

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

**REGULAR MEETINGS
MONDAY, OCTOBER 6, 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 7:05 p.m. on Monday, October 6, 2003, with President Borst presiding.

Councillor Black led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Soards announced that he is a new father with the arrival of his second child, Allison Faith, weighing 8 pounds and 11 ounces, and measuring 23 inches in length.

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

Journal of the City-County Council

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, October 6, 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

September 16, 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, September 19, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 441, 516, 517, 519, 521-527, 529-531, and 533, 2003, said hearing to be held on Monday, October 6, 2003, at 7:00 p.m. in the City-County Building.

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

September 28, 2003

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 107, 2003 - adopts the annual budget for the Metropolitan Emergency Communications Agency for 2004 appropriating \$12,019,529

FISCAL ORDINANCE NO. 108, 2003 - 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

FISCAL ORDINANCE NO. 109, 2003 - appropriates \$39,018,209 for the necessary payments for city sinking funds for 2004

FISCAL ORDINANCE NO. 110, 2003 - appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2004 totaling \$58,868,213

FISCAL ORDINANCE NO. 111, 2003 - authorizes the payment of certain dues for the city and county offices and agencies

FISCAL ORDINANCE NO. 112, 2003 - adopts the annual budget for 2004 for the Consolidated City appropriating \$245,752,767

FISCAL ORDINANCE NO. 113, 2003 - adopts the annual budget for 2004 for certain constitutional officers of Marion County appropriating \$32,666,683

FISCAL ORDINANCE NO. 114, 2003 - adopts the annual budget for 2004 for certain Marion County law enforcement and correction agencies appropriating \$99,563,546

FISCAL ORDINANCE NO. 115, 2003 - adopts the annual budget for 2004 for certain judicial agencies of Marion County appropriating \$73,061,085

FISCAL ORDINANCE NO. 116, 2003 - adopts the annual budget for 2004 for certain administrative offices and agencies of Marion County appropriating \$50,569,849

FISCAL ORDINANCE NO. 117, 2003 - allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds

October 6, 2003

FISCAL ORDINANCE NO. 118, 2003 - directs a reduction of expenditures of budgeted 2003 appropriations from the County General Fund, County Reassessment Fund, Metropolitan Emergency Communications Fund, and Forensic Training Fund

FISCAL ORDINANCE NO. 119, 2003 - determines the tax levy for 2004 for each fund of the Consolidated City and Marion County

GENERAL ORDINANCE NO. 81, 2003 - 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)

GENERAL ORDINANCE NO. 82, 2003 - authorizes a multi-way stop at Bartlett Avenue and Pacific Street (District 20)

GENERAL ORDINANCE NO. 83, 2003 - authorizes a stop sign at Greenfield Avenue and Shimer Avenue (District 13)

GENERAL ORDINANCE NO. 84, 2003 - authorizes a change in intersection controls at 33rd Street and Kenwood Avenue (District 9)

GENERAL ORDINANCE NO. 85, 2003 - authorizes a "no left turn" restriction on Emerson Avenue at Southport Terrace (Districts 23, 24)

GENERAL RESOLUTION NO. 16, 2003 - 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

SPECIAL RESOLUTION NO. 52, 2003 - recognizes Pastor Kenneth E. Sullivan and Nehemiah Christian College

SPECIAL RESOLUTION NO. 53, 2003 - recognizes the October 18, 2003, Nigerian National Independence Banquet hosted by the Association of Nigerians in Indianapolis

SPECIAL RESOLUTION NO. 54, 2003 - authorizes certification of certain matters relating to elections and funding of compliance with the Help America Vote Act of 2002

SPECIAL RESOLUTION NO. 55, 2003 - approves the waiver of penalties on installment payment of certain real estate taxes

SPECIAL RESOLUTION NO. 56, 2003 - designates 16th Street from Rev. Dr. Martin Luther King Drive, west to Montcalm Street as the Rev. Dr. Wayne Taft Harris, Sr. Memorial Parkway

SPECIAL RESOLUTION NO. 57, 2003 -- remembers the life of Governor Frank O'Bannon

SPECIAL RESOLUTION NO. 58, 2003 - determines the need to lease 3,800 feet of office space at 532 Turtle Creek Drive North for the use of the Marion County Sheriff's Department

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2003 - adopts the annual budget of the Police Special Service District for 2004 appropriating \$125,276,616 and levying property taxes to fund such budget

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 7, 2003 - adopts the annual budget for the Fire Special Service District for 2004 appropriating \$85,792,951 and levying property taxes to fund such budget

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2003 - 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

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of September 15, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 514, 2003. The proposal, sponsored by Councillor Boyd, urges the Marion County Election Board to provide training on the County's new voting machines for polling place officials, political parties and voters prior to the 2003 General Election. Councillor Boyd moved, seconded by Councillor Short, to table Proposal No. 514, 2003. The proposal was tabled by a unanimous voice vote.

PROPOSAL NO. 588, 2003. The proposal, sponsored by Councillors Nytes, Sanders, Boyd, and Bainbridge, congratulates IPS School 27 for earning the U.S. Department of Education's Blue Ribbon Schools Award. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. School 27 Principal Doris Thompson thanked the Council for the recognition. Councillors Douglas, Gibson, Gray, and Boyd congratulated Ms. Thompson and the School Board for their dedication and hard work. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 588, 2003 was adopted by a unanimous voice vote.

Proposal No. 588, 2003 was retitled SPECIAL RESOLUTION NO. 59, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 2003

A SPECIAL RESOLUTION congratulating IPS School 27 for earning the U.S. Department of Education's Blue Ribbon Schools Award.

WHEREAS, The U.S. Department of Education grants its "No Child Left Behind Blue Ribbon Schools Award" each year upon nomination by the state departments of education to exceptional schools around America; and

WHEREAS, this year, Charity Dye Elementary School 27 of the Indianapolis Public Schools was chosen to receive the National Blue Ribbon Schools Award, one of only four public schools in the state, and the first IPS school to receive this award since John Marshall High School was selected in 1985; and

WHEREAS, School 27 at 545 East 19th Street, is located in an area of the city that has faced many challenges of every sort; and

WHEREAS, but despair is in not in the vocabulary of School 27 Principal Doris Thompson, their teachers, staff, students and supportive parents and grandparents, and within only four years the academic achievement at School 27 has skyrocketed from fewer than 30 percent of the third graders passing the state's required ISTEP test, to 83 percent passing last year, compared to the statewide average passing rate of 70 percent; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates everyone associated with IPS School 27 for their outstanding hard work and high expectations which enabled them to earn the federal government's Blue Ribbon Schools Award.

SECTION 2. Each person who is associated with IPS School 27 shares in this honor, and the Council wishes them well in the future as they work hard and continue to dream about possibilities for the future lives of these dedicated young people.

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. 589, 2003. The proposal, sponsored by Councillor Langsford, recognizes the trailblazing career of Indianapolis Fire Department Chief Nancy Rasmussen. Councillor Langsford read the proposal and presented Chief Rasmussen with a copy of the document and a Council pin. Chief Rasmussen thanked the Council for the honor and said that there are many changes in the department from when she first began. Chief Louis Dezelan thanked Chief Rasmussen and said that she will be missed. Councillor Langsford moved, seconded by Councillor McWhirter, for adoption. Proposal No. 589, 2003 was adopted by a unanimous voice vote.

Proposal No. 589, 2003 was retitled SPECIAL RESOLUTION NO. 60, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 2003

A SPECIAL RESOLUTION recognizing the trailblazing career of Indianapolis Fire Department Chief Nancy Rasmussen.

WHEREAS, On Monday, November 3rd, 1980, "Dallas" was a hit on television, a new car cost \$7,500, America was getting ready to elect Ronald Reagan as the new President in the next day's Elections, and Nancy Rasmussen joined the ranks of the Indianapolis Fire Department at a time where there were no women on the city Fire Department; and

WHEREAS, the enthusiastic recruit was named Firefighter Rookie of the Year, and began an outstanding 23-year career with the city fire department; was the first woman in IFD history to be promoted through the ranks to Captain, Battalion Chief and Deputy Chief; and her duties over the years included front-line firefighting, Assistant Fire Marshal, Assistant Director of Training, and Director of Communications; and

WHEREAS, during the 1980's and 1990's, she negotiated the first ever payments from the Marion County township fire departments to MECA for dispatching costs, improved dispatch protocols with area coordinates for the emergency personnel, and located the funds to buy radios for all on-duty firefighters to increase their safety; and

WHEREAS, throughout it all, she raised five siblings when her family's parents died young, reared six children of her own, was honored by the Pike Township Schools for 20 years service as a room mother, and was a soccer mom for 27 years; 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 IFD Chief Nancy Rasmussen for becoming the first female in Indianapolis history to complete 23 years of fire department service, and retire in the firefighter's pension program.

SECTION 2. The Council wishes her well in her retirement years as she can now spend more time with her husband, IFD Captain Steve Rasmussen, their children and 16 grandchildren – and perhaps even spend some quality time at youth soccer games.

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. 590, 2003. The proposal, sponsored by Councillor Tilford, recognizes the Department of Public Works co-ed softball team. Councillor Tilford read the proposal and presented representatives with copies of the document and Council pins. Barbara Lawrence, Director of the Department of Public Works and team member, thanked the Council for the recognition. Councillor Tilford moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 590, 2003 was adopted by a unanimous voice vote.

Proposal No. 590, 2003 was retitled SPECIAL RESOLUTION NO. 61, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 2003

A SPECIAL RESOLUTION recognizing the Department of Public Works co-ed softball team.

WHEREAS, employers have learned generations ago that sports programs can be good for employee morale, retention, physical fitness, and other desirable attributes; and

WHEREAS, this summer the city's Department of Public Works fielded a team of hardy players in the city softball league each Friday night at the Chuck Klein Softball Complex on Rockville Road; and

WHEREAS, the co-ed team had a wide range of ages, no ringers, paid their own way, and took great pride in having an exceptional season; and

WHEREAS, of special note the hard playing no name Public Works team was joined by the department director Barbara Lawrence who took up bat and glove to lead by example, and the DPW workers beat the Controller's Office "City Slickers" team even after less than veiled threats about DPW budget cuts; and

WHEREAS, however the amateur men and women of DPW couldn't match the battle hardened, gun packing, fitness room terrors of the Indianapolis Police Department, and the Honest Abes of DPW had to settle for second place at least for this season: 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 dedicated and hard playing men and women who upheld the honor of the Department of Public Works during the summer city softball season.

SECTION 2. The Council commends the DPW team: Jodi Perras, Susan Preble, Sonja Champion, Barbara Lawrence, Shital Patel, Diane Beikman, Carnie Sillery, Stacy Tilford, Traci Baker, Johnny Sons, Mark McCabe, John Chavez, Steve Pruitt, Jody Tilford, Jon Wilson, Mike Smith, Marlon Wright, Stephanie Roach, Ronnie Sherwood, Brian Lawrence, and Bailey Alexander.

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. 591, 2003. The proposal, sponsored by Councillors Cockrum, Massie, and Dowden, recognizes Garfield Park, and the 100th Anniversary of its unique Pagoda. Councillor Cockrum read the proposal and presented representatives with copies of the document and Council pins. Margie Nackenhorst, unofficial mayor of Garfield Park, and Joe Wynns, Director of the Department of Parks and Recreation, thanked the Council for the recognition. Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 591, 2003 was adopted by a unanimous voice vote.

Proposal No. 591, 2003 was retitled SPECIAL RESOLUTION NO. 62, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 2003

A SPECIAL RESOLUTION recognizing Garfield Park, and the 100th Anniversary of its unique Pagoda.

WHEREAS, the 128-acre Garfield Park, Indianapolis' oldest city park, was originally a failed horseracing track south of the then-city when it was bought shortly after the Civil War for \$95,000 from the Trotting Park Association; and

WHEREAS, the park gained its current name in 1881 in honor of President James Garfield, and was energized after the turn of the 20th Century when the Parks Department retained German-born George Kessler as a landscape architect planner for the city; and

WHEREAS, one of the first Garfield Park attractions was the unique Chinese-style Pagoda building designed by Daniel Deupree with its ornate wrought iron railings and rock construction in 1903, one hundred years ago; and

WHEREAS, later amenities between 1915 and 1930 were greenhouses, a conservatory, beautiful sunken gardens, shelter house, amphitheater and a swimming pool; and

WHEREAS, since the 1950's several people, including the unofficial "Mayor of Garfield Park" Marge Nackenhorst, have pushed the city to conserve and to reinvest in this beautiful Indianapolis treasure; 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 historic significance of the city's oldest park, Garfield Park, and commemorates the Centennial Anniversary of the Park's Pagoda building.

SECTION 2. The Council applauds those active neighbors who appreciate the importance of this very special park, and urges the city to continue the renewal upgrades to Garfield Park that began in earnest during the 1990's.

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.

President Borst stated that Councillor Boyd has asked for permission to add a special resolution to the agenda recognizing Rear Admiral Barry C. Black. Councillor Horseman said that there is one remaining special resolution on the agenda before that agenda item. President Borst said that such a proposal is not on his agenda and was not therefore approved by him. Councillor Horseman said that Proposal No. 603, 2003 appears on the agendas in the Councillor packets this evening and was submitted in time, but due to a staff member being out of the office, may have been left off the initial draft of the agenda. Councillor Horseman said that there are individuals in attendance this evening to accept this recognition and she would ask for consent for it to be heard. President Borst said that he will allow it to be heard following Councillor Boyd's resolution. He added that in the future, if something is to be added late to the agenda, it must receive the President's approval.

PROPOSAL NO. 604, 2003. The proposal, sponsored by Councillor Boyd, welcomes and honors Rear Admiral Barry C. Black of the Chaplain Corps of the United States Navy. Councillor Boyd read the proposal and moved, seconded by Councillor Short, for its adoption. Proposal No. 604, 2003 was adopted by a unanimous voice vote.

Proposal No. 604, 2003 was retitled SPECIAL RESOLUTION NO. 64, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 2003

A SPECIAL RESOLUTION welcoming and honoring Rear Admiral Barry C. Black of the Chaplain Corps of the United States Navy.

WHEREAS, Rear Admiral and Chaplain Barry C. Black, a native of Baltimore, Maryland, is scheduled to be the keynote speaker at the October 11 Indianapolis Seventh Day Adventist Community Guests Day observance; and

WHEREAS, Rear Admiral Barry C. Black was commissioned as a Chaplain in the United States Navy in 1976, and began his Chaplain service in the Fleet Religious Support Activity in Norfolk, Virginia, with subsequent tours of duty in Philadelphia, Annapolis, Okinawa, Japan, San Diego, and other venues; and

WHEREAS, Admiral Black has a Masters Degree in divinity and earned doctorates in philosophy and psychology, an academic background that includes work done at Oakwood College, Andrews University, North Carolina Central University, Eastern Baptist Seminary and the United States International University; and

WHEREAS, Rear Admiral Barry C. Black has earned numerous medals and commendations from both the Navy and the Marine Corps; and

WHEREAS, Rear Admiral Barry C. Black presents himself as a role model to all youth, but particularly those from minority backgrounds; and

WHEREAS, Indianapolis seeks to honor and recognize those citizens who have made and continue to make significant contributions to our country; 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, acting on behalf of citizens of the community, WELCOME REAR ADMIRAL BARRY C. BLACK OF THE CHAPLAIN CORPS OF THE UNITED STATES NAVY.

SECTION 2. The Council further urges all citizens to examine and renew their own personal commitments to their God and country.

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. 603, 2003. The proposal, sponsored by Councillor Horseman, recognizes the Cottage Home Neighborhood Association's 17th Annual Block Party on October 11. Councillor Horseman read the proposal and presented representatives with copies of the document and Council pins. Ambrose Smith, representing the Block Party event, invited Councillors to attend and thanked the Council for the recognition. Councillor Talley apologized for confusion regarding the agenda and said that it is not typical. Mr. Smith said that he understands these things happen. Councillor Horseman moved, seconded by Councillor Talley, for adoption. Proposal No. 603, 2003 was adopted by a unanimous voice vote.

Proposal No. 603, 2003 was retitled SPECIAL RESOLUTION NO. 63, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 2003

A SPECIAL RESOLUTION recognizing the Cottage Home Neighborhood Association's 17th Annual Block Party on October 11th.

WHEREAS, the Cottage Home neighborhood is bounded by 10th Street on the north, I-65 on the West, Michigan Street on the South, and Oriental Avenue on the East, just to the west of Arsenal Technical High School; and

WHEREAS, the proud neighborhood contains many historic houses and cottages that date from the 1870's to 1890's, and is now going through a hundred year rebirth cycle; and

WHEREAS, the Cottage Home Neighborhood Association hosts a number of activities including neighborhood cleanup days, a scarecrow making party, and on Saturday, October 11th, will sponsor its 17th Annual Block Party to draw neighbors together and to showcase the latest renovations; and

October 6, 2003

WHEREAS, the Annual Cottage Home Neighborhood Party has been voted Best Neighborhood Party In The City by "NUVO" newsweekly; and

WHEREAS, this year's Block Party will begin at 5:00 p.m. at the corner of St. Clair and Dorman Streets with a Renovator's Relay of events such as races to build a brick wall, glaze windows, wallpaper walls, and later kids will play games and adults will play homemade instruments including a drum circle, of course food will be a part of the event, and the evening will be capped off with the Johnny Socko Band; 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 Cottage Home Neighborhood Association and their Annual Block Party festivities as being an exceptional neighborhood group and an outstanding annual event.

SECTION 2. The building blocks of Indianapolis are its neighborhoods, and the stronger the foundation, the more durable and vital the city. The Council wishes the residents of Cottage Home the very best in the future.

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

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 558, 2003. Introduced by Councillors Langsford, Nytes, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$581,000 and a transfer of \$185,000 in the 2003 Budget of the Department of Metropolitan Development (Federal Grants Fund) to support the Amber Woods Cooperative rehabilitation project, to offer down-payment assistance to new homebuyers in Fall Creek Place, and to remove debris from the Fall Creek Place project area, financed by a transfer and federal grants"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 559, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$596,100 in the 2003 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) for technology upgrades, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 560, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,500 in the 2003 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to continue a car seat Permanent Fitting Station project at IFD Station #30, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 561, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,799 in the 2003 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-Lapsing Federal Grants Fund) to support the Community Emergency Response Team program, financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 562, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$6,736 in the 2003 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase additional animal supplies and equipment"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 563, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$422,511 and an increase of \$612,444 in the 2003 Budget of the County Sheriff (County General Fund) to cover shortage of money in 2003 for gasoline and to appropriate funds for an additional 20 Correction Officers, financed by a transfer and fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 564, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$84,032 in the 2003 Budgets of the County Auditor and the County Sheriff (State and Federal Grants Fund) for Victim Assistance salaries and fringes, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$21,008 is funded by the existing appropriations in the County Sheriff's budget.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 565, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$31,927 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 566, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$22,148 and an increase of \$1,030,449 in the 2003 Budgets of the County Auditor and the Marion Superior Court, Juvenile Division (State and Federal Grants Fund) to cover expenses for Block Grants #3 and #4 and to appropriate Juvenile Accountability Block Grant #5 (The local match of \$80,089 is funded by the existing appropriations in the Marion Superior Court, Juvenile Division's budget.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 567, 2003. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which seeks authorization to pay legal expenses incurred with the jail-overcrowding litigation from the jail commissary fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 568, 2003. Introduced by Councillor Frick. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$35,345 in the 2003 Budget of the County Treasurer (County General Fund) to cover the postage expense for the mailing of tax bills"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 569, 2003. Introduced by Councillors Langsford and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$490,000 in the 2003 Budget of the Department of Metropolitan Development, Division of Administrative Services (Non-Lapsing State Grants and City Cumulative Capital Improvement Funds) to pay for the environmental assessment of two brownfield properties (1402 Dr. Martin

Luther King Jr. Street and 838 N. Delaware) and to perform additional earthwork at the Keystone Enterprise Park project (located at I70 and Keystone Avenue), financed by a state grant and fund balances"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 570, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Michael P. Greene to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 571, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$52,900 in the 2003 Budget of the City-County Council (Consolidated County Fund) to upgrade council office computer data base and ordinance tracking system"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 572, 2003. Introduced by Councillors Langsford and Horseman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies the roles of the Department of Public Works, the Board of Public Works, the Department of Metropolitan Development, and the Metropolitan Development Commission in the administration of the Wellfield Protection Zoning Ordinance (03-AO-03) (Certified September 16, 2003)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 573, 2003. Introduced by Councillors Bainbridge, Moriarty Adams, Conley Coughenour, and Langsford. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of proceeds of sale of transportation revenue bonds of the City of Indianapolis in an original aggregate amount not to exceed Twenty Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 574, 2003. Introduced by Councillors Bainbridge, Moriarty Adams, Conley Coughenour, and Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves the appropriation of proceeds of sale of transportation revenue bonds of the City of Indianapolis in an original aggregate amount not to exceed Twenty Million Dollars"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 575, 2003. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 3308 North Mitthoefer Road (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 576, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at I-74 and Southeastern Avenue (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 577, 2003. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Chelsea Road and Worth Avenue (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 578, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 9th Street and Centennial Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 579, 2003. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the intersection controls at 20th Street and Linwood Avenue (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 580, 2003. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Bradley Avenue and Walnut Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 581, 2003. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 20th Street Hawthorne Lane (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 582, 2003. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Berwick Avenue and Gimber Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 583, 2003. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in intersection controls for Pershing Avenue and Ray Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 584, 2003. Introduced by Councillors Knox and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at Kappes Street and Lambert Street, and at Lambert Street and Reisner Street (Districts 17, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 585, 2003. Introduced by Councillor Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Breton Street and Falcon Drive (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 586, 2003. Introduced by Councillor Bainbridge. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in intersection controls for Beauport Road and Fredonia Road (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 587, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes shuttle stops for the Indy Go Blue Line Circulator (District 16)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 592, 2003 and PROPOSAL NOS. 593-602, 2003. Introduced by Councillor Langsford Proposal No. 592, 2003 and Proposal Nos. 593-602, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 24 and 29, 2003, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for

identification as REZONING ORDINANCE NOS. 146-156, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 146, 2003.

2003-ZON-083

3853 EAST RAYMOND STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #23

FRANK AND WANDA PROCTOR, by David Gilman, request a rezoning of 7.856 acres, being in the D-3 (FF) (FW) District, to the C-S (FF) (FW) classification to provide for a contractor's business.

REZONING ORDINANCE NO. 147, 2003.

2003-ZON-039 (Amended)

6127, 6139, 6251, and 6295 WEST 56TH STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

EAGLE CREEK SHOPS, LLC, by Joseph D. Calderon, requests a rezoning of 6.56 acres, being in the D-A District, to the PK-II classification to provide for neighborhood commercial/retail uses.

REZONING ORDINANCE NO. 148, 2003.

2003-ZON-097

3825 FOLTZ STREET (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #19

METROPOLITAN SCHOOL DISTRICT OF DECATUR TOWNSHIP, by Philip A. Nicely, requests a rezoning of 1.955 acres, being in the SU-13 (FF) (FW) District, to the SU-2 (FF) (FW) classification to provide for educational uses.

REZONING ORDINANCE NO. 149, 2003.

2003-ZON-100 (2003-DP-014)

6720 SPIRIT LAKE DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #7

SPIRIT LAKE, LLC, by David Gilman, requests a rezoning of 30.15 acres, being in the D-P (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for four additional dwelling units, a club house and the inclusion of an additional 2.41 acres, for an overall density of 1.936 units per acre.

REZONING ORDINANCE NO. 150, 2003.

2003-ZON-101

3325 and 3385 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #10

MIDWESTERN ELECTRIC, INCORPORATED requests a rezoning of 3.275 acres, being in the C-7, C-3 and D-3 Districts to the C-ID classification to legally establish an electrical contracting business.

REZONING ORDINANCE NO. 151, 2003.

2003-ZON-102

8750 and 9550 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

KITE WEST 86TH STREET, LLC., by Zeff A. Weiss, requests a rezoning of 57.42 acres, being in the C-3 and C-S Districts, to the C-S classification to provide for office, retail, a hotel and theater uses.

REZONING ORDINANCE NO. 152, 2003.

2003-ZON-107

2031 EAST 30TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #10

KINGSLEY TERRACE CHURCH OF CHRIST, by Mitch Sever, requests a rezoning of 1.20 acres, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 153, 2003.

2003-ZON-108

2339 NORTH NEW JERSEY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22

SEVEN STAR BAPTIST CHURCH requests a rezoning of 0.482 acre, being in the D-8 (W-5) District, to the SU-1 (W-5) classification to legally establish religious uses and provide for a structural addition to the existing building.

REZONING ORDINANCE NO. 154, 2003.

2003-ZON-111

6401 WEST 71ST STREET, 6640 INTECH BOULEVARD, 6220 PISITAL WAY, and 6510 and 6650 TELECOM DRIVE (approximate addresses), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT #1

INTECH PARK PARTNERS, LLC, INTECH PARTNERS ONE, LLC, INTECH PARTNERS TWO, LLC. AND INTECH PARTNERS TEN, LLC, by Michael C. Cook and Michael Rabinowitch, requests a rezoning of 79.071 acres, being in the C-S District, to the C-S classification to include schools and educational services as an additional permitted use in Areas "B, C, and D" in an existing mixed use commercial-industrial park.

REZONING ORDINANCE NO. 155, 2003.

2003-ZON-112

1739 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #12

VIJAY K. GUPTA, requests a rezoning of 0.34 acre, being in the D-4 District, to the C-3C classification to provide for an administrative office.

REZONING ORDINANCE NO. 156, 2003.

2003-ZON-832

6121 ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #23

LEWIS ENGINEERING requests a rezoning of four acres, being in the D-A District, to the D-1 classification to provide for residential development.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 441, 519, 521-527, and 529-531, 2003 on September 17, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 441, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,000 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to appropriate a state grant for salaries, fringes, and supplies for IUPUI (Indiana University Purdue University Indianapolis) employees, who will be conducting research for an evaluation of the Marion County's Cite and Release and Emergency Jail Release Policies (The local match of \$10,100 is funded by existing appropriation in the Marion County Justice Agency's Budget.). PROPOSAL NO. 519, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$149,100 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) for crime prevention publications and programs involving cooperation between community residents and law enforcement personnel, funded through IPD by a grant from the Department of Justice. PROPOSAL NO. 521, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$471,500 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund the continuation of Operation Pull-Over, funded by a state grant (Governor's Council on Impaired and Dangerous Driving and National Highway Safety Administration). PROPOSAL NO. 522, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$111,298 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund the program continuation of OVWI

(Operating Vehicle While Intoxicated), funded by a state grant (Governor's Council on Impaired and Dangerous Driving and the National Highway Traffic Safety Administration). PROPOSAL NO. 523, 2003. The proposal, sponsored by Councillors McWhirter and Soards, approves an increase of \$10,000 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund the partial salary for a paralegal focusing on nuisance abatement and for a portion of the Tidemark database for tracking properties, funded by a grant from IPD and Department of Justice. PROPOSAL NO. 524, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$147,155 in the 2003 Budget of the County Auditor and the Forensic Services Agency (State and Federal Grants Fund) to fund the DNA analysis of "No Suspect" cases, funded by a grant from the Indiana State Police. PROPOSAL NO. 525, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$24,028 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to help fund the Julian Center's Family Growth and Development Project, funded by a state grant. PROPOSAL NO. 526, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,044 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to allocate the Pathway to Recovery grant which will fund the partial salaries and fringes of five employees. PROPOSAL NO. 527, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$249,314 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to allocate the U.S. Department of Justice grant for the Community Prosecution and Project Safe Neighborhoods. PROPOSAL NO. 529, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$48,178 in the 2003 Budget of the Marion Superior Court, Juvenile Division (State and Federal Grants Fund) to fund the continuation of the Guardian Ad Litem Program, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 530, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$60,108 in the 2003 Budgets of the County Auditor and the Marion Superior Court, Juvenile Division (Juvenile Probation Fund) to increase funding for juvenile probation, financed by fund balances. PROPOSAL NO. 531, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$20,000 in the 2003 Budget of the Marion Superior Court (State and Federal Grants Fund) to pay the salary of one coordinator in the Family Court Project, funded by a grant from the Indiana Supreme Court. By majority votes, the Committee reported Proposal No. 522, 2003 to the Council with the recommendation that it do pass as amended and Proposal Nos. 441, 519, 521, 523-527, and 529-531, 2003 to the Council with the recommendation that they do pass.

Councillor Schneider said that he voted against Proposal No. 521, 2003 in Committee and he would like a separate vote on this proposal. Consent was given.

President Borst called for public testimony at 8:13 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 441, 519, 523-527, and 529-531, 2003 and Proposal No. 522, 2003, as amended, were adopted on the following roll call vote; viz:

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

Proposal No. 441, 2003 was retitled FISCAL ORDINANCE NO. 121, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 2003

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

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to appropriate a state grant for salaries, fringes, and supplies for IUPUI (Indiana University Purdue University Indianapolis) employees, who will be conducting research for an evaluation of the Marion County's Cite and Release and Emergency Jail Release Policies.

SECTION 2. The sum of additional Twenty Thousand Dollars (\$20,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services- fringes	2,780
<u>MARION COUNTY JUSTICE AGENCY</u>	
1 Personal Services	16,120
3. Other Services and Charges	<u>1,100</u>
TOTAL INCREASE	20,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>20,000</u>
TOTAL REDUCTION	20,000

SECTION 5. The local match of \$10,100 is funded by the following existing appropriation in the Marion County Justice Agency's Budget:

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	4,200
3. Other Services and Charges	<u>5,900</u>
TOTAL MATCH	10,100

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

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

Proposal No. 519, 2003 was retitled FISCAL ORDINANCE NO. 122, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Forty-nine Thousand One Hundred Dollars (\$149,100) in the State and Federal Grants Fund for purposes of the County Sheriff 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 Sheriff to fund crime prevention publications and programs involving cooperation between community residents and law enforcement personnel.

SECTION 2. The sum of additional One Hundred Forty-nine Thousand One Hundred Dollars (\$149,100) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	75,000
3. Other Services and Charges	70,100
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	149,100

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>149,100</u>
TOTAL REDUCTION	149,100

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. 522, 2003, as amended, was retitled FISCAL ORDINANCE NO. 123, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Eleven Thousand Two Hundred Ninety-eight Dollars (\$111,298) 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(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Prosecutor to increase funding of OVWI (Operating Vehicle While Intoxicated) funded by grant from Governor's Council on Impaired and Dangerous Driving.

SECTION 2. The sum of One Hundred Eleven Thousand Two Hundred Ninety-eight Dollars (\$111,298) 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	15,604
<u>COUNTY PROSECUTOR</u>	
1. Personal services	62,524
2. Supplies	1,500
3. Other Services and Charges	<u>31,670</u>
TOTAL INCREASE	111,298

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>111,298</u>
TOTAL REDUCTION	111,298

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. 523, 2003 was retitled FISCAL ORDINANCE NO. 124, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Ten Thousand Dollars (\$10,000) 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(j) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Prosecutor to fund the continuation of the Nuisance Abatement Program, funded by a grant from IPD and Department of Justice.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	1,945
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	5,555
3. Other Services and Charges	<u>2,500</u>
TOTAL INCREASE	10,000

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>10,000</u>
TOTAL REDUCTION	10,000

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

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

Proposal No. 524, 2003 was retitled FISCAL ORDINANCE NO. 125, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional One Hundred Forty-seven Thousand One Hundred Fifty-five Dollars (\$147,155) in the State and Federal Grants Fund for purposes of the County Auditor and the Forensic Services Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Forensic Services Agency to fund the DNA analysis of No Suspect cases funded by grant from Indiana State Police.

SECTION 2. The sum of One Hundred Forty-seven Thousand One Hundred Fifty-five Dollars (\$147,155) 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	2,685
 <u>FORENSIC SERVICES AGENCY</u>	
1. Personal Services	35,100
2. Supplies	11,370
4. Capital	<u>98,000</u>
TOTAL INCREASE	147,155

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>147,155</u>
TOTAL REDUCTION	147,155

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. 525, 2003 was retitled FISCAL ORDINANCE NO. 126, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Twenty-four Thousand Twenty-eight Dollars (\$24,028) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to fund the continuation of the Julian Center program, funded by grant from Indiana Criminal Justice Institute.

SECTION 2. The sum of Twenty-four Thousand Twenty-eight Dollars (\$24,028) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>24,028</u>
TOTAL INCREASE	24,028

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>24,028</u>
TOTAL REDUCTION	24,028

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. 526, 2003 was retitled FISCAL ORDINANCE NO. 127, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Twenty Thousand Forty-four Dollars (\$20,044) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to fund the continuation of the Pathway to Recovery program, funded by grant from Indiana Criminal Justice Institute.

October 6, 2003

SECTION 2. The sum of Twenty Thousand Forty-four Dollars (\$20,044) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>20,044</u>
TOTAL INCREASE	20,044

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>20,044</u>
TOTAL REDUCTION	20,044

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. 527, 2003 was retitled FISCAL ORDINANCE NO. 128, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Two Hundred Forty-nine Thousand Three Hundred Fourteen Dollars (\$249,314) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (i) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to provide salary, fringes, supplies and equipment for two warrant officers.

SECTION 2. The sum of additional Two Hundred Forty-nine Thousand Three Hundred Fourteen Dollars (\$249,314) 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	47,834
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1 Personal Services	167,480
2. Supplies	2,500
3. Other Services and Charges	20,000
4. Capital Outlay	<u>11,500</u>
TOTAL INCREASE	249,314

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>249,314</u>
TOTAL REDUCTION	249,314

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. 529, 2003 was retitled FISCAL ORDINANCE NO. 129, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Forty-eight Thousand One Hundred Seventy-eight Dollars (\$48,178) in the State and Federal Grants Fund for purposes of the Marion Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court, Juvenile Division to increase funding the Child Advocates, Inc. by grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Forty-eight Thousand One Hundred Seventy-eight Dollars (\$48,178) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT, JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>48,178</u>
TOTAL INCREASE	48,178

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>48,178</u>
TOTAL REDUCTION	48,178

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. 530, 2003 was retitled FISCAL ORDINANCE NO. 130, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Sixty Thousand One Hundred Eight Dollars (\$60,108) in the Juvenile Probation Fund for purposes of the County Auditor and the Marion Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the Juvenile Probation Fund.

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

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

SECTION 2. The sum of Sixty Thousand One Hundred Eight Dollars (\$60,108) 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>JUVENILE PROBATION FUND</u>
1. Personal Services - fringes	7,818
<u>MARION SUPERIOR COURT, JUVENILE DIVISION</u>	
1. Personal Services	2,290
3. Other Services and Charges	<u>50,000</u>
TOTAL INCREASE	60,108

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

	<u>JUVENILE PROBATION FUND</u>
Unappropriated and Unencumbered	
Juvenile Probation Fund	<u>60,108</u>
TOTAL REDUCTION	60,108

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

Current cash balance July 31, 2003	163,601
Anticipated additional revenue through December 31, 2003	<u>57,540</u>
Projected funds available	221,141
Remaining appropriations and encumbrances	125,707
Proposed additional appropriation (Proposal No. 530, 2003)	<u>60,108</u>
Funds required	185,815
Projected fund balance December 31, 2003	35,326

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

Proposal No. 531, 2003 was retitled FISCAL ORDINANCE NO. 131, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 2003

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

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

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

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>20,000</u>
TOTAL INCREASE	20,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>20,000</u>
TOTAL REDUCTION	20,000

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

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

PROPOSAL NO. 521, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$471,500 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund the continuation of Operation Pull-Over, funded by a state grant (Governor's Council on Impaired and Dangerous Driving and National Highway Safety Administration). By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:14 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor McWhirter, for adoption. Proposal No. 521, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 521, 2003 was retitled FISCAL ORDINANCE NO. 132, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Four Hundred Seventy-one Thousand Five Hundred Dollars (\$471,500) 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 Grant Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Prosecutor to increase funding for Operation Pull-Over, funded by grant from Governor's Council on Impaired and Dangerous Driving.

SECTION 2. The sum of Four Hundred Seventy-one Thousand Five Hundred Dollars (\$471,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	15,643
 <u>COUNTY PROSECUTOR</u>	
1. Personal services	166,048
2. Supplies	652
3. Other Services and Charges	<u>289,157</u>
TOTAL INCREASE	471,500

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>471,500</u>
TOTAL REDUCTION	471,500

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 Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 516 and 517, 2003 on September 18, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 516, 2003. The proposal, sponsored by Councillors Cockrum, Douglas, and Langsford, approves an increase of \$1,815,000 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for land acquisition, preliminary design work, construction documents, and inspections necessary for the Pennsy Rail-Trail, financed by federal funds administered by the Indiana Department of Transportation. PROPOSAL NO. 517, 2003. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$285,250 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for the restoration of Marott Park, located in Washington Township, financed by a grant from the Department of Interior. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal Nos. 516 and 517, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Smith

Proposal No. 516, 2003 was retitled FISCAL ORDINANCE NO. 133, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional One Million Eight Hundred Fifteen Thousand Dollars (\$1,815,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for land acquisition, preliminary design work, construction documents, and inspections necessary for the Penny Rail-Trail, financed by federal funds administered by the Indiana Department of Transportation.

SECTION 2. The sum of One Million Eight Hundred Fifteen Thousand Dollars (\$1,815,000) 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>1,815,000</u>
TOTAL INCREASE	1,815,000

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>1,815,000</u>
TOTAL REDUCTION	1,815,000

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

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

SECTION 7. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

Proposal No. 517, 2003 was retitled FISCAL ORDINANCE NO. 134, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 134, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Two Hundred Eighty-five Thousand Two Hundred Fifty Dollars (\$285,250) in the Non-Lapsing Federal Grants Fund for purposes of the Department of

Parks and Recreation and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(l) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for the restoration of Marott Park, located in Washington Township, financed by a grant from the Department of Interior.

SECTION 2. The sum of Two Hundred Eighty-five Thousand Two Hundred Fifty Dollars (\$285,250) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>285,250</u>
TOTAL INCREASE	285,250

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>285,250</u>
TOTAL REDUCTION	285,250

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

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

SECTION 7. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

PROPOSAL NO. 533, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, approves an increase of \$125,000 in the 2003 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund) to complete a scoping report for a proposed Downtown Cultural Trail, financed by a Federal Highway Administration Transportation Enhancement grant. Councillor Bainbridge said that a quorum was not present for the Committee to take action on this proposal on September 25, 2003. He moved, seconded by Councillor Moriarty Adams, to postpone Proposal No. 533, 2003 until November 17, 2003. Proposal No. 533, 2003 was postponed by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 402, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 402, 2003 first on July 29, 2003. She said that a special sub-committee was formed to address this issue and reach a compromise. The Committee again heard the proposal on September 23, 2003. The proposal, sponsored by Councillors Massie, Soards, and Schneider, amends the Revised Code concerning rate signs required at commercial parking facilities. Councillor McWhirter commended Councillor Cockrum, sub-committee chairman, for reaching a compromise that satisfied all parties. By a 7-0 vote, the Committee reported the

proposal to the Council with the recommendation that it do pass as amended. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 402, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 402, 2003, as amended, was retitled GENERAL ORDINANCE NO. 86, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 2003

A PROPOSAL FOR A GENERAL ORDINANCE amending Sec. 931-305 of the Revised Code concerning rate signs required at commercial parking facilities.

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

SECTION 1. Sec. 931-305 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 931-305. Rate signs required.

(a) At each commercial parking facility at which a fee is charged other than by parking meters, a permanent rate sign or signs that complies with the requirements of this section shall be maintained at a place which is visible from each entrance during hours of operation.

(b) A primary sign shall show, at a minimum, the following information:

(1) The rate charged for parking;

a. If the facility charges a flat rate for parking, collected at the time of entrance into the facility, the "all day" rate and the "first hour" rate in figures and lettering of equal size and not less than four (4) inches in height, the "flat rate charge" shall be displayed in figures not less than eight (8) inches in height; or

b. If the facility charges on the basis of the time elapsed from entrance into the facility until exit from the facility, the "hourly charge" for the first hour of parking and daily maximum rates shall be displayed in figures not less than six (6) inches in height.

(2) If the facility charges rates that vary from time to time or event to event such sign shall be changed to reflect the charges being made currently.

(c) A secondary sign is required:

(1) To be prominently displayed which identifies the towing company's name and telephone number in the event that wrongfully parked vehicles are towed, and

(2) For all facilities which charge an hourly rate displaying the rates and methods of calculation of the total charges in letters and figures not less than four (4) inches in height and placed so as to be easily read by motorist entering the facility.

(d) If the entrance to a parking facility is from a one-way street, only one primary sign is required, placed so as to be visible to approaching vehicles. If the entrance to a parking facility is from a street with two-way traffic, the signage must be visible to approaching vehicles from each direction.

(e) Any licensee, his agent or employee who charges a rate in excess of that posted at the time a vehicle entered the facility violates this section. The first violation in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty of \$100 through the ordinance violations bureau in accordance with chapter 103 of this Code. A second and subsequent

violations in a twelve-month period are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

(b) All signs required by this section shall comply with all other applicable zoning ordinances and restrictions.

SECTION 2. Section 103-52 of the “Revised Code of the Consolidated City and County,” regarding civil penalties which may be paid through the ordinance violations bureau, hereby is amended by the addition of the language which is underlined, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00
407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	12.50
431-314	Premises address violation - second offense in calendar year	25.00
431-602	Bicycles – second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle – first violation	50.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	12.50
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	12.50
441-407	Display of unauthorized traffic controls	12.50
441-408	Interference with traffic control devices	12.50
441-503	Consumption or possession by operator of motor vehicle first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	12.50
611-501	Unlawful stopping of food vendor vehicle	12.50
611-502	Violation of noise restriction on food vendors	12.50
611-504	Failure of food vending vehicle to display required warnings	12.50
611-506	Unlawful vending from other than curb side of vending vehicle	12.50
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	12.50
621-108	Unlawful manner of parking	12.50
621-109	No required lights on certain parked vehicles	12.50
621-110	Violation of handicapped parking restrictions	45.00
621-111	Unlawful parking in handicapped parking meter zone	45.00
621-112	Unloading perpendicular to curb without permit	12.50
621-113	Unlawful use of bus stops and taxicab stands	12.50
621-114	Unlawful use of passenger and loading zones	12.50
621-115	Unlawful parking adjacent to certain buildings	12.50
621-116	Unlawful parking for display for sale or advertising	12.50
621-117	Unlawful parking for more than six (6) hours	12.50
621-118	Unlawful parking of commercial vehicles at night	12.50
621-119	Unlawful parking in alleys or on certain narrow streets	12.50
621-120	Unlawful parking in designated special parking areas	12.50
621-121	Parking on certain streets where prohibited at all times	12.50
621-122	Stopping, standing or parking on streets where prohibited at all times	12.50
621-123	Parking on certain streets where prohibited at all times on certain days	12.50
621-124	Parking on certain streets when prohibited at certain times on certain days	12.50

621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m.-9:00 a.m., 7:00 a.m.-9:00 a.m., 3:00 p.m.-6:00 p.m., 4:00 p.m.-6:00 p.m.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	12.50
621-203	Parking in excess of time permitted in parking meter zone	12.50
621-210	Parking in meter zone when temporarily prohibited	12.50
621-216	Overtime parking in metered parking space	12.50
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
730-505	Civil zoning violations - first offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Ch. 903	Pedal cab violation - first offense in twelve month period	100.00
<u>931-305</u>	<u>Excessive parking charge at commercial parking facility – first offense in twelve month period</u>	<u>100.00</u>
996-64	No monthly limousine certificate - first offense in twelve month period	25.00
996-77	No monthly taxicab certificate - first offense in twelve month period	25.00
996-123	Failure to maintain public vehicle for hire - first offense in twelve month period	25.00
996-124	Limousine or taxicab operator dress code violation - first offense in twelve month period	25.00
996-126	Failure to display licenses or fare schedule - first offense in twelve month period	25.00
996-138	Limousine or taxicab operator exceeding limitation on hours - first offense in twelve month period	25.00

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

PROPOSAL NO. 484, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 484, 2003 on September 17, 2003. Prior to this meeting, a sub-committee was formed to address this issue more thoroughly. The proposal, sponsored by Councillors McWhirter, Boyd, Moriarty Adams, Talley, and Smith, clarifies the provisions that govern the licensure of adult entertainment businesses, and makes certain definitions consistent with those in the city's zoning ordinances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden said that each Councillor has a substitute version of the proposal before them this evening, which is the result of the sub-committee's efforts. He moved, seconded by Councillor Talley, to amend Proposal No. 484, 2003 as per the substitute version. Councillor Sanders asked what the significant differences were. Councillor Dowden said that there are some technical amendments, as well as an amendment concerning increased illumination inside adult businesses on page eight of the proposal. Councillor Talley said that Cathy Burton, president of Marion County Alliance of Neighborhood Associations, suggested this change. Proposal No. 484, 2003 was amended as per the substitute version by a unanimous voice vote.

Councillor Talley said that a situation with an establishment in his district precipitated this proposal and he thanked the sub-committee for their hard work and the Mayor for his initiatives in trying to improve the quality of life for citizens of Indianapolis.

Councillors Gibson and Bainbridge said that this proposal is good for communities and they support it.

Councillor Bradford said that he agrees with the ordinance and believes the City should be more pro-active with these types of issues. He said that he would like to see the sub-committee continue.

Councillor Boyd said that while this proposal is not a cure-all, it goes a long way toward addressing some major concerns and is a good first step.

Councillor Moriarty Adams commended Mayor Peterson for such initiatives and said that these types of proposals are vital to impacting crime statistics in the community. She added that this type of activity does not attract economic development and only reduces the quality of life for citizens.

Councillor Soards said that \$750,000 was a great price to pay for the violent video initiative and the legal fees associated with trying to uphold the Council's decision in court, only to lose. He said that he hopes this proposal is more legally sound and can withstand such scrutiny, and he supports it.

Councillor Talley said that whether the Council does the right or wrong thing, there is always the possibility they will be sued, but in doing the right thing, they ultimately cannot lose.

Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 484, 2003, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 484, 2003, as amended, was retitled GENERAL ORDINANCE NO. 87, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code by clarifying the provisions that govern the licensure of adult entertainment businesses, and to make certain definitions consistent with those in the city's zoning ordinances.

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

SECTION 1. Chapter 807 of the "Revised Code of the Consolidated City and County," regarding adult entertainment businesses, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Chapter 807

ADULT ENTERTAINMENT ESTABLISHMENTS BUSINESSES

ARTICLE I. PURPOSE, FINDINGS, AND DEFINITIONS

Sec. 807-101. Statement of purpose.

It is the purpose of this chapter to regulate adult entertainment businesses and related activities, to promote the health, safety, morals, and general welfare of the citizens of Marion County, and to establish reasonable and uniform provisions to prevent the deleterious effects of adult entertainment businesses within Marion County. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Further, it is not the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials. It is not the intent nor effect of this chapter to limit or restrict the lawful activities permitted under Indiana Code 7.1.

Sec. 807-102. Findings.

Based on evidence concerning the adverse secondary effects of adult entertainment businesses on the community presented in hearing(s) and in reports made available to the City-County Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S.41 (1986), Young v. American Mini Theatres, 426 U.S.50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S.560 (1991), Arcara v. Cloud Books, Inc., 478 U.S.697 (1986), California v. LaRue, 409 U.S.109 (1972), Iacobucci v. City of Newport, KY, 479 U.S.92 (1986), United States v. O'Brien, 391 U.S.367 (1968), City of Erie v. Pap's A.M., 120 S.Ct. 1382 (2000), City of Los Angeles v. Alameda Books, Inc., 122 S.Ct. 1728 (2002), Broadway Books, Inc. v. Roberts, 642 F. Supp. 486 (E.D. Tenn. 1986), DLS, Inc. v. City of Chattanooga, 107F.3d403 (6th Cir. 1997), Pleasureland Museum, Inc. v. Beutter, 2002 WL 818791 (7th Cir. 2002), Kev, Inc. v. Kitsap County, 793F.2d1053 (9th Cir. 1986), Hang On, Inc. v. City of Arlington, 65F.2d1248 (5th Cir. 1995), South Florida Free Beaches, Inc. v. City of Miami, 734F.2d608 (11th Cir. 1984), and Mitchell et al v. Commission on Adult Entertainment Establishments of the State of Delaware et al, 10F.3d123 (3rd Cir. 1993), Ellwest Stereo Theatre, Inc. v. Boner, 718 F. Supp. 1553 (M.D. Tenn. 1989), City of Lincoln Nebraska v. ABC Books, Inc., 470 N.W. 2d 760 (Neb. 1991), Berg v. Health & Hosp. Corp. of Marion County, 865 F.2d 797 (7th Cir. 1989), Shultz v. Cumberland, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the city-county council finds:

- (1) Adult entertainment businesses lend themselves to ancillary unlawful and unhealthy activities that are presently insufficiently controlled by the operators of the establishments;
- (2) Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where adult entertainment businesses are located;
- (3) Sexual acts, including masturbation, oral sex and anal sex, occur at adult entertainment businesses, especially those which provide booths or cubicles for viewing films, videos, or live sex shows;
- (4) Acts of prostitution commonly occur at adult entertainment businesses;
- (5) Persons frequent certain adult theaters and other adult entertainment businesses for the purpose of engaging in sex within the premises;
- (6) At least fifty (50) communicable diseases may be spread by activities that occur in adult entertainment businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections;

- (7) In the four (4) years preceding the effective date of this ordinance, the city experienced an outbreak of primary and secondary (infectious) syphilis, yielding the highest and second highest annual case rates of any city and county in the United States;
- (8) Prostitution, sexual assaults and other criminal activity occur at adult entertainment businesses;
- (9) Prostitution is connected to the spread of sexually transmitted diseases;
- (10) Adult entertainment businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns; and.
- (11) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter.

Sec. 807-1103. Adult bookstore.

As used in this chapter, adult bookstore means and includes An establishment having as a preponderance at least twenty-five percent (25%) of its:

- (1) Retail floor space used for the display of adult products; or
- (2) sStock in trade consisting of adult products; or
- (3) its dollar volume in trade; Weekly revenue derived from adult products.

For purposes of this definition, the phrase adult products means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase adult products also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sado-masochistic abuse.

Sec. 807-2104. Adult cabaret.

As used in this chapter, adult cabaret means and includes Aa nightclub, bar, theater, restaurant or similar establishment which frequently that regularly features:

- (1) Hlive performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas;
- (2) or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) Persons who appear in a state of nudity or semi-nudity; or
- (4) Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

Sec. 807-3105. Adult drive-in theater.

As used in this chapter, adult drive-in theater means and includes An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Sec. 807-4106. Adult entertainment business.

As used in this chapter, adult entertainment business means and includes ~~A~~an adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade, adult motel, or adult services establishment, which is not operating under a valid Indiana Alcoholic Beverage Commission permit for retail sales of wine, beer or liquor for on-premises consumption.

Sec. 807-5107. Adult live entertainment arcade.

As used in this chapter, adult live entertainment arcade means and includes ~~A~~any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

Sec. 807-6108. Adult mini motion picture theater.

As used in this chapter, adult mini motion picture theater means and includes ~~A~~an enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Sec. 807-7109. Adult motel.

As used in this chapter, adult motel means and includes ~~A~~a hotel, motel or similar establishment offering public accommodations for any form of consideration ~~which that offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours, and that~~ provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Sec. 807-8110. Adult motion picture arcade.

As used in this chapter, adult motion picture arcade means and includes ~~A~~any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.

Sec. 807-9111. Adult motion picture theater.

As used in this chapter, adult motion picture theater means and includes ~~A~~an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Sec. 807-10112. Adult service establishment.

As used in this chapter, adult service establishment means and includes ~~A~~any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Sec. 807-113. Nudity or state of nudity.

As used in this chapter, nudity or state of nudity means and includes the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genital, or vulva, with less than a fully opaque covering or a female breast with less than a fully opaque covering of any part of the nipple, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Sec. 807-114. Semi-nude or semi-nudity.

As used in this chapter, semi-nude or semi-nudity means and includes a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sec. 807-~~115~~115. Specified anatomical areas.

As used in this chapter, specified anatomical areas means and includes ~~Any~~ of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Sec. 807-~~116~~116. Specified sexual activities.

As used in this chapter, specified sexual activities means and includes ~~Any~~ of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.

ARTICLE II. LICENSURE

Sec. 807-201. Applicability.

The following sections of this Code shall have no application to a license applied for or issued under this chapter: subsection (5) of section 801-201; section 801-202; subsection (b) of section 801-207; section 801-303; and, sections 801-412 through 801-415, inclusive.

Sec. 807-~~21~~202. License required.

(a) It shall be unlawful for any person to maintain or operate an adult entertainment business in the city without first obtaining a license therefor from the controller.

(b) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the city that the applicant is in compliance with all of the provisions of this chapter. The renewal of the license shall be subject to the payment of the fee as set forth in Section 807-203 of the Code.

Sec. 807-~~22~~203. License fee.

The annual license fee shall be for the period of January first to December thirty-first and shall be seventy-five dollars (\$75.00) for each business location, each stage, each motion picture or video screen, each closed circuit television and each motion picture or video screen, projector or other image-producing device. The maximum amount to be charged under this section for each business location shall be three thousand dollars (\$3,000.00).

Sec. 807-23204. Application for license.

(a) All applications for licenses shall be made to the controller. The application for a license required by this article shall ~~state, under oath,~~ include the following information:

- (1) Name and business address of the applicant;
- (2) The name and address of the business;
- (3) Telephone number of the applicant;
- (4) The state of incorporation (where applicable);
- (5) The names of partners or corporate officers ~~and their home addresses~~ (where applicable);
- ~~(6) The names of all creditors of the applicant;~~
- ~~(7) The resident registered agent, his or her address, and the principal office of the corporation (where applicable);~~
- ~~(8) The length of time the business has been in Indianapolis;~~
- ~~(9) Any previous location or location change of the business within two (2) years;~~
- ~~(10) The applicant's citizenship;~~
- ~~(11) Whether or not the applicant or any partner or corporate officer for the applicant business has ever been denied a license, had a license revoked or suspended;~~
- ~~(12) Whether or not the applicant or any partner or corporate officer of the applicant business has been arrested or convicted of a felony, misdemeanor or ordinance violation other than a minor traffic charge;~~
- ~~(13) Whether all city, county and state taxes have been paid;~~
- ~~(14) The seating capacity of the establishment; and~~
- ~~(15) The number of business locations, stages, motion picture or video screens, closed circuit televisions and motion picture or video screens, projectors or other image-producing devices.~~

(b) The application shall be signed and sworn to be true and correct by the applicant.

(c) Where a person seeks a license to operate an adult entertainment business, the applicant may begin operating the facility forty-five (45) days after submitting a completed application, even in those instances when the controller denies the request to issue a license, except as otherwise set forth in this paragraph. The controller shall have forty-five (45) days in which to determine whether to issue a license. If the controller fails to act by either granting or denying the license within forty-five (45) days, the license shall be granted by operation of law. If the controller denies the request to issue a license, the controller shall issue a conditional license to operate if a timely petition for judicial review is filed within ten (10) days of receipt of notice of the controller's decision. Such a conditional license shall operate in all respects as a license until judicial review is completed by a trial court of competent jurisdiction. A conditional license shall not permit the applicant to operate in violation of any other ordinance or law. In particular, the applicant shall not operate in violation of any zoning requirement set forth in section 732-216 of the Code.

(d) During the term of a license under this chapter, a licensee shall provide the controller with written notice of any additions or changes in the information given in the license application.

Sec. 807-24. Investigation.

~~Within thirty (30) days after receiving the application, the city license administrator shall notify the applicant that the application is granted or recommended for denial to the city controller, or held for further investigation. Such further investigation shall not exceed an additional thirty (30) days unless there are extenuating circumstances, in which case the controller shall give written notice of the extenuating circumstances to the applicant. The controller shall advise the applicant in writing after the extenuating~~

~~circumstances have been satisfied, whether the application is granted or recommended to the city controller for denial.~~

Sec. 807-25205. Grounds for denial.

An application for a license or for renewal of a license under this chapter may be denied if the applicant:

- (1) Where applicable, is not a corporation organized by law or authorized and qualified to do business in the state;
- (2) ~~Knowingly permits any illegal conduct or practice to take place on his premises or in the conduct of this business; or~~
- (3) ~~Fails to certify by affidavit that the business premises will not be used for illegal purposes;~~
- (4) ~~Has previously evaded the licensing provisions of this Revised Code.~~
- (2) Has not fully paid the license fee;
- (3) Is delinquent to the city, county or state for any taxes, or is indebted to the city, county or state for any other reason unless the delinquency or indebtedness is the subject of pending litigation;
or
- (4) Has failed to provide all information required by this article or has falsely provided such information.

Sec. 807-26206. Grounds for suspension or revocation; controller's hearing.

(a) A license granted under this article may be suspended or revoked for any reason an application for renewal may be denied under section 807-205 of this Code, or if the licensee:

- (1) Conducts the business or maintains the premises in such a manner as to create a nuisance to the public;
- (2) Knowingly permits any illegal conduct or practice to take place on the business premises or in the conduct of the business; or
- (3) Violates the premises requirements or operational requirements provided in section 807-28301 or section 807-29302 of this Revised Code.

(b) A suspension or revocation of a license under this chapter shall not be made without first holding a controller's hearing under the procedures provided in Chapter 801, Article IV, Division 2 of this Code.

Sec. 807-207. Judicial review of denial, suspension or revocation.

(a) A denial of an application for a license or for renewal of a license under this chapter shall not be subject to administrative review under the procedures provided in Chapter 801, Article IV, Divisions 2 and 3 of this Code, but in the alternative may be appealed to the Marion Superior Court.

(b) A suspension or revocation of a license under this chapter shall not be subject to administrative review under the procedures provided in Chapter 801, Article IV, Division 3 of this Code, but in the alternative may be appealed to the Marion Superior Court.

(c) The appeal of a denial, suspension or revocation under this chapter shall be subject to the same rules and procedures, and shall be conducted in the same manner, as prescribed for judicial review under Indiana Code Chapter 4-21.5-5, as the same shall be amended from time to time; provided, however, that notwithstanding the provisions of those statutes, the following requirements apply to a petition for judicial review filed under this chapter:

- (1) The petition must be filed within ten (10) days of the issuance of the controller's decision; and
- (2) Within fourteen (14) days from the date the city was served with the petition, the controller shall prepare the city's record for the petitioner to transmit to the court.

ARTICLE III. REGULATIONS

Sec. 807-27301. ~~Adult live entertainment areade~~ Premises requirements.

(a) It shall be unlawful to own or operate an adult live entertainment areade which has individual booths, unless the booth meets the following business that is not in compliance with the requirements stated in this section, provided that adult entertainment businesses in operation on the effective date of this ordinance shall have sixty (60) days from such effective date to come into compliance with subsections (b) through (h) of this section.

(b) Upon application for an adult entertainment business license or a renewal of such a license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The controller may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since the diagram was prepared.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the controller.

(d) Restrooms may not contain video reproduction equipment.

(e) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (b) of this section.

(f) Except for those premises identified in sections 807-105, 807-108, 807-109, and 807-111 of the Code and those premises identified in subsection (h) of this section, the premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than ten (10) foot candles as measured at the floor level. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described in this subsection is maintained at all times that any patron is present in the premises.

(g) All locational requirements of this section must be approved or denied by the controller within forty-five (45) days from the time the application is filed.

(h) With respect to an adult entertainment business that has individual booths:

(1) Each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high;

(2) There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to obstruct the visibility of a patron twenty-four (24) inches from the floor of the booth;

(3) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;

(4) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. Viewing booths must be separated at least twelve (12) inches from the exterior walls of any other viewing booths by open space; and

(5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than ten (10) foot candles as measured at the floor level. However, if a lesser level of illumination shall be necessary to enable a patron to view the adult entertainment in a booth, a lesser amount of illumination may be maintained in the booth, provided, however, at no time shall there be less than two (2) foot candles of illumination, as measured from the floor. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described in this subsection is maintained at all times that any patron is present in the premises.

~~(b) It shall be unlawful for a patron to be present in a booth in an adult entertainment arcade unless this patron is visible from twenty-four (24) inches from the floor of the booth.~~

~~(c) It shall be unlawful for any owner to use or allow to be used a booth in an adult live entertainment arcade which does not meet the requirements as set out in subsection (a).~~

~~(d) In addition to such other penalties as are provided in this Revised Code, violation of this section shall be sufficient grounds for revocation of a license held under this article.~~

~~(i) A person having a duty under subsections (b) through (h) of this section commits a violation if he or she knowingly fails to fulfill that duty.~~

Sec. 807-28302. Operational requirements.

(a) It shall be unlawful to own or operate an adult entertainment business that is not in compliance with the requirements stated in this section.

(ab) An adult entertainment establishment business shall be kept in a sanitary condition at all times. As a condition of licensure under this chapter, the controller or controller's designee shall have the right to enter any licensed premises at any time during business hours without notice to insure compliance with this chapter, and it shall be unlawful for a person to prevent or deny any such entry. The controller shall have the power to determine if such establishment business is in a sanitary condition. For such purpose, the controller shall have, upon demand, the assistance of the administrator of the division of compliance of the department of metropolitan development, and the Health and Hospital Corporation of Marion County. If the controller shall determine, after investigation by the division of development services or the Health and Hospital Corporation of Marion County, that an unsanitary condition exists within an adult entertainment establishment business, the controller shall suspend the establishment license for such premises until such unsanitary condition is rectified.

~~(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within such licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for the establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.~~

~~(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such a violation, within such establishment business or on parking areas or other property immediately adjacent to or normally used for purposes of parking for such establishment business, which property is under the control of the establishment business owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.~~

(d) Adult entertainment businesses shall not be open between the hours of midnight and 10:00 a.m. and shall not be open on Sundays.

ARTICLE IV. SEVERABILITY

Sec. 807-401. Severability.

In the event any section, subsection, clause, phrase or portion of this chapter is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.

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

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

Councillor Bainbridge stated that he postponed Proposal No. 533, 2003 to the wrong date, not realizing the Committee had another hearing in October. He moved, seconded by Councillor McWhirter, to reconsider the vote to postpone Proposal No. 533, 2003. The motion carried by a unanimous voice vote.

PROPOSAL NO. 533, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, approves an increase of \$125,000 in the 2003 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund) to complete a scoping report for a proposed Downtown Cultural Trail, financed by a Federal Highway Administration Transportation Enhancement grant. Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, to postpone Proposal No. 533, 2003 until October 27, 2003. Proposal No. 533, 2003 was postponed by a unanimous voice vote.

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 512 and 513, 2003 on September 23, 2003. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 512, 2003. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County. PROPOSAL NO. 513, 2003. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant to Indiana University in the amount of \$100,000 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Schneider asked where these grant dollars come from. Councillor Nytes said that there are no tax dollars involved and the grants are funded through cable franchise fees laid out in the contracts with the City's cable providers.

Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 512 and 513, 2003 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Smith, Soards

Proposal No. 512, 2003 was retitled SPECIAL RESOLUTION NO. 65, 2003, and reads as follows:

October 6, 2003

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 2003

A SPECIAL RESOLUTION approving of a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the Consolidated City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming over the educational access channels of the two franchise cable television systems within Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 99, 2002 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 99, 2002, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$50,000 to Indiana University is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

Proposal No. 513, 2003 was retitled SPECIAL RESOLUTION NO. 66, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 2003

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$100,000.00 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on August, the Board approved Indiana University's request for \$100,000 from the Fund to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), a voluntary consortium of area school districts, colleges, and universities, to facilitate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$100,000 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana (the Grant); and

WHEREAS, Section 181-703 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the Council; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$100,000 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 520 and 528, 2003 on September 17, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 520, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer of \$2,800 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) to pay unexpected expenses. PROPOSAL NO. 528, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$973,536 from the 2003 Budgets of the County Sheriff and the Marion County Justice Agency (County General Fund) to the 2003 Budgets of the County Auditor, Marion Superior Court, County Prosecutor, Marion County Public Defender, Clerk of the Circuit Court, County Sheriff, and the Marion County Justice Agency to pay the expenses for the Arrestee Processing Center. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 520 and 528, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 520, 2003 was retitled FISCAL ORDINANCE NO. 135, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No.97, 2002) transferring and appropriating an additional Two Thousand Eight Hundred Dollars (\$2,800) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing certain other appropriations from that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(f) 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 Sheriff to pay unexpected expenses.

SECTION 2. The sum of Two Thousand Eight Hundred Dollars (\$2,800) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3 Other Services and Charges	2,800
TOTAL INCREASE	2,800

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

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	1,700
4. Capital Outlay	1,100
TOTAL DECREASE	2,800

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

Proposal No. 528, 2003 was retitled FISCAL ORDINANCE NO. 136, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) transferring and appropriating an additional Nine Hundred Seventy Three Thousand Five Hundred Thirty Six Dollars (\$973,536) in the County General Fund for purposes of the County Sheriff, Marion County Justice Agency, Marion Superior Court, County Prosecutor, Marion County Public Defender, Marion County Clerk, and County Auditor and reducing certain other appropriations from the County Sheriff and the Marion County Justice Agency,

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.(f) 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 Sheriff, Marion County Justice Agency, Marion Superior Court, County Prosecutor, Marion County Public Defender, Marion County Clerk, and County Auditor to pay the expenses relating to the Arrestee Processing Center.

SECTION 2. The sum of Nine Hundred Seventy-three Thousand Five Hundred Thirty-six Dollars (\$973,536) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services – fringes	239,922
3. Other Services and Charges	257,766
<u>MARION SUPERIOR COURT</u>	
1. Personal Services	222,000
2. Supplies	2,500
3. Other Services and Charges	9,000
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	93,000
2. Supplies	1,800
<u>MARION COUNTY PUBLIC DEFENDER</u>	
1. Personal Services	93,000
2. Supplies	1,800
<u>CLERK OF THE CIRCUIT COURT</u>	
1. Personal Services	29,500
2. Supplies	1,200

<u>COUNTY SHERIFF</u>	
4. Capital Outlay	21,248
 <u>MARION COUNTY JUSTICE AGENCY</u>	
2. Supplies	<u>800</u>
 TOTAL INCREASE	 973,536

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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	859,935
2. Supplies	20,955
3. Other Services and Charges	56,646
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>36000</u>
 TOTAL REDUCTION	 973,536

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

PROPOSAL NO. 556, 2003. Councilor McWhirter reported that the Administration and Finance Committee heard Proposal No. 556, 2003 on September 23, 2003. The proposal, sponsored by Councillor Dowden, determines the need to lease approximately 17,000 square feet of office space at 3806 S. Madison Avenue for the Southside Community Office of the Marion Superior Court Probation Department, Adult Services Division. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford asked if the money is in the budget to cover this lease. Councillor McWhirter said that it is.

Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 556, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 556, 2003 was retitled SPECIAL RESOLUTION NO. 67, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 2003

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 17,000 square feet of office space at 3806 S. Madison Avenue, Indianapolis, Indiana for the Southside Community Office of the Marion Superior Court Probation Department, Adult Services Division.

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

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

October 6, 2003

SECTION 2. The property to be leased is located at 3806 S. Madison Avenue, Indianapolis, Indiana, and is owned by FAD Properties, LLC, which in turn is owned by Fred Dorsey.

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

POLICE SPECIAL SERVICE DISTRICT SPECIAL ORDERS - PUBLIC HEARING

President Borst convened the Police Special Service District Council.

PROPOSAL NO. 518, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 518, 2003 on September 17, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer totaling \$426,514 in the 2003 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund, Police General Fund, and Federal Grants Fund) to fund various projects (officer overtime for highway safety projects, customs overtime for airport drug security, PAL/Youth supplies, cultural and sporting events fees, Domestic Violence supplies, training, and computer equipment, Weed and Seed program supplies, training, equipment, a contractual research analyst, equipment, and South District terrorist training). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:44 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 518, 2003 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Gibson, Smith, Soards

Proposal No. 518, 2003 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2003, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT NO. 3, 2003

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2003 (Police Special Service District Ordinance No. 1, 2002, Police Special Service District Ordinance No. 2, 2002, and Police Special Service District Ordinance No. 3, 2002) transferring and appropriating an additional Four Hundred Twenty-six Thousand Five Hundred Fourteen Dollars (\$426,514) in the Police General Fund, Federal Grants Fund, and the Non-Lapsing Federal Grants Funds for purposes of the Police Division and reducing certain other appropriations for the Department of Public Safety, Police Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Police Division to pay for officer overtime for highway safety projects, customs overtime for airport drug security, PAL/Youth supplies, cultural and sporting events fees, Domestic Violence supplies, training, and computer equipment, Weed and Seed program supplies, training, equipment, a contractual research analyst, equipment, and South District terrorist training, financed by a transfer between characters.

SECTION 2. The sum of Four Hundred Twenty-six Thousand Five Hundred Fourteen Dollars (\$426,514) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
2. Supplies	41,729
3. Other Services and Charges	<u>353,569</u>
TOTAL INCREASE	395,298

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	17,150
2. Supplies	6,601
4. Capital Outlay	<u>2,700</u>
TOTAL INCREASE	26,451

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>POLICE GENERAL FUND</u>
1. Personal Services	<u>4,765</u>
TOTAL INCREASE	4,765

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

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	230,665
4. Capital Outlay	<u>164,633</u>
TOTAL DECREASE	395,298

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>26,451</u>
TOTAL DECREASE	26,451

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>POLICE GENERAL FUND</u>
3. Other Services and Charges	<u>4,765</u>
TOTAL DECREASE	4,765

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

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

SECTION 7. The Non-Lapsing Federal Grants appropriation listed above shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

President Borst reconvened the City-County Council.

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:

October 6, 2003

- (1) Councillors McWhirter, Langsford, Bainbridge, and Cockrum in memory of Georgia Aleene Swanson; and
- (2) Councillor Talley in memory of Frank Hendricks; and
- (3) Councillor Horseman in memory of David Perlini and Carlos Pagan; and
- (4) Councillors Horseman and Talley in memory of Grant W. Hawkins, Sr.; and
- (5) Councillors Frick and Borst in memory of Rita Moldthan.

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 Georgia Aleene Swanson, Frank Hendricks, David Perlini, Carlos Pagan, Grant W. Hawkins, Sr., and Rita Moldthan. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:45 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 6th day of October, 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)