediate threat to public safety in our community – the early release of dangerous criminals onto our streets as a result of jail overcrowding. All of us agree this must stop. All of us agree stopping it will cost money. It is incumbent upon the Council and county elected officials to find the money to bring this outrageous practice to an end – without raiding the city budget.

As the Council considers how to fund public safety in the short-term and hopefully looks at some of the longer-term problems we face, it is important to bear in mind that tax inequality is pervasive in Marion County. The highest property tax rates, by far, in the county are found within the old city limits.

Nearly 47 percent of all property in Center Township is exempt from taxation – public or not-for-profit property like the state and federal buildings, White River State Park, Victory Field, and IUPUI. And another big chunk of Center Township property taxes is committed to paying off the debt for big downtown projects like Circle Centre Mall, projects which have made our downtown the envy of other cities and ultimately benefited all the citizens of Marion County.

Downtown Indianapolis is an economic engine for our entire region, a pulsing heartbeat of activity. With the visionary leadership of Mayors Lugar, Hudnut and Goldsmith, and through careful planning and investment, we have strategically developed our downtown over the last three decades. More than 17 million people – nearly three times the population of our state - visit top downtown attractions each year like sporting events and cultural activities. That number does not include the tens of thousands of employees who come to work downtown each day. Yet, disproportionately high tax rates downtown seriously impede the creation of more economic development and jobs, and jeopardize the retention of existing jobs. Any plan to fix our long-term public safety funding problems must recognize these basic economic facts.

In the past two years, we have found a way to come together to resolve legitimate differences and fashion good budgets for our community. We have found common ground to do what is best for the people of Indianapolis - all the people of Indianapolis - the people who hold us responsible as their leaders.

This may be our biggest challenge yet, but I think we can come together again. I look forward to working with you over the next six weeks. Thank you.

President SerVaas recognized Martha Womacks, County Auditor, and asked her to present her budget communication. Ms. Womacks delivered the following remarks:

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

In my presentation to you for this year's budget, I said that we had a challenging task to finance the county side of government in 2002. I did not realize what that challenge really meant. It was hardly anything by comparison with what we are facing for 2003. My staff needs to be commended for the long hours they have spent trying to locate revenues which will support our needs for next year. I will emphasize to you that we are only supporting "needs", not wants.

Despite fiscal constraints, many County agencies have been able to be creative with their respective talents and make positive improvements for the residents of Marion County. The restoration of the former Lilly Laboratories building on McCarty Street for our Coroner and the DNA lab has not only provided us with better service for the county, but also freed space in Community Corrections for an additional 60 inmate beds.

The Forensic Services Agency, or the Crime Lab as we know it, continues to provide educational opportunities to those in other countries providing additional needed funds for that agency.

Our Prosecutor's Office continues their push to be tough on crime and their statistics show that effort paying off. Violent crime, despite our high inmate population, is consistently decreasing. Notice that I said violent crime.

Although the Sheriff's Department is constantly facing added crime in the outlying suburban area of Marion County and the jail overcrowding problem, they continue to help us by obtaining grant funds for a variety of programs and rental initiatives for their Crime Prevention and Reserve Division offices. Although the future of the arrestee processing center is on hold momentarily, the Sheriff has been a key figure in negotiating for that. A Civilian Review Board is also being created after intensive communication sessions with neighborhood groups.

The Family Advocacy Center relocated to North Keystone early this year because the lease on the McCrea Street facility was ending. The new location has provided them with adequate parking and closer proximity to those they serve.

The Cooperative Extension Agency, although having a somewhat different emphasis in Marion County than in rural counties, provides a multitude of activities for our taxpayers, none the least of which is their Master Gardening Program.

The Guardian Home 2000 project of modernization to our county's emergency shelter care facility for children has been completed this year. The Guardian Home Foundation raised \$6 million in private money to assist in accomplishing this goal. Many of you were a part of the appropriation of the original \$2 million which started the project.

In my request for agencies to give me comments on their specific highlights or accomplishments for the past year, the Pike Township Assessor let me know that she communicates with all Pike Township residents who provide her with their e-mail addresses so that current tax and other information can be distributed to them.

The county assessor has installed a document management system allowing important information to be processed between that office and the township assessors' offices. This will enable them to be able to meet statutory deadlines as required for the 2002 reassessment. My office is also participating in this document management pilot.

In county government's attempt to do more with less, technology is playing a strong role. The Information Services Agency is working hand in hand with all the county agencies to bring efficiencies in a variety of ways. Indianapolis and Marion County's INDYGov website was again recognized as one of the leading local government websites in the country.

In my office with the help of ACS, our information technology vendor, I have implemented on-line filing capability for those who wish to file either mortgage or homestead deductions. With the

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ever-increasing traffic within the building and the inconvenience to the taxpayer of having to go through security, I believe this is a tremendous efficiency. This Spring, approximately 2500 individuals took advantage of this service.

My primary objective for past budgets has been to increase employee salaries. As I stated earlier, I have had to make some difficult decisions and I am disappointed but there are no salary increases in the 2003 county budget. I am also recommending that we suspend incentive pay in 2002 and 2003. That will realize savings of approximately \$600,000.

In working with agencies to fund the 2003 budget, all travel and conference expenses have been cut in half. We are extremely diligent in my accounting section to be sure that reimbursements are made only for those items appropriate either by state statute or by local ordinance.

I am extremely appreciative of the elected officials and agency heads who have been cooperative in achieving these austerity measures.

In 2003, public safety is the primary goal of county government. The addition of more police officers and county deputies has put a tremendous strain on the public safety agencies in county government. Because of the lockup and jail populations, we are putting a terrible burden on our judges making decisions about who should be freed and who should be locked up. Those decisions are putting Indianapolis residents in jeopardy. The arrestee processing center needs to progress. The potential consequences of a continued delay are too disheartening to think about. If the Indianapolis Bond Bank does not move forward with this immediately, we should ask the Indiana State Bond Bank for the funding. I have consulted with officials at the Indiana State Bond Bank and they have stated that they can provide funding for a project like ours within 30 days of our formal request. The processing center, according to recent media, has the full attention and support of many.

The second priority is to fund an additional 98 jail beds for criminal offenders. That cost is approximately 1.4 million dollars. Our total need is far greater than that, but this is a responsible beginning.

Our third priority is to provide additional funding for the courts. Along with our growing inmate population comes the need for additional probation officers. We are funding an additional \$2 million to the courts for that purpose and other court-related costs.

The fourth public safety priority is the need to meet our fiscal responsibility of paying for the incarceration of our juveniles. Last week I received in essence a demand letter from the State Budget Agency requesting the delinquent \$28 million. My recommendation is to continue to pay toward this liability two years in arrears as we have been doing during my term in office. The 2001 bill to be paid in 2003 amounts to \$16 million.

To fund this budget, I am recommending that the Council in its negotiations with the Mayor over the total city-county budget adjust the County Option Income Tax distribution in a more equitable manner. As proposed in the 2003 budget, this would require changing the current allocation from 1/3 county, 2/3 city to 60% county, 40% city. This split more accurately reflects the population distribution. County government has been short-changed since the inception of the county option income tax. Furthermore, the average income of those individuals is greater than those within the old city limits according to the census data. Their contribution to this tax far exceeds the benefits they receive.

I realize that the submission of my 2003 budget recommendation is just the beginning of the process. I also realize that over the next six or seven weeks much negotiation and debate will occur between the Mayor in his capacity as the Chief County Executive and the leadership of the Council. I am confident that through those negotiations the public safety needs I have mentioned and those of the city will be fairly and equitably addressed.

Thank you for your attention and I look forward to working with you as we address these very important needs.

Councillor Boyd applauded Mayor Peterson for completing his pledge to add 200 more police officers without raising taxes. He added that the City budget proposed this evening is also a fully-funded budget. He said that while there are two components to local government in the City of Indianapolis, the Chief Executive, Mayor Peterson, is of the Democrat party, while the elected official positions on the County side of government are generally held by Republicans. The County side of the budget is the side of the budget that has very questionable funding devices proposed this evening. Councillor Boyd said that the Mayor has asked him, as the sponsor of the citywide police district ordinance, to hold this ordinance until bipartisan support is achieved. This expansion would generate enough revenues for the County to fund many of the uncovered expenses mentioned this evening. He said that for reasons that are not clear to him, the Republican side of the aisle has decided this is something they do not want to consider. He said that the only way for Republican members to refute his remarks is to come up with a better plan to fund the County budget that does not include an excursion into the County Option Income Tax (COIT) funds, which has had the same division for 18 years. He said that society has recently seen many instances of corporate dishonesty and corporate members playing with numbers and deceiving the public. He said that in funding the County side of the budget and discussing using COIT is to consider funds that are fictitious and to consider stealing money from the City. He added that he is concerned about Proposal No. 408, 2002, for which he is listed as a co-sponsor. Because he does not agree with these funding issues, he asked to be removed as a co-sponsor from this proposal until the revenues can be honestly identified.

Councillor Borst said that he did not realize there would be a debate on the budget this evening, but he feels he must address some of the comments made by Councillor Boyd. He said that while he appreciates Councillor Boyd's comments, he is not sure they are exactly as they seem. He said there is an idea on the table to increase taxes on the townships and even in Center Township with an 11 cent fire increase, which people are overlooking. He said that just because there is an idea on the table, it does not mean it is a good one or that it should be readily accepted and put into action. He said that this idea still needs some legal clarification, as there is speculation that the March 1st deadline is past and it is not legally viable. He added that there is no way of allocating the money this citywide district creates, there are changes in board appointments, and there is another tax, called the Police and Fire Service fee which has been added. He said there is a lot more to this solution than meets the eye. He added that there is no stealing involved with COIT funds, as this money belongs to the taxpayers, not the City or the County. He said that the division was set up many years ago, but nothing was etched in stone that says it has to remain the same. He said that the dynamics in the community have changed drastically since that tax was created, and the County has a much greater population now than the inner city does. He said it makes sense to look at flexible revenue to fund the budget, while not leaving a hole for either the City or County. He added that the City has received \$46 million of windfall over the last two years that the County has not received. They received \$31 million from the Legislature for pension relief and are taking, which is more like stealing, \$10 million of United Airlines fines, which should be shared with the County. He added that the City is also taking the \$5 million of gaming money that the Legislature set up, of which only half was intended for the City. He said that it is the duty of the Council to look at both plans and massage them both, and the end result will probably be somewhere in between the two plans. He said that members should keep an open mind and try to fund all the needs on both the City and County side.

Councillor Coonrod said that it has been said that the County Auditor should not be allowed to present a proposal to reallocate COIT, which he feels is a creative solution to avoid raising taxes. He said that if this is not adequate, he does not understand how members can support a plan that solves the budget problem by raising taxes, when it is unnecessary. He said that the Auditor's plan does not raise taxes, while the citywide district proposal would.

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President SerVaas called for the reading of further 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, August 5, 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

July 23, 2002

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 24, 2002, and in the *Indianapolis Star* on Thursday, July 25, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 331-340 and 371, 2002, said hearing to be held on Monday, August 5, 2002, at 7:00 p.m. in the City-County Building.

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

July 24, 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, July 26, 2002, a copy of a Notice of Public Hearing on Application for Franchise Agreement, said hearing to be held on Tuesday, August 6, 2002, at 5:30 p.m. in Room 260 in the City-County Building.

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

August 2, 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. 60, 2002 - 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

FISCAL ORDINANCE NO. 61, 2002 - 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

FISCAL ORDINANCE NO. 63, 2002 - 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

FISCAL ORDINANCE NO. 64, 2002 - 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

FISCAL ORDINANCE NO. 65, 2002 - 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

FISCAL ORDINANCE NO. 66, 2002 - 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

FISCAL ORDINANCE NO. 67, 2002 - 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

FISCAL ORDINANCE NO. 68, 2002 - 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

FISCAL ORDINANCE NO. 69, 2002 - 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

FISCAL ORDINANCE NO. 70, 2002 - 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)

FISCAL ORDINANCE NO. 71, 2002 - 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

FISCAL ORDINANCE NO. 72, 2002 - 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

FISCAL ORDINANCE NO. 73, 2002 - 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

FISCAL ORDINANCE NO. 74, 2002 - 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

FISCAL ORDINANCE NO. 75, 2002 - 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

FISCAL ORDINANCE NO. 76, 2002 - 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

FISCAL ORDINANCE NO. 77, 2002 - 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

SPECIAL ORDINANCE NO. 3, 2002 - 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)

SPECIAL ORDINANCE NO. 4, 2002 - requests to fund MECA operations in calendar year 2003 with County Option Income Tax revenue in the amount of \$2,750,000

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SPECIAL RESOLUTION NO. 45, 2002 - recognizes National Spelling Bee contestant Trevor Leslie

SPECIAL RESOLUTION NO. 46, 2002 - recognizes the high school graduating seniors of the Mayor's Youth Council

SPECIAL RESOLUTION NO. 47, 2002 - recognizes Laura M. A. Moore Smith

SPECIAL RESOLUTION NO. 48, 2002 - seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds

SPECIAL RESOLUTION NO. 49, 2002 - 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

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of July 22, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 391, 2002. The proposal, sponsored by Councillor Sanders, honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology. Councillor Sanders read the proposal and presented Dr. Ossip with a copy of the document and a Council pin. Dr. Ossip thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Talley, for adoption. Proposal No. 391, 2002 was adopted by a unanimous voice vote.

Proposal No. 391, 2002 was retitled SPECIAL RESOLUTION NO. 50, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2002

A SPECIAL RESOLUTION honoring Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

WHEREAS, Dr. Kenneth Ossip, a native of New York and graduate of Ohio State University School of Optometry, settled in Indianapolis in 1951 with his wife Joan Kramer Ossip; and

WHEREAS, Dr. Ossip opened his optometry practice in Broad Ripple on August 5, 1952, changing locations within Broad Ripple four times to accommodate its growth, as five generations of Indianapolis families and tens of thousands of Indiana citizens have sought eye care in his establishment; and

WHEREAS, Ossip Optometry and Ophthalmology has grown from that single Broad Ripple location to its current status of six offices throughout Indianapolis, providing the highest quality of service to its patients as well as creating employment for more than 100 residents; and

WHEREAS, Ossip Optometry, in collaboration with the United Way has created a means of giving back to our community through a program called "Helping Eyes", which provides 500 free eye exams and glasses to eligible residents; and

WHEREAS, Dr. Kenneth Ossip personally provided additional public service through numerous professional and community board appointments, including, but not limited to, the Parent Teacher Organizations of IPS School 92 and Harcourt School; 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 joins with others in paying homage to Dr. Kenneth Ossip on the 50th Anniversary of his practice, and applauds his ongoing commitment to our community and its citizens.

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

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

Councillor Borst stated that Proposal Nos. 355-357, 2002 are all board appointments that passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 355, 2002. The proposal, sponsored by Councillor Coughenour, appoints Bruce B. Melchert to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 356, 2002. The proposal, sponsored by Councillor Dowden, reappoints Jon M. Bailey to the Marion County Public Defender Board. PROPOSAL NO. 357, 2002. The proposal, sponsored by Councillor Dowden, reappoints Virginia Dill McCarty to the Marion County Public Defender Board. Councillor Borst moved, seconded by Councillor Talley, for adoption. Proposal Nos, 355-357, 2002 were adopted by a unanimous voice vote.

Proposal No. 355, 2002 was retitled COUNCIL RESOLUTION NO. 73, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2002

A COUNCIL RESOLUTION appointing Bruce B. Melchert 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:

Bruce B. Melchert

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. 356, 2002 was retitled COUNCIL RESOLUTION NO. 74, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2002

A COUNCIL RESOLUTION reappointing Jon M. Bailey to the Marion County Public Defender Board.

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

SECTION 1. As a member of the Marion County Public Defender Board, the Council reappoints:

Jon M. Bailey

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 357, 2002 was retitled COUNCIL RESOLUTION NO. 75, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2002

A COUNCIL RESOLUTION reappointing Virginia Dill McCarty to the Marion County Public Defender Board.

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

SECTION 1. As a member of the Marion County Public Defender Board, the Council reappoints:

Virginia Dill McCarty

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 375, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 376, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 377, 2002. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 378, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 379, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public

relations and community outreach, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 380, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 381, 2002. Introduced by Councillors Boyd, Short, Moriarty Adams, Talley, and Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which expands the police special service district to include all the territory of the Consolidated City, and to create an "old city limits district" comprised of the territory of the former police special service district, and to make corresponding technical amendments to numerous provisions of the Revised Code"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 382, 2002. Introduced by Councillors Gray and Soards. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 383, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Howard Street and Reisner Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 384, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 385, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 386, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Alabama Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 387, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 388, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street and Centennial Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 389, 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 the east side of Virginia Avenue between Lexington Avenue and South Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 390, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 398, 2002. Introduced by Councillors Dowden, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which is the annual budget for the Police Special Service District for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 399, 2002. Introduced by Councillors Dowden, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which is the annual budget for the Fire Special Service District for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 2002. Introduced by Councillors Coughenour, Boyd, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which is the annual budget for the Solid Waste Collection Special Service District for 2003"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 401, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 402, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 403, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 404, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance and Community Affairs Committees.

PROPOSAL NO. 405, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Metropolitan Emergency Communications Agency for 2003"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 406, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments for city sinking funds for the calendar year 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 407, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 408, 2002. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 409, 2002. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Marion County Office of Family and Children for 2003"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 410, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which determines the tax levy for 2003 for each fund of the Consolidated City and Marion County"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 411, 2002. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes the payment of certain dues for the city and county offices and agencies"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

Councillor Boyd said that he would ask that Proposal No. 381, 2002 not be put forward for action at this time due to the Mayor's request. He asked what would be the proper motion to accomplish this. General Counsel Robert Elrod said that the easiest way to handle the matter, since advertising will need to be submitted approximately 14 days before a public hearing, would be to ask the chairman to postpone hearing the matter until the sponsor is ready. Councillor Massie said that as Chairman of the Rules and Public Policy Committee, he will gladly honor the sponsor's request and hold the proposal until Councillor Boyd advises him otherwise. Councillor Boyd thanked Councillor Massie for his cooperation.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 392-397, 2002. Introduced by Councillor Smith. Proposal Nos. 392-397, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 24, 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. 97-102, 2002, the original

copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 97, 2002.

2002-ZON-034 (Amended)

7030 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

ST. JOHN'S UCC requests a rezoning of 2.5 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 98, 2002.

2002-ZON-062

7202 EAST 82ND STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

GOOD HOST, LLC requests a rezoning of 9.469 acres, being in the D-P District, to the C-S classification to provide for uses permitted in the C-3 district, flex space (consisting of offices, retail, and/or storage space), medical office use, and hotel/motel uses.

REZONING ORDINANCE NO. 99, 2002.

2002-ZON-067

6920 EAST STOP 11 ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

GARFIELD HEIGHTS CHURCH OF CHRIST requests a rezoning of 5.17 acres, being in the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 100, 2002.

2002-ZON-071

5000 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6.

SSMC, LLC and CAROLINA INVESTMENTS, LLC request a rezoning of 4.25 acres, being in the C-5 (W-1) District, to the C-S (W-1) classification to provide for a mini-warehouse and all C-5 uses.

REZONING ORDINANCE NO. 101, 2002.

2002-ZON-076

3639 SOUTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

CALVARY TABERNACLE CHURCH, INC., by J. Murray Clark, requests a rezoning of 14.57 acres, being in the C-4 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 102, 2002.

2002-ZON-088

411 SOUTH WEST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

MORTON E. AND CAROLE L. TAVEL, ALVIN AND ANN L. LEVENSON, AND ROBERT B. AND AVIVA TAVEL by Aaron J. Dixon, requests a rezoning of 0.19 acre, being in the I-3U (RC) District, to the CBD-2 (RC) classification to provide for additional parking for a limited service hotel.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 371, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development (2002-ZON-005). On July 22, 2002, Councillor Langsford called Proposal No. 371, 2002 out for public hearing for August 5, 2002.

Councillor Langsford made the following motion:

Mr. President:

The petitioners and remonstrators continue to negotiate a resolution of the rezoning case of 2002-ZON-005 (Proposal No. 371, 2002), 1419 Bade Road, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 371, 2002 (Rezoning Docket No. 2002-ZON-005) be postponed and rescheduled for August 26, 2002.

Councillor Talley seconded the motion, and Proposal No. 371, 2002 was postponed by a unanimous voice vote.

In Councillor McWhirter's absence, Acting Chairman Cockrum reported that the Administration and Finance Committee heard Proposal Nos. 331-333, 2002 on July 30, 2002. He asked for consent to vote on these proposals together. Councillor Nytes asked that Proposal No. 331, 2002 be voted on separately. Consent was given.

PROPOSAL NO. 331, 2002. The proposal, sponsored by Councillor Borst, 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. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is opposed to this proposal because this money was originally used for the water company purchase, and he feels this is just another way to perpetuate funds for that project, which he is opposed to.

Councillor Horseman asked what happens to this money if this proposal is not passed. Mr. Elrod said that the money would stay in the General Fund. He said that the water company purchase consulting fees were paid out of the existing appropriations in the Council budget, which were originally intended for redistricting purposes. With the understanding that the money would be reimbursed, and the redistricting process not being far enough along to need these funds, the money was used for general consulting purposes in this transaction. Councillor Horseman asked what the total budget for redistricting consultants is. Mr. Elrod said that he does not know exactly without looking it up, but he believes it to be approximately \$250,000 between the two caucuses over a two-year period.

President SerVaas called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Tilford, for adoption. Proposal No. 331, 2002 was adopted on the following roll call vote; viz:

17 YEAS: Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Gray, Knox, Langsford, Massie, Moriarty Adams, SerVaas, Short, Talley, Tilford

8 NAYS: Bradford, Coonrod, Horseman, Nytes, Sanders, Schneider, Smith, Soards

2 NOT VOTING: Gibson, McWhirter

2 ABSENT: Bainbridge, Dowden

Proposal No. 331, 2002 was retitled FISCAL ORDINANCE NO. 78, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 78, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional One Hundred Sixty-six Thousand Seven Hundred Ninety Dollars (\$166,790) in the Consolidated County Fund for purposes of the City-County Council 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 the reappropriation of funds reimbursed since the adoption of the annual budget, Section 1(c) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the City-County Council to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co.

SECTION 2. The sum of One Hundred Sixty-six Thousand Seven Hundred Ninety Dollars (\$166,790) 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>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	166,790
TOTAL INCREASE	166,790

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	166,790
TOTAL REDUCTION	166,790

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

PROPOSAL NO. 332, 2002. The proposal, sponsored by Councillors Sanders and Tilford, 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.

PROPOSAL NO. 333, 2002. The proposal, sponsored by Councillors Coughenour and Nytes, 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. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Coughenour, for adoption. Proposal Nos. 332 and 333, 2002 were adopted on the following roll call vote; viz:

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

Proposal No. 332, 2002 was retitled FISCAL ORDINANCE NO. 79, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 79, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Seventy Thousand Dollars (\$70,000) in the Federal Grants Fund for purposes of the Department of Administration, Fleet Services 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 (h) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>FEDERAL GRANTS FUND</u>
<u>FLEET SERVICES DIVISION</u>	
4. Capital Outlay	<u>70,000</u>
TOTAL INCREASE	70,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

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. 333, 2002 was retitled FISCAL ORDINANCE NO. 80, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Twelve Thousand Dollars (\$12,000) in the Landmark Building Preservation Fund for purposes of the Office of the Controller and reducing the unappropriated and unencumbered balance in the Landmark Building Preservation 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 (f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of the Controller to cover the cost of physical improvements to the East Building of the Indianapolis City Market that are not covered by a \$10,000 grant received by the City Market Board.

SECTION 2. The sum of Twelve Thousand Dollars (\$12,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>OFFICE OF THE CONTROLLER</u>	<u>LANDMARK BUILDING PRESERVATION FUND</u>
4. Capital Outlay	12,000
TOTAL	12,000

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

	<u>LANDMARK BUILDING PRESERVATION FUND</u>
Unappropriated and Unencumbered Landmark Building Preservation Fund	12,000
TOTAL DECREASE	12,000

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

In Councillor Dowden's absence, Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 334-339, 2002 on July 24, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 334, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$225,000 in the 2002 Budget of the County Auditor (Cumulative Capital Fund) funded by fund balances. PROPOSAL NO. 335, 2002. The proposal, sponsored by Councillor Dowden, 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. PROPOSAL NO. 336, 2002. The proposal, sponsored by Councillor Dowden, 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. PROPOSAL NO. 337, 2002. The proposal, sponsored by Councillor Dowden, 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. PROPOSAL NO. 338, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, 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. PROPOSAL NO. 339, 2002. The proposal, sponsored by Councillors Moriarty Adams and Soards, 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. By 5-0 votes, the Committee reported Proposal No. 334, 2002 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 335-339, 2002 to the Council with the recommendation that they do pass.

Councillor Schneider asked if the position referred to in Proposal No. 338, 2002 is going to be reimbursed by American Red Cross, since it is taken out of Consolidated County. Mr. Elrod said that the grant will reimburse the County Fund, but this is not the entire salary, and therefore it goes through the Consolidated County Fund. Councillor Schneider asked if it is a permanent

position and will be funded every year. Mr. Elrod said that the ordinance does increase the number of employees in this division. Councillor Smith said that this funding is for six months, and additional funding will be in place for six to seven years.

Councillor Horseman referred to Proposal No. 334, 2002 and asked how this money will be spent, as the ordinance does not state exactly. She asked if the money could be used for something other than child advocacy. Mr. Elrod said that the child advocacy language was stricken because this proposal involves a swapping of this expenditure with the one in Proposal No. 335, 2002. He said that the money does not actually go to the Advocacy Center. Councillor Horseman said that the ordinance simply appropriates the money for the Auditor. Dan Jones, Deputy Auditor, said that the appropriation will actually be used to pay for technology. Councillor Horseman asked what kind of technology it will be used for. Mr. Jones said that it will be used to replace data networking systems. He said that the Cumulative Fund is very restrictive in how it can be used.

Councillor Nytes said that the original digest indicated that these funds would be used for rent. Councillor Borst said that the proposal was amended in Committee because these Cumulative funds cannot be used for rent.

President SerVaas called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Tilford, for adoption. Proposal No. 334, 2002, as amended, and Proposal Nos. 335-339, 2002 were adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

5 NOT VOTING: Coonrod, Gibson, Gray, McWhirter, Short

2 ABSENT: Bainbridge, Dowden

Proposal No. 334, 2002, as amended, was retitled FISCAL ORDINANCE NO. 81, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Two Hundred Twenty-five Thousand (\$225,000) in the Cumulative Capital Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the Cumulative Capital Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor.

SECTION 2. The sum of Two Hundred Twenty-five Thousand (\$225,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>CUMULATIVE CAPITAL FUND</u>
3. Other Services and Charges	225,000
TOTAL INCREASE	225,000

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

	<u>CUMULATIVE CAPITAL FUND</u>
Unappropriated and Unencumbered	
Cumulative Capital Fund	<u>225,000</u>
TOTAL REDUCTION	225,000

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

Proposal No. 335, 2002 was retitled FISCAL ORDINANCE NO. 82, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.96 and 97 2001) transferring and appropriating an additional Two Hundred Twenty-five Thousand (\$225,000) in the County General Fund for purposes of the County Auditor, Prosecuting Attorney, and Community Corrections and reducing certain other appropriations for the County Auditor.

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 (F. O. No. 96, 2001, Section 1 (b) and F. O. No. 97, 2001, Section 1 (c) and (g)) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor, Prosecuting Attorney, and Community Corrections 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.

SECTION 2. The sum of Two Hundred Twenty-five Thousand (\$225,000) 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>COUNTY GENERAL FUND</u>
1. Personal Services - fringes	93,000
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	97,000
<u>COMMUNITY CORRECTIONS</u>	
3. Other Services and Charges	<u>35,000</u>
TOTAL INCREASE	225,000

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

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>225,000</u>
TOTAL DECREASE	225,000

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

Proposal No. 336, 2002 was retitled FISCAL ORDINANCE NO. 83, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred One Thousand Two Hundred Forty-nine Dollars (\$201,249) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections 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. This appropriation is to appropriate state funds to expand the capacity of the current Community Transition Program. Given our recent increase in approvals for the program by the local court system, we are quickly using up all available program capacity.

SECTION 2. The sum of Two Hundred One Thousand Two Hundred Forty-nine Dollars (\$201,249) 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	13,894
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	46,312
3. Others Services and Charges	<u>141,043</u>
TOTAL INCREASE	201,249

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>201,249</u>
TOTAL REDUCTION	201,249

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. 337, 2002 was retitled FISCAL ORDINANCE NO. 84, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Seven Thousand Six Dollars (\$107,006) in the Home Detention User Fee Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee 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(g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs and also due to jail overcrowding.

SECTION 2. The sum of One Hundred Seven Thousand Six Dollars (\$107,006) 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>HOME DETENTION USER FEE FUND</u>
1. Personal Services - fringes	24,694
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	<u>82,312</u>
TOTAL INCREASE	107,006

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>107,006</u>
TOTAL REDUCTION	107,006

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. 338, 2002 was retitled FISCAL ORDINANCE NO. 85, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fifty Three Thousand and Six Hundred Dollars (\$53,600) in the Consolidated County Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency.

SECTION 2. The sum of Fifty Three Thousand and Six Hundred Dollars (\$53,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	17,200
2. Materials and Supplies	2,108
3. Other Services and Charges	312
4. Capital Outlay	<u>33,980</u>
TOTAL INCREASE	53,600

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>53,600</u>
TOTAL DECREASE	53,600

SECTION 5. Section 5.02(b) of City-County Fiscal Ordinance No. 105, 2000, as amended by City-County Fiscal Ordinance No. 49, 2001, and Fiscal Ordinance No. 40, 2002, be and is hereby further amended to increase the number of authorized employees for the Department of Public Safety, Division of Emergency Management Planning, from six (6) F.T.E.'s to seven (7) F.T.E.'s for the calendar year 2002.

SECTION 6. Fifty percent (50%) of the salaries approved in this ordinance will be reimbursed by both the State Emergency Management Agency and the American Red Cross. The council does not intend to use the revenues from any local tax, regardless of source, to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 339, 2002 was retitled FISCAL ORDINANCE NO. 86, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Fourteen Thousand One Hundred Ninety-five Dollars (\$14,195) in the Consolidated County Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) 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 Public Safety, Police Division, 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 fund balance.

SECTION 2. The sum of Fourteen Thousand One Hundred Ninety-five Dollars (\$14,195) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>14,195</u>
TOTAL INCREASE	14,195

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>14,195</u>
TOTAL DECREASE	14,195

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

Councillor Boyd said that he failed to recognize earlier two guests in the audience this evening, William Schneider, former Councillor, and Rex Early, former Republican State Chairman.

PROPOSAL NO. 340, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 340, 2002 on July 11, 2002. The proposal, sponsored by Councillors Cockrum and Soards, 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. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Massie commended Councillor Cockrum for his personal efforts in this purchase and thanked the owner of the property for being patient in negotiations.

President SerVaas called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 340, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Gray, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Coughenour, Gibson, McWhirter

2 ABSENT: Bainbridge, Dowden

Proposal No. 340, 2002 was retitled FISCAL ORDINANCE NO. 87, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) reappropriating Two Hundred Fifty Thousand Dollars (\$250,000) 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(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 partially fund the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River.

SECTION 2. The sum of Two Hundred Fifty Thousand Dollars (\$250,000) be, and the same is hereby, reappropriated 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:

DEPARTMENT OF PARKS AND RECREATION

4. Capital Outlay
TOTAL INCREASE

PARK GENERAL FUND

250,000
250,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>250,000</u>
TOTAL DECREASE	250,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 329, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 329, 2002 on July 29, 2002. The proposal, sponsored by Councillor Smith, 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). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams said that she will abstain from voting on this proposal due to the appearance of a conflict because of her employer.

Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 329, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 329, 2002 was retitled SPECIAL ORDINANCE NO. 5, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Pleasant Run Apartments – Arlington Village Phase and Bolton Court Phase) in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, a representative of Finlay Interests 8, Ltd., a Florida limited partnership (the "Arlington Village Phase Owner"), and of Finlay Interests 9, Ltd., a Florida limited partnership (the "Bolton Court Phase Owner") (collectively, the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue its bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 252-unit Pleasant Run Apartments located on an approximately 16 acre parcel of land at 1366 North Arlington Avenue, Indianapolis, Indiana, consisting of 156 units located in the Arlington Village Phase

(the "Arlington Village Phase") and 96 units located in the Bolton Court Phase (the "Bolton Court Phase") which phases are contiguous (collectively, the "Project"); and

WHEREAS, the Arlington Village Phase Owner will own the Arlington Village Phase of the Project and the Bolton Court Phase Owner will own the Bolton Court Phase of the Project; and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Pleasant Run Apartments - Arlington Village Phase and Bolton Court Phase) (the "Bonds") in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000); and

WHEREAS, the Commission, after a public hearing conducted on July 3, 2002 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 Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") between the Issuer and Bank One Trust Company, National Association, as Trustee (the "Trustee") in order to obtain funds to lend to the Arlington Village Phase Owner pursuant to an Arlington Village Phase Financing Agreement (the "Arlington Village Phase Financing Agreement") by and among the Issuer, the Arlington Village Phase Owner, the Trustee and Continental Wingate Associates, Inc. (the "Lender") for the purpose of financing or providing reimbursement for a portion of the cost of the Arlington Village Phase of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") between the Issuer and the Trustee in order to obtain funds to lend to the Arlington Village Phase Owner pursuant to a Bolton Court Phase Financing Agreement (the "Bolton Court Phase Financing Agreement") by and among the Issuer, the Bolton Court Phase Owner, the Trustee and the Lender for the purpose of financing or providing reimbursement for a portion of the cost of the Bolton Court Phase of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Arlington Village Phase Financing Agreement and the Bolton Court Phase Financing Agreement provide for the repayment by the Arlington Village Phase Owner and the Bolton Court Phase Owner of the loan of the proceeds of the Bonds pursuant to which the Arlington Village Phase Owner and the Bolton Court Phase Owner respectively will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the Issuer, the Arlington Village Phase Owner and the Trustee will enter into an Arlington Village Phase Land Use Restriction Agreement (the "Arlington Village Phase Land Use Restriction Agreement") which will govern the use of the Arlington Village Phase of the Project; and

WHEREAS, the Issuer, the Bolton Court Phase Owner and the Trustee will enter into a Bolton Court Phase Land Use Restriction Agreement (the "Bolton Court Phase Land Use Restriction Agreement") which will govern the use of the Bolton Court Phase of the Project; and

WHEREAS, the Issuer, the Arlington Village Phase Owner and the Trustee will enter into an Arlington Village Phase Tax Regulatory Agreement (the "Arlington Village Phase Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Bolton Court Phase Owner and the Trustee will enter into a Bolton Court Phase Tax Regulatory Agreement (the "Bolton Court Phase Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Arlington Village Phase Owner, the Bolton Court Phase Owner and William R. Hough & Co., as the underwriter (the "Underwriter") will enter into a Bond Purchase Contract (the "Bond Purchase Contract") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

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

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of (1) Indenture; (2) Arlington Village Phase Financing Agreement; (3) Bolton Court Phase Financing Agreement; (4) Bond Purchase Contract; (5) Preliminary Official Statement; (6) Arlington Village Phase Land Use Restriction Agreement; (7) Bolton Court Phase Land Use Restriction Agreement; (8) Arlington Village Phase Tax Regulatory Agreement; (9) Bolton Court Phase Tax Regulatory Agreement (hereinafter referred to collectively as the "Financing Documents"); and (10) Special Ordinance authorizing the issuance of the Bonds, which are by this reference incorporated herein; 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 consisting of the Project referred to in the Financing Documents, the issuance and sale of the Bonds, the loan of the proceeds thereof to the Arlington Village Phase Owner and the Bolton Court Phase Owner for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loans by the Arlington Village Phase Owner and the Bolton Court Phase Owner 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 (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Six Million One Hundred Five Thousand Dollars (\$6,105,000) for the purpose of procuring funds to loan to the Arlington Village Phase Owner and the Bolton Court Phase Owner 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 respectively by the Arlington Village Phase Owner and the Bolton Court Phase Owner pursuant to the Arlington Village Phase Financing Agreement and the Bolton Court Phase Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer approves 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 authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. 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 municipal 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 Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the Underwriter that the information in the Preliminary Official Statement (other than information relating to the Company, the Project or DTC) 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 Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or 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 this 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 this 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, this 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 Issuer hereby preliminarily finds and determines 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 Company. 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 to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("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 satisfied 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 of the Project is placed in service. In reliance upon the representations of the Company, 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. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 330, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 330, 2002 on July 29, 2002. The proposal, sponsored by Councillor Smith, 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 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Moriarty Adams said that she will abstain from voting on this proposal due to the appearance of a conflict because of her employer.

Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 330, 2002, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: McWhirter, Moriarty Adams

2 ABSENT: Bainbridge, Dowden

Proposal No. 330, 2002, as amended, was retitled SPECIAL RESOLUTION NO. 51, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2002

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

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

WHEREAS, D & O Investments, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 94-unit Orchard Park Apartments located on an approximately 6.784 acre parcel of land at 3102 North Baltimore, Indianapolis, Indiana (the "Project"); and

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

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$2,300,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on August 31, 2003, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the

proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

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

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

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

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

NEW BUSINESS

Councillor Bradford said that the Councillors will receive an invitation to the 6th Annual Broad Ripple Grand Prix on Sunday, August 19, 2002, to benefit Huntington's Disease and beautification of Broad Ripple. He said that former Councillor Randy Shambaugh will be present, who suffers from Huntington's Disease. President SerVaas asked how Mr. Shambaugh is doing. Councillor Bradford said that he is doing well and is always very involved in this event.

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillor Talley in memory of R.D. Cockrill and Velma Dickerson; and
- (2) Councillor Knox in memory of Soonia Sparks Angel; and
- (3) Councillor Nytes in memory of James David Laughlin; and
- (4) Councillor Borst in memory of Mary Borst.

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 R.D. Cockrill, Velma Dickerson,

Soonia Sparks Angel, James David Laughlin, and Mary Borst. 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 8:46 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 5th day of August, 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)