

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

**REGULAR MEETINGS**

**MONDAY, AUGUST 25, 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 7:10 p.m. on Monday, August 25, 2003, with President Borst presiding.

Councillor Moriarty Adams led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Gray introduced Washington Township resident Joe Simpson. Councillor Knox recognized City-County Council candidate Danny White. Councillor Horseman introduced Greg Bose, City-County Council candidate, and Sue Solmos, neighborhood leader. Councillor Bradford recognized Roberta Ross, president of the Meridian-Kessler Neighborhood Association. Councillor Frick introduced City-County Council candidate Liz Karlson.

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, August 25, 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

August 5, 2003

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, August 8, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 439, 440, 442-450, and 452, 2003, said hearing to be held on Monday, August 25, 2003, at 7:00 p.m. in the City-County Building.

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

August 15, 2003

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

Ladies and Gentlemen:

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. 91, 2003 - approves an increase of \$206,000 (Federal Grants Funds) and a transfer of \$21,905 (Park General Fund) in the 2003 Budget of the Department of Parks and Recreation to continue the after school programs in the Forest Manor School, School #108, and The Boys and Girls Club in Raymond Park Middle School for the 2003-2004 school year, financed by a federal grant and a transfer between characters

FISCAL ORDINANCE NO. 92, 2003 - approves an increase of \$522,138 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to replace the burned playground equipment in Washington Park, install shelters at the summer lunch sites, and support projects at Garfield, Christian, Rhodius, and Bethel Parks, financed by interest earnings on Lilly Endowment funds

FISCAL ORDINANCE NO. 93, 2003 - approves an increase of \$20,421 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide salaries for Crisis Line employees, funded by a grant from the Julian Center

FISCAL ORDINANCE NO. 94, 2003 - approves an increase of \$9,500 in the 2003 Budget of the Marion County Justice Agency (Law Enforcement Fund) to appropriate unappropriated and unencumbered funds for the 2003 Budget

FISCAL ORDINANCE NO. 96, 2003 - approves a transfer of \$23,530 in the 2003 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for rabies vaccines for animal control officers, repair the facility's power washers, pay for server support fees, and provide work suits for field and kennel employees required by the AFSCME agreement

GENERAL ORDINANCE NO. 62, 2003 - clarifies the application and procedures under which the city and county indemnify and defend officers, employees, and agents

GENERAL ORDINANCE NO. 63, 2003 - amends the Revised Code regarding licenses to operate public vehicles for hire and the eligibility requirements pertaining to drunk driving

GENERAL ORDINANCE NO. 64, 2003 - authorizes a traffic signal at 360 W. 11th Street (District 16)

GENERAL ORDINANCE NO. 65, 2003 - authorizes a multi-way stop at Blake Street and University Boulevard (District 16)

GENERAL ORDINANCE NO. 66, 2003 - authorizes a multi-way stop at 25th Street and Franklin Place (District 16)

GENERAL ORDINANCE NO. 67, 2003 - authorizes a multi-way stop at Burn Court and Fabyan Road (District 25)

GENERAL ORDINANCE NO. 68, 2003 - authorizes a multi-way stop at Mitthoefer Road and Rawles Avenue (District 13)

GENERAL ORDINANCE NO. 69, 2003 - authorizes a multi-way stop at Gibson Avenue and Ivanhoe Street (District 13)

GENERAL ORDINANCE NO. 70, 2003 - authorizes a multi-way stop at Henry Street and Woodrow Avenue (District 17)

GENERAL ORDINANCE NO. 71, 2003 - authorizes a weight limit restriction on Farnsworth Street from Holt Road to Maywood Road (Tibbs Avenue) (District 17)

GENERAL ORDINANCE NO. 72, 2003 - authorizes parking restrictions on White River Parkway West Drive between Washington Street and Michigan Street (District 17)

GENERAL ORDINANCE NO. 73, 2003 - authorizes parking restrictions on Strum Avenue near State Avenue (District 22)

SPECIAL RESOLUTION NO. 47, 2003 - determines the need to lease approximately 3,500 square feet of office space at 8311 North Perimeter Road for Indiana Task Force One

SPECIAL RESOLUTION NO. 48, 2003 - approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print-disabled in Marion County

SPECIAL RESOLUTION NO. 49, 2003 - proclaims that Indianapolis celebrates its wide cultural diversity

Respectfully,  
s/Bart Peterson, Mayor

## ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Schneider moved, seconded by Councillor Coonrod, to move Proposal Nos. 464 and 475, 2003 under New Business for action this evening.

Councillor Sanders asked if moving these items under New Business would them pull them from Public Hearing and not allow the public to speak to these items as advertised. Councillor Schneider said that this is not his intention, and he would simply like to place them, along with the public hearing, as an agenda item for consideration.

Councillor Horseman asked what the significance is in placing the proposals under New Business and how they would be treated differently from where they are currently placed on the agenda. Robert Elrod, General Counsel, said that the items are only on the agenda for public testimony at this time. By placing them under New Business, the proposals would then be open for action by the Council. Councillor Horseman asked if the proposals would then not need to go through the normal Committee process. Mr. Elrod said that the proposals are still in Committee and could be acted on in both venues.

Councillor Coonrod said that it is his understanding that the Council cannot take final action on property tax levies this evening because of legal requirements. Final action on budget proposals is scheduled for September 15, 2003. He said that placing these proposals under New Business would simply allow the Council to consider the proposals and possibly offer amendments.

Councillor Nytes said that she appreciates the explanation, but is concerned that all of the Committees have not been able to have a public hearing on these items. She said that she would not feel comfortable voting on an amendment without discussions with City or County staff or Council Fiscal Consultant Jim Steele.

Councillor Boyd said that he agrees with Councillor Nytes, and without having an opportunity to consider these items in Committee, he feels it is absolutely not a good use of Council time this evening.

Councillor Bradford said that though some may think this is crazy to act on tonight, he feels nothing is crazy about the public being able to talk about a budget that might be changed after all public testimony is finished. What was done last year was worse, in that the budget was changed after all final Committee hearings, and the public had no final say.

Councillor Coonrod said that it is important to allow discussion and perhaps amendments to Proposal No. 475, 2003, which are the property tax levies for the City and County. There was a lot of criticism of the budget process last year, when the Council had a public hearing, took no action, and then later at a meeting that was not a public hearing, a deal was presented to the Council and voted on when the public was not paying attention. He said that because tonight is a public hearing, Council members should be allowed to propose changes while the public is here, instead of hiding changes from them. President Borst said that the changes made last year after the public hearing by the full Council were done in three public hearings on the Committee level, and therefore Councillor Coonrod's comments are not totally accurate.

Councillor Horseman said that she received an award from Taxpayers for Accountability in Government last year for speaking against some of the levies last year. She said, however, that there is a public hearing process that goes through Committees, who take testimony from both staff and the public. For her to vote on an amendment without prior information or being able to consult with Mr. Steele or the agencies impacted is irresponsible.

Councillor Schneider said that the reason he is asking that these proposals be pulled out for discussion this evening is because last year he proposed a tax rate decrease in one of the funds during Final Adoption, which was after all of the public testimony and Committee hearings. He said that one of the main reasons colleagues voted against the amendment is because they did not have ample opportunity to discuss it with staff and with the public. He said that, therefore, in response to what happened last year, this would give the opportunity for Committee chairmen, staff, and the public a chance to review such an amendment and understand its impact. He said that this motion is simply an attempt to avoid a last-minute change and give citizens a tax relief.

Councillor Boyd asked if a meeting has taken place among some Council members regarding an amendment to be proposed. Councillor Schneider said that no discussions outside of regular caucus meetings have taken place.

The motion to add Proposal Nos. 464 and 475, 2003 to New Business items carried by the following roll call vote; viz:

14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Frick, Langsford, McWhirter, Moriarty Adams, Schneider, Smith, Soards, Tilford

13 NAYS: Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, Short, Talley

2 ABSENT: Black, Massie

Councillor Short asked if it takes a majority of members or simply a majority of those present to pass. Mr. Elrod said that it would be a majority of those present.

Councillor Horseman asked if there is a proposed amendment that could be distributed now, so that Councillors have ample time to review them before voting on the measure. She said that any amendment would have to be in writing, and therefore, she would assume it was already written. Councillor Schneider said that the amendment is not yet completed and is still being written.

Without further objection, the agenda was adopted.

### APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 4, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 494, 2003. The proposal, sponsored by Councillors Gray, Langsford, Short, and Frick, remembers the life and contributions of Jim Smeehuyzen. Councillor Short read the proposal and presented representatives with copies of the document and Council pins. Stephanie Morris, Mr. Smeehuyzen's sister, thanked the Council for the recognition. Joe Simpson offered his condolences to Mr. Smeehuyzen's family on behalf of all Washington Township Board Members, and said that he will be sorely missed. Mike Reeves, president of the Indianapolis Firefighters Union Local 416, said that Mr. Smeehuyzen was a great asset to the community. Councillor Gray moved, seconded by Councillor Langsford, for adoption. Proposal No. 494, 2003 was adopted by a unanimous voice vote.

Proposal No. 494, 2003 was retitled SPECIAL RESOLUTION NO. 50, 2003, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2003

A SPECIAL RESOLUTION remembering the life and contributions of Washington Township firefighter Jim Smeehuyzen.

WHEREAS, Captain Jim "Smee" Smeehuyzen graduated from Bishop Chatard High School, and from Butler University with a degree in journalism; and

WHEREAS, on May 15, 1992, he joined the ranks as Badge 77 on the Washington Township Fire Department, where in 1994 he was appointed as Captain of Public Safety Education and Public Information Officer for the department; and

WHEREAS, "Captain Jim" was in his element working with Washington Township elementary school kids in fire safety education, creating lunch with a firefighter days in the schools, became involved with the fire setters education program, St. Vincent's Childrens Hospital, Bravehearts Camp, and other opportunities to educate children about the dangers of fire; and

WHEREAS, he received numerous awards for his work and was very good at his dream job, until an insidious brain cancer forced him to retire in late 2002, and ending his earthly life on August 10, 2003; now, therefore:

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

SECTION 1. The Indianapolis City-County Council remembers the life and contributions of Captain Jim Smeehuizen of the Washington Township Fire Department.

SECTION 2. The best fire is one that is prevented and never started, and the results of "Fireman Jim's" safety education work will live on for many years in the lives of all of the young people whom he reached with his fire safety message.

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. 509, 2003. The proposal, sponsored by Councillor Horseman, recognizes the Indianapolis Colts for their game broadcasts in Spanish by Armando Quintero on Radio Latina WEDJ (FM 107.1). Councillor Horseman read the proposal and presented Mr. Quintero with a copy of the document and a Council pin. Mr. Quintero thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Sanders, for adoption. Proposal No. 509, 2003 was adopted by a unanimous voice vote.

Proposal No. 509, 2003 was retitled SPECIAL RESOLUTION NO. 51, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2003

A SPECIAL RESOLUTION recognizing the Indianapolis Colts for their game broadcasts in Spanish by Armando Quintero on Radio Latina WEDJ (FM 107.1).

WHEREAS, research has shown that Hispanics are rapidly embracing NFL football, that Indianapolis has the nation's fourth fastest growing Hispanic population in the nation, and that few NFL, NBA nor major league baseball teams outside of the Southwest United States carry their games in Spanish; and

WHEREAS, starting this month, the 10 home pre-season and regular season games of the Indianapolis Colts will be broadcast live on Radio Latina WEDJ (FM 107.1); and

WHEREAS, the play-by-play announcer is Armando Quintero who was the Spanish voice of the Dallas Cowboys for the past 21 seasons, and the San Antonio Spurs for five years before that; and

WHEREAS, the Colts have already secured several advertisers for the local Spanish language broadcast, including: Union Federal Bank, Cingular Wireless, American Family Insurance, Gatorade, the Hubler Import Automotive Group, "The Indianapolis Star", MBNA, Motorola, the Indiana Criminal Justice Institute, and Castrol; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the initiative of the Indianapolis Colts in addressing the local Hispanic market through Radio Latina WEDJ (FM 107.1).

SECTION 2. The Council welcomes sportscaster Armando Quintero to Indianapolis, and looks forward to this new relationship to make Colts pro football more inclusive for all people in the city.

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. 385, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 385, 2003 on August 6, 2003. The proposal, sponsored by Councillor Dowden, appoints Gerald J. Papenmeier to the Indianapolis-Marion County Forensic Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Coughenour, for adoption. Proposal No. 385, 2003 was adopted by a unanimous voice vote.

Proposal No. 385 2003 was retitled COUNCIL RESOLUTION NO. 85, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 85, 2003

A COUNCIL RESOLUTION appointing Gerald J. Papenmeier to the Indianapolis-Marion County Forensic Board.

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

SECTION 1. As a member of the Indianapolis-Marion County Forensic Board, the Council appoints:

Gerald J. Papenmeier

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

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 451, 2003. Introduced by Councillors Nytes and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease 3,800 feet of office space at 5301 Turtle Creek Drive North for the use of the Marion County Sheriff's Department"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 479, 2003. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 480, 2003. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 481, 2003. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 482, 2003. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 483, 2003. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 484, 2003. Introduced by Councillors McWhirter, Boyd, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies the provisions that govern the licensure of adult entertainment businesses, and makes certain definitions consistent with those in the city's zoning ordinances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 485, 2003. Introduced by Councillors Dowden, Douglas, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides 40 hours of paid leave for public safety officers who sustain an on-duty injury that causes him or her to be absent from work for more than 40 consecutive hours"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 486, 2003. Introduced by Councillors Dowden, Douglas, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which increases annual leave for firefighters, and allows firefighters to opt out of sick leave provisions of Section 252-303(b) and into the sick leave provisions of Section 252-303(a)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 487, 2003. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which expresses opposition to federal legislation that seeks to grant the firearms industry special protection against legal actions that would hold the industry accountable for their contribution to gun violence in this country"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 488, 2003. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Bartlett Avenue and Pacific Street (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 489, 2003. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at College Avenue and 40th Street (District 6)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 490, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a stop sign at Greenfield Avenue and Shimer Avenue (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 491, 2003. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in intersection controls at 33rd Street and Kenwood Avenue (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 492, 2003. Introduced by Councillors Smith and Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a "no left turn"



restriction on Emerson Avenue at Southport Terrace (Districts 23, 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 493, 2003. Introduced by Councillors Bainbridge and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which acquires easements on real estate currently owned by Coble Metropolitan Business Center, Inc., which will help reduce or eliminate combined sewer overflows in the lower reaches of Pogues Run"; and the President referred it to the Public Works Committee.

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

PROPOSAL NO. 495, 2003, PROPOSAL NO. 496, 2003, PROPOSAL NO. 497, 2003, PROPOSAL NO. 498, 2003, PROPOSAL NO. 499, 2003 and PROPOSAL NOS. 500-508, 2003. Introduced by Councillor Langsford. Proposal No. 495, 2003, Proposal No. 496, 2003, Proposal No. 497, 2003, Proposal No. 498, 2003, Proposal No. 499, 2003, and Proposal Nos. 500-508, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 12, 13, and 14, 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. 119-132, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 119, 2003.

2000-ZON-123

5505 Lafayette Road (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

ADACO, LLC, requests a rezoning of 2.754 acres, being in the D-2 District, to the C-3C classification to provide for commercial office uses.

REZONING ORDINANCE NO. 120, 2003.

2002-ZON-087

5111 West 62<sup>nd</sup> Street (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

MOUNT PLEASANT MISSIONARY BAPTIST CHURCH requests rezoning of 5.37 acres from PK-1 and PK-2 to SU-1 to legally establish religious uses and to provide for an expansion of a church.

REZONING ORDINANCE NO. 121, 2003.

2003-ZON-014

2915 SOUTH MADISON AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #20

BRAUVIN CAPITAL PARTNERS, LLC requests a rezoning of 0.969 acres, being in the D-8 District, to the C-5 classification to legally establish a restaurant.

REZONING ORDINANCE NO. 122, 2003.

2001-ZON-110

8067 OAKLANDON ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

HOLY TRINITY LUTHERAN CHURCH, by Jim Boerger, requests a rezoning of 4.3 acres, being in the D-A District, to the SU-1 classification to provide for provide for religious uses.

REZONING ORDINANCE NO. 123, 2003.

2001-ZON-020

4884 and 4888 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

SPEEDWAY SUPERAMERICA LLC, by Philip A. Nicely, requests a rezoning of 1.4 acres, being in the D-3 District, to the C-4 classification to provide for a convenience store/gasoline station.

REZONING ORDINANCE NO. 124, 2003.

2003-ZON-035

1805, 1807, 1817, 1821 and 1827 SOUTH MERIDIAN STREET, 13 EAST CAVEN STREET, 14 and 18 ADLER STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #25

RICHARD H. and MILLIE GREEN, by David Kingen, requests a rezoning of 0.66 acre, being in the D-8 and C-1 Districts, to the C-S classification to legally establish a popcorn production, distribution and retail outlet.

REZONING ORDINANCE NO. 125, 2003.

2003-ZON-070

1425 JONES STREET (FILED AS 1440 WEST MORRIS STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #25

HURRICANE FOODS, by Mary E. Solada, requests a rezoning of 0.90 acre, being in the I-3-U District, to the C-3 classification to provide for a restaurant.

REZONING ORDINANCE NO. 126, 2003.

2003-ZON-084

1917 TO 2043 SUGAR GROVE AVENUE, 1212 TO 1220 AND 1226 TO 1235 WEST 20<sup>TH</sup> STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

BOARD OF SCHOOL COMMISSIONERS, CITY OF INDIANAPOLIS, by David Kingen, requests a rezoning of 4.80 acres, being in the D-5 District, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 127, 2003.

2003-ZON-086

1101 and 1109 NORTH SHADELAND AVENUE (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #12

ANTHONY M. CAMPO requests a rezoning of 0.90 acre, being in the D-3 District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 128, 2003.

2003-ZON-087

2110 MUESSING ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #13

THOMAS A. AND MARLENE K. BUTLER request a rezoning of ten acres, being in the D-S (FF) (FW) District, to the D-A (FF) (FW) classification to provide for agricultural uses.

REZONING ORDINANCE NO. 129, 2003.

2003-ZON-091

8401 NORTHWEST BOULEVARD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

ORTHOPAEDICS INDIANAPOLIS. SURGICAL ASSOCIATES, by Mary E. Solada, requests a rezoning of 2.77 acres, being in the I-2-S District, to the HD-1 classification to provide for the expansion of an inpatient orthopedics hospital.

REZONING ORDINANCE NO. 130, 2003.

2003-ZON-092

5701 CASTLE CREEK PARKWAY, NORTH DRIVE, (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

BANK ONE, by Shokrina Radpour Beering, requests a rezoning of 1.61 acre, being in the C-S District, to the C-1 classification to provide for a bank.

REZONING ORDINANCE NO. 131, 2003.

2003-ZON-824

5550 BRADBURY AVENUE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

XL CORPORATION, by Mary E. Solada, requests a rezoning of 1.08 acres, being in the C-S District, to the C-S classification to provide for office uses, bed and breakfast inn, dinner theatre, eating place, hotel, motel and tourist court, camera and photographic supply store, computer and computer software store, florist, office supply store, telephone store gift shop, jewelry store or an industrial training school.

REZONING ORDINANCE NO. 132, 2003.

2003-ZON-827

1847, 1849, 1851 and 1853 MILLER STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #25

INDIANAPOLIS DEVELOPMENT CORPORATION requests a rezoning of 0.44 acre, being in the PK-1 and D-5 Districts to the D-5II classification to provide for single-family residential development.

## **SPECIAL ORDERS – PUBLIC HEARING ON PROPOSED BUDGETS**

President Borst called for public testimony on the following budget ordinances and resolutions, but stated that no action is scheduled to be taken by the Council this evening, other than possible action on Proposal Nos. 464 and 475, 2003, which were also added under New Business.

PROPOSAL NO. 462, 2003. The proposal adopts the annual budget of the Police Special Service District for 2004 appropriating \$125,276,616 and levying property taxes to fund such budget. PROPOSAL NO. 463, 2003. The proposal adopts the annual budget for the Fire Special Service District for 2004 appropriating \$85,792,951 and levying property taxes to fund such budget. PROPOSAL NO. 464, 2003. The proposal adopts the annual budget for the Solid Waste Collection Special Service District for 2004 appropriating \$30,005,245 and levying property taxes to fund such budget. PROPOSAL NO. 465, 2003. The proposal adopts the annual budget for 2004 for the Consolidated City appropriating \$245,752,767. PROPOSAL NO. 466, 2003. The proposal appropriates \$39,018,209 for the necessary payments for city sinking funds for 2004. PROPOSAL NO. 467, 2003. The proposal appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2004 totaling \$58,868,213. PROPOSAL NO. 468, 2003. The proposal adopts the annual budget for the Metropolitan Emergency Communications Agency for 2004 appropriating \$12,019,529. PROPOSAL NO. 469, 2003. The proposal adopts the annual budget and levies for the Marion County Office of the State Department Family and Children for 2004 appropriating \$70,958,890 and levying property taxes to fund such expenditures. PROPOSAL NO. 470, 2003. The proposal adopts the annual budget for 2004 for certain constitutional officers of Marion County appropriating \$32,666,683. PROPOSAL NO. 471, 2003. The proposal adopts the annual budget for 2004 for certain Marion County law enforcement and correction agencies appropriating \$99,563,546. PROPOSAL NO. 472, 2003. The proposal adopts the annual budget for 2004 for certain judicial agencies of Marion County appropriating \$73,061,085. PROPOSAL NO. 473, 2003. The proposal adopts the annual budget for 2004 for certain administrative offices and agencies of Marion County appropriating \$50,569,849. PROPOSAL NO. 474, 2003. The proposal allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds. PROPOSAL NO. 475, 2003. The proposal determines the tax levy for 2004 for each fund of the Consolidated City and Marion County.

Carl Moldthan, Taxpayers for Accountability in Government, said that it is wrong to get the public testimony out of the way three weeks before the budget is acted on, so that backroom meetings can take place before then. He said that municipal corporations budgets have not even been heard yet in Committee, and these entities raised their taxes last year 18.1% for Health and Hospital Corporation, 20.7% for the Library, and 10.9% for IndyGo. He said that the Mayor can make arrangements for the Capital Improvements Board to give money to the Indianapolis Colts

so that he can say it was not his responsibility, because they are a municipal corporation. That is the reason Taxpayers for Accountability in Government is asking the General Assembly to dissolve all municipal corporations and make them City departments. He said that last year the City-County Council, along with the Mayor, raised property taxes by 13.5%, the single largest property tax increase in probably 25 years. He said that many taxpayers were hit with a horrible increase in property tax reassessment. He said that the Mayor promised \$20.9 million in cuts in the budget and all of those cuts should be in property taxes and not in public safety. He said that last year Mayor Bart Peterson said "the City budget, the budget for which I am responsible, is fully funded and it does not increase taxes." The Mayor is the elected leader since UniGov was adopted. The Mayor did not run for just part of the job, but for the entire County. He said that Mayor Peterson has said that he would not help County government, but he would hope he would not abandon them for the sake of party politics. He said that this would be as if a portion of Decatur Township was burning and the Mayor sat in his comfortable chair saying, "The area for which I am responsible is safe." He urged the Mayor to wake up and serve the entire City of Indianapolis and not pick and choose his problems or causes.

Councillor Talley asked if Council members are able to make remarks. President Borst said that this is a time specifically set aside for the public to voice their opinions and the Council will have the opportunity to make their remarks regarding these proposals on September 15, 2003. Councillor Talley said that he would like the public to be able to hear his remarks in response to their input. President Borst said that Councillor Talley would be able to make those remarks in Committee hearings and the final hearing of the budget on September 15, 2003. Councillor Talley asked for permission to make a brief comment. President Borst allowed the remarks. Councillor Talley said that if Mr. Moldthan wants to take responsibility for holding the line on taxes, he should also be willing to take the responsibility for deaths due to high infant mortality rates because Health and Hospital and other such entities do not have the funds they need.

Roberta Ross, president of the Meridian-Kessler Neighborhood Association, said that her community is often referred to as "the whiners" of Indianapolis, but they are also apparently among the wealthiest, and therefore, will be funding a lot of this budget. She said that she was told that the departments have a huge spend-down at the end of the year to spend surplus budgeted money so that they can justify a larger budget next year. She asked who really reviews the department's expenditures. She said that she is waiting for Councillors to ask the hard questions of those representatives asking for more money this year and require proof of the money they are using. She asked if the public safety budget is passed, is that an excuse for the Mayor not to give the Indianapolis Police Department a raise. Or if that raise is already built into this budget, it makes a person wonder how much padding is built into all the other budgets being considered. The Council does not have to accept a department's proposal for a budget simply because it is what they want. The Council has a duty to the taxpayers, of which 20,000 citizens in the Meridian-Kessler neighborhood will fund this budget at a larger percentage. While the Meridian-Kessler citizens do not think they will see their services go up or get better, they have seen their taxes increase substantially. She urged the Council to be responsible in spending the taxpayer money, put the rubber stamps away, ask the hard questions, pare down the budget, and run the City like a business.

Marvin Bechtel, Meridian-Kessler resident, said that although he has made numerous improvements on his 100-year home, obtaining all the proper licenses and building permits, he has never seen an assessor over the last several years. Yet his tax reassessment increased \$2,500, even though his assessment records are based on his house before the improvements at an extremely high assessment. He said that he appealed his tax bill and the inspector that came out to assess simply took a tape measure around the outside of the house and did not even ask to

come inside. He said that citizens are paying higher taxes for more government buildings and bureaucracy. He said that government should be more concerned about providing government services than lining pocketbooks.

Sue Solmos, Near Eastside resident, said that not just the wealthy have been hit by property tax reassessments this year. She thanked the Mayor and his staff that they have come up with \$12.2 million in cuts, have elected to take a paycut, and that City employees have elected not to take a raise. However, she urged Council members not to cut the budget any more and therefore eat into neighborhood services that affect the quality of life of people who most need those services.

Vince Huber, president of the Fraternal Order of Police (FOP), asked for the continued support for the men and women who keep this City safe. He asked the Council to endorse and support the Marion County contract that was overwhelmingly endorsed by active and retired members. He asked for the Council to be involved in getting a contract for the police officers, as they have been working without a contract for the past eight months.

Mike Reeves, president for the Indianapolis Firefighters Local 416, said that it is extremely important to pass the public safety budgets. He said they are not asking to add to the budget, but the budget cannot afford to be cut any in order to offer the services needed to keep citizens safe.

Clark Kahlo, Meridian-Kessler resident and member of the Greater Broad Ripple Community Coalition, said that his property taxes tripled this year. He has attended several Committee meetings the past few weeks, and there have been no hard questions. He said that he offered comments and suggestions at these Committee hearings, and the Committee members were not responsive to his comments and he received a lot of dead looks. He said that he objects to continuing to raid the sewer fund to fund public safety pension funds, and he feels this is not legal. He encouraged the Council to critically review the Parks Department budget, specifically the allocations to the Arts Council of Indianapolis. He said that many of those entities that receive funds from the Arts Council are very well endowed and have substantial budgets, and therefore do not need taxpayer funds to help them market their programs. Such programs are the Indianapolis Museum of Art, the Children's Museum, and the Indianapolis Art Center. He said that Washington Township inside has 600 parcels that are tax-exempt, in addition to another 200 church properties that are also tax exempt. He said that the City should look at the tax ability of some of these charitable and educational facilities and find a way for payments in lieu of taxes to help balance the load of residents.

Janet Charles, Meridian-Kessler resident, said that her assessment also went up and actually quadrupled, but she has not come to talk about her assessment. She said that she is here to voice her support for the choices Mayor Bart Peterson has made to freeze salaries of non-union workers. She said that all citizens and families, in these tough economic times, are doing more with less, and this is a way to show these families the City is in it together. She added that she applauds the Mayor's choice to stay the course on public safety and his commitment in that area.

Elise Nieshalla, citizen, said that 12% of Marion County residents had taxes that increased 100% or more. She said that this type of increase is something that cannot be planned for. She said that in talking with Councillor Talley, she understands that there are many services that are so very vital that need to continue to be funded and therefore everyone needs to give a little. She said that she and her neighbors were prepared to give a little more, a reasonable amount more, but not 400% more, as some residents have experienced.

Paul Sterrett, retired judge, said that Indianapolis has become a great magnet for illegal immigrants. He said that the illegal immigrants hit the City in their schools, hospitals, and other important services and entities. He said that as a judge, he has confiscated many illegal licenses and identification cards, but now illegal immigrants are allowed to vote in elections because of the Motor Voter law. Councillor Gray said that he does not understand how a lesson on races has anything to do with the budget. Mr. Sterrett said that these illegal aliens have a great impact on the City's budget.

Councillor Coonrod said that since the public testimony on the budget has just been held, and there are still people in the room interested in the budget, possibly the discussion on Proposal Nos. 464 and 475, 2003 could be moved next on the agenda. President Borst asked if copies of the amendments have been distributed. Seeing that they had not, President Borst said that he would be glad to address these proposals and move them up on the agenda once copies have been distributed.

### **SPECIAL ORDERS - PUBLIC HEARING**

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 439 and 442-450, 2003 on August 13, 2003. He asked for consent to vote on Proposal Nos. 439, 443-447, and 450, 2003 together as they all passed out of Committee with unanimous votes. Consent was given.

PROPOSAL NO. 439, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$69,885 in the 2003 Budgets of the County Auditor and Public Defender Agency (State and Federal Grants Fund) for the continuation of the Sentencing Alternative Programs, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$42,190 is funded by existing appropriations in the Public Defender Agency, Marion Superior Court, and Community Corrections budgets.). PROPOSAL NO. 443, 2003. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$31,994 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Adult Protective Services Victim Assistance Program for Breaking Free, Inc., funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 444, 2003. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$81,045 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Salvation Army Social Service Center which provides quality shelter and supportive services to women and children who are victims of domestic violence, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 445, 2003. The proposal, sponsored by Councillors Dowden and Talley, approves an increase of \$45,352 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding for therapy for battered women and children through the Julian Center, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 446, 2003. The proposal, sponsored by Dowden, approves an increase of \$12,698 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide partial funding for the volunteer coordinator at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 447, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$95,237 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund a trained child interviewer and also to fund Project Safe Families at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 450, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$389,623 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to enhance adjudication of cases involving violent offenders to include juvenile offenders, funded by a federal grant (Block Grant #7). By unanimous votes, the

Committee reported Proposal Nos. 439 and 443-447, 2003 to the Council with the recommendation that they do pass and Proposal No. 450, 2003 to the Council with the recommendation that it do pass as amended.

President Borst called for public testimony at 8:29 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 439 and 443-447, 2003 and Proposal No. 450, 2003, as amended, were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Cockrum

2 ABSENT: Black, Massie

Proposal No. 439, 2003 was retitled FISCAL ORDINANCE NO. 97, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 97, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Sixty-nine Thousand Eight Hundred Eight-five Dollars (\$69,885) in the State and Federal Grants Fund for purposes of the Public Defender Agency and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 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 Public Defender Agency to continue the Sentencing Alternative Programs.

SECTION 2. The sum of Sixty-nine Thousand Eight Hundred Eight-five Dollars (\$69,885) 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	8,854
<u>PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	50,789
3. Other Services and Charges	<u>10,242</u>
TOTAL INCREASE	69,885

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>69,885</u>
TOTAL REDUCTION	69,885

SECTION 5. The local match of \$42,190 is funded by the following existing appropriations in the Public Defender Agency, Marion Superior Court, and Community Corrections budgets and is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	9,190

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	5,000
<u>COMMUNITY CORRECTIONS</u>	<u>HOME DETENTION USER FEE FUND</u>
3. Other Services and Charges	28,000
TOTAL MATCH	42,190

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

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

Proposal No. 443, 2003 was retitled FISCAL ORDINANCE NO. 98, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 98, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Thirty Thousand Nine Hundred Ninety-four Dollars (\$31,994) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to fund the Adult Protective Services Victim Assistance Program for Breaking Free, Inc.

SECTION 2. The sum of Thirty Thousand Nine Hundred Ninety-four Dollars (\$31,994) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	31,994
TOTAL INCREASE	31,994

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	31,994
TOTAL REDUCTION	31,994

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. 444, 2003 was retitled FISCAL ORDINANCE NO. 99, 2003, and reads as follows:



August 25, 2003

CITY-COUNTY FISCAL ORDINANCE NO. 99, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Eighty-one Thousand Forty-five Dollars (\$81,045) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to fund the Salvation Army Social Service Center which provides quality shelter and supportive services to women and children who are victims of domestic violence.

SECTION 2. The sum of Eighty-one Thousand Forty-five Dollars (\$81,045) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	81,045
TOTAL INCREASE	81,045

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	81,045
TOTAL REDUCTION	81,045

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. 445, 2003 was retitled FISCAL ORDINANCE NO. 100, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 100, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Forty-five Thousand Three Hundred Fifty-two Dollars (\$45,352) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to provide funding for therapy for battered women and children through the Julian Center.

SECTION 2. The sum of Forty-five Thousand Three Hundred Fifty-two Dollars (\$45,352) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>45,352</u>
TOTAL INCREASE	45,352

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>45,352</u>
TOTAL REDUCTION	45,352

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. 446, 2003 was retitled FISCAL ORDINANCE NO. 101, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 101, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Twelve Thousand Six Hundred Ninety-eight Dollars (\$12,698) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to provide partial funding for the volunteer coordinator at the Marion County Family Advocacy Center.

SECTION 2. The sum of Twelve Thousand Six Hundred Ninety-eight Dollars (\$12,698) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>12,698</u>
TOTAL INCREASE	12,698

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>12,698</u>
TOTAL REDUCTION	12,698

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. 447, 2003 was retitled FISCAL ORDINANCE NO. 102, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 102, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Ninety-five Thousand Two Hundred Thirty-seven Dollars (\$95,237) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to fund a trained child interviewer and also to fund Project Safe Families at the Marion County Family Advocacy Center.

SECTION 2. The sum of Ninety-five Thousand Two Hundred Thirty-seven Dollars (\$95,237) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	95,237
TOTAL INCREASE	95,237

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	95,237
TOTAL REDUCTION	95,237

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. 450, 2003 was retitled FISCAL ORDINANCE NO. 103, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 103, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Three Hundred Eight-nine Thousand Six Hundred Twenty-three Dollars (\$389,623) in the State and Federal Grants Fund for purposes of the County Auditor and the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Prosecutor to enhance adjudication of cases involving violent offenders to include juvenile offenders.

SECTION 2. The sum of Three Hundred Eight-nine Thousand Six Hundred Twenty-three Dollars (\$389,623) 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	136,368
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	<u>253,255</u>
TOTAL INCREASE	389,623

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>389,623</u>
TOTAL REDUCTION	389,623

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. 440, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$6,024 in the 2003 Budget of the Marion Superior Court, Juvenile Division (Guardian Ad Litem Fund) to appropriate the final GAL/CASA (Guardian ad Litem/Court Appointed Special Advocate) funds from the State of Indiana. Councillor Dowden moved, seconded by Councillor Smith, to postpone Proposal No. 440, 2003 until September 15, 2003. Proposal No. 440, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 442, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$42,609 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding to Volunteers of America for partial cost of staffing A Child's Haven, funded by a state grant (Indiana Criminal Justice Institute). By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:31 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 442, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 442, 2003 was retitled FISCAL ORDINANCE NO. 104, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 104, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Forty-two Thousand Six Hundred Nine Dollars (\$42,609) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to provide funding to Volunteers of America for partial cost of staffing A Child's Haven.

SECTION 2. The sum of Forty-two Thousand Six Hundred Nine Dollars (\$42,609) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>42,609</u>
TOTAL INCREASE	42,609

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>42,609</u>
TOTAL REDUCTION	42,609

SECTION 5. Except to the extent of matching fund, 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. 448, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$104,511 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund a protective order advocate salary and a percentage of two supervisors salaries at the Marion County Family Advocacy Center, funded by a state grant (Indiana Criminal Justice Institute). By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:35 p.m.

Mr. Kahlo said that he has noticed that these programs run into a lot of money very quickly and, even though they are pass-through dollars, they are still tax dollars on some level. He asked if anyone is taking a holistic look at these types of programs to reduce duplications and redundancies. Councillor Bradford said that he agrees with Mr. Kahlo and he believes some effort needs to be made to make sure there is not excessive duplication.

Councillor Schneider said that he voted against each of these in Committee, because even a pass-through grant is still the citizens' tax money, but is simply paid to the federal government.

There being no further testimony, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 448, 2003 was adopted on the following roll call vote; viz:

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

1 NAY: Schneider

1 NOT VOTING: Cockrum

2 ABSENT: Black, Massie

Proposal No. 448, 2003 was retitled FISCAL ORDINANCE NO. 105, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 105, 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 Thousand Five Hundred Eleven Dollars (\$104,511) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to fund a protective order advocate salary, and a percentage of two supervisors salaries at the Marion County Family Advocacy Center.

SECTION 2. The sum of additional One Hundred Four Thousand Five Hundred Eleven Dollars (\$104,511) 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 PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	104,511
TOTAL INCREASE	104,511

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	104,511
TOTAL REDUCTION	104,511

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. 449, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$30,000 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to fund the Breaking Free Hispanic Outreach Project, which provides access to services for Hispanic individuals, funded by a state grant (Indiana Criminal Justice Institute). By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 449, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 449, 2003 was retitled FISCAL ORDINANCE NO. 106, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 106, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Thirty Thousand Dollars (\$30,000) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to fund the Breaking Free Hispanic outreach project which provides access to services for Hispanic individuals.

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

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>30,000</u>
TOTAL INCREASE	30,000

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>30,000</u>
TOTAL REDUCTION	30,000

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

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

Councillor Boyd said that the agenda was changed to accommodate these amendments being offered, but there have been even more individuals in the audience waiting for quite some time to hear the outcome on the rezoning issue this evening. He asked if Proposal No. 452, 2003 could be moved next on the agenda to accommodate them. President Borst said that Councillor Cockrum is still out of the chambers, which indicates to him that they are still trying to work out an agreement.

Councillor Boyd said that the amendments for Proposal Nos. 464 and 475, 2003 have been kept close to the chest all evening in an act of game playing as he has never before seen on this Council. He asked if the President could grant a 20-minute recess for the caucuses to discuss and look at the monumental amendment just distributed. Councillor Coonrod said that the amendment is very short, only 10 lines or so, and is very straightforward and simple and he does not understand the need for a recess. Councillor Boyd said that while it seems simple, it deals with a great deal of money in fund balances and tax levies for several funds. He said that he would like more time to discuss the impact of these amendments before having to take a vote on them. He moved, seconded by Councillor Talley, for a recess. The motion carried on the following roll call vote; viz:

*14 YEAS: Boyd, Brents, Conley, Coughenour, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

*13 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Frick, Langsford, McWhirter, Schneider, Smith, Soards, Tilford*

*2 ABSENT: Black, Massie*

President Borst called for a recess at 8:42 p.m. The President reconvened the City-County Council at 9:02 p.m.

#### **NEW BUSINESS**

PROPOSAL NO. 464, 2003. The proposal adopts the annual budget for the Solid Waste Collection Special Service District for 2004 appropriating \$30,005,245 and levying property taxes to fund such budget.

Councillor Schneider said that his purpose in offering these amendments this evening is to benefit the taxpayers. The process of the Council sometimes puts citizens behind the curve in understanding City government, and this amendment will give them the opportunity to see something happen with the budget first-hand, as opposed to speaking on the budget this evening and then waiting for three weeks for any changes to be offered the night the budget is passed. He moved, seconded by Councillor Coonrod, to amend Proposal No. 464, 2003, Section 5, in the Solid Waste Collection fund, reducing the operating balance by \$3,000,000, with a corresponding reduction in the rate.

Councillor Boyd asked for a ruling on the appropriateness on this amendment and if it meets the requirements for the State Board of Accounts and is in appropriate form. He said that the language for a "corresponding reduction" does not seem particularly clear. Mr. Elrod said that he believes it is in appropriate form, and the corresponding reductions can be easily identified.

Councillor Short said that he does not believe the amendment to be in proper form, even though he respects Mr. Elrod's opinion. He said that spending down fund balances is what has gotten the County into the problems they now face, and the City continues to bail them out of their situation. He said that cutting down the City's fund balances will affect their ability to help the County. He added that he sees no cuts in these proposed amendments affecting the County, and he views these proposals as pure political posturing.

Councillor Nytes said that the budget proposal before them has already been reduced by \$4 million, and the Council needs to look at long-term ramifications and not look at one year's budget only.



Councillor Coonrod said that it is always difficult to reduce taxes. Although some Councillors think this is punitive to the government, it was the taxpayers' money before it was the government's money, and to return some of it to the taxpayers is not punitive. He said that many taxpayers are present this evening to share how last year's tax decisions were punitive to their quality of life. He said that the government took too much money last year, and this proposal would help to correct that problem. He said that this amendment causes no pain to City government, and only affects the amount of the savings account for City government.

Councillor Dowden said that the City did not bail out the County, as these funds are County-wide funds, and are not exclusively City funds. These funds should be used to benefit citizens of the entire County. He added that these amendments do not in any way affect public safety and have been carefully crafted to not affect these critical areas.

Councillor Coughenour said that she cannot support taking \$3 million out of departments that offer services to the taxpayers, such as trash collecting. She said that these are legitimate public functions, and private companies cannot provide the same service at the same costs.

Councillor Horseman said that if this amendment was offered in a way that Councillor Schneider had identified specific programs and projects that could be eliminated and were not needed, she could possibly consider it. However, to simply take \$3 million from a savings account without saying what programs might suffer if the operating account is not adequate is not responsible. She added that she does not believe this amendment is in proper form and is not clear by State Board of Accounts standards. She added that in reading the Council Rules, she does not see any references to amendments being considered by a simple majority of those present instead of a majority of the total body. She asked for the reference in Roberts' Rules of Order that indicates a simple majority of those present will suffice. Mr. Elrod said that all of Roberts' Rules of Order lets everything be governed by majority unless there is a rule that requires for a higher vote. He said that he knows of no rule that requires a higher vote on an amendment. Councillor Horseman asked Mr. Elrod to check for particular language so that she can refer to it herself.

Councillor Bradford said that he receives calls every day from people whose savings accounts are not sufficient to pay the taxes they have been assessed. They are people who pay their mortgages, maintain their houses, and send their kids to school. He said that too many citizens have been overcharged and it is time to give taxpayers some relief.

Councillor Frick said that some taxpayers are paying twice the taxes on homes in Center Township that they would pay in outlying counties, only to receive half the services. He said that he would urge any Councillor to propose cuts in the County's tax rates as well, as this is about making Marion County affordable so that there is not a tax flight to surrounding counties. He said that government has to live within its means, and departments should be run within budgets the taxpayers can afford.

Councillor Soards stated that this body routinely approves additional appropriations for new programs and new initiatives, but rarely offers a tax cut. He said that there are not separate City and County tax bills, and the Council and Mayor have a responsibility to the entire County and all of its citizens. He said that cushions and fund balances are built into the budget, but taxpayers across the County have had their cushions significantly reduced because of recent tax bills.

Councillor Short said that he agrees the Council and Mayor have a responsibility to the entire County, but he cannot understand therefore why the only proposed budget cuts are to the City budget. He said that the City has bailed out the County too many times with City funds.

Councillor Smith said that trash services and other vital services will not be affected, as this amendment deals with savings and not operating funds.

Councillor Dowden said that this amendment in no way reduces the City's operating budget, and simply reduces the rate of taxes his neighbors have to pay. It does not reduce City services in any way.

Mr. Elrod read from the Roberts' Rules of Order, Article 12, regarding rules for a subsidiary motion to amend which states that such an amendment "requires only a majority vote, even in cases where the question to be amended takes a two-thirds vote for adoption." He said that he therefore concludes that the motion to amend is in order regardless what the vote requirement is for final passage of the proposal. Councillor Horseman asked if this majority vote refers to the entire number of the body or those present in the chambers. Mr. Elrod said that the majority vote refers to those present and voting. Councillor Horseman said that the language does not state that. Mr. Elrod said that a majority is one more than 50% of those voting. Councillor Horseman said that it is not clear whether that is a majority of the members of the body or only those present to vote. President Borst ruled that a majority in the case of an amendment, based on Mr. Elrod's interpretation, is based on those members present and voting. Councillor Horseman appealed the chair's ruling. President Borst called for a vote and said that a "yea" vote will sustain the chair's ruling, and a "nay" vote will overturn it. The chair's ruling was upheld on the following roll call vote; viz:

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

Councillor Schneider said that Councillor Short indicated that these amendments were submitted for political posturing, but he is simply trying to give the taxpayers of this County some real relief. The Mayor has said, on the heels of giving the County an unprecedented tax increase last year, that he is going to assign a taxpayer advocate and ask for a special session of State Legislature. Councillor Schneider said that he believes this to be disingenuous and insulting to his intelligence, because he knows what happened last year. He said that government needs to learn to live within their own budget just as all taxpayers do. These cuts have absolutely no effect on essential City services.

Councillor Schneider's motion to amend Proposal No. 464, 2003 failed on the following roll call vote; viz:

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

Councillor Sanders said that her inclination was to abstain because she is troubled that the amendment is not in the prescribed form. She said that she believes if she had submitted an

amendment in this form, it more than likely would not have been allowed. She said that what has been referred to as a savings account is more accurately called a fund balance, and should be at least 8% to allow for situations that arise during the year that are not anticipated.

Councillor Conley said that he would like to return as much money as possible to the taxpayers, but he does not believe the amendment was offered in proper form and timing.

Councillor Gibson added that he believes this amendment would jeopardize public safety, and the cut only affects the City budget, whereas the County is proposing a 6.5% increase in their budget and the City is proposing a \$21 million cut in their budget.

Councillor Boyd said that Councillor Schneider stated that the Mayor was disingenuous in his efforts for tax relief, yet he feels Councillor Schneider has been disingenuous in offering an artificial tax cut. He said that what the citizens have seen this evening is political theater at its worst with Councillors promoting something that they did not really want to take responsibility for.

Councillor Coonrod said that this proposal has obviously struck a chord and it confirms that he is on the right side when those on the opposing side are resorting to the format of the amendment and Roberts' Rules of Order. He said that he wanted to vote to support a tax rate reduction, and he did exactly that.

Councillor Moriarty Adams said that she feels the amendment offered this evening is a strictly political move. She said that cutting the fund balances could lead the City to face the same kind of deficits the County has faced for a number of years. She said that an agreement by the majority party to shift more of the City's County Option Income Tax (COIT) dollars to the County has created hardships for both entities and puts the City at a great financial risk.

Councillor Smith said that he simply wishes that there had been the same feelings of good conscious and fairness when the budget passed with its amendments last year.

Councillor Bradford said that it is a shame that \$14 million of tax relief cannot be given to taxpayers.

**PROPOSAL NO. 475, 2003.** The proposal determines the tax levy for 2004 for each fund of the Consolidated City and Marion County.

Councillor Schneider moved, seconded by Councillor Bradford, to amend Proposal No. 475, 2003 as follows:

Section 1(a) in the Consolidated County fund, reduce the operating balance by \$4,000,000.00, and a corresponding reduction in the rate.

Section 1(c) in the Redevelopment General fund reduce the operating balance by \$475,375.00, and a corresponding reduction in the rate.

Section 1(i) in the City Cumulative fund reduce the operating balance by \$2,000,000.00, and a corresponding reduction in the rate.

Section 1(o) in the Redevelopment Debt fund reduce the operating balance by \$2,000,000.00, and a corresponding reduction in the rate.

Section 1(k) in the Park General fund reduce the operating balance by \$3,200,000.00, and a corresponding reduction in the rate.

Councillor Schneider said that there will still be ample reserves after these cuts, and no City services will be affected.

Councillor Nytes said that she does not believe these cuts are anywhere near as innocent as Councillor Schneider suggests. The departments responsible for preparing these budgets have already taken significant steps to adjust fund balances and bring them into reasonable amounts. She said that fund balances have already been reduced and tax rate reductions are already proposed in the budget submitted by the Mayor and his department heads. She said that the amendment to the Park General fund will greatly affect the City's ability to match Lilly grants received for park acquisition and improvement. This is not responsible leadership. Fund balances are not simple savings accounts, but are rather part of the complex financial matrix that makes up this community. There are bond ratings and debt service to be considered over the long-term and the Council cannot fall prey to immediate gratification of cutting one year's budget.

Councillor Soards asked if this is an \$11.4 million tax cut. Councillor Schneider said that both proposals together would have totaled a \$14,675,375 tax cut. He said that this proposal alone would be a \$10.6 million tax cut.

Councillor Horseman said that cutting the operating balance of Parks General would leave them with only a \$66,435 fund balance. She asked what programs should be cut in the Parks Department to allow for such a cut. Councillor Schneider said that this is the amount of money left in fund balance after operating costs, and therefore he does not believe any programs will be cut. He said that there was testimony that some departments are spending down their fund balances in order to increase their budgets for next year. He said that there should be more accountability. Councillor Horseman said that if they were spending down their fund balance, they would not have a \$3 million fund balance. She asked what would happen if there were a major catastrophe at a park such as a fire or tornado with only a \$66,000 fund balance. She asked how such a low fund balance can be justified. Councillor Schneider said that there are other programs in the Parks budget that can be cut, such as over a million dollars for the Arts. He said that if more contingency is needed, the department could look at ways to underspend. Councillor Horseman asked if Councillor Schneider discussed a cut of this significance with the Parks Department director. Councillor Schneider said that he has not, and feels the taxpayers need this money back more than the Parks Department needs it. Councillor Horseman said that a cut of this size cannot be made without discussions with staff about what programs might suffer.

Councillor Bradford said that all of the programs in the budget are covered, and the departments need to learn to live within their budgets and live up to what they say they are going to spend. He said that inflated balances are causing taxpayers to sell their houses.

Councillor Coughenour asked if the reduction for the City Cumulative fund can be separated out for the vote. Councillor Horseman said that the amendment was offered as one amendment and should be considered as such. President Borst said that any Council member has the right to ask that a portion be separated out. Councillor Soards asked what the reasons for the separation are. Councillor Coughenour said that after discussions with the Council's Financial Consultant, Jim Steele, she cannot in good conscience vote to reduce the City Cumulative fund, but could perhaps vote to support some of the other cuts. She moved to separate out that portion of the amendment. Hearing no second, her motion failed.

Councillor Schneider's motion to amend Proposal No. 475, 2003 failed on the following roll call vote; viz:

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

Councillor Coughenour asked for consent to explain her vote. Consent was given. Councillor Coughenour said that since she could not vote separately on the City Cumulative fund reduction, she could not vote to support the other measures.

### SPECIAL ORDERS - FINAL ADOPTION

Councillor Bainbridge reported that the Public Works Committee heard Proposal Nos. 432-438, 2003 on August 14, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 432, 2003. The proposal, sponsored by Councillor Tilford, authorizes a multi-way stop at 33rd Street and Ashland Avenue (District 12). PROPOSAL NO. 433, 2003. The proposal, sponsored by Councillor Nytes, authorizes the deletion of parking restrictions on Park Avenue between 21st Street and Sutherland Avenue (District 22). PROPOSAL NO. 434, 2003. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on Alabama Street near 10th Street (District 22). PROPOSAL NO. 435, 2003. The proposal, sponsored by Councillor Cockrum, authorizes parking restrictions on Mann Road between I-465 and Gambel Road (District 19). PROPOSAL NO. 436, 2003. The proposal, sponsored by Councillor Smith, authorizes parking restrictions on Meadow Drive between Horner Drive and Southeastern Avenue (District 23). PROPOSAL NO. 437, 2003. The proposal, sponsored by Councillor Black, authorizes parking restrictions on 46th Street between College Avenue and Carvel Avenue (District 6). PROPOSAL NO. 438, 2003. The proposal, sponsored by Councillor Borst, authorizes parking restrictions on Wisconsin Street near Meridian Street (District 25). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Bainbridge moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 432-438, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 432, 2003 was retitled GENERAL ORDINANCE NO. 74, 2003, and reads as follows:

#### CITY-COUNTY GENERAL ORDINANCE NO. 74, 2003

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20	33 <sup>rd</sup> St Ashland Av	33 <sup>rd</sup> St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20	33 <sup>rd</sup> St Ashland Av	None	All Way Stop

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

Proposal No. 433, 2003 was retitled GENERAL ORDINANCE NO. 75, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2003

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

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

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

*Park Avenue*, on the east side, from 21<sup>st</sup> Street to Sutherland Avenue

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

Proposal No. 434, 2003 was retitled GENERAL ORDINANCE NO. 76, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 2003

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

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

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

*Alabama Street*, on the east side, from a point 45 feet south of 10<sup>th</sup> Street,  
to a point 30 feet north of 10<sup>th</sup> Street

*Alabama Street*, on the west side, from a point 30 feet south of 10<sup>th</sup> Street,  
to a point 30 feet north of 10<sup>th</sup> Street

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

Proposal No. 435, 2003 was retitled GENERAL ORDINANCE NO. 77, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

*Mann Road*, on the east side, from I-465 to Gambel Road

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

Proposal No. 436, 2003 was retitled GENERAL ORDINANCE NO. 78, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets, be and the same is hereby amended by the addition of the following, to wit:

*Meadow Drive*, on both sides, from Horner Drive to Southeastern Avenue

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

Proposal No. 437, 2003 was retitled GENERAL ORDINANCE NO. 79, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

*46<sup>th</sup> Street*, on the north side, from Winthrop Avenue to Erie Avenue

*46<sup>th</sup> Street*, on the south side, from College Avenue to Carvel Avenue

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

*46<sup>th</sup> Street*, on the north side, from Boulevard Place to a point 60 feet east of College Avenue

*46<sup>th</sup> Street*, on the south side, from Boulevard Place to a point 30 feet east of Carrollton Avenue

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

Proposal No. 438, 2003 was retitled GENERAL ORDINANCE NO. 80, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 2003

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

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

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

*Wisconsin Street*, on both sides, from a point 280 feet west of Meridian Street to Meridian Street

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

**SPECIAL ORDERS - PUBLIC HEARING - REZONING**

PROPOSAL NO. 452, 2003. The proposal, sponsored by Councillor Langsford, proposes to rezone 4.46 acres at 4375 Kentucky Avenue in Decatur Township, Councilmanic District 19, from D-A and D-3 Districts to C-S classification to provide for a gas station, convenience store, hotel, and restaurant (2002-ZON-178). President Borst reported that Councillor Cockrum called the proposal out for a public hearing on August 4, 2003. He said that a preliminary hearing and subsequent meetings this evening have not produced a compromise, and therefore a public hearing will be held. He said that representatives for both the petitioner and remonstrators will be given 20 minutes each to present their case, reserving time for rebuttal if they so wish. He asked Councillor Cockrum to begin the discussion with opening remarks.

Councillor Cockrum said that this case has been on-going for several years. The first and second cases filed were denied by staff. The current case was heard by the Metropolitan Development Commission on July 2, 2003 with an indecisive 4-4 vote and then heard again on July 16 and passed, despite objections by the neighborhood associations and department staff. He said that the Decatur Township Comprehensive Plan identifies this property as residential, and the Decatur Township Civic Council voted by a two-thirds majority to oppose the proposal.

Michael Quinn, attorney for the petitioner, Kentucky Avenue Development, LLC., said that this petition is to rezone a property that borders the exit ramp for westbound I-465 onto Kentucky Avenue/State Road 67. He said that the uses being proposed for this location are all interstate-oriented uses: a hotel, a restaurant, and a gas station with a convenience store. They have a franchise agreement with Choice Hotels to put a Sleep Inn at this location with an indoor swimming pool and fitness center. He said that the property is not in the middle of a neighborhood, but is bounded on each side by Kentucky Avenue, I-465, Varna Drive, and a



residential area with homes that adjoin and owners who support the proposal. The petitioner has entered into 13 separate commitments, one of which is a commitment that there will be no vehicular access or personal traffic from this site to Varna Drive and the residential area. All of the traffic will enter and exit from Kentucky Avenue. He said that another project very similar to this one was approved for another quadrant of this intersection a few years ago. He said that the Comprehensive Plan for this area is outdated and was adopted in 1991. He said that the Indiana Department of Transportation (INDOT) has a proposal as part of its overall redirection of I-70 and parts of I-465 in conjunction with changes at the airport that will widen this exit ramp. They will be adding a traffic light which will help with the increased traffic that Kentucky Avenue has seen in the last 10 years. He said that he has letters of support from the land use committee chairman of the Decatur Township Neighborhood Coalition Tim Kilbourne, Councillor Harvey Knox, Councillor Frank Short, and two residents whose homes border this property, Vicky Edwards and Mary Ross. He said that a petition has also been signed by 25 Roselawn residents, which is the subdivision immediately behind this property. He said they also presented a petition to the hearing examiner signed by over 178 residents within a mile and a half of the property. He added that this area is supported by wells and deteriorated septic systems. He said that the petitioner is providing an earth mound, a privacy fence, and staggered rows of evergreen trees to help separate the neighborhood and protect their property values. He said that they will also supply water lines for the homes along Kentucky Avenue and a sanitary sewer for the homes in Roselawn to connect to. The project will create 100 new jobs in the area and provide additional tax benefits.

Pat Andrews, vice president of Decatur Township Civic Council and chair of the local land use committee, thanked Councillor Cockrum for calling this case out for a public hearing. She said that the Civic Council has opposed this proposal for two and a half years. She said that there are numerous other more appropriate locations where this development would better fit. She said that the Comprehensive Plan limits commercial uses that would infringe on single-family residences. She said that the plan has been denied twice because it is inappropriate to locate these uses within this neighborhood. She said that there are limited parking spaces and it is very cramped with the plan as it stands. These proposed uses are high customer turnover businesses where a substantial volume of entrance and exit traffic is to be expected. She said that the petition submitted to the hearing officer had 232 names, but only 8 of those lived in Roselawn and the others were not even from the same township. She added that a free lunch and round-trip bus ride was offered to anyone who would come to the hearings and stand in favor of the petition. She said that Wayne Township residents stood in support of this project, not Decatur Township residents. She added that the septic systems are not deteriorating or ready to fail. She said that Department of Public Works (DPW) considers the neighborhood as low priority for public sewers and they do not need to be rescued by a private sewer. If a sewer is put in, only six houses will be affected and the hook-up would be a poor use of money when the septic systems are working fine. William Pearson, resident, said that he lives in the immediate vicinity in the Roselawn area and he is opposed to the project because it will affect his property value. Terry Sylvester, president of the Decatur Township Civic Council, asked those in opposition of the project to stand and asked those who actually live in Roselawn to raise their hands. He said that there are already several restaurants, hotels, and gas stations in the near vicinity and there is no great need for these services.

President Borst called for further public testimony from individuals not associated with either the petitioner or remonstrator.

Danny White, City-County Council candidate and resident of Decatur Township within a mile of this location, said that this area has a definite need for these types of amenities and he supports the project.

Cathy Burton, resident of Franklin Township and president of the Marion County Alliance of Neighborhood Associations (MCANA), said that inappropriate commercial development is not a quick-fix for the economics of the County. This project could be located in several other areas already zoned for this use. She asked the Council to vote to maintain the community and support the residents.

Mr. Quinn said that he is opposed to Ms. Burton offering testimony as she has a letter in the packet of information presented by the remonstrators supporting their position and has therefore been involved in this matter and should be considered as part of the remonstrators' team. He added that the hearing examiner stated that the remonstrators' remarks were grounded in emotion rather than fact. He said that this is not in the neighborhood and will not de-stabilize the neighborhood. He said that the petitions presented had over 178 residents within a mile and a half of this development, with 26 living in Roselawn. He said that the proper buffering and proper development of commercial property has never affected the property values for neighborhoods. This use caters to interstate traffic and does not impact the traffic of the neighborhoods. He said that the septic systems are not working fine, and they are in great need of repair. He asked those in support of the development to stand and be recognized and said that all of these people live in the immediate area.

Ms. Andrews said that many of the signatures on the petitioner's forms are from addresses not located in this neighborhood. She said that the cost to connect to the sewer lines would still be very costly and probably not feasible for most residents. She said that the value of the Roselawn neighborhood will be affected by this development and she urged Councillors to vote against the proposal.

Councillor Bradford asked if the signatures of petitioners are from homeowners or renters. Mr. Quinn said that they are all homeowners.

Councillor Smith asked about the property across State Road 67 which is colored yellow in support of the project. Mr. Quinn said that this property is subject to rezoning presently for an industrial park and retail. The owner of that property is in support of his client's development. Councillor Smith asked if the project was before the MDC a few years ago with more land included. Mr. Quinn said that this is correct, but they downsized the project to fit the property, while holding out some of the land for the widening of the interstate. Councillor Smith asked if this extra land is owned by the petitioner. Mr. Quinn said that it is.

Councillor Bainbridge asked for an explanation of the septic system failure and the sewer and water lines committed to. Mr. Quinn said that they are bringing water lines along the frontage of Kentucky Avenue, and it is his understanding that the homes along the frontage do not have water, although those in Roselawn do. He added that the only cost to them would be what the City might charge to hook up to that line. None of the homes in this area have sanitary sewer, and they are bringing it across Kentucky Avenue with a lift station and make it available on the back side of the property without the expense of Barrett Law or financing their own sewer line. The only cost to these residents would be the expense to hook up to the lines. Ms. Andrews said that it would not be free, but there would still be extensive expense involved to hook up to the sewer line and extend that line down the street.

Councillor Knox said that he has experience in septic systems and has serviced many of the systems in this area and they are deteriorating rapidly. He said that a lift station will be necessary for the area and a lift station costs near a half a million dollars. He said that this is a substantial commitment on the part of the petitioner because if the developer was not willing to provide it, the City would eventually have to bear the cost with taxpayer money. He said that he has had numerous phone calls from people that have complained that there is nothing off that exit and people have to travel two or three exits to find a gas station. He said that he knows for a fact many of these septic systems are failing and there are new qualifications that require that systems must be deeper. He said the reason this neighborhood is so low a priority with Barrett Law is because it is a small pocket neighborhood, and it is way too expensive for the City.

Councillor Horseman asked if the hotel is a 100-unit motel. Mr. Quinn said that it would probably be 80 units, but no more than 100. Councillor Horseman asked if there are sufficient parking spaces planned. Mr. Quinn said that the plan meets code and is more than adequate. Councillor Horseman asked what kind of restaurant will be included. Mr. Quinn said that they do not know, as it is the one use they have not yet secured a user for. Councillor Horseman asked if it will have a drive-up window or will have interior seating. Mr. Quinn said that the hotel prefers a sit-down restaurant, as they do not offer restaurant services. He said that they expect the restaurant will be a nice sit-down restaurant that will also serve the neighborhood well. Councillor Horseman asked about the retention noted on the plan. Mr. Quinn said that in discussions with INDOT, they believe a mutual drainage can be worked out for both this project and the improvements to the exit ramp. Councillor Horseman asked if an agreement is in place now. Mr. Quinn said that nothing is finalized yet.

Councillor Horseman said that she has concerns about the property and believes the sewer benefits are a non-issue. She said that she has seen no evidence of State plans regarding the proposed widening of the ramp and therefore she cannot take that into consideration.

Councillor Short said that he supports the petition and believes it is a worthwhile project for the neighborhood with the sewer investment, job creation, and economic development for the area.

Councillor Gibson said that he believes this project will be good for economic development and while he understands the concerns of the remonstrators, he believes the project will work.

Councillor Boyd said that this has been a difficult decision since even the residents in the immediate vicinity are divided. He said that he personally visited the site and based on that visit and testimony here this evening, he has decided to support the petition.

Councillor Cockrum said that they have been consistent in denying this petition based on the uses identified in the Comprehensive Plan and current zoning. He said that he believes this is not the best location for this use and he opposes the project.

President Borst said that in order to overturn the ruling by the Metropolitan Development Commission, 18 votes are needed in opposition to the project. He called for a vote on Proposal No. 452, 2003. Proposal No. 452, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 452, 2003 was retitled REZONING ORDINANCE NO. 133, 2003, and is identified as follows:

2002-ZON-178  
4375 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.  
DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19  
KENTUCKY AVENUE DEVELOPMENT, LLC, by Thomas Michael Quinn, requests a rezoning of 4.46 acres, being in the D-A and D-3 Districts, to the C-S classification to provide for a gas station, convenience store, hotel and restaurant.

### 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) Councillors Gray, Langsford, Talley, Horseman, and Short in memory of Marguerite Hanify;
- (2) Councillor Horseman in memory of Lawrence Washington; and
- (3) Councillor Bainbridge in memory of Betty J. Thompson.

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 Marguerite Hanify, Lawrence Washington, and Betty J. Thompson. 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 11:24 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 25th day of August, 2003.

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



President

ATTEST:



Clerk of the Council

(SEAL)