

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

REGULAR MEETINGS

MONDAY, APRIL 28, 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 7:04 p.m. on Monday, April 28, 2003, with President Borst presiding.

Councillor Boyd wished Councillor Black, who is still in the hospital, a speedy recovery. He led the opening prayer and invited all present to join him 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor McWhirter recognized Wayne Township Board member and City-County Council candidate, Earl Salisbury. Councillor Nytes introduced Library Board member Madge Ingalls. Councillor Gray recognized Tom Hanify, president of the Local 416 Firefighters Union, and Indianapolis Fire Department firefighters Mike Reed and Steve Echos. Councillor Horseman introduced City-County Council candidate, Greg Bose.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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 28, 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

April 15, 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 16, 2003, and in the *Indianapolis Star* on Thursday, April 17, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 142, 143, 188-190, 192-197, and 205-211, 2003, said hearing to be held on Monday, April 28, 2003, at 7:00 p.m. in the City-County Building.

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

April 25, 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. 22, 2003 - 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

FISCAL ORDINANCE NO. 23, 2003 - 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

FISCAL ORDINANCE NO. 24, 2003 - 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

FISCAL ORDINANCE NO. 25, 2003 - 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

FISCAL ORDINANCE NO. 26, 2003 - 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

FISCAL ORDINANCE NO. 27, 2003 - 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

FISCAL ORDINANCE NO. 28, 2003 - 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

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education and environmental appreciation throughout the county, financed by a grant from the Nina Mason Pulliam Charitable Trust

FISCAL ORDINANCE NO. 29, 2003 - 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

FISCAL ORDINANCE NO. 34, 2003 - 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)

FISCAL ORDINANCE NO. 35, 2003 - 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)

GENERAL ORDINANCE NO. 32, 2003 - 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

GENERAL ORDINANCE NO. 33, 2003 - 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

GENERAL ORDINANCE NO. 34, 2003 - creates a drug testing laboratory fund to support the operation of the Marion County Superior Court drug testing laboratory

GENERAL ORDINANCE NO. 35, 2003 - authorizes persons other than city employees to enforce ordinances regarding environmental public nuisances

SPECIAL ORDINANCE NO. 2, 2003 - 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)

GENERAL RESOLUTION NO. 1, 2003 - requests a parking meter blackout on May 23, 2003, to encourage veterans and citizens to observe the 500 Festival Memorial Service on Monument Circle

SPECIAL RESOLUTION NO. 9, 2003 - recognizes the dedicated public service of Alfred (Al) Polin for serving two terms on the Citizens Police Complaint Board

SPECIAL RESOLUTION NO. 10, 2003 - recognizes the dedicated public service of Bruce Laetsch for serving two terms on the Citizens Police Complaint Board

SPECIAL RESOLUTION NO. 11, 2003 - recognizes the dedicated public service of Waldine Anderson for serving two terms on the Citizens Police Complaint Board

SPECIAL RESOLUTION NO. 12, 2003 - recognizes Kim Boyd and the Helping Others Prosper Economically (H.O.P.E.) Team

SPECIAL RESOLUTION NO. 13, 2003 - recognizes Indianapolis Power & Light Company's "National Emergency Response Award for 2002"

SPECIAL RESOLUTION NO. 14, 2003 - recognizes the Indianapolis Mapping and Geographic Infrastructure System (IMAGIS) for winning three awards at the State GIS Conference

SPECIAL RESOLUTION NO. 15, 2003 - congratulates the IUPUI Jaguars for their first trip to the NCAA Basketball Tournament

SPECIAL RESOLUTION NO. 16, 2003 - seeks the adoption of a special resolution approving amendments to the Marion County Sheriff's Department Personnel Retirement Plan

SPECIAL RESOLUTION NO. 17, 2003 - seeks the adoption of a special resolution approving a restatement of the Marion County Sheriff's Department Personnel Retirement Plan

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Horseman asked for consent to add another Council Resolution to the agenda following Proposal No. 250, 2003. She said that she had the paperwork in to the office in time, but there was miscommunication about its introduction. Consent was given to add Proposal No. 260, 2003 to the agenda for consideration. Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 14, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 245, 2003. The proposal, sponsored by Councillor Dowden, recognizes the May 1, 2003, National Day of Prayer. Councillor Dowden read the proposal and moved for its adoption. Councillor Schneider seconded the motion, and Proposal No. 245, 2003 was adopted by a unanimous voice vote.

Proposal No. 245, 2003 was retitled COUNCIL RESOLUTION NO. 70, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 2003

A COUNCIL RESOLUTION recognizing the *May 1, 2003, National Day of Prayer*.

WHEREAS, throughout the history of America, our people have offered prayers of thanksgiving for our God-given rights and the blessings which we enjoy, as well as prayers for guidance, comfort, and protection; and

WHEREAS, in times of joy and times of peril, our Presidents, from George Washington to George W. Bush have called upon Americans to pray to our Creator; and

WHEREAS, observance of a National Day of Prayer was first declared by the Continental Congress in 1775; and

WHEREAS, the United States Congress in 1952 and again in 1988 reconfirmed this observance by proclaiming the first Thursday of May of each year as a National Day of Prayer; and

WHEREAS, the 34th verse of Proverbs 14, "Righteousness exalts a nation, but sin is a disgrace to any people," has been adopted as the theme for this 52nd National Day of Prayer on Thursday, May 1, 2003; 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 encourages our citizens to observe this day individually, as families, and as a community by joining their fellow citizens in praying for God's continuing guidance, comfort and protection of our Nation.

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

PROPOSAL NO. 247, 2003. The proposal, sponsored by Councillors Tilford and Langsford, recognizes the April 12, 2003 Warren Pride Community Cleanup Day. Councillor Tilford read the proposal and presented representatives with copies of the document and Council pins. John Sweezy, Jr., president of the Warren Township Development Association, and Ruth Ann Walker,

organizer of the event, thanked the Council for the honor and recognized many businesses and individuals that helped make the day a success. Councillors Langsford and Moriarty Adams commended the crews for their hard work and said that they were glad to be a part of the event. Councillor Tilford moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 247, 2003 was adopted by a unanimous voice vote.

Proposal No. 247, 2003 was retitled SPECIAL RESOLUTION NO. 19, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2003

A SPECIAL RESOLUTION recognizing the April 12, 2003 Warren Pride Community Cleanup Day

WHEREAS, three years ago the Warren Township Development Association was told that the general cleanliness of an area is an important ingredient for economic development, so within five weeks they organized the first Warren Pride Cleanup Day that bagged five tons of trash; and

WHEREAS, three years later, on April 12, 2003, the spring cleanup has grown to 7,800 citizens who in three hours used 8,500 large trash bags equaling 18 tons of debris, and city Department of Public Works trash truck crews were kept busy; and

WHEREAS, partnering with Keep Indianapolis Beautiful, Inc., this year's cleanup attracted area businesses, school groups, many scout groups, churches, the Warren Township Fire Department, and equally important just individuals and families who all pitched in to try to help make Warren Township a debris-free zone; and

WHEREAS, CVS/Pharmacy Indianapolis Distribution Center again this year offered a generous quantity of supplies and the largest business contingent of cleanup day participants who actively demonstrated their community spirit because Warren Township is where they work and where many of them live; and

WHEREAS, during the day 33 cases of soft drinks and 26 cases of bottled water were consumed, and for lunch 229 large pizzas were served; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the many eastside residents and businesses who gave part of a Saturday to help clean up the streets, roads, vacant lots, business frontages, state highway intersections and creeks of Warren Township -- an event that has grown in only three years to become the largest citizen participant cleanup program in Marion County.

SECTION 2. The Council commends this huge grass roots cleanup organized by the Warren Township Development Association, and thanks the Association's President John Sweezy, Jr., Warren Pride Cleanup Director Ruth Ann Walker, and most importantly each individual person who helped make Warren Township a little more clean, attractive and safe.

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. 248, 2003. The proposal, sponsored by Councillor Bradford, recognizes the Class 3A State Basketball Champion Bishop Chatard Trojans. Councillor Bradford read the proposal and presented representatives with copies of the document and Council pins. Coach Dan Archer thanked the Council for the recognition. Councillor Bradford moved, seconded by Councillor Tilford, for adoption. Proposal No. 248, 2003 was adopted by a unanimous voice vote.

Proposal No. 248, 2003 was retitled SPECIAL RESOLUTION NO. 20, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 20, 2003

A SPECIAL RESOLUTION recognizing the Class 3A State Basketball Champion Bishop Chatard Trojans.

WHEREAS, Bishop Chatard High School had never sent a boys basketball team to the Indiana High School Athletic Association's State Finals, but at the end of the 2003 season, the Trojans were ranked second in the state in their school size division; and

WHEREAS, during the Championship game on Saturday night, March 29, 2003, the royal blue and white young men played well together as a team, and considering that eight of the twelve players came from Chatard's state champion football team this season, Coach Dan Archer had reason to be optimistic; and

WHEREAS, at the final buzzer, Chatard had 78 points on the scoreboard to opponent Fort Wayne Elmhurst's 44 points, earning Chatard its first-ever boys basketball state trophy; and

WHEREAS, they became only the second high school in Indiana history to win football and basketball state titles in the same academic year; 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 Class 3A State Champion Bishop Chatard boys basketball team.

SECTION 2. The Council applauds Trojan Coach Dan Archer, the school fans, staff, administration, parents and grandparents, and most importantly the 22-2 season record team members who experienced a very sweet thrill of victory that Saturday night..

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

Councillor Bradford asked for consent to also vote on Proposal No. 620, 2002 this evening. He said that this is a Special Resolution recognizing the same school and many of the same players who are here this evening, who also play football. Consent was given.

PROPOSAL NO. 620, 2002. The proposal, sponsored by Councillor Bradford, recognizes the Bishop Chatard High School state football champions. Councillor Bradford read the proposal and moved for its adoption. Councillor Soards seconded the motion, and Proposal No. 620, 2002 was adopted by a unanimous voice vote.

Proposal No. 620, 2002 was retitled SPECIAL RESOLUTION NO. 23, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2003

A SPECIAL RESOLUTION recognizing the Bishop Chatard High School State football champions.

WHEREAS, the weather outside was miserably cold on Saturday November 30th, but inside, on the playing field the Bishop Chatard High School Trojan football team was red hot; and

WHEREAS, on that day the mighty Trojans won their Indiana High School Athletic Association's second annual Class 3A state championship title in a row, beating Andrean High School decisively 31-12; and

WHEREAS, the boys in the royal blue and white colored Chatard uniforms knew that they faced a tough opponent across the line, but an early touchdown helped dampen the spirits of an enthusiastic

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Andrean crowd and team, and for the rest of the game, good solid fundamental football sealed the outcome of the sporting contest; and

WHEREAS, this game was the sixth state championship for the Trojans, adding to state wins in 1983, 1984, 1997, 1998, 2001, and now 2002; 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 Bishop Chatard for winning its sixth state football championship title.

SECTION 2. The Council commends Chatard Coach Tom Dilley, the Chatard winning team members who trained hard and made sacrifices for years leading up to a game like this, the supportive parents and grandparents, school classmates, Chatard teachers and administrators, and the many Chatard fans who all helped make this victory possible.

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. 249, 2003. The proposal, sponsored by Councillor Coughenour, recognizes the Beech Grove High School's first girls Class 3A state championship title. Councillor Coughenour read the proposal and presented representatives with copies of the document and Council pins. Coach Dawn McNew and 2003 Indiana Miss Basketball, Katie Geraldts, thanked the Council for the recognition. Councillor Coughenour moved, seconded by Councillor Sanders, for adoption. Proposal No. 249, 2003 was adopted by a unanimous voice vote.

Proposal No. 249, 2003 was retitled SPECIAL RESOLUTION NO. 21, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 21, 2003

A SPECIAL RESOLUTION recognizing the Beech Grove High School's first girls Class 3A state championship title.

WHEREAS, prior to Saturday, March 8, 2003, the Beech Grove High School girls had only seen a girls basketball state championship trophy with some other school's name engraved upon it; and

WHEREAS, but since the state title game that night when Beech Grove defeated South Bend St. Joseph's 63-45, the thrill of victory has raised this southeastern Indianapolis city's spirits knowing that their girls team is now the reigning champs; and

WHEREAS, it takes a whole team to be a state champion, no one player can do it alone, but during the title game Beech Grove's senior Purdue-bound Katie Gearlds scored a championship game record 33 points, grabbed 12 rebounds and blocked four shots for the Hornets; and

WHEREAS, this is the team that people in Beech Grove will talk about for many years to come; 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 2003 Class 3A State Champion Beech Grove girls basketball team.

SECTION 2. The Council applauds Hornet girls coach Dawn McNew, the supportive fans at school, staff, administration, proud parents and grandparents, and most importantly the state champion team members who will never forget that historic Saturday night when some high school girls did a very good job of putting Beech Grove in the record books.

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. 250, 2003. The proposal, sponsored by Councillor Sanders, recognizes Workers Memorial Day being celebrated today, April 28, 2003. Councillor Sanders read the proposal and moved for its adoption. Councillor Horseman seconded the motion, and Proposal No. 250, 2003 was adopted by a unanimous voice vote.

Proposal No. 250, 2003 was retitled SPECIAL RESOLUTION NO. 22, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2003

A SPECIAL RESOLUTION recognizing Workers Memorial Day being celebrated today, April 28, 2003.

WHEREAS, Workers Memorial Day was established on April 28, 1989; and

WHEREAS, on that day in 1995, the State of Indiana dedicated a memorial statute at West Street and Government Drive to honor all those workers in the State of Indiana who had lost their lives on the job; and

WHEREAS, each year tens of thousands of American workers, including many in our own community, are killed, permanently disabled, injured and made ill by workplace injuries and occupational diseases; and

WHEREAS, this year, a more somber note is added as we mourn the loss of the young men and women who have sacrificed their lives while on active duty on foreign soil; and

WHEREAS, concerned Americans are determined to prevent these tragedies by:

- Observing Workers Memorial Day on April 28 as a day to remember these victims of workplace injuries;
- Renewing efforts to seek stronger safety and health protections, better standards of enforcement and fair and just compensation; and by
- Rededicating ourselves to improving safety and health in every American workplace; now, therefore:

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

SECTION 1. The Indianapolis City-County Council joins with others throughout the nation to acknowledge those workers who have given their lives and limbs in the name of commerce and industry, and further, that we commit to the adage made famous by Mary Harris "Mother" Jones which reads, "Pray for the dead and fight for the living."

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

PROPOSAL NO. 260, 2003. The proposal, sponsored by Councillor Horseman, recognizes this year's Cinco de Mayo Celebration on Sunday, May 4th. Councillor Horseman read the proposal, and presented representatives with copies of the document and Council pins. Dolci Aguilera, organizer of the event, thanked the Council for the recognition, and urged members to attend the celebration. Councillor Horseman moved, seconded by Councillor McWhirter, for adoption. Proposal No. 260, 2003 was adopted by a unanimous voice vote.

Proposal No. 260, 2003 was retitled COUNCIL RESOLUTION NO. 71, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2003

A COUNCIL RESOLUTION recognizing this year's Cinco de Mayo Celebration on Sunday, May 4th.

WHEREAS, Mexican Consul Sergio Aguilera is pleased to announce this year's Cinco de Mayo Celebration during the afternoon and evening of Sunday, May 4th at the downtown American Legion Mall and Veteran's Plaza; and

WHEREAS, Cinco de Mayo remembers the victory of Mexicans over the French at the Battle of Puebla during the time of the American Civil War and as the Battle Puebla came to represent a symbol of Mexican unity and patriotism against European intervention; and

WHEREAS, the public is welcome to attend the Sunday, May 4th celebration which will focus upon culture, education, health, sports and entertainment for the whole family, and will feature live music from Mexico, Mexican dances, the sale of Mexican arts and crafts, information on how to obtain records from Mexico, the launch of a scholarship fund for Hispanic children, and many fun activities for all ages; and

WHEREAS, sponsors include the Mayor's Office, Fiesta Indianapolis, La Ola Latin American newspaper, Indianapolis-Marion County Public Library, Mexican Alliance, Club Atolinga de Zacatecas, Hispanic Center, Association of Mexican Women, Information and Referral Network, Indiana Latino Institute and Restaurant El Sol de Tala; 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 this year's Cinco de Mayo Celebration on Sunday afternoon and evening, May 4th, 2003.

SECTION 2. The Council encourages all citizens to attend this exciting action-filled celebration in Downtown Indianapolis.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 232, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for Arbors at Arlington Apartments Project in an amount not to exceed \$12,000,000 which consists of the construction of a 176-unit multifamily residential facility on approximately 22 acres of land located at Southeastern Avenue immediately west of I-465 (District 13)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 233, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which is an inducement resolution for Lynhurst Apartments Project in an amount not to exceed \$11,000,000 which consists of the acquisition, construction and equipping of a 212-unit apartment complex on an approximately 24.242 acre parcel of real estate located at 3400 South Lynhurst Drive (District 19)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 234, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$47,255 in the 2003 Budgets of the County Auditor and the County Sheriff (County Grants Fund) to pay one officer to transport prisoners from Marion County Lock-Up for screening and treatment for sexually transmitted diseases, funded by a grant from Health and Hospital Corporation and Marion County Health Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 235, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$54,000 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to pay the salary of a coordinator and newsletter expenses for the Indianapolis Violence Reduction Partnership, funded by a state grant (Indianapolis Violence Reduction Partnership Grant) (The local match of \$18,000 is funded by existing appropriations in the County Auditor and Marion County Justice Agency budgets.); and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 236, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$149,912 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to appropriate funds for the salary of a Project Safe Neighborhoods Researcher, other contractual work, and travel expenses, funded by a federal grant (Project Safe Neighborhoods Research Partner/Crime Analyst Grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 237, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$445,100 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to appropriate funds for the salaries and fringes for Metro Drug Task Force employees, funded by a state grant (Metro Drug Task Force Grant) (The local match of \$564,601 is funded by Indianapolis Police Department (\$513,776) and the County Sheriff (\$50,825)."; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 238, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$137,500 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (Drug Free Community Fund) to pay the salaries of employees in the Marion Superior Court, Prosecuting Attorney, and Marion County Justice Agency, per grant awards"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 239, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$110,000 in the 2003 Budget of the Marion Superior Court, Juvenile Division (Juvenile Probation Fund) to increase funding for juvenile probation, funded by the increase of revenue generated by the Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 240, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$30,000 to the 2003 Budget of the County Auditor from the Marion Superior Court, Juvenile Division (County General Fund) to pay fringe benefits"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 242, 2003. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which requests an increase in funds for the Forensic Services Agency to be able to conduct DNA tests more rapidly"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 243, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Dennis Nicholas to the Indianapolis-Marion County Forensic Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 244, 2003. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1,625,000 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 251, 2003 and PROPOSAL NOS. 252-259, 2003. Introduced by Councillor Langsford. Proposal No. 251, 2003 and Proposal Nos. 252-259, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 22 and 23, 2003, respectively. 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. 49-57, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 49, 2003.

2003-ZON-007 (2003-DP-002)

6664, 6666 and 6668 CORNELL AVENUE (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #2

JACOB ACQUISITIONS, LLC., by Stephen D. Mears, requests a rezoning of 1.02 acres, being in the D-4 (FF) (FW) and D-8 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for residential development with a density of 22.5 units per acre.

REZONING ORDINANCE NO. 50, 2003.

2000-ZON-097

1802 NORTH CENTRAL AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

SANFORD GARNER, requests a rezoning of .1387 acre, being in the C-3 District, to the D-8 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 51, 2003.

2000-ZON-113

5155 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

SANFORD GARNER, requests a rezoning of .06935 acre, being in the I-3-U District, to the CBD-2 classification to provide for single-family residential development and an additional two-car garage.

REZONING ORDINANCE NO. 52, 2003.

2001-ZON-076

1010, 1012, 1020, 1022, 1026 NORTH CENTRAL AVENUE; 1005, 1009, 1013, 1019 and 1021 NORTH NEW JERSEY STREET; 334 EAST 10TH STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC., requests a rezoning of 1.8 acres, being in the C-4 District, to the CBD-2 classification to provide for the expansion of the existing parking lot.

REZONING ORDINANCE NO. 53, 2003.

2001-ZON-112

1025-1027 NORTH NEW JERSEY STREET (approximate addresses), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC., requests a rezoning of .2 acre,
being in the C-4 District, to the CBD-2 classification to provide for the future development of the
building for combined commercial and residential and residential use.

REZONING ORDINANCE NO. 54, 2003.

2001-ZON-134

401 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22
NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC., requests a rezoning of .64
acre, being in the I-3-U District, to the C-BD-2 classification to conform to the use of the historic
plan.

REZONING ORDINANCE NO. 55, 2003.

2003-ZON-017

5418 ELMWOOD AVENUE (approximate address), CITY OF BEECH GROVE.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
JACKSON COMMERCIAL PROPERTIES, LLC., by Philip C. Thrasher, requests a rezoning of
3.09 acre, being in the D-7 and I-2-S Districts, to the I-2-S classification to provide for industrial
uses.

REZONING ORDINANCE NO. 56, 2003.

2003-ZON-019

6333 HOLLISTER DRIVE (approximate address), TOWN OF SPEEDWAY.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 8
THOMAS L. and MARIKAY E. DEVLIN, by David F. McNamar, requests a rezoning of 0.344
acres, being in the D-A, D-7 and SU-42 Districts, to the C-1 classification to legally establish an
office building.

REZONING ORDINANCE NO. 57, 2003.

2003-ZON-022

9809 EAST 42ND STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14
FOUNTAIN OF TRUTH CHRISTIAN CHURCH requests a rezoning of 1.72 acres, being in the
D-A District, to the SU-1 classification to legally establish religious uses.

PROPOSAL NO. 231, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 231, 2003 on April 21, 2003. The proposal, sponsored by Councillor Langsford, is an inducement resolution for Phoenix Apartments (to be renamed "Avondale Village") in an amount not to exceed \$12,000,000 which consists of the acquisition and rehabilitation of an existing 328-unit apartment complex on an approximately 10.31 acre parcel of land located at 4004 Meadows Drive (District 11). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Langsford made the following motion:

Mr. President:

In Proposal No. 231, 2003 regarding the inducement resolution for Phoenix Apartments, I move to make a technical amendment by striking the word "October" and inserting in lieu thereof the word "December" in Section 4 thereof so that the expiration date of the inducement resolution will be December 31, 2003.

Councillor Boyd seconded the motion, and Proposal No. 231, 2003 was amended by a unanimous voice vote.

Councillor Moriarty Adams said that she will abstain from voting on Proposal No. 231, 2003, to avoid the appearance of a conflict of interest with her employer.

Councillor Gray asked if the developer is a local company. James Crawford, bond counsel for the project said that the developer is a company headquartered in Massachusetts who has 31 years experience with these types of projects and over 42,000 units nationwide. He said that they will be forming an Indiana limited liability company (LLC) in order to do this project and have pledged to use local contractors and vendors. Councillor Gray said that he would like to get a copy of the Minority Business Enterprise (MBE) involvement in the project. Mr. Crawford said he would be happy to provide this information.

Councillor Langsford moved, seconded by Councillor Boyd, for adoption. Proposal No. 231, 2003, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Dowden, Moriarty Adams, Talley

2 ABSENT: Black, Massie

Proposal No. 231, 2003, as amended, was retitled SPECIAL RESOLUTION NO. 24, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2003

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

WHEREAS, the City of Indianapolis Indiana (the "Issuer") is authorized by Indiana Code 36-7-11.9 and 36-7-12, as supplemented and amended (collectively, the "Act"), to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used by a developer for the acquisition, construction, installation and equipping of said facilities; and

WHEREAS, the Winn Companies has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to a to-be-formed limited partnership which is affiliated with the Winn Companies to be named either Phoenix Limited Partnership or Avondale Village Limited Partnership, or its assigns (the "Applicant") or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition and rehabilitation of the existing 328-unit Phoenix Apartments (anticipated to be renamed Avondale Village Apartments) located on an approximately 10.31 acre parcel of land at 4004 Meadows Drive, Indianapolis, Indiana (the "Project"); and

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

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

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

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

SECTION 1. It finds, determines, ratifies and confirms that the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the Project within

the jurisdiction of Issuer will serve a public purpose and will be of benefit to the health and general welfare of the citizens of the Issuer; and that it is in the public interest that this Commission take such action as it lawfully may to encourage diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment within the jurisdiction of Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds of the Issuer in an amount not to exceed Twelve Million Dollars (\$12,000,000) under the Act to be privately placed or publicly offered if permitted by current policy of the Commission for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the Bonds to the Applicant will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. The proposed economic development facilities will not have an adverse competitive effect on any similar facilities already under construction or in operation within the jurisdiction of Issuer.

SECTION 4. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Commission requests the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on December 31, 2003, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that at the time of the proposed issuance of such bonds (a) the inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during the calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such private activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 5. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of the special resolution to be adopted by the City-County Council of the Issuer, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 6. This Commission recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 142, 2003. The proposal, sponsored by Councillors McWhirter, Nytes, Knox, and Brents, 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. Councillor McWhirter stated that the Administration and Finance Committee has not yet heard this proposal. She moved, seconded by Councillor Nytes, to postpone Proposal No. 142, 2003 until May 12, 2003. Proposal No. 142, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 143, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 143, 2003 on March 25, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$35,636 in the 2003 Budget of the Pike Township Assessor (County General Fund) to pay the unpaid rent for 2002, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 7:59 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 143, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 143, 2003 was retitled FISCAL ORDINANCE NO. 38, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 98, 2002) appropriating an additional Thirty-five Thousand Three Hundred Sixty-three Dollars (\$35,363) in the County General Fund for purposes of the Pike Township Assessor 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(i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Pike Township Assessor to pay the unpaid rent for 2002 (2002 second, third and fourth quarter rent).

SECTION 2. The sum of Thirty-five Thousand Three Hundred Sixty-three Dollars (\$35,363) 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>PIKE TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>35,363</u>
TOTAL INCREASE	35,363

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>35,363</u>
TOTAL REDUCTION	35,363

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

Current cash balance December 31, 2002	22,689,247
Anticipated additional revenue through December 31, 2003	179,785,890
Projected funds available	202,475,137
Remaining appropriations and encumbrances	189,847,752
Proposed additional appropriation	35,363
Projected fund balance December 31, 2003	12,592,022

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. 158 and 192-196, 2003 on April 16, 2003. He asked for consent to vote on these proposals 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.). PROPOSAL NO. 192, 2003. The proposal, sponsored by Councillor McWhirter, 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. PROPOSAL NO. 193, 2003. The proposal, sponsored by Councillor Dowden, 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 Young Offenders Diversion Program, 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.). PROPOSAL NO. 194, 2003. The proposal, sponsored by Councillor Dowden, 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.). PROPOSAL NO. 195, 2003. The proposal, sponsored by Councillor Dowden, 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. PROPOSAL NO. 196, 2003. The proposal, sponsored by Councillor Dowden, 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. By unanimous votes, the Committee reported Proposal No. 193, 2003 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 158, 192, and 194-196, 2003 to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:07 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 158,

192, and 194-196, 2003 and Proposal No. 193, 2003, as amended, 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, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford*

0 NAYS:

2 ABSENT: *Black, Massie*

Proposal No. 158, 2003 was retitled FISCAL ORDINANCE NO. 39, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Eighty-three Thousand Eight Hundred Ninety-three Dollars (\$83,893) in the Guardian Ad Litem Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(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, Juvenile Division to appropriate an increase in funding for Child Advocates, Inc.

SECTION 2. The sum of Eighty-three Thousand Eight Hundred Ninety-three Dollars (\$83,893) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>GUARDIAN AD LITEM FUND</u>
3. Other Services and Charges	<u>83,893</u>
TOTAL INCREASE	83,893

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

	<u>GUARDIAN AD LITEM FUND</u>
Unappropriated and Unencumbered	
Guardian Ad Litem Fund	<u>83,893</u>
TOTAL REDUCTION	83,893

SECTION 5. The local match of \$141,642 is funded by the following existing appropriations in the Marion County Superior Court, Juvenile Division's budget and is hereby approved:

Existing appropriation for the Marion County Superior Court, Juvenile Division:

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>141,642</u>
TOTAL MATCH	141,642

SECTION 6. The projected December 31, 2003, fund balance for the Guardian Ad Litem Fund is as follows:

Current cash balance December 31, 2002	8,169
Anticipated additional revenue through December 31, 2003	141,642
Projected funds available	149,811
Remaining appropriations and encumbrances	65,918
Proposed additional appropriation	83,893
Projected fund balance December 31, 2003	0

SECTION 7. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 192, 2003 was retitled FISCAL ORDINANCE NO. 40, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Twenty Thousand Dollars (\$20,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to fund one part time investigator for the Street Level Advocates Program and for Nuisance Abatement.

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>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	4,000
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	16,000
TOTAL INCREASE	20,000

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	20,000
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. 193, 2003, as amended, was retitled FISCAL ORDINANCE NO. 41, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 41, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Four Hundred Ninety-six Thousand Three Hundred Eighty Dollars (\$496,380) 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 purpose of the County Auditor and the Marion County Superior Court to fund the salaries and contractual services for the Young Offenders Diversion Program.

SECTION 2. The sum of Four hundred Ninety-six Thousand Three Hundred Eighty Dollars (\$496,380) 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	97,241
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	324,139
3. Other Services and Charges	<u>75,000</u>
TOTAL INCREASE	496,380

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>496,380</u>
TOTAL REDUCTION	496,380

SECTION 5. The local match of \$219,078 is funded from existing appropriations as follows:

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	45,381
3. Other Services and Charges	79,498
<u>PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	56,570
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	30,585
<u>PROSECUTING ATTORNEY</u>	<u>DRUG FREE FUND</u>
1. Personal Services	5,417
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	<u>1,627</u>
TOTAL MATCH	219,078

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

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

Proposal No. 194, 2003 was retitled FISCAL ORDINANCE NO. 42, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 42, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Sixty Thousand Eight Hundred Six Dollars (\$160,806) 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 purpose of the County Auditor and the Marion County Superior Court to fund salaries for the Drug Treatment Diversion Program.

SECTION 2. The sum of One Hundred Sixty Thousand Eight Hundred Six Dollars (\$160,806) 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	35,806
<u>MARION SUPERIOR COURT</u>	
1. Personal Services	125,000
TOTAL INCREASE	160,806

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	160,806
TOTAL REDUCTION	160,806

SECTION 5. The Local match of \$76,985 is funded as follows:

<u>PROSECUTING ATTORNEY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	5,417
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	1,626
<u>MARION COUNTY SUPERIOR COURT</u>	
3. Other Services and Charges	51,485
<u>PUBLIC DEFENDER</u>	<u>DRUG FREE FUND</u>
1. Personal Services	5,417
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	10,000
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringes	3,040
TOTAL MATCH	76,985

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 auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 195, 2003 was retitled FISCAL ORDINANCE NO. 43, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Eighty-six Thousand Two Hundred Thirty-two Dollars (\$86,232) 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 purposes of the Marion County Superior Court to provide funds for the CASI program (Community Addictions Services of Indiana) and utilities at the Community Court.

SECTION 2. The sum of Eighty-six Thousand Two Hundred Thirty-two Dollars (\$86,232) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>86,232</u>
TOTAL INCREASE	86,232

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>86,232</u>
TOTAL REDUCTION	86,232

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. 196, 2003 was retitled FISCAL ORDINANCE NO. 44, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Two Hundred Twenty-five Thousand Dollars (\$225,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) 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 County Auditor and the Marion County Superior Court, Juvenile Division, to fund the Juvenile Re-Entry Initiative for a period of three years.

SECTION 2. The sum of Two Hundred Twenty-five Thousand Dollars (\$225,000) 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>
1. Personal Services - fringes	45,000
<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	
1. Personal Services	<u>180,000</u>
TOTAL INCREASE	225,000

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>225,000</u>
TOTAL REDUCTION	225,000

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. 188, 2003. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 188, 2003 on April 17, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$50,000 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund and Park General Fund) to aid in reforestation efforts in Perry Township and Warren Township to replace trees that were lost in 2002 from a tornado, financed by a federal grant and from fund balance. Councillor Cockrum said that the proposal was amended in Committee for a greater amount and therefore had to be re-advertised. He said that due to advertising requirements, the proposal would need to be postponed. He moved, seconded by Councillor Douglas, to postpone Proposal No. 188, 2003 until May 12, 2003. Proposal No. 188, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 197, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 197, 2003 on April 24, 2003. The proposal, sponsored by Councillors Bainbridge, Langsford, McWhirter, and Moriarty Adams, approves an appropriation of \$2,710,000 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. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Borst called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Coughenour, for adoption. Proposal No. 197, 2003, as amended, was 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, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
 0 NAYS:
 2 ABSENT: Black, Massie

Proposal No. 197, 2003, as amended, was retitled FISCAL ORDINANCE NO. 45, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating an additional Two Million Seven Hundred Ten Thousand Dollars (\$2,710,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations 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 1.01(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, Operations Division 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 balance.

SECTION 2. The sum of Two Million Seven Hundred Ten Thousand Dollars (\$2,710,000) 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>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	860,000
2. Supplies and Materials	1,160,000
3. Other Services and Charges	640,000
5. Internal Charges	<u>50,000</u>
TOTAL INCREASE	2,710,000

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>2,710,000</u>
TOTAL DECREASE	2,710,000

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. 197, 2003)	2,710,000
Pending additional appropriation requests (Proposal No. 160, 2003)	<u>1,807,000</u>
Total Requirements	70,945,772
Projected fund balance December 31, 2003	6,656,475

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

PROPOSAL NO. 205, 2003. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 205, 2003 on April 28, 2003. The proposal, sponsored by Councillor Nytes, 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. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Borst called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Nytes, for adoption. Proposal No. 205, 2003, as amended, was 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, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford*
0 NAYS:
2 ABSENT: *Black, Massie*

Proposal No. 205, 2003, as amended, was retitled GENERAL RESOLUTION NO. 2, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 2, 2003

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Park District Refunding Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000).

WHEREAS, the Park District of the City of Indianapolis, Indiana (the "Park District"), has previously issued special taxing district bonds on the dates and in the original aggregate amounts specified on Exhibit A attached hereto; and

WHEREAS., the bonds described in Exhibit A are currently outstanding in the aggregate principal amounts specified on Exhibit B attached hereto (the "Refunded Bonds"); and

WHEREAS, on March 13, 2003, the Board of Parks and Recreation of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Park District, adopted a preliminary bond resolution authorizing the issuance of special taxing district bonds of the Park District to be designated as "City of Indianapolis, Indiana, Park District Refunding Bonds of 2003, Series A," in an original aggregate amount not to exceed Ten Million Dollars (\$10,000,000), for the purpose of procuring funds to apply to the current refunding of all or a portion of the Refunded Bonds in order to effect a savings to the Park District; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve 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 (\$10,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

EXHIBIT A

<u>Bonds</u>	<u>Original Date</u>	<u>Original Principal Amount</u>
Park District Bonds of 1993, Series A	March 4, 1993	\$25,625,000
Park District Refunding Bonds of 1993, Series A	March 4, 1993	3,910,000

EXHIBIT B

<u>Bonds</u>	<u>Principal Amount</u>	<u>Maturity Dates</u>
Park District Bonds of 1993, Series A	\$4,910,000	January 1, 2009, through and including January 1, 2018
Park District Refunding Bonds of 1993, Series A	905,000	January 1, 2004, through and including January 1, 2008

Councillor Bainbridge reported that the Public Works Committee heard Proposal Nos. 206-211, 2003 on April 24, 2003. He asked for consent to report on these proposals together, but vote on them separately. Consent was given.

PROPOSAL NO. 206, 2003. The proposal, sponsored by Councillor Nytes, 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. PROPOSAL NO. 207, 2003. The proposal, sponsored by Councillor Nytes, 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. PROPOSAL NO. 208, 2003. The proposal, sponsored by Councillor Nytes, 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. PROPOSAL NO. 209, 2003. The proposal, sponsored by Councillor Nytes, 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. PROPOSAL NO. 210, 2003. The proposal, sponsored by Councillor Nytes, approves 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. PROPOSAL NO. 211, 2003. The proposal, sponsored by Councillor Nytes, 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. By a 7-1 vote, the Committee reported Proposal No. 209, 2003 to the Council with the recommendation that it do pass and by 8-0 votes, the Committee reported Proposal Nos. 206-208, 210, and 211, 2003 to the Council with the recommendation that they do pass.

Councillor Coughenour asked if before the extra savings from these projects is spent, the projects those extra monies will be spent on will come back to the Council for approval. Jennifer Weflen, deputy director of the Local Public Improvement Bond Bank, said that the appropriation process is always done through bond resolutions. Councillor Nytes said that she believes any additional revenues would result in additional appropriations, which would then come before the Council. Jeff Qualkinbush, bond counsel, said that the appropriation of additional proceeds would be controlled by the special taxing body, which in this case would be the Board of Public Works. He said that it would be outside of the law that governs these types of bonds that these appropriations would need Council approval. He said that the Council could certainly ask that the board come

back before them and keep them informed of these additional projects and how these proceeds are spent. Kathy Davis, City Controller, said that the City would absolutely come back to the Council and report on how any savings beyond the \$3.8 million would be used. She said that it is possible the City will choose to save those proceeds and add them to the fund balance, but they would make it clear to the Council what their recommendations were regarding any additional savings. Mr. Qualkinbush said that unless the Council were to include an amendment and write in these resolutions that they were to approve the spending of additional savings, there is no legal way to insure that. He said that it seems, however, that the City Controller is willing to commit to reporting to the Council on these appropriations.

Councillor Coonrod said that he is concerned that a lot of money has already gone into the Fall Creek Place project. He asked how much has been invested so far. Mr. Qualkinbush said that approximately \$4 million has been invested. Councillor Coonrod said that this is quite a bit of money that seems to only benefit a few people or a specific area. He asked what the global benefit is to the County from this project. Councillor Nytes said that this project was a significant undertaking in an area that was so far gone that it was no longer capable of generating tax revenue. The project will allow the area to again produce tax revenue and therefore benefits the entire City. Councillor Coonrod said that he understood a tax increment financing (TIF) district was formed, and asked if these revenues would not then simply benefit only this area. Councillor Nytes said that a small TIF was formed for infrastructure needs in Phases I and II of the project, but the bonds being approved this evening are for Phase III. Councillor Coonrod asked how much tax revenue will be generated as a result of the project. Councillor Nytes said that she cannot say as it is too early to know that. Councillor Coonrod said that he is still concerned that the project specifically benefits only a small group of people, and it is a lot of money to be spending for no global benefit.

Councillor Smith said that he cast the one opposing vote on Proposal No. 209, 2003 in Committee, but due to the commitment from the Controller, he will change his vote and support the proposal.

Councillor Gibson said that these monies help to rebuild a community with a great deal of property value that was in dire need of revitalization. He said that the rebuilding of this area can only benefit everyone.

Councillor Horseman said that this project also impacts the surrounding neighborhoods. She said that to say the project only benefits a few is a lack of understanding of the impact of the project. She said that this project can also serve as a prototype of what could be used in other parts of the City in the future.

Councillor Frick asked what are the total expenditures and housing units provided by all three phases of this project. Ms. Weflen said that she does not have exact numbers, but that she believes there would be approximately 230 to 240 new housing units. She added that she can get Councillor Frick specific numbers. Councillor Coonrod said that if this is correct, the cost would be approximately \$20,000 per unit.

Councillor Bainbridge said that a commitment was already made by this Council to support this project, and this is simply the culmination of the financing needed to complete it.

President Borst called for public testimony at 8:34 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 206, 2003. Proposal No. 206, 2003 was adopted on the following roll call vote; viz:.

23 YEAS: *Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Talley, Tilford*

3 NAYS: *Coonrod, Schneider, Soards*

1 NOT VOTING: *Dowden*

2 ABSENT: *Black, Massie*

Proposal No. 206, 2003 was retitled SPECIAL ORDINANCE NO. 3, 2003, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2003

A SPECIAL ORDINANCE approving the issuance of "City of Indianapolis, Indiana, General Obligation Refunding Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Five Million Dollars (\$5,000,000).

WHEREAS, the City of Indianapolis, Indiana (the "City"), has previously issued general obligation bonds of the City designated as the "City of Indianapolis Multipurpose Bonds of 1987," in the aggregate principal amount of \$5,000,000 and dated as of March 1, 1987 (the "1987 Bonds"), all in accordance with City-County Special Ordinance No. 1, 1987, adopted on January 5, 1987 (the "1987 Bond Ordinance") by the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council"); and

WHEREAS, the 1987 Bonds are currently outstanding in the aggregate principal amount of One Million Eight Hundred Sixty Thousand Dollars (\$1,860,000) and mature on January 1, 2004, through and including January 1, 2008 (the "Refunded Bonds"); and

WHEREAS, a study has been presented to the Council recommending that a restructuring of the debt service of the City should be effected by the current refunding of all or a portion of the Refunded Bonds, and the Council therefore desires to authorize the issuance of bonds of the City to provide for the current refunding of all or a portion of the Refunded Bonds.

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

SECTION 1. Authorization for Refunding Program, Issuance of Refunding Bonds and Appropriation of Proceeds.

The City shall proceed to provide for the current refunding of all or a portion of the Refunded Bonds, including paying for all expenses necessary incidental thereto, including all expenses in connection with or on account of the issuance of refunding bonds therefor (collectively, the "Refunding Program"). In order to provide funds for the Refunding Program, the City shall borrow money in an amount not to exceed Five Million Dollars (\$5,000,000) (the "Authorized Amount"), and shall issue general obligation bonds of the City to be designated as the "City of Indianapolis, Indiana, General Obligation Refunding Bonds of 2003, Series A" (the "Refunding Bonds") in an amount not to exceed the Authorized Amount. An appropriation in the amount not to exceed the Authorized Amount, together with all investment earnings thereon, is being made on this day to pay for the governmental purposes to be financed by the Refunding Bonds, and the funds to meet said appropriation shall be provided out of the proceeds of the Refunding Bonds in the original principal amount not to exceed the Authorized Amount and such investment earnings. Said appropriation is in addition to all other appropriations provided for in the existing budget and tax levy. The City covenants that the proceeds of the Refunding Bonds will not be used for any purpose except as described in this Ordinance.

SECTION 2. General Terms of Bonds.

(a) Issuance of Refunding Bonds. In order to procure said loan for such purposes, the Council hereby authorizes the issuance of the Refunding Bonds as described herein. The Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell the Refunding Bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") as negotiable, fully registered bonds of the City in an amount not to exceed the Authorized Amount. Total debt service payments (principal and interest) to final maturity on the Refunding Bonds shall not exceed \$6,800,000.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City (the "Mayor"), countersigned by the manual or facsimile signature of the Controller and attested by the manual or facsimile signature of the Clerk of the City (the "Clerk"), who shall cause the official seal of the City to be impressed or a facsimile thereof to be printed on each of the Refunding Bonds.

In case any officer whose signature appears on the Refunding Bonds shall cease to be such officer before the delivery of Refunding Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The Refunding Bonds also shall be, and will not be valid or become obligatory for any purpose or entitled to any benefit under this Ordinance unless and until, authenticated by the manual signature of the Registrar (as defined in Section 4 hereof). Subject to the provisions of this Ordinance regarding the registration of the Refunding Bonds, the Refunding Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

The Refunding Bonds shall be numbered consecutively from 2003AR-1 up, shall be issued in denominations of One Thousand Dollars (\$1,000) or any integral multiple thereof, shall be originally dated as of the date determined by the Controller, and shall bear interest payable semi-annually on each January 1 and July 1, commencing not earlier than July 1, 2003, at a rate or rates not exceeding six percent (6.00%) per annum (the exact rate or rates to be determined by negotiation with the Bond Bank pursuant to Section 6 of the Ordinance), calculated on the basis of a 360-day year comprised of twelve 30-day months.

The Refunding Bonds shall mature on the dates as set forth on Exhibit A attached hereto and shall be issued in the principal amounts as determined by the Controller at the time of their issuance; provided, however, that such maturity schedule may be modified by the Controller, at the time of issuance of the Refunding Bonds in order to achieve approximate level debt service tax rate on all of the indebtedness and its related entities subsequent to the issuance of the Refunding Bonds.

(b) Source of Payment. The Refunding Bonds are as to all the principal thereof, and as to all interest due thereon, general obligations of the City, payable from unlimited ad valorem property taxes on all taxable property within the City, to be levied beginning in 2002 for collection beginning in 2003.

(c) Payments. All payments of interest on the Refunding Bonds shall be paid by wire transfer, or by check or draft mailed one business day prior to the interest payment date, to the registered owners thereof as of the fifteenth (15th) day of the month preceding the month in which interest is payable (the "Record Date") at the addresses as they appear on the registration and transfer books of the City kept for that purpose by the Registrar (the "Registration Record") or at such other address as is provided to the Paying Agent (as defined in Section 4 hereof) in writing by such registered owner. All principal payments on the Refunding Bonds shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

Interest on Refunding Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such Refunding Bonds are authenticated after the Record Date for an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless authenticated on or before the Record Date for the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

(d) Transfer and Exchange. Each Refunding Bond shall be transferable or exchangeable only upon the Registration Record, by the registered owner thereof in writing, or by the registered owner's attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City. The City, Registrar and Paying Agent may treat and consider the persons in whose name such Refunding Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(e) Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Refunding Bond is mutilated, lost, stolen or destroyed, the City may execute, and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Controller and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such Refunding Bond with their reasonable fees and expenses in this connection. Any Refunding Bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the City, whether or not the lost, stolen or destroyed Refunding Bond shall be found at any time,

and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Refunding Bonds issued hereunder.

SECTION 3. Terms of Redemption. The Refunding Bonds shall not be subject to optional redemption prior to maturity.

Upon the election of the Bond Bank and the determination of the Controller at the time of issuance of the Refunding Bonds, any or all of the Refunding Bonds may be issued as term bonds subject to mandatory sinking fund redemption on January 1 and July 1 at 100% of the face value in accordance with the schedules set forth above. If any Refunding Bonds are subject to mandatory sinking fund redemption, the Paying Agent shall credit against the mandatory sinking fund requirement for any term bonds and corresponding mandatory redemption obligation, in the order determined by the City, any term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar or Paying Agent for cancellation or purchased for cancellation by the Registrar and not theretofore applied as a credit against any redemption obligation. Each term bond so delivered or canceled shall be credited by the Registrar or Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory obligations and the principal amount of that term bond to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Registrar and Paying Agent shall only credit such term bonds to the extent received on or before forty-five days preceding the applicable mandatory redemption date.

There shall not be any notice of such mandatory sinking fund redemption provided to the Bond Bank.

All Refunding Bonds which have been redeemed shall be canceled and shall not be reissued; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any Refunding Bond without charge to the holder thereof.

No later than the date fixed for redemption, funds shall be deposited with the Paying Agent or another paying agent to pay, and such agent is hereby authorized and directed to apply such funds to the payment of, the Refunding Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made upon any Refunding Bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Ordinance with respect to any mutilated, lost, stolen or destroyed bond.

SECTION 4. Appointment of Registrar and Paying Agent.

The Controller is hereby initially appointed to serve as registrar and paying agent for the Refunding Bonds, but the Controller shall have the option of appointing a successor registrar and paying agent at any time (together with any successor, the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the Refunding Bonds, and shall keep and maintain the Registration Record at its office. The Mayor and the Controller are hereby authorized to enter into such agreements or understandings with any institution hereafter serving in such capacities as will enable the institution to perform the services required of the Registrar and Paying Agent. The Controller is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice by first-class mail to the Mayor, the President of the Council and each registered owner of the Refunding Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the President. Such notice to the Mayor and the President of the Council may be served personally or be sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the Council, in which event the Council may appoint a successor Registrar and Paying Agent. The Council shall notify each registered owner of the Refunding Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the Refunding Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Registration Record. Any predecessor Registrar and Paying Agent shall deliver all the Refunding Bonds, cash related thereto in its possession and the Registration Record to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

SECTION 5. Form of Bonds. The form and tenor of the Refunding Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Bond)

No. 2003AR-__

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MARION

CITY OF INDIANAPOLIS, INDIANA,
GENERAL OBLIGATION REFUNDING BOND OF 2003, SERIES A

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>
-------------------------	-------------------------	-------------------------	-------------------------------

Registered Owner:

Principal Sum:

The City of Indianapolis, Indiana (the "City"), for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above (unless this bond is called for redemption prior to maturity as hereafter provided), and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month immediately preceding the month in which interest is payable (the "Record Date") and on or before such interest payment date in which case interest shall be paid from such interest payment date, or unless this bond is authenticated on or before June 15, 2003, in which case it shall bear interest from the Original Date, which interest is payable semi-annually on January 1 and July 1 of each year, beginning on July 1, 2003. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at the office of the Controller of the City (the "Registrar" or "Paying Agent"), in Indianapolis, Indiana. All payments of interest on this bond shall be paid by wire transfer, or by check or draft mailed one business day prior to the interest payment date, to the Registered Owner as of the Record Date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments of principal of this bond shall be made upon surrender thereof at the principal office of the Paying Agent in any coin or currency of the United States of America which on the date of such payment shall be legal tender for the payment of public and private debts.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

This bond is one of an authorized issue of bonds of the City of like original date, tenor and effect, except as to denominations, numbering, interest rates, and dates of maturity, in the total amount of _____ Dollars (\$ _____), numbered from 2003AR-1 up, issued for the purpose of providing funds for the current refunding of all or a portion of the City of Indianapolis Multipurpose Bonds of 1987, and for the purpose of paying incidental expenses to be incurred in connection therewith and on account of the sale and issuance of refunding bonds therefor, as authorized by Special Ordinance No. __, 2003 adopted by the City-County Council of the City of Indianapolis and of Marion County, Indiana on the __ day of _____, 2003 (the "Ordinance"), and in strict compliance with Indiana Code 36-3-4-21, Indiana Code 5-1.4, Indiana Code 5-1-5 and other applicable provisions of the Indiana Code, as amended (collectively, the "Act"), all as more particularly described in the Ordinance. The owner of this bond, by the acceptance hereof, agrees to all the terms and provisions contained in the Ordinance and the Act.

PURSUANT TO THE PROVISIONS OF THE ACT AND THE ORDINANCE, THE PRINCIPAL OF THIS BOND AND ALL OTHER BONDS OF SAID ISSUE AND THE INTEREST DUE THEREON ARE PAYABLE AS A GENERAL OBLIGATION OF THE CITY, FROM AN UNLIMITED AD VALOREM PROPERTY TAX TO BE LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY.

The bonds of this issue are not subject to optional redemption prior to maturity.
[Insert mandatory sinking fund redemption provisions, if applicable.]

Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

This bond is subject to defeasance prior to payment as provided in the Ordinance.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent or another paying agent, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the registration record kept for that purpose at the office of the Registrar by the Registered Owner in person, or by the Registered Owner's attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or such attorney, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing on any maturity date are issuable only in the denomination of \$1,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing on such date.

IN WITNESS WHEREOF, the City of Indianapolis, Indiana, has caused this bond to be executed in the name of such city, by the manual or facsimile signature of the Mayor of the City and the Controller of the City, and attested by manual or facsimile signature by the secretary of the Clerk of the City.

CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor
Countersigned:

By: _____
Controller

ATTEST:

Clerk

(Form of Registrar's Certificate of Authentication)

It is hereby certified that this bond is one of the bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

By: _____
Controller of the City of Indianapolis, as Registrar

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM. as tenants in common
TEN. ENT. as tenants by the entireties
JT. TEN. as joint tenants with right of survivorship and not as tenants in common
UNIF. TRANS.
MIN. ACT

_____ Custodian _____
(Cust.) (Minor)

under Uniform Transfers to Minors Act of

(State)

Additional abbreviations may also be used, although not contained in the above list.

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

(please print or typewrite name and address of transferee)

(please insert social security or
other identifying number of assignee)

\$ _____ in principal amount (must be a multiple of \$1,000) of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature of this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(End of Bond Form)

SECTION 6. Sale of Bonds.

The Controller shall negotiate the sale of the Refunding Bonds to the Bond Bank at an interest rate or rates not exceeding six percent (6.00%) per annum. The Mayor and the Controller are hereby authorized to (i) submit an application to the Bond Bank, (ii) execute a purchase agreement with the Bond Bank with terms conforming to this Ordinance, and (iii) award the Refunding Bonds thereto upon such terms which are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance.

The Controller is hereby authorized and directed to have the Refunding Bonds prepared, the Mayor, the Controller and the Clerk are hereby authorized and directed to execute and seal the Refunding Bonds in substantially the form and the manner herein provided. Upon the consummation of the sale of the Refunding Bonds, the Controller and the Treasurer of Marion County, Indiana, ex-officio Treasurer of the City, shall be authorized to receive from the Bond Bank the amount to be paid for the Refunding Bonds, which shall be not less than ninety-seven percent (97%) of the face value of the Refunding Bonds plus accrued interest, if any, to the date of delivery and deliver the Refunding Bonds to the Bond Bank in the manner provided by law.

The proceeds from the sale of the Refunding Bonds shall be immediately remitted to the Bond Bank to provide funds for the Refunding Program.

The Controller is hereby authorized and directed to obtain a legal opinion as to the validity of the Refunding Bonds from Barnes & Thornburg, and to furnish such opinion to the Bond Bank. The cost of such opinion shall be paid out of the proceeds of the Refunding Bonds.

SECTION 7. Defeasance.

If, when the Refunding Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Refunding Bonds or any portion thereof for redemption have been given, and the whole amount of the principal and the interest so due and payable upon such Refunding Bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, the principal of and the interest on which when due without reinvestment will provide sufficient money, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the Refunding Bonds or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 8. Tax Matters.

In order to preserve the exclusion of interest on the Refunding Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the Refunding Bonds, the City represents, covenants and agrees that:

(a) No person or entity, other than the City or another state or local governmental unit, will use proceeds of the Refunding Bonds or property financed by the Refunding Bond proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by Refunding Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No Refunding Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No Refunding Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the Refunding Bond proceeds.

(c) The City will not take any action or fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Refunding Bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder as applicable to the Refunding Bonds, including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on Refunding Bond proceeds or other monies treated as Refunding Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

(d) The City will file an information report on Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The City will not make any investment or do any other act or thing during the period that any Refunding Bond is outstanding hereunder which would cause any Refunding Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder as applicable to the Refunding Bonds.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Refunding Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 9. Amendments.

Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Refunding Bonds then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such Ordinance or Ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of amending in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental Ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting without the consent of all affected owners of the Refunding Bonds:

(a) An extension of the maturity of the principal of or interest on any Refunding Bond without the consent of the holder of each Refunding Bond so affected; or

(b) A reduction in the principal amount of any Refunding Bond or the rate of interest thereon or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Refunding Bond so affected; or

(c) A preference or priority of any Refunding Bond over any other Refunding Bond, without the consent of the holders of all Refunding Bonds then outstanding; or

(d) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental Ordinance, without the consent of the holders of all Refunding Bonds then outstanding.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the Registration Record. Such notice shall briefly set forth the nature of the proposed supplemental Ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Refunding Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Refunding Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental Ordinance when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the City shall receive any instrument or instruments purporting to be executed by the owners of the Refunding Bonds of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Refunding Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental Ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the City may adopt such supplemental Ordinance in substantially such form, without liability or responsibility to any owners of the Refunding Bonds, whether or not such owners shall have consented thereto.

No owner of any Refunding Bond shall have any right to object to the adoption of such supplemental Ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental Ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Refunding Bonds then outstanding shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights, duties and obligations of the City and of the owners of the Refunding Bonds, and the terms and provisions of the Refunding Bonds and this Ordinance, or any supplemental Ordinance, may be modified or amended in any respect with the consent of the City and the consent of the owners of all the Refunding Bonds then outstanding.

Without notice to or consent of the owners of the Refunding Bonds, the City may, from time to time and at any time, adopt such Ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental Ordinances shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental Ordinance; or

(b) to grant to or confer upon the owners of the Refunding Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Refunding Bonds; or

(c) to procure a rating on the Refunding Bonds from a nationally recognized securities rating agency designated in such supplemental Ordinance, if such supplemental Ordinance will not adversely affect the owners of the Refunding Bonds; or

(d) to provide for the refunding or advance refunding of the Refunding Bonds; or

(e) to make any other change which, in the determination of the Board in its sole discretion, is not to the prejudice of the owners of the Refunding Bonds.

SECTION 10. Other Actions and Documents.

The Mayor, the Controller and the Clerk are hereby authorized and directed, for and on behalf of the City, to execute, attest and seal all such documents, instruments, certificates, closing papers and other papers and do all such acts and things as may be necessary or desirable to carry out the intent of this Ordinance.

SECTION 11. No Conflict.

All Ordinances and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the Refunding Bonds authorized by this Ordinance and so long as any of the Refunding Bonds or interest thereon remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will adversely affect

the rights of the holders of the Refunding Bonds, nor shall the City adopt any law which in any way adversely affects the rights of such holders.

SECTION 12. Severability.

If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 13. Non-Business Days.

If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the City or the jurisdiction in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 14. Interpretation.

Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 15. Effectiveness.

This Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

**EXHIBIT A
MATURITY SCHEDULE**

**Maturity
Date**

January 1, 2004
January 1, 2005
January 1, 2006
January 1, 2007
January 1, 2008

President Borst called for public testimony on Proposal Nos. 207-211, 2003 at 8:35 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 207, 2003. Proposal No. 207, 2003 was adopted on the following roll call vote; viz.:

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

Proposal No. 207, 2003 was retitled GENERAL RESOLUTION NO. 3, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 3, 2003

A GENERAL RESOLUTION approving the appropriation of the proceeds of the City of Indianapolis, Indiana, General Obligation Refunding Bonds of 2003, Series A in an aggregate amount not to exceed Five Million Dollars (\$5,000,000).

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council"), has on this date adopted an ordinance authorizing the issuance of the City of Indianapolis,

Indiana, General Obligation Bonds of 2003, Series A in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000) (the "Refunding Bonds") to provide funds for the current refunding of all or a portion of the City of Indianapolis Multipurpose Bonds of 1987, dated as of March 1, 1987, and currently outstanding in the aggregate principal amount of One Million Eight Hundred Sixty Thousand Dollars (\$1,860,000) (the "1987 Bonds") and to pay all of the costs incurred in connection with or on account of the current refunding of such 1987 Bonds (collectively, the "Refunding Program"); and

WHEREAS, the City of Indianapolis, Indiana (the "City"), did not include the proceeds of the Refunding Bonds in the regular budget for the year 2003; and

WHEREAS, there are insufficient funds available or provided for in the City's existing budget and tax levy which may be applied to the cost of the Refunding Program, the issuance of the Refunding Bonds has been authorized to procure the necessary funds and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Clerk of the Council has caused notice of a hearing on said appropriation to be published as required by law; and

WHEREAS, such public hearing was held on the date hereof, on or after 7:00 p.m.(local time) in the Beurt SerVaas Public Assembly Room, on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views regarding such additional appropriation.

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

SECTION 1. The Council hereby appropriates a sum not to exceed Five Million Dollars (\$5,000,000), out of the proceeds of the Refunding Bonds to be used by the City in paying the costs of the Refunding Program.

SECTION 2. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until the completion of the Refunding Program. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 3. A certified copy of this resolution, together with such other proceedings and actions as may be necessary, shall be filed by the Controller of the City, along with a report of the appropriation, with the State Department of Local Government Finance.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 208, 2003. Proposal No. 208, 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, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford*

0 NAYS:

1 NOT VOTING: *Dowden*

2 ABSENT: *Black, Massie*

Proposal No. 208, 2003 was retitled GENERAL RESOLUTION NO. 4, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2003

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Refunding Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Thirty Million Dollars (\$30,000,000).

WHEREAS, the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana (the "Metropolitan Thoroughfare District"), has previously issued special taxing district bonds on the dates and in the original aggregate amounts specified on Exhibit A attached hereto; and

WHEREAS., the bonds described in Exhibit A are currently outstanding in the aggregate principal amounts specified on Exhibit B attached hereto (the "Refunded Bonds"); and

WHEREAS, on February 26, 2003, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Metropolitan Thoroughfare District, adopted a preliminary bond resolution authorizing the issuance of special taxing district bonds of the Metropolitan Thoroughfare District to be designated as "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Refunding Bonds of 2003, Series A," in an original aggregate amount not to exceed Thirty Million Dollars (\$30,000,000), for the purpose of procuring funds to apply to the current refunding of all or a portion of the Refunded Bonds in order to effect a savings to the Metropolitan Thoroughfare District; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve 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 (\$30,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

EXHIBIT A

<u>Bonds</u>	<u>Original Date</u>	<u>Original Principal Amount</u>
Metropolitan Thoroughfare District Refunding Bonds of 1987	March 1, 1987	\$25,000,000
Metropolitan Thoroughfare District Bonds of 1993, Series A	March 4, 1993	59,390,000
Metropolitan Thoroughfare District Refunding Bonds of 1993, Series A	March 4, 1993	17,795,000

EXHIBIT B

<u>Bonds</u>	<u>Principal Amount</u>	<u>Maturity Dates</u>
Metropolitan Thoroughfare District Bonds of 1987	\$9,245,000	January 1, 2004, through and including January 1, 2008
Metropolitan Thoroughfare District Bonds of 1993, Series A	10,300,000	January 1, 2004, through and including January 1, 2018
Metropolitan Thoroughfare District Refunding Bonds of 1993, Series A	3,065,000	January 1, 2005, through and including January 1, 2008

Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 209, 2003. Proposal No. 209, 2003 was adopted on the following roll call vote; viz:.

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

1 NAY: *Coonrod*

1 NOT VOTING: *Dowden*

2 ABSENT: *Black, Massie*

Proposal No. 209, 2003 was retitled GENERAL RESOLUTION NO. 5, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2003

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Six Million Dollars (\$6,000,000).

WHEREAS, on February 26, 2003, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Metropolitan Thoroughfare District of the City of Indianapolis, Indiana (the "Metropolitan Thoroughfare District"), adopted a preliminary bond resolution authorizing the issuance of special taxing district bonds of the Metropolitan Thoroughfare District to be designated as "City of Indianapolis, Indiana, Metropolitan Thoroughfare District Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of procuring funds to apply to the costs of undertaking all or a portion of the following projects: (1) road improvement projects and projects related thereto throughout the Fall Creek Place/Homeownership Zone, including, but not limited to, new streets, alleys, sidewalks, curbs, bump outs, sewer taps and water laterals, and (2) other road improvement or resurfacing projects and projects related thereto throughout the Metropolitan Thoroughfare District (collectively, the "Projects"); and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve 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 (\$6,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 210, 2003. Proposal No. 210, 2003 was adopted on the following roll call vote; viz:.

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

Proposal No. 210, 2003 was retitled GENERAL RESOLUTION NO. 6, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2003

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 2003, Series A," in an original aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000).

WHEREAS, the Sanitary District of the City of Indianapolis, Indiana (the "Sanitary District"), has previously issued special taxing district bonds on the dates and in the original aggregate amounts specified on Exhibit A attached hereto; and

WHEREAS, the bonds described in Exhibit A are currently outstanding in the aggregate principal amounts specified on Exhibit B attached hereto (the "Refunded Bonds"); and

WHEREAS, on February 26, 2003, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Sanitary District, adopted a preliminary bond resolution authorizing the issuance of special taxing district bonds of the Sanitary District to be designated as "City of Indianapolis, Indiana, Sanitary District Refunding Bonds of 2003, Series A," in an original aggregate amount not to exceed Twenty Million Dollars (\$20,000,000) for the purpose of procuring funds to apply to the current refunding of all or a portion of the Refunded Bonds in order to effect a savings to the Sanitary District; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve 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 (\$20,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

EXHIBIT A

<u>Bonds</u>	<u>Original Date</u>	<u>Original Principal Amount</u>
Sanitary District Bonds of 1993, Series A	March 4, 1993	\$64,125,000
Sanitary District Refunding Bonds of 1993, Series A	March 4, 1993	13,670,000

EXHIBIT B

<u>Bonds</u>	<u>Principal Amount</u>	<u>Maturity Dates</u>
Sanitary District Bonds of 1993, Series A	\$12,300,000	January 1, 2008, through and including January 1, 2018
Sanitary District Refunding Bonds of 1993, Series A	3,330,000	January 1, 2004, through and including January 1, 2007

Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption of Proposal No. 211, 2003. Proposal No. 211, 2003 was adopted on the following roll call vote; viz.:

22 YEAS: Bainbridge, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Talley, Tilford

3 NAYS: Coonrod, Schneider, Soards

2 NOT VOTING: Bradford, Dowden

2 ABSENT: Black, Massie

Proposal No. 211, 2003 was retitled GENERAL RESOLUTION NO. 7, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 2003

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Flood Control District

WHEREAS, the Flood Control District of the City of Indianapolis, Indiana (the "Flood Control District"), has previously issued special taxing district bonds on the dates and in the original aggregate amounts specified on Exhibit A attached hereto; and

WHEREAS., the bonds described in Exhibit A are currently outstanding in the aggregate principal amounts specified on Exhibit B attached hereto (the "Refunded Bonds"); and

WHEREAS, on February 26, 2003, the Board of Public Works of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Flood Control District, adopted a preliminary bond resolution authorizing the issuance of special taxing district bonds of the Flood Control District to be designated as "City of Indianapolis, Indiana, Flood Control District Refunding Bonds of 2003, Series A," in an original aggregate amount not to exceed Twenty Million Dollars (\$20,000,000), for the purpose of procuring funds to apply to the current refunding of all or a portion of the Refunded Bonds in order to effect a savings to the Flood Control District; and

WHEREAS, the Board has requested the approval of the City-County Council of the issuance of said special taxing district bonds pursuant to IC 36-3-5-8 and the City-County Council now finds that the issuance of said bonds should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve 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 Refunding Bonds of 2003, Series A," in an aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

EXHIBIT A

<u>Bonds</u>	<u>Original Date</u>	<u>Original Principal Amount</u>
Flood Control District Bonds of 1987	March 1, 1987	\$29,995,000
Flood Control District Bonds of 1993, Series A	March 4, 1993	11,940,000
Flood Control District Refunding Bonds of 1993, Series A	March 4, 1993	7,100,000

EXHIBIT B

<u>Bonds</u>	<u>Principal Amount</u>	<u>Maturity Dates</u>
Flood Control District Bonds of 1987	\$11,100,000	January 1, 2004, through and including January 1, 2008
Flood Control District Bonds of 1993, Series A	2,295,000	January 1, 2009, through and including January 1, 2018
Flood Control District Refunding Bonds of 1993, Series A	2,195,000	January 1, 2004, through and including January 1, 2007

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 2, 2003. In Councillor Massie's absence, Councillor Coughenour reported that the Rules and Public Policy Committee heard Proposal No. 2, 2003 on January 14, February 4, and April 15, 2003. The proposal, sponsored by Councillors Borst and Sanders, concerns the resale of admission tickets of any National Collegiate Athletic Association Division 1 Final Four Basketball Championships. By a 7-0 vote, the Committee reported the proposal to the Council

with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Sanders, for adoption. Proposal No. 2, 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, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Sanders, Schneider, Short, Soards, Talley, Tilford
1 NAY: Smith
1 NOT VOTING: Nytes
2 ABSENT: Black, Massie

Proposal No. 2, 2003 was retitled GENERAL ORDINANCE NO. 36, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2003

A GENERAL ORDINANCE concerning the resale of admission tickets of any National Collegiate Athletic Association Division I Final Four Basketball Championships.

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

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

Sec. 407-107. Findings.

The city-county council finds that:

- (1) The taxpayers of the City of Indianapolis have constructed and maintained facilities for the exhibition of sporting events;
- (2) In the event that the demand for seating at any particular exhibition in such facilities exceeds the available supply, the resulting premium price that can be demanded for resale for tickets encourages persons to purchase such tickets solely for the purpose of resale and not with the intent to use the facilities;
- (3) It is anticipated that demand for seating at the any National Collegiate Athletic Association (the "NCAA") Division I ~~Men's~~ Basketball Championship (the "Final Four") will greatly exceed the available supply for the games and therefore increase the resulting premium price that can be demanded for resale of such Final Four tickets solely for the purpose of resale and not with the intent to use the facilities;
- (4) Purchasing such Final Four tickets with the intent of resale at a premium price is discouraged by the NCAA, and host cities are requested to assist the NCAA in controlling such activity;
- (5) The only effective means to discourage the purchasing of such Final Four tickets with the intent of resale is to prohibit the resale of such Final Four tickets at premium prices;
- (6) The resale of such Final Four tickets at a premium price should be prohibited.

Sec. 407-108. Sale of tickets of the any National Collegiate Athletic Association Division I ~~Men's~~ Basketball Championship at the RCA Dome.

- (a) Tickets to the Final Four, to be held at a publicly owned facility, shall have printed thereon the retail price thereof.
- (b) It shall be unlawful for any person to sell or offer for sale any such Final Four ticket at a price greater than the retail price printed thereon, exclusive of reasonable fees or service charges for sale of such tickets not to exceed ten dollars (\$10.00) per ticket at regular ticket outlets.

Sec. 407-109. Resale of tickets to the any National Collegiate Athletic Association Division 1 Men's Basketball Championship at the RCA Dome.

It shall be unlawful for any person to resell or offer to resell for profit any Final Four ticket. "Profit" shall not include a maximum fee or service charge of ten dollars (\$10.00) per ticket.

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

PROPOSAL NO. 186, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 186, 2003 on April 22, 2003. The proposal, sponsored by Councillor Dowden, 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. 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 Tilford, for adoption. Proposal No. 186, 2003 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Bradford

2 ABSENT: Black, Massie

Proposal No. 186, 2003 was retitled SPECIAL RESOLUTION NO. 25, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2003

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 9,713 square feet of office space at 2525 N. Shadeland Avenue, Indianapolis, Indiana for the Northeast Community Office of the Marion Superior Court Probation Department, Adult Services Division.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Northeast Community Office of the Marion Superior Court Probation Department, Adult Services Division, is necessary.

SECTION 2. The property to be leased is located at 2525 N. Shadeland Avenue, Indianapolis, Indiana, and is owned by Western Select Properties, LP, which in turn is owned by Lewis A. Norry, WSP, Inc., General Partner, and the Estate of Sharon Norry Seidmann.

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

PROPOSAL NO. 213, 2003. In Councillor Massie's absence, Councillor Coughenour reported that the Rules and Public Policy Committee heard Proposal No. 213, 2003 on April 15, 2003. The proposal, sponsored by Councillors Bainbridge and Gibson, approves the Mayor's establishment of a charter school by issuing a charter to Andrew J. Brown Charter School, Inc. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley said that he would like to be added as a co-sponsor to this proposal.

Councillor Bainbridge said that he previously had some concerns about funding at the State level and about the funding for charter schools impacting Indianapolis Public Schools (IPS) funding, but is now satisfied that those concerns have been addressed. President Borst said that thanks to his father, Senator Larry Borst, and several others in State Legislature, the funding issues have been figured out in a way that everyone seems to be satisfied.

Councillor Nytes complimented the Legislature and the administration for coming up with a funding formula that seems to make everyone happy. She said that she does not want the City to lose sight of the fact that help is still needed in IPS to find alternative ways to finance capital improvements.

Councillor Gibson said that he is also pleased with the great fix the General Assembly has provided by separating school districts, and actually giving IPS an increase in funding, as well as helping charter schools.

Councillor Boyd asked if David Harris, director of the charter school program, could explain briefly the new funding. Mr. Harris said that charter schools are now funded as their own separate district, and IPS will not lose any funding. He added that charter schools will also have a benefit in borrowing to cover first semester costs, with 20 years to repay.

Councillor Coughenour moved, seconded by Councillor Gibson, for adoption. Proposal No. 213, 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, McWhirter, Moriarty Adams, Nytes, Schneider, Short, Smith, Soards, Talley, Tilford
1 NAY: Sanders
0 NOT VOTING:
2 ABSENT: Black, Massie

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she has nothing against this charter applicant, but is philosophically against all charters.

Proposal No. 213, 2003 was retitled COUNCIL RESOLUTION NO. 72, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2003

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Andrew J. Brown Charter School, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Andrew J. Brown Charter School, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Andrew J. Brown Charter School, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Councillor Bainbridge reported that the Public Works Committee heard Proposal Nos. 198-204, 2003 on April 24, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 198, 2003. The proposal, sponsored by Councillor Coonrod, authorizes multi-way stops at 36th Place and Ireland Drive and at 36th Street and Wittfield Street (District 5). PROPOSAL NO. 199, 2003. The proposal, sponsored by Councillor Coughenour, authorizes intersection controls for the White Oak Woods Subdivision, Sections 1 and 2 (District 24). PROPOSAL NO. 200, 2003. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 32nd Street and Winthrop Avenue (District 22). PROPOSAL NO. 201, 2003. The proposal, sponsored by Councillor Langsford, authorizes multi-way stops at St. Clair Street and Layman Avenue and at St. Clair Street and Lesley Avenue (District 13). PROPOSAL NO. 202, 2003. The proposal, sponsored by Councillors Borst and Short, authorizes parking restrictions on Shelby Street near Naomi Street (Districts 21, 25). PROPOSAL NO. 203, 2003. The proposal, sponsored by Councillor Knox, authorizes parking restrictions on Farnsworth Street between Holt Road and Tibbs Avenue (District 17). PROPOSAL NO. 204, 2003. The proposal, sponsored by Councillor Knox, authorizes parking restrictions on Michigan Street between Alton Avenue and Tibbs Avenue (District 17). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that they do pass. Councillor Bainbridge moved, seconded by Councillor Knox, for adoption. Proposal Nos. 198-204, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 198, 2003 was retitled GENERAL ORDINANCE NO. 37, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20, 21	36 th Pl Ireland Dr	36 th Pl	Stop
20, 21	36 th St Wittfield St	36 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20, 21	36 th Pl Ireland Dr	None	All Way Stop
20, 21	36 th St Wittfield St	None	All Way Stop

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

Proposal No. 199, 2003 was retitled GENERAL ORDINANCE NO. 38, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Dahoma Dr Durian Ln	Dahoma Dr	Stop
40	Dahoma Dr Jarrah Ct	Dahoma Dr	Stop
40	Dahoma Dr Oak Farm Dr	Dahoma Dr	Stop
40	Dahoma Dr Shelbyville Rd	Shelbyville Rd	Stop
40	Makore Ct Oak Farm Dr	Oak Farm Dr	Stop

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

Proposal No. 200, 2003 was retitled GENERAL ORDINANCE NO. 39, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	32 nd St Winthrop Av	Winthrop Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	32 nd St Winthrop Av	None	All Way Stop

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

Proposal No. 201, 2003 was retitled GENERAL ORDINANCE NO. 40, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	St. Clair St Layman Av	St. Clair St	Stop
26	St. Clair St Lesley Av	St. Clair St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	St. Clair St Layman Av	None	All Way Stop
26	St. Clair St Lesley Av	None	All Way Stop

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

Proposal No. 202, 2003 was retitled GENERAL ORDINANCE NO. 41, 2003, and reads as follows:

April 28, 2003

CITY-COUNTY GENERAL ORDINANCE NO. 41, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Shelby Street, on the east side, from a point 100 feet south of Naomi Street,
to a point 100 feet north of Naomi Street

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

Proposal No. 203, 2003 was retitled GENERAL ORDINANCE NO. 42, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 42, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Farnsworth Street, on both sides, from Holt Road to a point 1,000 feet east of Holt Road

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Farnsworth Street, on both sides, from Holt Road to Tibbs Avenue

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

Proposal No. 204, 2003 was retitled GENERAL ORDINANCE NO. 43, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-402, Bus stop and trolley stop zones.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Michigan Street, on the south side, from a point 75 feet west of Tibbs Avenue to Tibbs Avenue

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

President Borst convened the Police Special Service District Council.

**SPECIAL SERVICE DISTRICT COUNCILS
POLICE SPECIAL SERVICE DISTRICT**

PROPOSAL NO. 191, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 191, 2003 on April 16, 2003. The proposal, sponsored by Councillors Dowden and Moriarty Adams, 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. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Dowden made the following motion:

Mr. Chairman:

I move to amend Proposal No. 191, 2003, as follows:

SECTION 5 is changed to reflect a correction of the revenues, appropriations and fund balance for the Consolidated County Fund.

SECTION 6 of Proposal No. 191, 2003, shall be and is hereby renumbered as SECTION 7, and a new SECTION 6 shall be added to reflect an addition of 76 civilian full time equivalent positions.

Councillor Smith seconded the motion and Proposal No. 191, 2003 was amended by a unanimous voice vote.

Councillor Horseman asked why this appropriation was not included in the budget. Councillor Dowden said that it was included in the budget, but that it was included in the Sheriff's budget. It was decided that the City Police will actually run the processing center, and so these dollars need to be transferred out of the Sheriff's budget into the Indianapolis Police Department's budget.

President Borst called for public testimony at 9:00 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption as amended. Proposal No. 191, 2003, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Borst, Boyd, Bradford, Brens, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Sanders, Schneider, Short, Smith, Tilford

1 NAY: Horseman

3 NOT VOTING: Nytes, Soards, Talley

2 ABSENT: Black, Massie

Proposal No. 191, 2003, as amended, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2003, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2003

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2003 (Police Special Service District Ordinance No. 3, 2002) transferring and appropriating One Million Eight Hundred Nine-one Thousand Three Hundred Twenty-four Dollars (\$1,891,324) in the Police General and Consolidated County Funds for purposes of the Department of Public Safety, Police Division, and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to fund staffing at the Arrestee Processing Center designed to alleviate jail overcrowding, financed by a transfer between characters.

SECTION 2. The sum of One Million Eight Hundred Nine-one Thousand Three Hundred Twenty-four Dollars (\$1,891,324) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, POLICE DIVISION</u>	<u>POLICE GENERAL FUND</u>
1. Personal Services	1,843,607
2. Supplies and Materials	29,817
4. Capital Outlays	23,800
TOTAL INCREASE	1,891,324

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

<u>DEPARTMENT OF PUBLIC SAFETY, POLICE DIVISION</u>	<u>POLICE GENERAL FUND</u>
3. Other Services and Charges	1,725,812
TOTAL DECREASE	1,725,812

<u>DEPARTMENT OF PUBLIC SAFETY POLICE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	165,512
TOTAL DECREASE	165,512

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

Cash balance as of December 31, 2002	41,463,009
Estimated 2003 revenues (2003 budgeted plus new revenues)	52,086,015
Projected funds available	93,539,024
2003 appropriations, including prior year carryover encumbrances	70,143,078
Proposed appropriation reduction (Proposal No. 191, 2003)	-165,512
Pending additional appropriation requests (Proposal No. 144, 2003)	98,470
Total Requirements	70,076,036
Projected fund balance December 31, 2003	23,462,989

SECTION 6. Approved positions.

Section 5 (c) of Police Special Service District Fiscal Ordinance 3, 2002 is hereby amended by approving the addition of 76 Civilian FTE positions, as shown below.

Department	Division	Position Type	2003 Approved
Public Safety	Police	Full Time (Civilian) FTE	367.94
Public Safety	Police	Uniform (swom) FTE	1,224.50
Public Safety	Police	Part Time FTE	6.42
Public Safety	Police	School Crossing Guard FTE	15.36
Police Total (as amended by this proposal)			1,614.22

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

President Borst convened the Fire Special Service District Council.

**FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 189 and 190, 2003 on April 16, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 189, 2003. The proposal, sponsored by Councillors Dowden and Moriarty Adams, 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. PROPOSAL NO. 190, 2003. The proposal, sponsored by Councillors Dowden and Moriarty Adams, 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.). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 9:02 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 189 and 190, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Nytes, Soards, Talley

2 ABSENT: Black, Massie

Proposal No. 189, 2003 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2003, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2003

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2003 (Fire Special Service District Ordinance No. 4, 2002) appropriating an additional Sixty Four Thousand Two Hundred and Forty-six Dollars (\$64,246) in the Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to pay for costs incurred by the Federal Emergency Management Agency's (FEMA) Urban Search and Rescue Team Indiana Task Force One to aid in the Columbia Space Shuttle Disaster recovery, financed by a federal grant.

SECTION 2. The sum of Sixty Four Thousand Two Hundred and Forty Six Dollars (\$64,246) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	64,246
TOTAL INCREASE	64,246

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	64,246
TOTAL REDUCTION	64,246

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC36-3-4-14.

Proposal No. 190, 2003 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2003, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2003

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2003 (Fire Special Service District Ordinance No. 4, 2002) appropriating an additional Two Thousand Seven Hundred and Seventy-two Dollars (\$2,772) in the Fire General Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Fire General Fund.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to support the SAFE KIDS BUCKLE UP Child Safety Seat Inspection Station (CSSIS) program, which supplements the current Permanent Fitting Station Carseat grant, financed by a grant from a partnership with United Auto Workers (UAW), the General Motors Center for Human Resources-health and Safety, and General Motors.

SECTION 2. The sum of Two Thousand Seven Hundred and Seventy-two Dollars (\$2,772) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION</u>	<u>FIRE GENERAL FUND</u>
2. Materials and Supplies	2,501
3. Other Services and Charges	271
TOTAL INCREASE	2,772

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

	<u>FIRE GENERAL FUND</u>
Unappropriated and Unencumbered	
Fire General Fund	2,772
TOTAL REDUCTION	2,772

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

Cash balance as of December 31, 2002	9,129,584
Estimated 2003 revenues (2003 budgeted plus new revenues)	54,036,903
Projected funds available	63,163,715
2003 appropriations, including prior year carryover encumbrances	57,107,686
Proposed appropriation (Proposal No. 190, 2003)	2,772
Projected fund balance December 31, 2003	6,053,257

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

NEW BUSINESS

Councillor Bradford stated that each Councillor should have received a bag in their mailboxes to fill with food pantry items for the Damien Center. He said that any help would be greatly appreciated. Councillor Horseman challenged the Republican caucus to contribute more than the Democrat caucus.

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 Horseman in memory of Joseph Seyfried; and
- (2) Councillor Tilford in memory of Robert Henry "Pat" Stark.

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 Joseph Seyfried and Robert Henry "Pat" Stark. 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 9:04 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 28th 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:



Assistant Clerk of the Council

(SEAL)