

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

**REGULAR MEETINGS  
MONDAY, APRIL 14, 2003**

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 7:08 p.m. on Monday, April 14, 2003, with President Borst presiding.

Councillor Coughenour introduced the pastor of the Tabernacle Presbyterian Church, Reverend John Brewington, who led the opening prayer. Councillor Coughenour then invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Nytes welcomed Boy Scout Troop 35. Councillor Boyd introduced Council candidates Greg Bowles, Kip Tew, Dane Mahern, and Steve Crafton. Councillor Gray recognized his friends from Municipal Gardens. Councillor McWhirter introduced Merri Anderson of the Garden City Civic Association. Councillor Frick recognized Vince Huber, president of the Fraternal Order of Police and the contract negotiating team from the Indianapolis Police Department, and said that he has a petition signed requesting that these contract negotiations be resolved. Councillor Horseman recognized neighborhood activist Neil Trollson.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 14, 2003, 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/Philip C. Borst, D.V.M.  
President, City-County Council

**March 18, 2003**

TO PRESIDENT BORST 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, March 21, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 118, 144-148, 153-155, 157, 158, 160, and 161, 2003, said hearing to be held on Monday, April 14, 2003, at 7:00 p.m. in the City-County Building.

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

**March 31, 2003**

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, April 2, 2003 and in the *Indianapolis Star* on Thursday, April 3, 2003, a copy of a Notice of Public Hearing on Proposal No. 145, 2003, said hearing to be held on Monday, April 14, 2003, at 7:00 p.m. in the City-County Building.

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

**March 28, 2003**

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 18, 2003 - approves a re-appropriation of \$13,688 in the 2003 Budget of the Office of Corporation Counsel (Federal Grants Fund) to continue funding a community prosecutor and paralegal to work in partnership with law enforcement and community groups on a full-time basis in order to enhance coordination between the city prosecutor's office, law enforcement, and the community in addressing public safety and quality of life issues, financed by funds unspent and carried over from a 2002 federal grant

April 14, 2003

FISCAL ORDINANCE NO. 21, 2003 - approves a transfer of \$30,000 in the 2003 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund the salary of a Screening Analyst, who will be using the LSIR (Level of Services Inventory, Revised) assessment tool

GENERAL ORDINANCE NO. 21, 2003 - authorizes a traffic signal at Arlington Avenue and Stop 11 Road (District 23)

GENERAL ORDINANCE NO. 22, 2003 - authorizes intersection controls at Fenton Avenue and Lida Lane (District 23)

GENERAL ORDINANCE NO. 23, 2003 - authorizes multi-way stops for various locations in the College Park Neighborhood (District 1)

GENERAL ORDINANCE NO. 24, 2003 - authorizes intersection controls for the Glenn Woods Subdivision, Sections 1, 2, 3, and 4 (District 19)

GENERAL ORDINANCE NO. 25, 2003 - authorizes a multi-way stop at 14th Street and Mount Street (District 16)

GENERAL ORDINANCE NO. 26, 2003 - authorizes intersection controls at Elm Street and Leonard Street (District 16)

GENERAL ORDINANCE NO. 27, 2003 - authorizes a multi-way stop at 44th Street and Campbell Avenue (District 14)

GENERAL ORDINANCE NO. 28, 2003 - authorizes a yield sign for Erickson Court at Conried Drive (District 14)

GENERAL ORDINANCE NO. 29, 2003 - authorizes parking restrictions on Morris Street near Bridgeport Road (District 19)

GENERAL ORDINANCE NO. 30, 2003 - authorizes parking restrictions on White River Parkway W. Drive between Raymond Street and Drover Street (District 25)

GENERAL ORDINANCE NO. 31, 2003 - authorizes special parking privileges for the Indianapolis Fire Department on New Jersey Street between Massachusetts Avenue and North Street (Districts 22, 9)

SPECIAL RESOLUTION NO. 5, 2003 - commends the Department of Public Works employees and others who all helped remove snow this winter

SPECIAL RESOLUTION NO. 6, 2003 - congratulates Youth as Resources of Central Indiana upon its 15th Anniversary

SPECIAL RESOLUTION NO. 7, 2003 - recognizes the 130th Anniversary of the Indianapolis-Marion County Public Library

SPECIAL RESOLUTION NO. 8, 2003 - recognizes the April 6, 2003, Inaugural Race for all Races-Indianapolis Diversity Run

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Councillor Short asked for consent to move Proposal No. 184, 2003 to the beginning of the agenda under Presentation of Special Resolutions. Consent was given. Without further objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of March 17, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 184, 2003. The proposal, sponsored by Councillor Short, congratulates the IUPUI Jaguars for their first trip to the NCAA Basketball Tournament. Councillor Short read the proposal and presented Coach Ron Hunter with a copy of the document and a Council pin. Coach Hunter thanked the Council for the recognition. Councillor Short moved, seconded by Councillor Talley, for adoption. Proposal No. 184, 2003 was adopted by a unanimous voice vote.

Proposal No. 184, 2003 was retitled SPECIAL RESOLUTION NO. 15, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2003

A SPECIAL RESOLUTION congratulating the IUPUI Jaguars for their first trip to the NCAA Basketball Tournament.

WHEREAS, for the first time ever, Indiana-Purdue University at Indianapolis, or IUPUI, fans can now buy Mid-Continent Conference Tournament Champions shirts with IUPUI's name on them; and

WHEREAS, the urban school of 28,000 on the near-Westside of downtown Indianapolis did not even exist before 1969, was admitted to the Mid-Continent Conference in 1997, and lost to Valparaiso University in last year's Conference Title game 88-55 – the biggest loss in Mid-Con Tournament history; and

WHEREAS, but this year the IUPUI Jaguars came roaring back by beating the traditional Conference powerhouse Valparaiso by 66-64; and

WHEREAS, now by winning their Conference the Jags have earned the right to experience their first taste of the NCAA "Big Dance" Tournament with other Division 1 teams and all of the attendant national sports media, school recognition, and America's favorite underdog darling status; now therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the IUPUI Jaguar team, Mid-Continent Conference Coach of the Year Ron Hunter, all of the supportive Jaguar fans, and the university administration for making Indianapolis extremely proud of our home town team.

SECTION 2. The Council wishes the Jags the very best of success in the future.

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

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

Councillor Boyd asked for consent to vote on Proposal Nos. 214-216, 2003 together. Consent was given.

PROPOSAL NO. 214, 2003. The proposal, sponsored by Councillor Boyd, recognizes the dedicated public service of Alfred (Al) Polin for serving two terms on the Citizens Police Complaint Board. PROPOSAL NO. 215, 2003. The proposal, sponsored by Councillor Boyd, recognizes the dedicated public service of Bruce Laetsch for serving two terms on the Citizens Police Complaint Board. PROPOSAL NO. 216, 2003. The proposal, sponsored by Councillor Boyd, recognizes the dedicated public service of Waldine Anderson for serving two terms on the Citizens Police Complaint Board. Councillor Boyd read the proposals and presented copies of the documents and Council pins to honorees. Becky Childers, former president of the board during the honorees' tenure, thanked the Council for the recognition. Councillor Boyd moved,

April 14, 2003

seconded by Councillor Soards, for adoption. Proposal Nos. 214-216, 2003 were adopted by a unanimous voice vote.

Proposal No. 214, 2003 was retitled SPECIAL RESOLUTION NO. 9, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2003

A SPECIAL RESOLUTION recognizing the dedicated public service of Alfred (Al) Polin for serving two terms on the Citizens Police Complaint Board.

WHEREAS, the Citizens Police Complaint Board was established to review complaints filed against officers of the Indianapolis Police Department; and

WHEREAS, the Board averages 16 cases a month with some cases being 50 pages long; and

WHEREAS, Board members must maintain at least a 75% attendance record, ride with an officer for 16 hours a year to personally observe police procedures first hand, and participate in 20 hours of police department training; and

WHEREAS, Alfred (Al) Polin, a retired General Motors—Allison labor relations employee and Mapleton-Fall Creek active member, served with distinction on the Citizens Police Complaint Board for two terms since 1998; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Alfred (Al) Polin for his community service on the Citizens Police Complaint Board since 1998.

SECTION 2. Indianapolis is made great because of volunteer service by citizens such as Al Polin, who apply their best talent and a considerable amount of time to help make this city a better place in which to live.

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

Proposal No. 215, 2003 was retitled SPECIAL RESOLUTION NO. 10, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2003

A SPECIAL RESOLUTION recognizing the dedicated public service of Bruce Laetsch for serving two terms on the Citizens Police Complaint Board.

WHEREAS, The Citizens Police Complaint Board was established to review complaints filed against officers of the Indianapolis Police Department; and

WHEREAS, the Board averages 16 cases a month with some cases being 50 pages long; and

WHEREAS, Board members must maintain at least a 75% attendance record, ride with an officer for 16 hours a year to personally observe police procedures first hand, and participate in 20 hours of police department training; and

WHEREAS, Bruce Laetsch, a Korean War Marine Corps veteran, Butler University graduate, and retired Indianapolis Public Schools teacher, served with distinction on the Citizens Police Complaint Board for two terms since 1998; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Bruce Laetsch for his community service on the Citizens Police Complaint Board since 1998.

SECTION 2. Indianapolis is made great because of volunteer service by citizens such as Bruce Laetsch, who apply their best talent and a considerable amount of time to help make this city a better place in which to live.

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

Proposal No. 216, 2003 was retitled SPECIAL RESOLUTION NO. 11, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2003

A SPECIAL RESOLUTION recognizing the dedicated public service of Waldine Anderson for serving two terms on the Citizens Police Complaint Board.

WHEREAS, the Citizens Police Complaint Board was established to review complaints filed against officers of the Indianapolis Police Department; and

WHEREAS, the Board averages 16 cases a month with some cases being 50 pages long; and

WHEREAS, Board members must maintain at least a 75% attendance record, ride with an officer for 16 hours a year to personally observe police procedures first hand, and participate in 20 hours of police department training; and

WHEREAS, Waldine Anderson, an active community person in the IPD-North District, served with distinction on the Citizens Police Complaint Board for two terms since 1998; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Waldine Anderson for her community service on the Citizens Police Complaint Board since 1998.

SECTION 2. Indianapolis is made great because of volunteer service by citizens such as Waldine Anderson, who apply their best talent and a considerable amount of time to help make this city a better place in which to live.

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

PROPOSAL NO. 217, 2003. The proposal, sponsored by Councillors Horseman, Sanders, Conley, and Gibson, recognizes Kim Boyd and the Helping Others Prosper Economically (H.O.P.E.) Team. Councillor Sanders read the proposal and presented a copy of the document and Council pins to representatives. Ms. Boyd thanked the Council for the recognition on behalf of the team. Councillor Gibson thanked Ms. Boyd for the help she gives to ex-offenders. Councillor Sanders moved, seconded by Councillor Horseman, for adoption. Proposal No. 217, 2003 was adopted by a unanimous voice vote.

Proposal No. 217, 2003 was retitled SPECIAL RESOLUTION NO. 12, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2003

A SPECIAL RESOLUTION recognizing Kim Boyd and the Helping Others Prosper Economically (H.O.P.E.) Team.

WHEREAS, Helping Others Prosper Economically, or H.O.P.E., is a local consortium of about 60 mostly not-for-profit and governmental agencies that collaborate to inform the people about free, low cost, and affordable services that are available in Indianapolis; and

April 14, 2003

WHEREAS, last year, H.O.P.E. put together a very successful Citywide Summit on Employment, with the main sponsorship being Martin University, Indianapolis Department of Parks and Recreation, and Prison Ministries of Indiana; and

WHEREAS, H.O.P.E. was founded by Kim Boyd who is a recruiter for Vincennes University's Metalworking Technology Program located on the campus of IPS's Arsenal Technical High School; and

WHEREAS, Ms. Boyd has a lifetime of community involvement and awards including four years with the increasingly popular Breakfast with Santa, the Marion County Alliance of Neighborhood Associations, the YMCA, local neighborhood associations, and many more organizations; and

WHEREAS, this year a second H.O.P.E. Team City-Wide Summit is planned to disseminate information, ideas, and encouragement for those who desire to improve their lot in life; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the member organizations of H.O.P.E. for their uniting to address the needs of individuals within our community who can use assistance and information in achieving permanent stability in their lives, and to Kim Boyd for her leadership in pulling these organizations together for a more united front.

SECTION 2. The Council wishes them well as they prepare for their second Summit this year.

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

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

PROPOSAL NO. 218, 2003. The proposal, sponsored by Councillors Schneider, Dowden, Bradford, and Coughenour, concerns the Indianapolis Training Center. Councillor Schneider read the proposal and moved, seconded by Councillor Dowden, for adoption.

Councillor Talley said that he is opposed to this proposal and feels it needs more discussion. He said that he has not seen the order that expunged the abuse allegations in writing. He said that he also cannot support a proposal that urges the Juvenile Court to refer juveniles to this facility, as this is not the role of this Council.

Councillor Dowden said that the entire Council received this order in writing. He added that Councillor Talley offered a proposal last year that would ask the Juvenile Court to cease referring juveniles to this facility, and therefore, he does not see the difference in encouraging them to again make referrals now that the facility has been cleared of all allegations, and it was found that the accuser had a history of making false claims.

Councillor Talley said that there have been further allegations since and they need to be verified. He said there may be legal ramifications against the Council if juveniles are sent to the facility at the Council's urging and the allegations turn out to be true. He added that he is concerned about the separation of Legislative and Judicial branches of government.

Councillor Gibson moved, seconded by Councillor Conley, to table Proposal No. 218, 2003 until this order can be provided in writing and the findings can be verified. He said it could perhaps be sent to a committee for further information.

Councillor Dowden said that the written findings were distributed with the minutes of the Public Safety and Criminal Justice Committee over eight months ago and are on file in the Council office. He said that those copies could be reproduced at any Councillor's request.

The motion to table Proposal No. 218, 2003 failed on the following roll call vote; viz:

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

Proposal No. 218, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 218, 2003 was retitled COUNCIL RESOLUTION NO. 66, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2003

A COUNCIL RESOLUTION concerning the Indianapolis Training Center.

WHEREAS, The Indianapolis Training Center, a Faith Based alternative youth training program for troubled youth, operated by the Institute in Basic Life Principles, has been a very positive addition to our community since locating here 10 years ago; and

WHEREAS, The Indianapolis Training Center has served the taxpayers of Marion County very well, operating without any local tax dollars; and

WHEREAS, both individually and collectively, members of the City-County have visited and toured the Center and interacted with the youth and staff; and

WHEREAS, The Indianapolis Training Center was the innocent victim of a media campaign alleging possible abuse, and was also the subject of a City-Council Resolution requesting the City to stop referring juveniles until an investigation is concluded; and

WHEREAS, this adverse publicity caused outside entities which contribute to the operation of the Indianapolis Training Center to suspend their support; and

WHEREAS, a thorough investigation by the state, and a review by the Marion County Prosecutor, found the allegations of abuse to be completely unfounded and unsubstantiated and ordered that the records be expunged; 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 expresses regret to the management and staff of the Indianapolis Training Center for any embarrassment and financial loss endured by the allegations last year.

SECTION 2. The Council acknowledges the good work of the Indianapolis Training Center and its effective help for troubled juveniles in Marion County; and the savings to the taxpayers of Marion County.

SECTION 3. The Council strongly encourages the Juvenile Court of Marion County to join with the many other jurisdictions to immediately resume referring juveniles to the Indianapolis Training Center.

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



April 14, 2003

Councillors Talley and Coughenour asked for consent to explain their votes. Consent was given.

Councillor Talley said that this proposal apologizes on behalf of the Council for embarrassment and financial loss to the facility, and he does not want this apology to speak for him. He said that he believes there are still unresolved allegations, and he therefore cannot support the proposal.

Councillor Coughenour said that there is no truth to these allegations and no substance was found for them. She said that the media and the Council did this facility a great disservice and injury. She said that she is very familiar with this organization and it is distressing to see a body that supports being a City of Character impugning such an organization's integrity.

PROPOSAL NO. 219, 2003. The proposal, sponsored by Councillor Cockrum, recognizes Indianapolis Power & Light Company's "National Emergency Response Award for 2002." Councillor Cockrum read the proposal and presented Douglas Pauley, Outage Management System Project Manager for Indianapolis Power and Light, with a copy of the document and a Council pin. Mr. Pauley thanked the Council and said that the company will continue to provide reliable electric service to the citizens of Indianapolis. Councillor Coughenour said that she is especially grateful for the company's response during her ordeal in the recent storm of tornadoes. Councillor Cockrum moved, seconded by Councillor Talley for adoption. Proposal No. 219, 2003 was adopted by a unanimous voice vote.

Proposal No. 219, 2003 was retitled SPECIAL RESOLUTION NO. 13, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 2003

A SPECIAL RESOLUTION recognizing Indianapolis Power & Light Company's "National Emergency Response Award for 2002".

WHEREAS, the Indianapolis Power & Light Company was presented the Edison Electric Institute's "Emergency Response Award for 2002", at the association's annual winter meeting in Naples, Florida, for outstanding power restoration efforts in the wake of multiple tornadoes; and

WHEREAS, on September 20, 2002, severe thunderstorms and tornadoes ripped through Central Indiana, leaving a path of destruction through much of IPL's service territory, leaving 65,000 customers in the dark, and damaging or destroying two transmission towers, 40 transmission lines, and hundreds of poles and transformers; and

WHEREAS, IPL restored power to more than 20,000 customers by the end of the storm day, and the number was reduced to 6,500 the following evening, and all restoration work was completed within five days; and

WHEREAS, IPL's success in restoring power so quickly was in part due to the outage management system which provided material dispatching, design and standards engineering support, and other critical services to the progress of linemen and others working in the field; 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 congratulates Mr. Douglas Pauley, Outage Management System Project Manager with Indianapolis Power & Light Company and all personnel involved in this exemplary restoration effort under the worst of conditions.

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 Talley said that he failed to recognize Executive Director of Community Association of the Far Eastside (CAFÉ), Ann Marie Predovich, during the introduction of visitors.

PROPOSAL NO. 220, 2003. The proposal, sponsored by Councillors Cockrum and Nytes, recognizes the Indianapolis Mapping and Geographic Infrastructure System (IMAGIS) for winning three awards at the State GIS Conference. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Councillor Nytes moved, seconded by Councillor Cockrum, for adoption. Proposal No. 220, 2003 was adopted by a unanimous voice vote.

Proposal No. 220, 2003 was retitled SPECIAL RESOLUTION NO. 14, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2003

A SPECIAL RESOLUTION recognizing the Indianapolis Mapping and Geographic Infrastructure System (IMAGIS) for winning three awards at the State GIS Conference.

WHEREAS, The Indiana Geographic Information Council sponsors annual awards in six categories for creative and practical applications of a Geographic Information System (GIS); and

WHEREAS, of the 30-plus nominations submitted at the annual Indiana GIS Conference in February, three "2003 Achievement Awards in GIS" were presented to organizations which are part of the Indianapolis Mapping and Geographic Infrastructure System (IMAGIS); and

WHEREAS, the Indianapolis Power & Light Company (IPL) received the award in the "Business or Commercial" category for their new Outage Management System; and

WHEREAS, the Indianapolis Department of Public Works (DPW) received the award in the "Large Community" category for their new Stormwater Impervious Surface project; and

WHEREAS, the Indianapolis Department of Metropolitan Development (DMD) and City-County GIS Department jointly received the award in the "County" category for their GIS support of the September 20, 2002 tornado response; 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 congratulates all members and staff of the IMAGIS Consortium, and recognizes Mr. Frank Kelly of IPL, Mrs. Barbara Lawrence of DPW, Mr. Steve Kerzan of DMD, Mr. Dave Mockert and Mr. Layne Young of GIS for their leadership in the GIS arena.

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

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

President Borst asked for consent to vote on Proposal Nos. 140 and 149, 2003 together. Consent was given.

PROPOSAL NO. 140, 2003. The proposal, sponsored by Councillor Nytes, approves the Mayor's appointment of Gabriel B. Paul as hearing officer to preside over the administrative adjudication of parking tickets. PROPOSAL NO. 149, 2003. The proposal, sponsored by Councillor Dowden, appoints John von Arx to the Marion County Community Corrections Advisory Board. By unanimous votes, the Committees reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 140 and 149, 2003 were adopted by a unanimous voice vote.

April 14, 2003

Proposal No. 140, 2003 was retitled COUNCIL RESOLUTION NO. 67, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 2003

A COUNCIL RESOLUTION approving the Mayor's appointment of Gabriel B. Paul as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Gabriel B. Paul to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

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

SECTION 1. Gabriel B. Paul is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

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

Proposal No. 149, 2003 was retitled COUNCIL RESOLUTION NO. 68, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 68, 2003

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

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

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

John von Arx

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. 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. 142, 2003. Introduced by Councillors McWhirter, Nytes, Knox, and Brents. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$450,000 in the 2003 Budget of the Office of the Controller (City Cumulative Capital Improvement Fund) to acquire the property formerly occupied by Central State Hospital and to begin environmental surveys and preliminary design for a temporary facility to house the IPD mounted patrol, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 186, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 2525 North Shadeland Avenue for the Northeast Community Office of the Marion Superior Court

Probation Department, Adult Services Division"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 187, 2003. Introduced by Councillors Langsford and Horseman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a moratorium on the erection of outdoor advertising signs"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 188, 2003. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,000 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to aid in reforestation efforts in Perry Township to replace trees that were lost in 2002 from a tornado, financed by a federal grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 189, 2003. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$64,246 in the 2003 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to pay for costs incurred by FEMA'S (Federal Emergency Management Agency) Urban Search and Rescue Team Indiana Task Force One to aid in the Columbia Space Shuttle Disaster recovery, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 190, 2003. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance, which approves an appropriation of \$2,772 in the 2003 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to support the SAFE KIDS BUCKLE UP CSSIS (Child Safety Seat Inspection Station) program, financed by a grant (The grant is from a partnership with United Auto Workers, the General Motors Center for Human Resources-Health and Safety, and General Motors.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 191, 2003. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves a transfer of \$1,891,324 in the 2003 Budget of the Department of Public Safety, Police Division (Police General and Consolidated County Funds) to fund staffing at the new Arrestee Processing Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 192, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,000 in the 2003 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund one part time investigator for the Street Level Advocates Program and for Nuisance Abatement, funded by a grant from the U.S. Department of Housing and Urban Development"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 193, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$496,380 in the 2003 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to fund salaries and contractual services for the Expedited Drug Court, funded by a grant from the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program

(The local match of \$219,078 is funded from existing appropriations in the budgets of various county agencies.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 194, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$160,806 in the 2003 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to fund salaries for the Drug Treatment Diversion Program, funded by a grant from the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program (The local match of \$76,985 is funded by existing appropriations in the budgets of various county agencies.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 195, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$86,232 in the 2003 Budget of the Marion County Superior Court (State and Federal Grants Fund) to provide funds for CASI (Community Addictions Services of Indiana) program and utilities at the Community Court, funded by a grant from the Edward Byrne Memorial and Local Law Enforcement Formula Grant Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 196, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$225,000 in the 2003 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund the Juvenile Re-Entry Initiative for a three year period, funded by a grant from the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 197, 2003. Introduced by Councillors Bainbridge, Langsford, McWhirter, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$2,910,000 in the 2003 Budget of the Department of Public Works, (Transportation General Fund) to fund unanticipated levels of snow and ice removal, and pothole repair efforts caused by near record amounts of snow fall this winter season, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 198, 2003. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at 36th Place and Ireland Drive and at 36th Street and Wittfield Street (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 199, 2003. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the White Oak Woods Subdivision, Sections 1 and 2 (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 200, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 32nd Street and Winthrop Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 201, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at St. Clair

Street and Layman Avenue and at St. Clair Street and Lesley Avenue (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 202, 2003. Introduced by Councillors Borst and Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Shelby Street near Naomi Street (Districts 21, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 203, 2003. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Farnsworth Street between Holt Road and Tibbs Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 204, 2003. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Michigan Street between Alton Avenue and Tibbs Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 205, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Park District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Indiana, Park District Refunding Bonds of 2003, Series A," in an aggregate principal amount not to exceed Ten Million Dollars "; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 206, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of refunding bonds in an amount not to exceed Five Million Dollars to refund outstanding general obligation bonds issued originally in 1987, for debt service savings due to decrease in interest costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 207, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the appropriation of refunding bond proceeds in an amount not to exceed Five Million Dollars, issued to refund outstanding general obligation bonds issued originally in 1987, for debt service savings due to decrease in interest costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 208, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Refunding Bonds of 2003, Series A," in an aggregate principal amount not to exceed Thirty Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 209, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Bonds of 2003, Series A," in an original aggregate amount not to exceed Six Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 210, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approve the issuance of special taxing district bonds of the Sanitary District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 2003, Series A," in an aggregate principal amount not to exceed Twenty Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 211, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Flood Control District of the City of Indianapolis, Indiana, to be designated as "City of Indianapolis, Indiana, Flood Control District Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Twenty Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 212, 2003. Introduced by Councillor Frick. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which requests the creation of a "Fresh Air Indy" program that encourages high quality indoor air in Indianapolis"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 213, 2003. Introduced by Councillors Bainbridge and Gibson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school by issuing a charter to Andrew J. Brown Charter School, Inc."; and the President referred it to the Rules and Public Policy Committee.

#### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 221 and 222, 2003, PROPOSAL NOS. 223-228, 2003, and PROPOSAL NOS. 229 and 230, 2003. Introduced by Councillor Langsford. Proposal Nos. 221 and 222, 2003, Proposal Nos. 223-228, 2003, and Proposal Nos. 229 and 230, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on March 24 and April 4, 2003. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 39-48, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 39, 2003.  
2002-ZON-165 (2002-DP-019)  
7549 and 7731 EAST EDGEWOOD AVENUE (approximate addresses), INDIANAPOLIS.  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23  
MICHAEL GLENN DEVELOPMENT, LLC, by Raymond Good, requests a rezoning of 124.21 acres, being in the D-A District, to the D-P classification to provide for 292 single and two-family dwellings, with a density of 2.35 units per acre.

REZONING ORDINANCE NO. 40, 2003.  
2002-ZON-174  
8401 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.  
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13  
CHESTER GOINS, by Thomas Michael Quinn, requests a rezoning of 10 acres, being in the I-2-S (FF) District, to the C-5 to provide for the expansion of an automobile auction.

REZONING ORDINANCE NO. 41, 2003.

2002-ZON-175 (2002-DP-020)

8332 EAST RAYMOND STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

JOHN B. URBAHNS, by Thomas Michael Quinn, requests a rezoning of 50.9 acres, being in the C-1 District, to the D-P classification to provide for 191 single-family residential lots at a density of 3.75 units per acre.

REZONING ORDINANCE NO. 42, 2003.

2002-ZON-184

2702 KESSLER BLVD, WEST DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 9

EASTERN STAR MISSIONARY BAPTIST CHURCH, INC, by Mary Solada, requests a rezoning of 30 acres, being in the SU-10 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 43, 2003.

2002-ZON-185

2505 NORTH CUMBERLAND ROAD (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

WILLIAM K. TURNBILL, requests a rezoning of 2.59 acres, being in the D-A District, to the D-4 classification to provide for single family residential development.

REZONING ORDINANCE NO. 44, 2003.

2002-ZON-188 (2002-DP-022)

8577 ONE WEST DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

EATON INVESTMENTS LTD., INC, by Brian J. Tuohy, requests a rezoning of 7.182 acres being in the DP District, to the D-P classification to provide for a three story multi-family dwelling with 36 units with a density of 0.5 units per acre.

REZONING ORDINANCE NO. 45, 2003.

2002-ZON-854

6210 EAST TROY AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

BCD LAND DEVELOPERS, LLC., by David Retherford, requests a rezoning of 16.503 acres, being in the D-A (FF) District, to the D-3 (FF) classification to provide for a residential subdivision.

REZONING ORDINANCE NO. 46, 2003.

2003-ZON-016

10150 EAST 63<sup>RD</sup> STREET (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

PAUL R. MALLOY, by Thomas Michael Quinn, requests a rezoning of 10.685 acres, being in the D-A District, to the D-2 classification to provide for residential development.

REZONING ORDINANCE NO. 47, 2003.

2003-ZON-008

1057, and 1063 WEST 31<sup>ST</sup> STREET and 1050 and 1060 WEST 30<sup>TH</sup> STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

DAVID SHIELDS, by Joseph K. Fitzgerald, requests a rezoning of 1.16 acres, being in the C-3 and D-5 Districts, to the SU-1 classification to legally establish and provide for the expansion of religious uses.

REZONING ORDINANCE NO. 48, 2003.

2003-ZON-021

2349 KEYSTONE WAY (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

MOUNT MORIAH MISSIONARY BAPTIST CHURCH requests a rezoning of 0.88 acre, being in the D-5 Districts, to the SU-1 classification to legally establish religious uses.



PROPOSAL NO. 185, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 185, 2003 on March 24, 2003. The proposal, sponsored by Councillor Langsford, is a final resolution for Canal Square Associates, L.L.P. in an amount not to exceed \$11,905,000 which consists of refinancing the acquisition, construction and equipping of an existing 275-unit multifamily residential facility located on approximately 3.1 acres of land located at 402 West New York Street (District 16). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 185, 2003 was adopted on the following roll call vote; viz:

*25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, Short, Smith, Soards, Tilford*

*0 NAYS:*

*3 NOT VOTING: Horseman, Moriarty Adams, Talley*

*1 ABSENT: Black*

Proposal No. 185, 2003 was retitled SPECIAL ORDINANCE NO. 2, 2003, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2003

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$11,905,000 City of Indianapolis, Indiana Multifamily Housing Revenue Refunding Bonds, Series 2003 (Canal Square Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Canal Square Associates, L.L.P., on behalf of Canal Square Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the refinancing, construction, and equipping of an existing apartment complex with a total of 275 units, located on approximately 3.1 acres, at 402 W. New York Street, in Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$11,905,000 City of Indianapolis, Indiana Multifamily Housing Revenue Refunding Bonds, Series 2003 (Canal Square Apartments Project) (the "Bonds"); and

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

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

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

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

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

SECTION 3. The Commission hereby recommends the Issuer issue the Bonds in one or more series and in the principal amounts not to exceed \$11,905,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project, which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

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

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at rates of interest not to exceed 12% per annum. The Bonds will mature no later than 30 years from their date of issuance.

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

SECTION 7. The provisions of the special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, the special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. The Commissions recommends that the Issuer preliminarily find and determine that the amount of tax credits to be allocated, if any, to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the

Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary, if any, for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

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

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 114, 2003. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 114, 2003 on March 24, 2003. The proposal, sponsored by Councillor Bradford, approves an increase of \$1,767,984 in the 2003 Budget of the Office of Family and Children (Family and Children Fund) to pay 2002 bills carried over to 2003, funded by Federal IV-E Reimbursements. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:09 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 114, 2003 was adopted on the following roll call vote; viz:

*23 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Nytes, Sanders, Schneider, Short, Smith, Tilford*

*0 NAYS:*

*5 NOT VOTING: Dowden, Gray, Moriarty Adams, Soards, Talley*

*1 ABSENT: Black*

Proposal No. 114, 2003 was retitled FISCAL ORDINANCE NO. 22, 2003, and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 22, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 95, 2002) appropriating an additional One Million Seven Hundred Sixty-seven Thousand Nine Hundred Eighty-four Dollars (\$1,797,984) in the Family and Children Fund for purposes of the Office of Family and Children and reducing the unappropriated and unencumbered balance in the Family and Children Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Marion County Office of Family and Children Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Office of Family and Children to pay 2002 bills carried over to 2003.

SECTION 2. The sum of One Million Seven Hundred Sixty-seven Thousand Nine Hundred Eighty-four Dollars (\$1,797,984) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>OFFICE OF FAMILY AND CHILDREN</u>	<u>FAMILY AND CHILDREN FUND</u>
3. Other Services and Charges	<u>1,767,984</u>
TOTAL INCREASE	1,767,984

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

	<u>FAMILY AND CHILDREN FUND</u>
Unappropriated and Unencumbered	
Family and Children Fund	<u>1,767,984</u>
TOTAL REDUCTION	1,767,984

SECTION 5. The projected December 31, 2003, fund balance for the Family and Children Fund is as follows:

Current cash balance 12-31-02	2,324,357
Anticipated additional revenue through December 31, 2003	63,486,598
Projected funds available	65,810,955
Remaining appropriations and encumbrances	61,305,966
Proposed additional appropriation	1,767,984
Projected fund balance December 31, 2003	2,737,005

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

PROPOSAL NO. 115, 2003. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 115, 2003 on March 24, 2003. The proposal, sponsored by Councillor Bradford, approves an increase of \$20,000 in the 2003 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) for funding of the CARE (Communities Against Rape) Educational Programs for the period of one year (March 2003 through March 2004), funded by a grant from the Endowment Outreach Committee and the Vestry of St. Paul's Episcopal Church. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley, for adoption. Proposal No. 115, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 115, 2003 was retitled FISCAL ORDINANCE NO. 23, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 98, 2002) appropriating an additional Twenty Thousand Dollars (\$20,000) in the County Grants Fund for purposes of County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (m) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Cooperative Extension Service for funding of the CARE (Communities Against Rape) Educational Programs for the period of one year.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) 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>COUNTY GRANTS FUND</u>
1. Personal Services-fringes	1,305
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	13,604
3. Other Services and Charges	<u>5,091</u>
TOTAL INCREASE	20,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>20,000</u>
TOTAL REDUCTION	20,000

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

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

PROPOSAL NO. 118, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 118, 2003 on February 26, 2003. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$1,398,249 in the 2003 Budget of the County Sheriff (County General Fund) to fund 98 additional jail beds at the Corrections Corporation of America (CCA) facility for 2003, funded by the Memorandum of Understanding between the City of Indianapolis, County Auditor, County Sheriff, and the Corrections Corporation of America. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 118, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 118, 2003 was retitled FISCAL ORDINANCE NO. 24, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Million Three Hundred Ninety-eight Thousand Two Hundred Forty-nine Dollars (\$1,398,249) in the County General Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of payment for ninety-eight (98) additional jail beds at the Corrections Corporation of America (CCA) facility for 2003.

SECTION 2. The sum of One Million Three Hundred Ninety-eight Thousand Two Hundred Forty-nine Dollars (\$1,398,249) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	1,398,249
TOTAL INCREASE	1,398,249

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	1,398,249
TOTAL REDUCTION	1,398,249

SECTION 5. The projected December 31, 2003, fund balance for the County General Fund is as follows:

Current cash balance 12-31-02	22,689,247
Anticipated additional revenue through December 31, 2003	179,785,890
Projected funds available	202,475,137
Remaining appropriations and encumbrances	188,449,503
Proposed additional appropriation	1,398,249
Projected fund balance December 31, 2003	12,627,385

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

PROPOSAL NO. 144, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 144, 2003 on March 24, 2003. The proposal, sponsored by Councillors Langsford and Nytes, approves a transfer of \$315,000 and increase of \$2,775,770 in the 2003 Budget of the Department of Metropolitan Development (Non-Lapsing State Grants, Non-Lapsing Federal Grants, Consolidated County, Federal Grants, and Redevelopment General Funds) to provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants, fund balances, and a transfer of funds. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:14 p.m. There being no one present to testify, Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 144, 2003 was adopted on the following roll call vote; viz:

April 14, 2003

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

1 NAY: Schneider

1 NOT VOTING: Moriarty Adams

1 ABSENT: Black

Proposal No. 144, 2003 was retitled FISCAL ORDINANCE NO. 25, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 25, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring, appropriating and re-appropriating an additional Three Million Ninety Thousand Seven Hundred Seventy dollars (\$3,090,770) in the Federal Grants, Non-Lapsing State Grants, Consolidated County, Non-Lapsing Federal Grants and Redevelopment General Funds for purposes of the Department of Metropolitan Development, and reducing the unappropriated and unencumbered balance in the Federal Grants, Non-Lapsing State Grants, Consolidated County, Non-Lapsing Federal Grants, and Redevelopment General Funds, and reducing certain other appropriations for that department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purpose of the Department of Metropolitan Development to continue to administer state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and from fund balances.

SECTION 2. The sum of Three Million Ninety Thousand Seven Hundred Seventy dollars (\$3,090,770) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT

ADMINISTRATION DIVISION

NON-LAPSING STATE GRANTS FUND

3. Other Services and Charges	250,000
TOTAL INCREASE	250,000

DEPARTMENT OF METROPOLITAN DEVELOPMENT

ADMINISTRATION DIVISION

NON-LAPSING FEDERAL GRANTS FUND

3. Other Services and Charges	100,000
TOTAL INCREASE	100,000

DEPARTMENT OF METROPOLITAN DEVELOPMENT

ADMINISTRATION DIVISION

REDEVELOPMENT GENERAL FUND

3. Other Services and Charges	84,333
4. Capital Outlay	377,967
TOTAL INCREASE	462,300

DEPARTMENT OF METROPOLITAN DEVELOPMENT

ADMINISTRATION DIVISION

CONSOLIDATED COUNTY FUND

3. Other Services and Charges	38,470
TOTAL INCREASE	38,470

DEPARTMENT OF METROPOLITAN DEVELOPMENT

COMMUNITY DEVELOPMENT DIVISION

FEDERAL GRANTS FUND

3. Other Services and Charges	450,000
4. Capital Outlay	1,415,000
TOTAL INCREASE	2,180,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>PLANNING DIVISION</u>	
3. Other Services and Charges	<u>60,000</u>
TOTAL INCREASE	60,000

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

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>250,000</u>
TOTAL DECREASE	250,000

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>100,000</u>
TOTAL DECREASE	100,000

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment Fund	<u>462,300</u>
TOTAL DECREASE	462,300

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>98,470</u>
TOTAL DECREASE	98,470

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants County Fund	<u>1,865,000</u>
TOTAL DECREASE	1,865,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	<u>315,000</u>
TOTAL DECREASE	315,000

SECTION 5. (a) The projected December 31, 2003, fund balance for the Consolidated County Fund is as follows:

Cash balance as of December 31, 2002	41,453,009
Estimated 2003 revenues (2003 budget plus new revenues)	<u>51,085,297</u>
Projected funds available	92,538,306
2003 appropriations, including prior year carryover encumbrances	70,062,292
Proposed appropriation (this proposal)	<u>98,470</u>
Projected fund balance December 31, 2003	22,377,544

(b) The projected December 31, 2003, fund balance for the Redevelopment General Fund is as follows:

Cash balance as of December 31, 2002	2,703,422
Estimated 2003 revenues (per 2003 budget)	<u>1,111,346</u>
Projected funds available	4,264,378
2003 appropriations, including prior year carryover encumbrances	1,651,318
Proposed appropriation (this proposal)	<u>462,300</u>
Projected fund balance December 31, 2003	2,150,760

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.



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

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 145-148, 2003 on April 10, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 145, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$7,620,142 in the 2003 Budget of the Department of Parks and Recreation, (Park General Fund) to pay for design and construction of several capital projects, financed by a grant from the Lilly Endowment. PROPOSAL NO. 146, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$365,000 in the 2003 Budget of the Department of Parks and Recreation (City Cumulative Capital Improvement Fund) to make improvements to several parks, financed by fund balances. PROPOSAL NO. 147, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$95,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to contract four Hub Naturalists to partner with the Park Rangers and recreational staff, and also with the Environmental Education program staff to increase education and environmental appreciation throughout the county, financed by a grant from the Nina Mason Pulliam Charitable Trust. PROPOSAL NO. 148, 2003. The proposal, sponsored by Councillors Cockrum, Douglas, and Talley, approves an increase of \$110,000 in the 2003 Budget of the Department of Parks and Recreation (Federal Grants Fund) to continue the Summer Lunch Program, financed by a federal grant. By unanimous votes, the Committee reported Proposal No. 145, 2003 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 146-148, 2003 to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 145, 2003, as amended, and Proposal Nos. 146-148, 2003 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Moriarty Adams*

*1 ABSENT: Black*

Proposal No. 145, 2003, as amended, was retitled FISCAL ORDINANCE NO. 26, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 26, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating Seven Million Six Hundred Thirty-one Thousand Five Hundred Forty-two Dollars (\$7,631,542) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to pay for design and construction of several capital projects, including new or expanded recreation centers at

Washington, Bethel and Rhodius Parks, gymnasium expansions at Christian Park and Municipal Gardens, an Arts Center at Garfield Park, expansion of the White River and Monon trails, a new nature center at Eagle Creek Park and other improvements throughout the city including sports field renovations, new picnic shelters and spray areas, aquatic center repairs and ADA accessibility improvements, financed by a grant from the Lilly Endowment.

SECTION 2. The sum of Seven Million Six Hundred Thirty-one Thousand Five Hundred Forty-two Dollars (\$7,631,542) 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 PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	111,400
4. Capital Outlay	<u>7,520,142</u>
TOTAL INCREASE	7,631,542

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Grants	<u>7,631,542</u>
TOTAL REDUCTION	7,631,542

SECTION 5. The projected December 31, 2003, fund balance for the Park General Fund is as follows:

Cash balance as of December 31, 2002	13,328,872
Estimated 2003 revenues (2003 budget plus new revenues)	<u>25,633,965</u>
Projected funds available	38,962,837
2003 appropriations, including prior year carryover encumbrances	28,837,301
Proposed appropriation (Proposal No. 145, 2003)	7,631,542
Pending appropriation requests (Proposal No. 147, 2003)	<u>95,000</u>
Total Requirements	36,563,843
Projected fund balance December 31, 2003	2,398,994

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

Proposal No. 146, 2003 was retitled FISCAL ORDINANCE NO. 27, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 27, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2009) appropriating Three Hundred and Sixty-five Thousand Dollars (\$365,000) in the City Cumulative Capital Improvement Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Improvement Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Department of Parks and Recreation to make improvements to the Eagle Creek Bathhouse, Brookside Park Family Center and Shelter, Southeastway Park Septic, Velodrome Skate Park, to complete the purchase of land at Cottonwood Lakes, and to resume the 56<sup>th</sup> Street South 46<sup>th</sup> Street Trail, financed by fund balance.

SECTION 2. The sum of Three Hundred and Sixty-five Thousand Dollars (\$365,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL IMPROVEMENT FUND</u>
4. Capital Outlay	<u>365,000</u>
TOTAL INCREASE	365,000

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

	<u>CITY CUMULATIVE CAPITAL IMPROVEMENT FUND</u>
Unappropriated and Unencumbered City Cumulative Capital Improvement Fund	<u>365,000</u>
TOTAL DECREASE	365,000

SECTION 5. The projected December 31, 2003, fund balance for the City Cumulative Capital Improvement Fund is as follows:

Cash balance as of December 31, 2002	12,383,844
Estimated 2003 revenues (per 2003 budget)	<u>11,451,989</u>
Projected funds available	23,835,833
2003 appropriations, including prior year carryover encumbrances	18,743,450
Proposed appropriation (Proposal No. 146, 2003)	365,000
Pending appropriation requests (Proposal No. 142, 2003)	<u>450,000</u>
Projected fund balance December 31, 2003	4,277,383

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

Proposal No. 147, 2003 was retitled FISCAL ORDINANCE NO. 28, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 28, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating Ninety-five Thousand Dollars (\$95,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to contract four Hub Naturalists to partner with Park Rangers and recreational staff, and also the Environmental Education program staff to increase education and environmental appreciation throughout the county, financed by a grant from the Nina Mason Pulliam Charitable Trust.

SECTION 2. The sum of Ninety-five Thousand Dollars (\$95,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	6,664
3. Other Services and Charges	<u>88,336</u>
TOTAL INCREASE	95,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>95,000</u>
TOTAL REDUCTION	95,000

SECTION 5. The projected December 31, 2003, fund balance for the Park General Fund is as follows:

Cash balance as of December 31, 2002	13,328,872
Estimated 2003 revenues (2003 budget plus new revenues)	<u>25,633,965</u>
Projected funds available	38,962,837
2003 appropriations, including prior year carryover encumbrances	28,837,301
Proposed appropriation (Proposal No. 147, 2003)	95,000
Pending appropriation requests (Proposal No. 145, 2003)	<u>7,620,143</u>
Projected fund balance December 31, 2003	2,410,393

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

Proposal No. 148, 2003 was retitled FISCAL ORDINANCE NO. 29, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating One Hundred Ten Thousand Dollars (\$110,000) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to continue the Summer Lunch Program and serve 35,000 to 40,000 lunches to needy children in Marion County, financed by a federal grant.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>110,000</u>
TOTAL INCREASE	110,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Federal Grants Fund	<u>110,000</u>
TOTAL REDUCTION	110,000

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. 153, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 153, 2003 on March 31, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$55,000 in the 2003 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund the Seat Belt Enforcement

Project, funded by a state grant (Governor's Council on Impaired and Dangerous Driving and National Highway Traffic Safety Administration). By a 6-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 153, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 153, 2003 was retitled FISCAL ORDINANCE NO. 30, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Fifty-five Thousand Dollars (\$55,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to fund the Seat Belt Enforcement Project.

SECTION 2. The sum of Fifty-five Thousand Dollars (\$55,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	1,323
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	15,350
3. Other Services and Charges	<u>38,327</u>
TOTAL INCREASE	55,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>55,000</u>
TOTAL REDUCTION	55,000

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

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

PROPOSAL NO. 154, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 154, 2003 on March 31, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$400,000 in the 2003 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for a Forensic Services Agency fingerprint examiner and paralegal, for supplies, and to pay overtime for law enforcement to conduct probation sweeps, funded by the Project Sentry Grant (U.S. Department of Justice). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden stated that the proposal was incorrectly amended in Committee and needs to be amended again to reflect the original character distribution of dollars. He moved, seconded by Councillor Smith, to amend Proposal No. 154, 2003 back to its original form. Proposal No. 154, 2003 was amended by a unanimous voice vote.

President Borst called for public testimony at 8:23 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 154, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 154, 2003, as amended, was retitled FISCAL ORDINANCE NO. 31, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Four Hundred Thousand Dollars (\$400,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Prosecuting Attorney to provide funding for a Forensic Services Agency fingerprint examiner and paralegal, for supplies, and to pay overtime for law enforcement to conduct probation sweeps.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	70,930
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	277,930
2. Supplies	31,800
3. Other Services and Charges	<u>19,290</u>
TOTAL INCREASE	400,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	400,000
TOTAL REDUCTION	400,000

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

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 155, 157, and 158, 2003 on March 31, 2003. He asked for consent to vote on Proposal No. 158, 2003 first and then vote on Proposal Nos. 155 and 157, 2003 together. Consent was given.

PROPOSAL NO. 158, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$83,893 in the 2003 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to appropriate an increase in funding for Child Advocates, Inc., funded by the State of Indiana (The local match of \$141,642 is funded by existing appropriations in the Marion County Superior Court, Juvenile Division's budget.). Councillor Dowden moved, seconded by Councillor Smith, to postpone Proposal No. 158, 2003 until April 28, 2003. Proposal No. 158, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 155, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$45,000 in the 2003 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to appropriate a grant from the Indiana State Supreme Court for the Family Court Pilot Project. PROPOSAL NO. 157, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$10,435 in the 2003 Budget of the Marion County Superior Court (State and Federal Grants Fund) to appropriate an increase in the grant from Indiana Criminal Justice Institute for court appointed special advocates for Kids Voice. By 9-0 votes, the Committee reported Proposal No. 155, 2003 to the Council with the recommendation that it do pass and Proposal No. 157, 2003 to the Council with the recommendation that it do pass as amended.

President Borst called for public testimony at 8:26 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 155, 2003 and Proposal No. 157, 2003, as amended, were adopted on the following roll call vote; viz:

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

Proposal No. 155, 2003 was retitled FISCAL ORDINANCE NO. 32, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Forty-five Thousand Dollars (\$45,000) in the State

and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Superior Court to appropriate a grant from the Indiana State Supreme Court for the Family Court Pilot Project.

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services - fringes	8,035
<u>MARION COUNTY SUPERIOR COURT</u>	
I. Personal Services	36,965
TOTAL INCREASE	45,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	45,000
TOTAL REDUCTION	45,000

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. 157, 2003, as amended, was retitled FISCAL ORDINANCE NO. 33, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Ten Thousand Four Hundred Thirty-five Dollars (\$10,435) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the Marion County Superior Court to appropriate an increase in the grant from Indiana Criminal Justice Institute for court appointed special advocates for Kids Voice.

SECTION 2. The sum of Ten Thousand Four Hundred Thirty-five Dollars (\$10,435) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.



SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>10,435</u>
TOTAL INCREASE	10,435

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>10,435</u>
TOTAL REDUCTION	10,435

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

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

Councillor Bainbridge reported that the Public Works Committee heard Proposal Nos. 160 and 161, 2003 on April 10, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 160, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, approves an increase of \$1,807,000 in the 2003 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to make various street improvements associated with I65/I70 in the downtown area (HyperFix Project), funded by INDOT (Indiana Department of Transportation). PROPOSAL NO. 161, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, approves an appropriation of \$31,766 in the 2003 Budget of the Department of Public Works, Policy and Planning Division (Non-Lapsing State Grants Fund) to enhance the Hazardous Household Waste Program by including collection and disposal of mercury-containing devices such as fluorescent light bulbs and thermometers from area homes, financed by a grant from IDEM (Indiana Department of Environmental Management). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst asked if the money in Proposal No. 160, 2003 was for infrastructure or education and information, as well. Barbara Lawrence, director of the Department of Public Works, said that the Indiana Department of Transportation will pay for education and communication, and these dollars are mostly for engineering and construction costs. President Borst said that he heard that some streets may change from one-way to two-way streets during this time frame. Ms. Lawrence said that there will be some additional turn lanes, but no street directions will be changed. Councillor Nytes said that there will be lots of changes to local streets as a result of this project that will provide upgrades and improvements for years to come.

President Borst called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 160 and 161, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Short, Talley

1 ABSENT: Black

Proposal No. 160, 2003 was retitled FISCAL ORDINANCE NO. 34, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating One Million Eight Hundred Seven Thousand Dollars (\$1,807,000) in the Transportation General Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division to resurface several streets, install traffic signal upgrades and Opticom emergency preemption systems, intersection improvements, and increased signage for motorists, funded by the Indiana Department of Transportation.

SECTION 2. The sum of One Million Eight Hundred Seven Thousand Dollars (\$1,807,000) 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>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	
4. Capital Outlay	<u>1,807,000</u>
TOTAL INCREASE	1,807,000

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>1,807,000</u>
TOTAL DECREASE	1,807,000

SECTION 5. The projected December 31, 2003, fund balance for the Transportation General Fund is as follows:

Cash balance as of December 31, 2002	30,083,247
Estimated 2003 revenues (2003 budgeted plus new revenues)	<u>47,519,000</u>
Projected funds available	77,602,247
2003 appropriations, including prior year carryover encumbrances	66,428,772
Proposed appropriation (Proposal No. 160, 2003)	<u>1,807,000</u>
Projected fund balance December 31, 2003	9,366,475

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

Proposal No. 161, 2003 was retitled FISCAL ORDINANCE NO. 35, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating Thirty-one Thousand Seven Hundred Sixty-six Dollars (\$31,766) in the Non-Lapsing State Grants Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing State Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Department of Public Works, Policy and Planning Division to enhance the Hazardous Household Waste Program by including collection and disposal of mercury-containing devices such as fluorescent light bulbs and thermometers from area homes, financed by a grant from the Indiana Department of Environmental Management.

SECTION 2. The sum of Thirty-one Thousand Seven Hundred Sixty-six Dollars (\$31,766) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
2. Materials and Supplies	500
3. Other Services and Charges	29,276
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	31,776

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

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing State Grants Fund	<u>31,766</u>
TOTAL DECREASE	31,766

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

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 91, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 91, 2003 on February 11 and March 25, 2003. The proposal, sponsored by Councillors Langsford, Soards, Talley, Tilford, Bainbridge, Frick, and Nytes, amends the Code to make up any pay difference for Guard and Reserve City and County employees who are called up for active military duty. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden moved, seconded by Councillor Smith, to amend Proposal No. 91, 2003 as follows:

Mr. President:

I move to amend the substitute version of Proposal No. 91, 2003 to strike the period after the word "days" in the sixth line of Sec. 291-210 (b) (1) and add the following: ", and such active duty time includes service in a combat zone."

Councillor Talley said that he opposes the amendment as written. Councillor Bainbridge said that he does not understand what this amendment accomplishes. Councillor Dowden said that it will provide this extra pay and benefits for those soldiers called to active duty in a combat zone.

Councillor Langsford said that it is difficult to define a combat zone. He said that there are soldiers being activated to protect a chemical depot in Newport, Indiana, but because this is not the front line of the war effort, it might not be considered a combat zone. However, these individuals are doing their part in the overall war against terrorism and are a very important component of the entire mission. He said that even those stationed in a peacekeeping mission can be in danger. He opposes the amendment.

Councillors Horseman, Soards, McWhirter, Conley, Short, Bainbridge, Sanders, and Gibson spoke in opposition to the amendment and said that a soldier's call to active duty puts their families in a financial bind and whether or not they are on the front lines should not be a factor. They said that the entire fighting force is a team and without the support of administrative and supply personnel, the war could not possibly be a success. They added that it is possible a soldier's family could face financial burdens and lose possessions or a home.

Councillor Smith said that the Soldier and Sailor Relief Act would not allow a soldier on active duty to lose their home. Councillor Sanders said that a gentleman testified to the committee that his active duty put his family in such a financial bind that he could not recover and lost his home shortly thereafter, though not while on active duty.

Councillor Langsford said that even though an active duty soldier may be out of harm's way, they are still necessary to support the combat troops, and he urged Councillors to defeat the amendment.

Councillor Gray asked how many employees have been called to active duty. Councillor McWhirter said that the City has had 25 individuals called to active duty, and the County has had 14.

The motion to further amend Proposal No. 91, 2003 failed on the following roll call vote; viz:

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

Councillor McWhirter moved, seconded by Councillor Langsford, for adoption. Proposal No. 91, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 91, 2003, as amended, was retitled GENERAL ORDINANCE NO. 32, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2003

A GENERAL ORDINANCE amending Section 291-210 of the "Revised Code of the Consolidated City and County," to compensate certain National Guard and Reserve city and county employees who are called up for active military duty.

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

SECTION 1. Sec. 291-210 of the Revised Code of the Consolidated City and County be, and is hereby, amended by inserting the underlined text to read as follows:

**Sec. 291-210. Military leave.**

(a) **In General.** Military leave shall be granted in accordance with appropriate state and federal law. In accordance with state law, a maximum of fifteen (15) eight-hour working days of paid military leave shall be granted. If an employee exceeds fifteen (15) days of military leave, then he/she may elect to go on leave without pay or to exhaust appropriate paid leave.

(b) **Special benefits for certain extended active duty.** As a demonstration of the gratitude of the people of Indianapolis and Marion County for city and county public employees whose lives are disrupted and who might suffer financial and personal hardships by answering the call to bear arms for military duty to defend America's freedom and way of life during state or national emergencies, the following supplemental military leave fringe benefits shall be provided to eligible employees whose active duty extends beyond the fifteen (15) days leave provided under subsection (a):

- (1) For purposes of this subsection (b), "eligible employee" means any employee of the City of Indianapolis or of Marion County, including merit officers of the Marion County Sheriff's Department, the Indianapolis Police Department and the Indianapolis Fire Department, that serve in the National Guard or any reserve component of the armed forces of the United States and who by order of the Governor of Indiana or the President of the United States are placed on full-time active duty for more than thirty (30) days.
- (2) If an eligible employee's active duty base on a weekly basis is less than the normal work-week salary or wages earned by the eligible employee at the time of activation, such eligible employee shall receive a weekly payment as a fringe benefit equal to that difference, paid on the same schedule as if the employee were not on military leave.
- (3) If an eligible employee was a participant in a health benefit program provided by the City or County that covered dependants of the eligible employee, the city or county shall pay the employee/employer contribution for such dependant coverage during such military leave.
- (4) The employer contribution to PERF for an eligible employee shall be continued during the period of military leave.
- (5) An eligible employee who serves more than thirty (30) days and less than one hundred eighty (180) days on continuous active duty shall be granted an additional week of paid vacation leave; and an eligible employee who serves one hundred eighty (180) or more days of continuous active duty shall be granted an additional two weeks of paid vacation leave, in accordance with the department's current policies and procedures.
- (6) The benefits provided under this subsection shall be administered as follows:
  - (i) Eligible employees who wish to apply for these benefits shall notify the City Controller or County Auditor, or their respective designees, of their activation as soon as possible after activation of their intent to claim such benefits providing documentation and verification of their orders to full-time active duty.
  - (ii) The benefits provided under this subsection shall be paid from the personal services appropriations of the respective agency who employed the eligible employee; and the

Council will entertain transfers or additional appropriation requests from any agency whose budget is inadequate to cover such benefits.

(7) This subsection shall be retroactive to January 1, 2003, for employees hired prior to that date.

SECTION 2. The Council urges all citizens and employers in Indianapolis to do whatever is possible to help make special adjustment efforts to demonstrate appreciation to those citizen-soldiers who respond to their military commitment during extraordinary times.

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

PROPOSAL NO. 141, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 141, 2003 on March 25, 2003. The proposal, sponsored by Councillor McWhirter, amends Sec. 131-242 of the Revised Code to increase the fee collected by the County Auditor to \$5.00 for each endorsement on a document conveying an interest in real property. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 141, 2003 was adopted on the following roll call vote; viz:

*20 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Tilford*

*1 NAY: Soards*

*7 NOT VOTING: Cockrum, Gray, Horseman, Langsford, Massie, Smith, Talley*

*1 ABSENT: Black*

Proposal No. 141, 2003 was retitled GENERAL ORDINANCE NO. 33, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2003

A GENERAL ORDINANCE amending Section 131-242 of the Revised Code of the Consolidated City of Indianapolis and Marion County, Indiana to increase the fee collected by the Marion County Auditor to Five Dollars (\$5.00) for each endorsement on a document conveying an interest in real property.

WHEREAS, IC 36-2-11-14(a) requires the Marion County Auditor to endorse on each document that partitions or conveys real property "duly entered for taxation subject to final acceptance for transfer," "not taxable," or "duly entered for taxation;" and

WHEREAS, IC 36-2-9-18(d) provides that the City-County Council may authorize a fee, not to exceed Five Dollars (\$5.00), for each such endorsement made by the Auditor; and

WHEREAS, the Auditor is currently authorized to charge a fee of Three Dollars (\$3.00) for each endorsement made by the Auditor pursuant to IC 36-2-9-18(d); and

WHEREAS, the Auditor seeks authorization to charge a fee in the amount of Five Dollars (\$5.00) per such endorsement; now therefore:

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

SECTION 1. Section 131-242 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding the underlined text and deleting the text stricken through to read as follows:

**Sec. 131-242. Auditor's Endorsement Fee.**

(a) Pursuant to IC 36-2-9-18(d), the city-county council hereby authorizes the Auditor to charge a fee in the amount of Five Dollars (\$5.00) for each endorsement made by the Auditor on a document that partitions or conveys real property.

(b) This endorsement fee is to be paid at the time the endorsement is made by the Auditor, and this endorsement fee is in addition to other fees provided by law to be charged by the Auditor.

(c) The Auditor shall deposit all fees received under this section in a dedicated fund for use in maintaining property records.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 150, 151, 152, 156, and 159, 2003 on March 31, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 150, 2003. The proposal, sponsored by Councillor Dowden, creates a drug testing laboratory fund to support the operation of the Marion County Superior Court drug testing laboratory. PROPOSAL NO. 151, 2003. The proposal, sponsored by Councillors Moriarty Adams and Talley, seeks the adoption of a special resolution approving amendments to the Marion County Sheriff's Department Personnel Retirement Plan. PROPOSAL NO. 152, 2003. The proposal, sponsored by Councillors Moriarty Adams and Talley, seeks the adoption of a special resolution approving a restatement of the Marion County Sheriff's Department Personnel Retirement Plan. PROPOSAL NO. 156, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$3,721 in the 2003 Budget of the Marion County Superior Court (State and Federal Grants Fund) to pay other expenses associated with the Family Court Project. PROPOSAL NO. 159, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$3,464 in the 2003 Budgets of the Marion County Superior Court, Juvenile Division and County Auditor (State and Federal Grants Fund) to pay for supplies and other services and charges for the Juvenile Accountability Block Grant #3. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 150, 151, 152, 156, and 159, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: *Gibson, Horseman, Smith*

1 ABSENT: *Black*

Proposal No. 150, 2003 was retitled GENERAL ORDINANCE NO. 34, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code" by the addition of a new nonreverting fund to be known as the "drug testing laboratory fund."

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

SECTION 1. Chapter 135, Article II, Division 4 of the "Revised Code of the Consolidated City and County," regarding Court funds, hereby is amended by the addition of a NEW Section 135-244, to read as follows:

**Sec. 135-244. Drug testing laboratory fund.**

(a) There is hereby created a special fund to be designated as the "drug testing laboratory fund" in the office of the Marion Superior Court. This fund shall be a continuing, nonreverting fund, with all

balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) The fund shall consist of all fees collected by the Marion Superior Court drug testing laboratory which are not required by statute to be deposited in the county general fund or county user fee fund.

(c) The fund shall be administered by the Marion Superior Court, and all funds deposited therein shall be appropriated and used solely for the operation of the Marion Superior Court drug testing laboratory.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 151, 2003 was retitled SPECIAL RESOLUTION NO. 16, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2003

A SPECIAL RESOLUTION approving the Fifth Amendment to the Marion County Sheriff's Department Personnel Retirement Plan.

WHEREAS, the Marion County Sheriff's Department Personnel Retirement Plan (hereinafter referred to as "the Plan") was established by the Marion County Sheriff's Department, Indianapolis, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1963; and as amended by a complete restatement, effective as of January 1, 1989; and as last amended by a Fourth Amendment effective as of the dates therein; and

WHEREAS, by Section 11.01 of the Plan, the Employer reserved the right to amend the Plan; and

WHEREAS, the Employer desires to amend the Plan in certain respects heretofore considered and discussed.

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

SECTION 1. The City-County Council, pursuant to IC 36-8-10-12, the Marion County Sheriff's Department Personnel Retirement Plan be, and is hereby amended as follows.

SECTION 2. Section 5.01 of the Plan is hereby amended in its entirety, effective January 1, 1989, to read as follows:

Section 5.01. Normal Retirement. The Normal Retirement Date of a Participant is (a) his fifty-fifth (55<sup>th</sup>) birthday, if his birthday falls on the first day of a month or (b) the first day of the first month following his fifty-fifth (55<sup>th</sup>) birthday, if his fifty-fifth (55<sup>th</sup>) birthday falls on a day other than the first day of a month.

SECTION 3. Section 5.02 of the Plan is hereby amended in its entirety, effective January 1, 1989, to read as follows:

Section 5.02. Early Retirement. A Participant with at least ten (10) years of Credited Service may retire any time after his thirtieth (30<sup>th</sup>) birthday. In the event a Participant elects



April 14, 2003

to retire early, his Early Retirement Date shall be (a) the day of his actual retirement if he retires as of the first day of a month or (b) the first day of the first month following his actual retirement, if he retires as of a day other than the first day of a month.

SECTION 4. Section 10.02 of the Plan is hereby amended in its entirety, effective January 1, 2001, to read as follows:

"Each Participant shall be required to contribute an amount equal to five and one-quarter percent (5.25%) of his base pay, plus longevity. Money so contributed shall be deducted from each pay check of the Participant and transferred by the Employer to the Trustee to become part of the Trust Fund as described herein. In the event of a Participant's separation from service with the Employer, for whatever reason, such Participant may elect to be paid a lump sum equal to his Net Amount of Contributions. In the event a Participant elects such lump sum payment, there shall be no further liability under the terms of this Plan for such Participant's service occurring prior to such date of separation from service.

"Employee contributions required under this Section may be picked up under Section 414(h) of the Internal Revenue Code of 1986, as amended."

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

Proposal No. 152, 2003 was retitled SPECIAL RESOLUTION NO. 17, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2003

A SPECIAL RESOLUTION approving a restatement of the Marion County Sheriff's Department Personnel Retirement Plan.

WHEREAS, the Marion County Sheriff's Department Personnel Retirement Plan (hereinafter referred to as "the Plan") was established by the Marion County Sheriff's Department, Indianapolis, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1963; and as amended by a complete restatement, effective as of January 1, 1989; and

WHEREAS, the Employer desires to restate the Plan in its entirety, effective January 1, 2002, as set forth herein.

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

SECTION 1. The City-County Council, pursuant to IC 36-8-10-12, hereby approves (effective retroactively to January 1, 2002) the restated Marion County Sheriff's Department Personnel Retirement Plan dated February 13, 2003, a copy which is on file with the Clerk of the Council and shall be attached to the official copy of the resolution.

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

Proposal No. 156, 2003 was retitled FISCAL ORDINANCE NO. 36, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No.97, 2002) transferring and appropriating an additional Three Thousand Seven Hundred Twenty-one Dollars (\$3,721) in the State and Federal Grants Fund for purposes of the Marion County Superior Court and reducing certain other appropriations for that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay other expenses associated with the Family Court Project.

SECTION 2. The sum of Three Thousand Seven Hundred Twenty-one Dollars (\$3,721) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	2,676
3. Other Services and Charges	<u>1,045</u>
TOTAL INCREASE	3,721

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

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	2,987
4. Capital Outlay	<u>734</u>
TOTAL DECREASE	3,721

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

Proposal No. 159, 2003 was retitled FISCAL ORDINANCE NO. 37, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No.97, 2002) transferring and appropriating an additional Three Thousand Four Hundred Sixty-four Dollars (\$3,464) in the State and Federal Grants Fund for the purpose of the Marion County Superior Court and reducing certain other appropriations from that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for supplies and others services and charges for the Juvenile Accountability Block Grant #3.

SECTION 2. The sum of additional Three Thousand Four Hundred Sixty-four Dollars (\$3,464) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	481
3. Other Services and Charges	<u>2,983</u>
TOTAL INCREASE	3,464

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

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	2,350

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	
1. Personal Services	<u>1,114</u>
TOTAL DECREASE	3,464

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

PROPOSAL NO. 162, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 162, 2003 on April 10, 2003. The proposal, sponsored by Councillors Brents and Nytes, requests a parking meter blackout on May 23, 2003, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Bainbridge moved, seconded by Councillor Brents, for adoption.

President Borst said that to avoid the confusion and communication problems regarding this meter blackout last year, he has asked the Clerk to send copies of the resolution and a letter to various affected entities.

Proposal No. 162, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 162, 2003 was retitled GENERAL RESOLUTION NO. 1, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2003

A PROPOSAL FOR A GENERAL RESOLUTION to request a parking meter blackout on May 23, 2003, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle.

WHEREAS, Memorial Day began as Decoration Day where those who perished during the Civil War were remembered and their graves decorated; and

WHEREAS, later, veterans who gave the supreme sacrifice to preserve freedom in all of America's wars were honored on Memorial Day, a patriotic day which in 1971 became a national holiday; and

WHEREAS, Memorial Day weekend is a special time in Indianapolis with thousands of visitors and exciting events; and

WHEREAS, remembering the bedrock reason for the holiday, the 500 Festival Memorial Service will be held on Monument Circle in downtown Indianapolis on Friday, May 23, 2003 where appropriate homage will be accorded in a public memorial ceremony to these American patriots who gave their lives for our liberties; 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, recognizing the importance of Memorial Day weekend in Indianapolis for local residents, visitors and for its international attention, requests that the Department of Public Works issue a one-day blackout of downtown Indianapolis' parking meters on May 23, 2003, as a token of the City's thanks and gratitude for those patriots who fought and died to keep America free.

SECTION 2. The Department of Public Works shall issue and implement a one-day blackout of downtown Indianapolis' parking meters on May 23, 2003 for the area bounded by St. Clair Street, South Street, East Street, and West Street.

SECTION 3. This resolution shall be in effect upon adoption and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 170, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 170, 2003 on March 24, 2003. The proposal, sponsored by Councillors Horseman and Langsford, concerns legal establishment of nonconforming uses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Horseman, for adoption. Proposal No. 170, 2003 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*4 NOT VOTING: Dowden, Gray, Short, Smith*

*1 ABSENT: Black*

Proposal No. 170, 2003 was retitled COUNCIL RESOLUTION NO. 69, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 2003

A COUNCIL RESOLUTION concerning legal establishment of nonconforming residential dwellings.

WHEREAS, several years ago the Metropolitan Development Commission and the Council adopted an ordinance providing for the Legal Establishment of Nonconforming Uses ("LNCU") provision in the dwelling zoning districts; and

WHEREAS, Sec. 731-200(9)(a) of the Code of Indianapolis and Marion County establishes that – subject to various conditions – a dwelling that has been in continuous use from 1969 through today could apply for a certificate making such nonconforming use legal; and

WHEREAS, Sec. 731-200(9)(c)(i)-(iv) provides that Sec. 731-200(9)(a) "shall [n]ot apply to a property if written records of the:

- i. Health and Hospital Corporation of Marion County;
- ii. Fire department having jurisdiction over the property;
- iii. Local law enforcement agency or agencies having jurisdiction over the property; or
- iv. Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

WHEREAS, from all indications the ordinance has worked well, but the fixed period of two years prior to October 1, 1996 appears to be unrelated to a current application for an LNCU ; and

WHEREAS, if the property has a sloven owner with numerous police runs or Health & Hospital Corporation citations during the twenty-four month period prior to October 1, 1996, the nonconforming use on the property cannot be made legal, even if a subsequent, responsible potential property owner would like to acquire the property to fix it up and become a welcome neighbor; and

WHEREAS, conversely, if an exemplary neighbor owned the property during that two year period prior to 1996 and the property is later sold to an irresponsible person who fails to maintain the property and receives numerous citations, the neighborhood cannot challenge the nonconforming use based upon the problems with repeated citations; now, therefore:

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

April 14, 2003

SECTION 1. In our continuing efforts to improve neighborhoods, the Indianapolis City-County Council urges the Metropolitan Development Commission to reexamine Chapter 731-200, Legal Establishment of Nonconforming Uses, and to amend it so as to abolish the two year period prior to 1996 and instead reference the two year period prior to the date of application for the LNCU.

SECTION 2. The Council appreciates all of the study and work in the 1990's in support of this ordinance, and now it believes that this minor amendment would be most helpful to property owners and the neighborhoods.

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

PROPOSAL NO. 183, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 183, 2003 on April 10, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, authorizes persons other than city employees to enforce ordinances regarding environmental public nuisances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Soards asked who will be the other persons authorized. Bruce Baird, Department of Public Works, said that those authorized would only be personnel from Health and Hospital Corporation, the Department of Metropolitan Development, and the Department of Public Works.

Proposal No. 183, 2003 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Dowden, Smith*

*1 ABSENT: Black*

Proposal No. 183, 2003 was retitled GENERAL ORDINANCE NO. 35, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code" to allow the director of the department of public works to authorize persons other than city employees to enforce ordinances regarding environmental public nuisances.

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

SECTION 1. Section 575-2 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 575, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 575-2. Definitions.**

For the purpose of this chapter, the following terms shall have the following meanings. The word "shall" is always mandatory and not merely directory.

- (1) *Authorized ~~employee~~ individual* means an employee a designee of the director of the department of public works.
- (2) *City* means the Consolidated City of Indianapolis and Marion County.
- (3) *Environmental public nuisance* means:

- a. Vegetation on private or governmental property which is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and which has attained a height of twelve (12) inches or more;
  - b. Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or which has been allowed to become a health or safety hazard;
  - c. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter;
  - d. Property which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.
- (4) *Excluded property* means:
- a. Cultivated land in commercial, domestic, agricultural or horticultural use;
  - b. An existing natural or developed forest which does not create a health or safety hazard;
  - c. Vacant, open lands, fields or wooded areas more than one hundred fifty (150) feet from occupied property;
  - d. A nature habitat area more than one hundred fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
  - e. A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.
- (5) *Governmental property* means real estate which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (6) *Equipment* means such equipment as trucks, tractors, bulldozers, and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.
- (7) *Occupant* means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or entity who is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. Occupant shall include any lessee of the property.
- (8) *Owner* means the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located.
- (9) *Private property* means all real estate within the city except governmental property.
- (10) *Recipient* means the owner or occupant to whom notice of violation has been directed.
- (11) *Repeat violation* occurs upon a recipient's second failure to abate a similar environmental public nuisance for the same property within eighteen (18) months of the date of notice of the most recent violation. A failure to abate occurs after the department has issued a notice of violation described in section 575-5(b) and the time for compliance set forth in the notice has expired. A repeat violation does not occur when multiple violations of section 575-2(3)d. are alleged and:
- a. The recipient can demonstrate that illegal dumping was the cause of the underlying violations; and
  - b. The owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

**SECTION 2.** Section 575-5 of the "Revised Code of the Consolidated City and County," regarding procedures for a determination of violation, and issuance of a notice of a violation, of Chapter 575, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 575-5. Determination of violation; notice of violation.**

(a) Any department of the city which receives a complaint regarding an environmental public nuisance on any property within the city shall forward that complaint to the department of public works, ~~where it shall be assigned~~ which shall make a record of, and assign a case number ~~and entered in a to, such~~ complaint log book. An authorized ~~employee~~ individual shall visually inspect the property in question. If the authorized ~~employee~~ individual determines that a violation exists, the department shall issue a notice of violation to the owner and, in the department's sole discretion, to the occupant.

(b) Notice of violation shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than ten (10) days from the date of the notice when the property will be reinspected. The notice shall inform the recipient that, if the condition is not corrected upon reinspection, the city has the right to enter on the property to abate or correct the condition and bill the recipient for costs incurred in so doing and/or to file a court action against the recipient for ordinance violation. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located shall be sufficient notice under this subsection.

**SECTION 3.** Sections 575-7 and 575-8 of the "Revised Code of the Consolidated City and County," regarding procedures for the city to abate environmental public nuisances and the costs therefor, and further regarding court or administrative adjudication, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

**Sec. 575-7. Failure to abate after notice; abatement by city.**

(a) *Abatement by city.* If, upon reinspection, it is determined by the authorized ~~employee~~ individual that abatement has not occurred, then the director of the department of public works, or his designee, may enter upon the premises and abate the environmental public nuisance. The recipient shall be liable for the costs of abatement. After abatement is completed, the department of public works shall, either by personal service or first class United States mail, postage prepaid, send the recipient a bill for the costs of abatement.

(b) *Responsibility of occupant or owner for costs of abatement.*

(1) *Abatement costs.* As reimbursement to the department of public works for its costs, the recipient shall, within ten (10) days of the date of the bill, pay to the department of public works of the city the following fees and charges:

- a. The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

Administrative fees . . .	\$140.00
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- b. The following labor fees per person, per hour, or fraction thereof, for labor necessary to abate an environmental nuisance:

Laborer . . .	\$24.84
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Truck driver . . .	25.60
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Equipment operator . . .	27.15
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Heavy equipment operator . . .	28.32
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Crew leader . . .	29.70
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- c. The following equipment fees per machine, per hour, or fraction thereof, for the use of each piece of equipment necessary to abate an environmental nuisance:

Pickup truck . . .	\$ 4.75
Tractor/bush hog . . .	9.25
Boom truck . . .	17.70
Backhoe . . .	16.90
Dump truck (single axle) . . .	19.40
Dump truck (tandem axle) . . .	21.25
Packer . . .	19.75
Excavator . . .	31.60
Dozer (small) . . .	20.25
Dozer (large) . . .	30.00
Loader . . .	21.00
Bobcat or equivalent . . .	15.00

- d. Any disposal fees actually incurred to dispose of litter and waste products removed;
  - e. Any other reasonable fees actually incurred in abating an environmental nuisance;
  - f. Administrative, labor and equipment fees may be changed by regulation of the board of public works as necessary to assure that such fees are adequate to reimburse the department.
- (2) *Hearing.* A recipient may request in writing an informal hearing before the director of the department of public works, or his designee, to dispute the existence of a violation and/or the accuracy of all or part of the costs of abatement billed. Upon receipt of a hearing request, the department shall not take abatement action until after the director or his designee notifies the recipient of his decision. After such hearing, the director of the department of public works, or his designee, shall determine the existence of a violation and/or the accuracy of all or part of the abatement costs billed and shall notify the recipient of any amounts due to the department. The decision of the director, or his designee, shall be final.
- (3) *Unpaid costs become lien upon affected property; perfecting of lien.* Upon the failure of the owner who was sent a notice of violation and bill to pay the appropriate fees and charges within the ten-day time period, the department of public works of the city shall have a lien upon the property on which the environmental public nuisance was abated for the amount billed in accordance with the fee schedule listed above. In addition, there will be a ten-dollar charge for services necessary in order to perfect such lien. Such liens may be perfected in the following manner:
- a. By the adoption by the board of public works at any regular or special meeting thereof of an assessment resolution, which shall give the name of the owner or owners, a description of the property on which the environmental public nuisance was abated, and the amount of the charges being assessed; and
  - b. The certification of such assessment resolution to the auditor of Marion County, who by special assessment shall cause the amount thereof to be placed on a tax duplicate for the property on which the environmental public nuisance was abated for collection as in the nature of a real property tax;
  - c. Upon receipt of a written verified request from the purchaser, the department shall release liens perfected after the recorded date of conveyance of the property. The request must state that the purchaser was not an owner or occupant of the property at the time of the notice of violation, had no knowledge of the notice of violation and has not been paid by the seller for the costs of abatement billed.



- (4) *Civil action to recover costs of abatement.* Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the department of public works may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees.

**Sec. 575-8. Failure to abate after notice; court action or administrative adjudication for ordinance violation; court action or administrative adjudication for repeat violation.**

(a) In addition to or in lieu of the foregoing, if, upon reinspection, it is determined by the authorized ~~employee~~ individual that abatement has not occurred, the department of public works may initiate a civil court action or administrative adjudication for ordinance violation against the recipient. A court action shall be initiated by submitting a written request to the corporation counsel to file a complaint of ordinance violation and/or to enjoin any environmental public nuisance.

(b) Regardless of whether later abatement by the recipient has occurred, the department of public works may initiate an administrative adjudication or a civil court action for a repeat violation.

**SECTION 4.** The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

**SECTION 5.** Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

**SECTION 6.** This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

## 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 John H. Jackson; and
- (2) Councillors Horseman, Nytes, Sanders, and Conley in memory of Rev. Howard Warren; and
- (3) Councillor Soards in memory of Nick Tursi; and
- (4) Councillors Langsford and Gray in memory of John Sims and David Harper; and
- (5) Councillors Borst, Dowden, and Moriarty Adams in memory of Lt. Col. Purnell "Jack" Spriggs; and
- (6) Councillor Short in memory of Sam Jones; and
- (7) Councillor Horseman in memory of Alejandra Martinez.

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 John H. Jackson, Rev. Howard Warren, Nick Tursi, John Sims, David Harper, Lt. Col. Purnell "Jack" Spriggs, Sam Jones, and Alejandra Martinez. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:14 p.m.

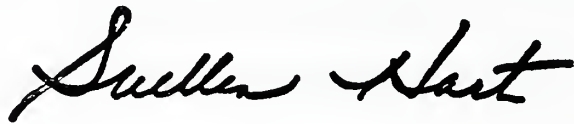
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of April, 2003.

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)