

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

**REGULAR MEETINGS  
MONDAY, MAY 12, 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 7:13 p.m. on Monday, May 12, 2003, with President Borst presiding.

Councillor Smith 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:

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

President Borst said that it is good to see Councillor Black out of the hospital and looking fit. Councillor Black thanked all his friends and associates who came to visit him in the hospital and said that it is nice to know that despite political affiliations, this body can rally around each other when needed. President Borst welcomed the President of the United States, George W. Bush, to the City of Indianapolis this evening. Councillor McWhirter recognized Roger Bowser, candidate for City-County Council. Councillor Gray introduced Justin Brown, a student of Cathedral High School, and future governor material. Councillor Horseman recognized Ricardo Gambetta, the Director of Latino Affairs for the Mayor's Office.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 12, 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 29, 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 30, 2003, and in the *Indianapolis Star* on Thursday, May 1, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 188, 234-237, and 239, 2003, said hearing to be held on Monday, May 12, 2003, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Peggy Stawick  
Assistant Clerk of the City-County Council

May 9, 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. 38, 2003 - 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

FISCAL ORDINANCE NO. 45, 2003 - 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

GENERAL ORDINANCE NO. 36, 2003 - concerns the resale of admission tickets of any National Collegiate Athletic Association Division 1 Final Four Basketball Championships

GENERAL ORDINANCE NO. 37, 2003 - authorizes multi-way stops at 36th Place and Ireland Drive and at 36th Street and Wittfield Street (District 5)

GENERAL ORDINANCE NO. 38, 2003 - authorizes intersection controls for the White Oak Woods Subdivision, Sections 1 and 2 (District 24)

GENERAL ORDINANCE NO. 39, 2003 - authorizes a multi-way stop at 32nd Street and Winthrop Avenue (District 22)

GENERAL ORDINANCE NO. 40, 2003 - authorizes multi-way stops at St. Clair Street and Layman Avenue and at St. Clair Street and Lesley Avenue (District 13)

GENERAL ORDINANCE NO. 41, 2003 - authorizes parking restrictions on Shelby Street near Naomi Street (Districts 21, 25)

GENERAL ORDINANCE NO. 42, 2003 - authorizes parking restrictions on Farnsworth Street between Holt Road and Tibbs Avenue (District 17)

GENERAL ORDINANCE NO. 43, 2003 - authorizes parking restrictions on Michigan Street between Alton Avenue and Tibbs Avenue (District 17)

SPECIAL ORDINANCE NO. 3, 2003 - 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

GENERAL RESOLUTION NO. 2, 2003 - 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

GENERAL RESOLUTION NO. 3, 2003 - 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

GENERAL RESOLUTION NO. 4, 2003 - 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

GENERAL RESOLUTION NO. 5, 2003 - 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

GENERAL RESOLUTION NO. 6, 2003 - 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

GENERAL RESOLUTION NO. 7, 2003 - 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

SPECIAL RESOLUTION NO. 19, 2003 - recognizes the April 12, 2003 Warren Pride Community Cleanup Day

SPECIAL RESOLUTION NO. 20, 2003 - recognizes the Class 3A State Basketball Champion Bishop Chatard Trojans

SPECIAL RESOLUTION NO. 21, 2003 - recognizes the Beech Grove High School's first girls Class 3A state championship title

SPECIAL RESOLUTION NO. 22, 2003 - recognizes Workers Memorial Day being celebrated today, April 28, 2003

SPECIAL RESOLUTION NO. 23, 2003 - recognizes the Bishop Chatard High School state football champions

SPECIAL RESOLUTION NO. 24, 2003 - 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)

SPECIAL RESOLUTION NO. 25, 2003 - 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

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2003 - 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

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2003 - 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

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2003 - 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.)

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of April 28, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

President Borst passed the gavel to Vice-President Coughenour.

PROPOSAL NO. 246, 2003. The proposal, sponsored by Councillors Borst and Boyd, remembers the life of Sam Jones. Councillor Boyd read the proposal and presented representatives with copies of the document and Council pins. Councillor Borst stated that Mr. Jones was a very special person who was a great help to him in his 24 years in leadership in this City, and he has the utmost respect for him. Mr. Jones' son, Reverend Michael Jones, thanked the Council for the recognition. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 246, 2003 was adopted by a unanimous voice vote.

Proposal No. 246, 2003 was retitled SPECIAL RESOLUTION NO. 18, 2003, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2003**

A SPECIAL RESOLUTION remembering the life of Sam Jones.

WHEREAS, Sam Jones was a civil rights giant in Indianapolis, not from flamboyant theatrics, but by his consistent unpretentious demeanor as head of the Indianapolis Urban League; and

WHEREAS, the local Urban League is an interracial nonpartisan charitable organization whose roots go back to a job opportunities program started by the Quakers in 1952, which in 1966 evolved into today's Urban League with Sam Jones as its only President until he retired last year; and

WHEREAS, growing up in Mississippi, Mr. Jones lived in a climate of unequal privileges and opportunities, but he spent his adult life doing something about it; and

WHEREAS, in Indianapolis, Sam Jones was the go-to guy, his Urban League created scholarships, moved its office to Indiana Avenue, helped get rid of discriminatory laws, worked on education to make people qualified for better jobs, police relations, and calmed the waters – most notably on April 4, 1968, after Reverend Martin Luther King, Jr. was murdered, Sam Jones, Mayor Richard Lugar, and Robert Kennedy who was in Indianapolis campaigning all successfully appealed to the shocked crowds to refrain from destroying their neighborhoods; 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 remembers with awe and respect Sam Jones who in a very positive manner impacted the lives of countless people in the city of Indianapolis.

SECTION 2. Sam Jones' legacy will continue through the lives of his widow Prethenia, their children Sam, Jr., Rev. Michael Jones, and Marya Overby, through the Urban League organization, and through the spirit of his successful leadership style that got things done.

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.

Vice-President Coughenour returned the gavel to President Borst.

PROPOSAL NO. 273, 2003. The proposal, sponsored by Councillor Horseman, recognizes the third anniversary of the newspaper "La Voz de Indiana." Councillor Horseman read the proposal and presented copies of the document and Council pins to representatives. Liliانا Hamnik, founder of "La Voz de Indiana," thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Sanders, for adoption. Proposal No. 273, 2003 was adopted by a unanimous voice vote.

Proposal No. 273, 2003 was retitled SPECIAL RESOLUTION NO. 26, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2003

A SPECIAL RESOLUTION recognizing the Third Anniversary of the newspaper "La Voz de Indiana".

WHEREAS, Liliانا Hamnik arrived in the United States from her native Medellin, Columbia, in 1998 after a fruitful career with various communications companies and after receiving high reviews for her industrial design work; and

WHEREAS, however, as it the case with many professional Latinos who come to the USA, Liliانا faced the language barrier, which she overcame by months of arduous studying and force of will; and

WHEREAS, she entered the radio broadcast industry, and then took a large leap of faith and a great challenge by founding her own communications company; and

WHEREAS, one night it occurred to her that the community needs a newspaper that would help others overcome the barriers that she faced and for those who lack the language or know-how experience to communicate with government; and

WHEREAS, thus "La Voz de Indiana", or "The Voice of Indiana" was born, and three years later "La Voz" is stronger than ever; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends Liliانا Hamnik for her vision, talent and energy for founding and nurturing "La Voz de Indiana" newspaper as an important vehicle of information for the Latino community.

SECTION 2. She is showing that she has what it takes to see an enterprise grow and prosper.

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. 274, 2003. The proposal, sponsored by Councillor Smith, recognizes local law enforcement officers and employees called to active duty during Operation Iraqi Freedom. Councillor Smith read the proposal and presented copies of the document and Council pins to

representatives. Councillor Smith moved, seconded by Councillor Soards, for adoption. Proposal No. 274, 2003 was adopted by a unanimous voice vote.

Proposal No. 274, 2003 was retitled COUNCIL RESOLUTION NO. 73, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2003

A COUNCIL RESOLUTION recognizing local law enforcement officers and employees called to active duty during Operation Iraqi Freedom.

WHEREAS, citizen soldiers train for the eventuality that they might be called to active duty, and as a national defense policy the Guard and Reserve have taken on increasingly important responsibilities in the armed forces; and

WHEREAS, law enforcement officers have already made the commitment to place themselves in jeopardy for a stronger community; and

WHEREAS, Indiana and Indianapolis have a long tradition of responding to calls to arms dating back to at least the Civil War; and

WHEREAS, being activated, sometimes on short notice, is very disruptive to a service man's and woman's home life, but Guard and Reserve members pack their duffel bags and go when ordered; now, therefore:

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

SECTION 1. Indianapolis is proud of its service men and women who are responding to their duty during the increased callup for Operation Iraqi Freedom and America's other national defense obligations both foreign and domestic.

SECTION 2. According to the Indianapolis Fraternal Order of Police, Lodge No. 86, the following law enforcement personnel have been called to active duty: Indianapolis Police Department Daniel Bennett, Douglas Johnson, Madeline Lothamer, Matthew McFadden, Gregory Scott, Todd Scroggins, Brendan Smith, Thomas Westrick, Jr., and William Wilson; IPD civilians Jason Sumner and Kristopher Watts; Marion County Sheriff Deputies Terrance Fulner, Jason McGaha, Michael Reddick, James Richards, Eric Snow, Monty Tuttle and William Woolen; and Beech Grove Police Department Joel Comstock.

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

PROPOSAL NO. 275, 2003. The proposal, sponsored by Councillors Langsford and Gray, recognizes Thomas Hanify for his work with Indianapolis Metropolitan Professional Firefighters Local 416, and wishes him well as President of the Professional Fire Fighters Union of Indiana. Councillor Langsford read the proposal and presented Mr. Hanify with a copy of the document and a Council pin. Mr. Hanify said that it has been a pleasure to serve and he plans on staying in the City and continuing to be active in the community. He said that he appreciated former Council President Dr. Beurt SerVaas's leadership and support over the years. Councillors Smith, Conley, and Black expressed their appreciation to Mr. Hanify for all he's done for the community. Councillor Langsford moved, seconded by Councillor Gray, for adoption. Proposal No. 275, 2003 was adopted by a unanimous voice vote.

Proposal No. 275, 2003 was retitled SPECIAL RESOLUTION NO. 27, 2003, and reads as follows:

May 12, 2003

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2003

A SPECIAL RESOLUTION recognizing Thomas Hanify for his work with Indianapolis Metropolitan Professional Firefighters Local 416, and wishing him well as President of the Professional Fire Fighters Union of Indiana.

WHEREAS, Thomas Hanify is a native of New York, but moved to Indianapolis as soon as he got out of the Army; and

WHEREAS, he was hired by the Indianapolis Fire Department on November 3, 1980, became a fire department union trustee three years later, and by 1987 was the union's Treasurer; and

WHEREAS, since 1993, Tom has been President of the Indianapolis Metropolitan Firefighters Local 416, representing 2,300 career firefighters and 400 retirees from throughout Central Indiana; and

WHEREAS, as President, Tom grew Local 416 into the tenth largest union in the International Association of Fire Fighters, renovated an old fire station to serve as Local 416 Headquarters, to house the Survive Alive fire safety education program, and to serve as a boost to revitalizing old Massachusetts Avenue, along with his push for improvements in firefighter's fitness, safety, wellness, and political activism; and

WHEREAS, in 2002, Thomas Hanify was elected President of the Professional Fire Fighters Union of Indiana to represent the 6,000 career firefighters in cities throughout Indiana; 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 Thomas Hanify for his decade of leadership as President of the Indianapolis Metropolitan Professional Firefighters Local 416, and wishes him well in his new post as head of the state firefighter's union.

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

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

PROPOSAL NO. 276, 2003. The proposal, sponsored by Councillor Borst, appoints Daniel T. Moriarty to the Common Construction Wage Committee for Perry Township. President Borst stated that these appointments often come before the Committee of the Whole because of time sensitive issues. Councillor Talley moved, seconded by Councillor Cockrum, to suspend the Rules of the Council and vote on Proposal No. 276, 2003 this evening without referring the proposal to a Committee. The Rules were suspended by a unanimous voice vote. Councillor Coughenour moved, seconded by Councillor Cockrum, for adoption. Proposal No. 276, 2003 was adopted by a unanimous voice vote.

Proposal No. 276, 2003 was retitled COUNCIL RESOLUTION NO. 74, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2003

A COUNCIL RESOLUTION appointing Daniel T. Moriarty to the Common Construction Wage Committee for Perry Township.

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

SECTION 1. As a member of the Common Construction Wage Committee for Perry Township, the Council appoints:

Daniel T. Moriarty

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and qualifies.

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 261, 2003. Introduced by Councillors McWhirter and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$800,000 in the 2003 Budget of the Office of the City Controller (City Cumulative Capital Improvement Fund) to provide funding for certain capital improvements for the Indianapolis Housing Authority, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 262, 2003. Introduced by Councillors Cockrum and Brents. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,000 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to cover overtime costs incurred while assisting Department of Public Works in snow removal and pothole repairs during the latest winter season"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 263, 2003. Introduced by Councillors Cockrum and Brents. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$45,000 in the 2003 Budget of the Department of Parks and Recreation (Transportation General Fund) to employ an inspector for street trees in the public right of way"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 264, 2003. Introduced by Councillors Dowden, Moriarty Adams, Talley, and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$245,000 in the 2003 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Improvement Fund) to use as matching requirements for a Department of Justice Block Grant to purchase police vehicles, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 265, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Ordinance which approves a transfer of \$8,565 in the 2003 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase an educational robot to further the Survive Alive mission of fire safety education in schools, churches, youth serving agencies, and community events"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 266, 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 \$250,000 in the 2003 Budget of the Department of Public Safety, Emergency Management and Planning Division (Non-Lapsing Federal Grants Fund) to assist in the critical initial response effort by providing funding and contract requirements to each Metropolitan Medical Response System jurisdiction to purchase the local supplies needed to respond to a weapons of mass destruction event, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 267, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$346,062 in the 2003



Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to support the efforts of the Adult Protective Services Unit, funded by a state and federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 268, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$60,000 in the 2003 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to provide partial funding for both the Community Court Coordinator and the Resource Coordinator, funded by a federal grant (U.S. Department of Justice, Office of Justice Programs)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 269, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$7,000 in the 2003 Budgets of the County Auditor and the Marion County Superior Court (County Grants Fund) to provide local hosting and program arrangements for the Library of Congress-Open World Russian Leadership Program, funded by a grant from the Academy for Educational Development"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 270, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,000 in the 2003 Budget of the Marion County Superior Court (Drug Treatment Diversion Fund) to provide drug testing and incentives for Drug Treatment Court participants, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 271, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates the Capital Lease Fund as a nonreverting fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 272, 2003. Introduced by Councillors Borst, Dowden, Boyd, and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Marion County Criminal Justice Planning Commission"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 281, 2003. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Matt Klein to the Board of Ethics"; and the President referred it to the Rules and Public Policy Committee.

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

PROPOSAL NOS. 277-280, 2003. Introduced by Councillor Langsford. Proposal Nos. 277-280, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 8, 2003. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 58-61, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 58, 2003.

2002-ZON-177

4900 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

CHRIS HORTON AND CHIP BARNES request a rezoning of 1.51 acres, being in the D-A District, to the C-4 classification to provide for the construction of a 6,000 square foot automotive parts store.

REZONING ORDINANCE NO. 59, 2003.

2003-ZON-026

8400 CLEAR VISTA PLACE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

COLLINS GROUP, INC., by Brian J. Tuohy, request a rezoning of 6.76 acres, being in the D-P District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 60, 2003.

2003-ZON-802 (2002-DP-021)

5101 SOUTH FRANKLIN ROAD and 9107 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

STAFFORD DEVELOPMENT, INC., by David A. Retherford, requests a rezoning of 168.5 acres, being in the I-2-S District, to the D-P classification to provide for a church and a single-family residential development, with a density of 3.23 units per acre.

REZONING ORDINANCE NO. 61, 2003.

2003-ZON-808

4149 and 4153 BOULEVARD PLACE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #6

TANGERINE CORPORATION., by Thomas Engle, requests a rezoning of 0.25 acres, being in the D-5 District, to the C-3C classification to legally establish neighborhood commercial uses and two dwelling units.

### **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 Proposal No. 142, 2003. She moved, seconded by Councillor Bainbridge, to postpone Proposal No. 142, 2003 until June 2, 2003. Proposal No. 142, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 188, 2003. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 188, 2003 on April 17, 2003. Due to the proposal being amended in Committee for an increased amount, the proposal was postponed in Council on April 28, 2003 to meet advertising requirements. 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. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 188, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 188, 2003, as amended, was retitled FISCAL ORDINANCE NO. 46, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating Fifty Thousand Dollars (\$50,000) in the Non-Lapsing Federal Grants Fund and Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund and the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation 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 fund balance.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Materials and Supplies	<u>20,000</u>
TOTAL INCREASE	20,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and supplies	<u>30,000</u>
TOTAL INCREASE	30,000

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Non-Lapsing Federal Grants balance	<u>20,000</u>
TOTAL REDUCTION	20,000

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>30,000</u>
TOTAL REDUCTION	30,000

SECTION 5. The activity hereby approved through this ordinance is partially funded by a federal grant. Matching funds have already been appropriated in the 2003 budget, as follows:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	17,700

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

SECTION 7. The projected December 31, 2003, fund balance for the Park General Fund is as follows:

Cash balance as of December 31, 2002	13,328,872
Estimated 2003 revenues (2003 budget plus new revenues)	<u>25,633,965</u>
Projected funds available	38,962,837
2003 appropriations, including prior year carryover encumbrances	36,663,843
Proposed appropriation (Proposal No. 188, 2003)	<u>30,000</u>
Total requirements	36,693,843
Projected fund balance December 31, 2003	2,298,994

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

SECTION 9. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in Section 1 above.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 234-237 and 239, 2003 on May 8, 2003. He stated that he was absent from that meeting, and he deferred to Councillor Smith for the Committee report. Councillor Smith asked for consent to hear these proposals together. Councillor Schneider said that he would like for Proposal No. 235, 2003 to be voted on separately. Consent was given to hear Proposal Nos. 234, 236, 237, and 239, 2003 together.

PROPOSAL NO. 234, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, 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. PROPOSAL NO. 236, 2003. The proposal, sponsored by Councillor Dowden, 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). PROPOSAL NO. 237, 2003. The proposal, sponsored by Councillor Dowden, 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)). PROPOSAL NO. 239, 2003. The proposal, sponsored by Councillor Dowden, 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. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Coughenour said that the local match on Proposal No. 237, 2003 is more than the appropriation. President Borst said that sometimes the local match is more because the proposal is only for an increase in the appropriation and not the overall grant. Dan Jones, Deputy Auditor, said that this is a supplement to the existing grant. He added that local matches are not always exact dollar for dollar and can sometimes be a little more or a little less.

President Borst called for public testimony at 8:00 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Talley, for adoption. Proposal Nos. 234, 236, 237, and 239, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 234, 2003 was retitled FISCAL ORDINANCE NO. 47, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Forty-seven Thousand Two Hundred Fifty-five Dollars (\$47,225) in the County Grants Fund for purposes of the County Auditor and the County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (g) 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 County Sheriff to pay one officer to transport prisoners from Marion County Lock-Up for screening and treatment for sexually transmitted diseases.

SECTION 2. The sum of Forty-seven Thousand Two Hundred Fifty-five Dollars (\$47,225) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services-fringes	10,964
 <u>COUNTY SHERIFF</u>	
1. Personal Service	34,291
2. Supplies	<u>2,000</u>
TOTAL INCREASE	47,255

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>47,255</u>
TOTAL REDUCTION	47,255

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. 236, 2003 was retitled FISCAL ORDINANCE NO. 48, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Four-nine Thousand Nine Hundred Twelve Dollars (\$149,912) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 County Auditor and the Marion County Justice Agency to appropriate unappropriated and unencumbered funds for the salary, and fringes for the salary of the Project Safe Neighborhoods Researcher, for other contractual work, and for travel expenses per grant agreement.

SECTION 2. The sum of One Hundred Four-nine Thousand Nine Hundred Twelve Dollars (\$149,912) 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	27,000
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	90,000
3. Other Services and Charges	32,912
TOTAL INCREASE	149,912

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	149,912
TOTAL REDUCTION	149,912

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

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

Proposal No. 237, 2003 was retitled FISCAL ORDINANCE NO. 49, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 County Auditor and the Marion County

Justice Agency to appropriate unappropriated and unencumbered funds for salaries, and fringes for Metro Drug Task Force Employees.

SECTION 2. The sum of an additional Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) 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	41,622
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	293,319
3. Other Services and Charges	110,159
TOTAL INCREASE	445,100

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	445,100
TOTAL REDUCTION	445,100

SECTION 5. The local match of \$564,601 is funded by Indianapolis Police Department (\$513,776) and the County Sheriff (\$50,825).

The local match of \$513,776 is funded by the following existing appropriation in the IPD's Budget:

	<u>POLICE SERVICE DISTRICT FUND</u>
Existing appropriation for the Indianapolis Police Department	
1. Personal Services	513,776
TOTAL MATCH	513,776

The local match of \$50,825 is funded by the following existing appropriation in the County Sheriff's Budget:

	<u>COUNTY GENERAL FUND</u>
Existing appropriation for the County Sheriff	
1. Personal Services	50,825
TOTAL MATCH	50,825

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

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

Proposal No. 239, 2003 was retitled FISCAL ORDINANCE NO. 50, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Ten Thousand Dollars (\$110,000) in the Juvenile Probation Fund for purposes of the Marion Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the Juvenile Probation 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 Superior Court, Juvenile Division to increase funding the Juvenile Probation Fund.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT, JUVENILE DIVISION</u>	<u>JUVENILE PROBATION FUND</u>
2. Supplies	10,000
3. Other Services and Charges	50,000
4. Capital Outlay	<u>50,000</u>
TOTAL INCREASE	110,000

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

	<u>JUVENILE PROBATION FUND</u>
Unappropriated and Unencumbered	
Juvenile Probation Fund	<u>110,000</u>
TOTAL REDUCTION	110,000

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

Current cash balance (12-31-02)	137,339
Anticipated additional revenue through December 31, 2003	<u>75,000</u>
Projected funds available	212,339
Remaining appropriations and encumbrances	70,000
Proposed additional appropriation	<u>110,000</u>
Funds required	180,000
Projected fund balance December 31, 2003	32,339

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

PROPOSAL NO. 235, 2003. Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal No. 235, 2003 on May 8, 2003. The proposal, sponsored by Councillor Dowden, 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.). 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 8:02 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Dowden, for adoption. Proposal No. 235, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 235, 2003 was retitled FISCAL ORDINANCE NO. 51, 2003, and reads as follows:



CITY-COUNTY FISCAL ORDINANCE NO. 51, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Fifty-four Thousand Dollars (\$54,000) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 Marion County Justice Agency to appropriate unappropriated and unencumbered funds for the salary of a Indianapolis Violence Reduction Partnership Coordinator and for the Indianapolis Violence Reduction Partnership newsletter expenses.

SECTION 2. The sum of additional Fifty-four Thousand Dollars (\$54,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	53,000
3. Other Services and Charges	<u>1,000</u>
TOTAL INCREASE	54,000

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>54,000</u>
TOTAL REDUCTION	54,000

SECTION 5. The local match of \$18,000 is funded by the following existing appropriations in the County Auditor and Marion County Justice Agency budgets and is hereby approved:

	<u>COUNTY GENERAL FUND</u>
<u>COUNTY AUDITOR</u>	
1. Personal Services - fringe	4,099
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	8,550
3. Other Services and Charges	3,902
4. Capital Outlay	<u>1,449</u>
TOTAL MATCH	18,000

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

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 187, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 187, 2003 on April 21 and May 7, 2003. The proposal, sponsored by Councillors Langsford and Horseman, establishes a moratorium on the erection of outdoor

advertising signs. By a 4-3 vote, the Committee recommends to the Council to amend the proposal.

President Borst stated that this proposal is a little different than most proposals, which can be amended by the Committees. He asked General Counsel Robert Elrod to explain the different circumstances regarding this proposal. Mr. Elrod said that any amendments to a proposed change to an ordinance which has been ratified by the Metropolitan Development Commission (MDC) requires a two-thirds majority full Council vote, and cannot be amended by a Committee. He said therefore, that 18 votes are needed to either amend, reject, or even affirm an MDC proposal. If no action is taken by the Council within 90 days, the ordinance change automatically goes into effect, which would be on July 4, 2003 with regards to this particular proposal. If 18 members of this Council vote to amend the proposal, that change would then have to go back before the MDC for approval and adoption, hopefully at their May 21<sup>st</sup> meeting, and the moratorium would then go into effect following that meeting.

Councillor Langsford said that he is opposed to the recommendation to amend, and voted against it in Committee. He said that the Committee did vote to send the proposal to the Council for consideration by a unanimous vote, but the recommended amendment was not unanimous. He said that he would encourage the Council to pass the proposal as originally written, as the staff believes six months is necessary for the public input process.

Councillor Bradford moved, seconded by Councillor Schneider, to amend Proposal No. 187, 2003 to a 90-day moratorium instead of a six-month moratorium. He said that this process needs to move quicker so as not to prove a hardship to billboard businesses and landowners.

Councillor Coughenour said that the minutes from the committee reflect that the proposal was sent to the Council with a unanimous recommendation to pass as amended. Councillor Langsford said that the motion to recommend an amendment did pass out of committee by a 4-3 vote, and then to further send the proposal to the full Council, the vote was unanimous. He said that he did not vote to amend and does not believe that was the intention of the other negative votes, either.

Councillor Schneider said that he understood that the final motion was to send the proposal to the full Council with a do pass as amended recommendation. He said that since the proposal was amended before this final action, it would be understood that the amended version was then before the full Council.

President Borst stated that in light of Mr. Elrod's explanation, the committee did not have the authority to actually amend the proposal, and therefore, the proposal could not come to the full Council in an amended version. The full Council will actually have to take an action to amend the proposal. Councillor Dowden said that this is no different from any other proposal, because all amended versions by the committees have to be accepted by the full Council. Mr. Elrod explained that other proposals can be amended in committee and the amended version then can come before the full Council for final action. In the case of a normal committee-amended proposal, the Council would have to take further action to re-amend the proposal if they did not like the amended version that came out of committee. However, in this case, no official amendment can be made to this proposal by the committee, and therefore the proposal before the Council is the originally introduced version. In order to have the recommended amended version on the table for consideration, the amendment would have to be made on the floor at the full Council.

Councillor Bainbridge said that he originally thought six months was excessive, but after speaking to the director of the Department of Metropolitan Development (DMD), he feels it may be impossible to complete the process in 90 days. Therefore, even though he voted in favor of the amendment in committee, he cannot support it now.

Councillor McWhirter asked if the ordinance changes take place before the moratorium expires, if the full moratorium would still be imposed. Mr. Elrod said that the way the proposal is written indicates that the moratorium is in place until a certain date or until a change to the ordinance goes into effect, whichever comes first. Therefore, if the ordinance is changed before the moratorium is completed, the moratorium would no longer be in effect.

Councillor Horseman stated that the moratorium was originally proposed for one year, and the MDC has already made concessions by setting it for six months. She said that Maury Plambeck, director of DMD, testified that it takes two months to even get the proposal through the Council committee and MDC process. Therefore, taking into account public input, drafting, and revisions, one month is not a responsible amount of time for this to occur. She said that the steering committee will be staffed by volunteers and it would further place an irresponsible burden on them. She said that during the moratorium, billboard companies can maintain the status quo and there was no concrete testimony that there would be a loss of jobs. She said that the two largest billboard companies in Marion County testified, and one was in favor, while the other opposed the proposal. Of the other two companies that testified, one was in Hamilton County, and the other had no billboards as of yet. She said that she opposes the amendment and believes the committee minutes should be corrected to eliminate the do pass as amended reference, since it was clear the committee did not have the authority to amend the proposal. She added that she, like Councillor Langsford, believed she was voting to send the original proposal for consideration, and was not in favor of the amendment.

Councillors Dowden and Smith stated that the minutes accurately refer to a do pass as amended recommendation, because it was clear the intent of the committee was to amend the proposal, even if it was by a split vote.

Councillor Nytes added that she also voted against the amendment and based on Mr. Elrod's explanation in committee, she understood the proposal in its original form would be the one that was forwarded to the Council.

Councillor Boyd said that it really does not matter what the committee did or did not do, because ultimately, only this full body can make a change to the original proposal, which came from the MDC. He said the question on the floor now is whether or not to amend, and he moved the question.

President Borst said that he had previously recognized Councillor Coughenour and will allow her to speak before a vote is taken. Councillor Coughenour said that in the previous committee meeting, a question was asked about signs destroyed by weather, and if they could be replaced without a permit. Councillor Langsford said that Mr. Plambeck addressed this in the second hearing and gave a verbal commitment to waive fees and allow the replacement. Mr. Plambeck said that the commitment was both given verbally and in writing. He said that a variance could be issued and staff would support such a variance and waive the variance fee.

The motion to amend Proposal No. 187, 2003 to a 90-day moratorium failed on the following roll call vote; viz:

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

Councillor Langsford moved, seconded by Councillor Horseman, to adopt Proposal No. 187, 2003 as originally introduced. Proposal No. 187, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 187, 2003 was retitled GENERAL ORDINANCE NO. 44, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Marion County improvement location permit ordinance and zoning ordinance to impose a moratorium on the construction of off-premises signs, outdoor advertising signs and advertising signs on all real property within Marion County until the date when amendments to the outdoor advertising sign provisions of the sign regulations of the zoning ordinance of Marion County, Indiana are adopted or December 1, 2003, whichever is earlier in time.

WHEREAS, citizens of Marion County have requested sign regulation amendments for the past two years; and

WHEREAS, the Metropolitan Development Commission of Marion County has adopted a new community values segment of the Marion County Comprehensive Plan, which recommended amendments to the sign regulations; and

WHEREAS, a Comprehensive Plan Implementation Committee has been established to consider the implementation of the recommended zoning ordinance amendments; and

WHEREAS, the planning staff of the Department of Metropolitan Development has conducted a community survey regarding the prioritization of the ordinance amendment recommendations; and

WHEREAS, the survey results showed that amendments to the sign regulations tied with one other recommendation for the most votes for top priority; and

WHEREAS, advertising signs are one of the major issues raised by citizens, and once they are built, they are permanent fixtures on the land; and

WHEREAS, the Department of Metropolitan Development is commencing a thorough planning process to carry out amendments to the sign regulations including, in particular, advertising signs; and

WHEREAS, it is anticipated that at least one year will be required to complete the planning process and to carry out the zoning amendment process; and

WHEREAS, during the past two years forty-nine (49) variances for advertising signs have been reviewed by the metropolitan board of zoning appeals and fifteen (15) variances have been approved; and

WHEREAS, during the last two years fifty-five (55) permits for advertising signs have been issued; and

WHEREAS, it is typical and expected that advertising sign companies will obtain as many permits as possible before the adoption of amendments to the ordinance; now, therefore:

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct findings of the Metropolitan Development Commission and are hereby made a specific part of this ordinance.

SECTION 2. It is deemed to be in the best interest of the health, safety and welfare of the citizens of Marion County that a moratorium on the construction of off-premises signs, outdoor advertising signs and advertising signs be imposed throughout Marion County, Indiana, until the date when additional amendments to the outdoor advertising provisions of the sign regulations of the zoning ordinance of Marion County, Indiana are adopted or until December 1, 2003, whichever is earlier in time.

SECTION 3. Article III of Chapter 730 of the "Revised Code of the Consolidated City and County," regarding improvement location permits, hereby is amended by the addition of a NEW Section 730-309, to read as follows:

**Sec. 730-309. Establishment of a moratorium on the issuance of improvement location permits for off-premises (outdoor advertising) signs.**

No improvement location permit shall be issued for an off-premises sign, an outdoor advertising sign or advertising sign in Marion County from the date of adoption of this section until the date when further amendments to the outdoor advertising sign provisions of the sign regulations are adopted or until December 1, 2003, whichever is earlier in time.

SECTION 4. Section 734-101 of the "Revised Code of the Consolidated City and County," regarding application of the sign regulations, hereby is amended by the addition of the language which is underscored, to read as follows:

**Sec. 734-101. Application of regulations.**

(a) The regulations of this chapter shall apply to the location, erection, and maintenance of signs in all zoning districts within Marion County, Indiana.

(b) Moratorium. Notwithstanding any other provision of this chapter, a moratorium hereby is imposed throughout Marion County, Indiana on the construction, erection, conversion, enlargement, extension, reconstruction or relocation of, or placement of off-premises signs, outdoor advertising signs, and advertising signs, that are subject to the provisions of this chapter, unless a valid improvement location permit for such work has been obtained prior to the effective date of the moratorium. Such moratorium shall be in effect until the date when additional amendments to the outdoor advertising sign provisions of the sign regulations of the zoning ordinance of Marion County, Indiana are adopted or until December 1, 2003, whichever is earlier in time.

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

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

PROPOSAL NO. 232, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 232, 2003 on April 21 and May 7, 2003. The proposal, sponsored by Councillor Langsford, 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). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams said that she will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 232, 2003 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*5 NOT VOTING: Black, Dowden, Horseman, Moriarty Adams, Schneider*

Proposal No. 232, 2003 was retitled SPECIAL RESOLUTION NO. 28, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 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, Arbors at Arlington, L.P., an Indiana limited partnership (the "Applicant"), has requested that the Indianapolis Economic Development Commission (the "Commission") and the Issuer give preliminary approval to the issuance of economic development revenue bonds by the Issuer, the proceeds of which will be loaned to the Applicant to finance the costs of certain economic development facilities consisting of the acquisition, construction, installation and equipping of an approximately 176-unit multi-family apartment development consisting of approximately eleven, two-story buildings with one, two, three and four bedroom apartments and a clubhouse with a gathering area, formal living room, common laundry, outside patio/entertainment area, fitness and workout facility and other space, together with certain other related facilities and equipment located at Southeastern Avenue immediately west of I-465 within the jurisdiction of the Issuer (the "Project");

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

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

WHEREAS, the acquisition, construction and equipping 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 October 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.

PROPOSAL NO. 233, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 233, 2003 on April 21 and May 7, 2003. The proposal, sponsored by Councillor Langsford, 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). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Langsford moved, seconded by Councillor Cockrum, to strike. Proposal No. 233, 2003 was stricken by a unanimous voice vote.

Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 238 and 240, 2003 on May 8, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 238, 2003. The proposal, sponsored by Councillor Dowden, 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. PROPOSAL NO. 240, 2003. The proposal, sponsored by Councillor Dowden, 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. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Dowden, for adoption. Proposal Nos. 238 and 240, 2003 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*4 NOT VOTING: Gray, Horseman, Short, Talley*

Proposal No. 238, 2003 was retitled FISCAL ORDINANCE NO. 52, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 52, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No.97, 2002) transferring and appropriating an additional One Hundred Thirty-seven Thousand Five Hundred Dollars (\$137,500) in the Drug Free Community Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing certain other appropriations from that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 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 Justice Agency to support the salaries for the Marion Superior Court, Prosecuting Attorney, and the Marion County Justice Agency, per grant awards.

SECTION 2. The sum of One Hundred Thirty-seven Thousand Five Hundred Dollars (\$137,500) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services - fringes	19,166
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>118,334</u>
TOTAL INCREASE	137,500

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

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
3. Other Services and Charges	<u>137,500</u>
TOTAL DECREASE	137,500

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

Proposal No. 240, 2003 was retitled FISCAL ORDINANCE NO. 53, 2003, and reads as follows:



CITY-COUNTY FISCAL ORDINANCE NO. 53, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No.97, 2002) transferring and appropriating an additional Thirty Thousand Dollars (\$30,000) in the County General Fund for purposes of the County Auditor and the Marion Superior Court, Juvenile Division and reducing certain other appropriations from that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of transferring funds to pay fringe benefits for the Marion Superior Court, Juvenile Division.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	<u>30,000</u>
TOTAL INCREASE	30,000

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

<u>MARION SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>30,000</u>
TOTAL DECREASE	30,000

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

PROPOSAL NO. 242, 2003. Councillor Smith reported that the Public Safety and Criminal Justice Committee heard Proposal No. 242, 2003 on April 8, 2003. The proposal, sponsored by Councillor Bradford, requests an increase in funds for the Forensic Services Agency to be able to conduct DNA tests more rapidly. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bradford said that some recent rapes could have been prevented if the DNA lab had sufficient work staff to more rapidly process tests from previous outstanding cases. Currently, the lab is grossly understaffed, and this proposal would urge the County Auditor and City Controller to find monies to fund additional staff.

Councillor Schneider said that monies have been appropriated this evening for many different causes which are far less important than this one, and it is important to make this a priority.

Councillor Talley commended Councillor Bradford for his efforts and said that this is a very important issue.

Councillor Sanders asked what the increase in funds to provide for these two positions would be. Councillor Bradford said that he would estimate an increase of approximately \$50,000 annually for each of the two positions. Councillor Sanders asked if this includes benefits. President Borst said that he doubts that number would include fringes. Councillor Sanders asked what the total budget of the DNA lab is. Councillor Bradford said that he cannot say for sure.

Councillor Horseman said that she is concerned about the precedent this kind of proposal sets. She said that the Council is recommending how an agency spends their dollars without taking a

look at the big picture and finding other cost-saving measures that may help to fund this increase. Councillor Bradford said that this is the reason it is set for 2004, to give the Auditor and Controller time to find the funds.

Councillor Boyd said that he is also concerned that no specific fund is mentioned and a precedent is being set that the Council can come up with any project they want to see implemented and then ask the administration to go find the dollars for it.

Councillor Coughenour asked if the sponsor would be open to a motion to postpone until some of these funding issues can be worked out. Councillor Bradford said that this has already been looked into, and the County is simply being encouraged by this resolution to look into funding these positions for the 2004 budget.

Councillor McWhirter said that it is important to note that this is not a fiscal ordinance, but simply a resolution for recommendation. She said that, for the record, the Forensic Lab has asked for additional personnel every year in their budget, but County guidelines are very strict, and these have always been viewed as supplemental requests and have never been approved.

Councillor Dowden said that Indianapolis has an excellent Forensics Lab, and they have always asked for this supplemental funding, but have never received it, because of County budget restraints. Councillor Smith said that if the dollars cannot be found, perhaps the Council could offer some of their travel dollars to help.

Councillor Conley said that if the DNA Lab is constantly asking, why not consider funding more positions. Councillor Moriarty Adams said that it is easier to start with two positions, even though the lab could honestly use more. She said that given the County's financial situation, it will be difficult to find money for the two.

Councillor Sanders added that the DNA Lab helps to process more than just sexual predator-related crimes. She said that she hopes they will be able to hire additional personnel at a competitive rate.

Councillor Gibson commended Councillor Bradford for working on this issue and said that he hopes dollars can be found.

Councillor Talley said that the Forensics Agency Board will also be looking at efficiencies to find savings to help offset these costs.

Councillor Smith moved, seconded by Councillor Bradford, for adoption. Proposal No. 242, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 242, 2003, as amended, was retitled COUNCIL RESOLUTION NO. 75, 2003, and reads as follows:

May 12, 2003

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2003

A COUNCIL RESOLUTION requesting an increase in funds for the Forensic Services Agency to be able to conduct DNA tests more rapidly.

WHEREAS, DNA testing is a relative new tool for public safety; and

WHEREAS, DNA analysis is one of the most advanced tests of guilt or innocence for many types of crimes; and

WHEREAS, the Indianapolis-Marion County Forensic Services Agency reports that DNA tests exonerates 35% of the accused people, and very conclusively implicates others; and

WHEREAS, women being raped is an all too frequent occurrence in Indianapolis, and it now takes 4 to 9 months to treat the victim, gather the evidence and run a DNA test, but with more DNA forensic scientists this wait could be reduced to as soon as only 30 days; and

WHEREAS, with the jail overcrowding situation, the related faster throughput for the innocent who are accused, the guilty who are charged, and the terrible wait by the crime victims, it is prudent and the right thing to do to expedite Marion County's ability to conduct DNA testing as rapidly as possible; 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 finds that to expedite criminal cases, help lessen jail overcrowding, hasten justice for the innocently accused, bring swifter conclusion to the guilty, and give a faster closure for the victims of crime, it is in the public's best interest for the Indianapolis-Marion County Forensic Services Agency to be able to add two DNA forensic scientists.

SECTION 2. The Council recommends that the City Controller and/or the County Auditor include in their 2004 Budget proposal funding for two additional forensic scientists for DNA analysis.

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

PROPOSAL NO. 244, 2003. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 244, 2003 on May 1, 2003. The proposal, sponsored by Councillor Cockrum, approves certain public purpose grants totaling \$1,625,000 for the support of the arts. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that the funding for arts has increased \$875,000 from 1999 to 2000 and yet the Council is quibbling over finding an additional \$100,000 to stop crime in the City by adding additional forensics staff. He said that the arts are not worthwhile if the City cannot keep people safe. He encouraged the administration to work with the Indianapolis Police Department regarding contract negotiations and encouraged the Council to approve these types of proposals to help keep citizens safe.

Councillor Cockrum moved, seconded by Councillor Nytes, for adoption. Proposal No. 244, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 244, 2003 was retitled GENERAL RESOLUTION NO. 8, 2003, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 2003

PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,625,000.00 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of One Million, Six Hundred and Twenty-five Thousand Dollars (\$1,625,000.00) in Section 4(d) of City-County Fiscal Ordinance No. 99, 2002, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

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

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

SECTION I. The following grants and administrative expenses totaling One Million, Six Hundred and Twenty-five Thousand Dollars (\$1,625,000.00) for support of the arts is approved in the following amounts for the following organizations:

<i>Arts Council of Indianapolis</i> 2003 Annual Grants Program	
Community Outreach and Arts Education Initiatives	
Organization Name	Award Amount
American Pianists Association	\$32,000
Athenaeum Pops Orchestra	2,000
At Your School, Inc.	5,000
Ballet Internationale	22,000
Buselli Wallarab Jazz Orchestra	5,000
Children's Museum of Indianapolis	90,000
Children's Theatre Institute	8,000
Clowes Memorial Hall	39,000
Crown Hill Heritage Foundation, Inc.	5,000
Dance Kaleidoscope	50,000
Eiteljorg Museum of American Indians and Western Art	71,000
Etheridge Knight, Inc.	3,000
Fine Arts Society	6,000
Freetown Village	33,000
Gleaners Food Bank	6,000
Gregory Hancock Dance Theatre	15,000
Heartland Film Festival	24,000
Hoosier Salon Patrons Association	10,000
Indiana Black Expo	21,000
Indiana Repertory Theatre	71,000
Indianapolis Art Center	67,000
Indianapolis Arts Chorale	8,000
Indianapolis Chamber Orchestra	41,000
Indianapolis Children's Choir	30,000
Indianapolis Civic Theatre	46,000
Indianapolis Museum of Art	87,000
Indianapolis Opera	55,000
Indianapolis Symphonic Band	10,000

*Arts Council of Indianapolis*  
**2003 Annual Grants Program**

**Community Outreach and Arts Education Initiatives**

Indianapolis Symphonic Choir	26,000
Indianapolis Symphony Orchestra	89,000
Indy Choruses	6,000
International Center of Indianapolis	20,000
International Violin Competition of Indianapolis	46,000
Kaleidoscope Church and Community Partnership	6,000
Madame Walker Theatre Center	41,000
Martin Luther King Multi Service Center	11,000
National Art Museum of Sport	2,000
New World Youth Orchestras	10,000
Philharmonic Orchestra of Indianapolis	15,000
Phoenix Theatre	58,000
Pike Performing Arts Center	7,000
President Benjamin Harrison Home	5,000
ShadowApe Theatre Company	10,000
Shakespeare & More Theatre Company	2,000
South East Neighborhood Development, Inc.	4,000
Storytelling Arts of Indiana	27,000
Urban Arts Consortium of Indianapolis	21,000
VSA arts of Indiana	50,000
WFYI Teleplex	32,000
Writers' Center of Indiana	6,000
Young Audiences of Indiana	<u>61,000</u>
<b>Total of Community Outreach and Arts Education Grants</b>	<b>\$1,425,000</b>

*Arts Council of Indianapolis*  
**Distribution of 2003 City Arts Funding**

Grants for Community Outreach and Arts Education Initiatives (see breakdown)	\$1,425,000
Mini Grant Program	15,000
Arts Initiatives: Resource Guides, Workshops, Special Initiatives	28,000
Technical Assistance Programs	23,000
Adjudication and Panel Costs	24,000
Administration of Grants Program, Contracts, Administration, Audits, Processing, Workshops, Printing, and Promotion of Grants	<u>110,000</u>
<b>Total of 2003 Arts Funding as Line Item through Indy Parks and Recreation</b>	<b>\$1,625,000</b>

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

## **NEW BUSINESS**

Councillor Massie reported that the Rules and Public Policy Committee met on Tuesday, April 29, 2003 to consider the COIT and County Cumulative Fund allocations for 2004 Budgets. By a 6-0 vote, the Committee recommends that the Council approve and reaffirm these allocations and the use of Cumulative Fund dollars as submitted by the County Auditor and City Controller. Councillor Massie moved, seconded by Councillor Coughenour, to approve these allocations. The allocations were approved by the following roll call vote; viz:

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

Councillor Black said that he has received hundreds of telephone calls regarding the smoke-free ordinance. He wanted to publicly announce for television viewers that this issue was not on the agenda to be voted on this evening.

## **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 Tilford in memory of Robert Henry "Pat" Stark; and
- (2) Councillor Horseman in memory of Della Solomon; and
- (3) Councillor Langsford in memory of William J. Ball; and
- (4) Councillor Talley in memory of Robert Taylor; and
- (5) Councillors Langsford, Tilford, Talley, and Coonrod in memory of David J. Marendt.

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 Robert Henry "Pat" Stark, Della Solomon, William J. Ball, Robert Taylor, and David J. Marendt. 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 9:06 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 12th day of May, 2003.

May 12, 2003

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

*Philip C. Bartholomew*

President

ATTEST:

*Suellen Hart*

Clerk of the Council

(SEAL)