

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 17, 2003**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:08 p.m. on Monday, November 17, 2003, with President Borst presiding.

Councillor Bradford 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 Short introduced newly elected Councillors Vern Brown, Dane Mahern, Angela Mansfield, Greg Bowes, and Sherron Franklin. Councillor Cockrum recognized the Indianapolis Parks Foundation and thanked them for hosting a reception this evening for Councillors. President Borst thanked Suellen Hart, Clerk of the Council, and her staff for the recent reception and said that it was first class. He presented Councillors Frick, Soards, and Smith, who were not in attendance at the reception when presentations were made, with plaques commemorating their service and a proclamation from the Mayor. Councillor Soards recognized his wife Ann and daughters Kaitlyn and Anna.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 17, 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

October 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:

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, October 31, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 563, 612-614, 616, 618, 619, 623-628, 630-632, and 656, 2003, said hearing to be held on Monday, November 17, 2003, at 7:00 p.m. in the City-County Building.

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

October 30, 2003

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Monday, November 3, 2003, a copy of a Notice of Public Hearing on Proposal No. 630, 2003, said hearing to be held on Monday, November 17, 2003, at 7:00 p.m. in the City-County Building.

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

November 6, 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. 137, 2003 - 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

FISCAL ORDINANCE NO. 138, 2003 - 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

FISCAL ORDINANCE NO. 139, 2003 - 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

FISCAL ORDINANCE NO. 140, 2003 - 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

FISCAL ORDINANCE NO. 141, 2003 - 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

FISCAL ORDINANCE NO. 145, 2003 - 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

FISCAL ORDINANCE NO. 146, 2003 - 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

FISCAL ORDINANCE NO. 148, 2003 - 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

FISCAL ORDINANCE NO. 150, 2003 - 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

GENERAL ORDINANCE NO. 88, 2003 - provides 40 hours of paid leave for public safety officers who sustain an on-duty injury that causes him or her to be absent from work for more than 40 consecutive hours

GENERAL ORDINANCE NO. 89, 2003 - authorizes the auditor to collect an endorsement fee of \$5 for each legal description of each parcel contained in a deed

GENERAL ORDINANCE NO. 92, 2003 - authorizes a multi-way stop at Allegheny Street and Cleveland Street (District 22)

GENERAL ORDINANCE NO. 93, 2003 - authorizes a change in intersection controls at East Street and Narcissus Drive (District 25)

GENERAL ORDINANCE NO. 94, 2003 - authorizes a change in intersection controls at Ohio Street and Reisner Street (District 17)

GENERAL ORDINANCE NO. 95, 2003 - authorizes intersection control changes and parking control changes in the Three Fountains West, Colonial Square, and Mayfield Green Apartment complexes (Districts 1, 9)

GENERAL ORDINANCE NO. 96, 2003 - authorizes parking restrictions on Norfolk Street from Patricia Street to the dead end (District 8)

GENERAL ORDINANCE NO. 97, 2003 - authorizes a traffic signal at 3308 North Mitthoefer Road (District 5)

GENERAL ORDINANCE NO. 98, 2003 - authorizes a traffic signal at I-74 and Southeastern Avenue (District 13)

GENERAL ORDINANCE NO. 99, 2003 - authorizes a multi-way stop at Chelsea Road and Worth Avenue (District 19)

GENERAL ORDINANCE NO. 100, 2003 - authorizes a multi-way stop at 9th Street and Centennial Street (District 16)

GENERAL ORDINANCE NO. 101, 2003 - authorizes a change in the intersection controls at 20th Street and Linwood Avenue (District 15)

GENERAL ORDINANCE NO. 102, 2003 - authorizes a multi-way stop at Bradley Avenue and Walnut Street (District 15)

GENERAL ORDINANCE NO. 103, 2003 - authorizes a multi-way stop at 20th Street and Hawthorne Lane (District 15)

Journal of the City-County Council

GENERAL ORDINANCE NO. 104, 2003 - authorizes a multi-way stop at Berwick Avenue and Gimber Street (District 17)

GENERAL ORDINANCE NO. 105, 2003 - authorizes a change in intersection controls for Pershing Avenue and Ray Street (District 17)

GENERAL ORDINANCE NO. 106, 2003 - authorizes multi-way stops at Kappes Street and Lambert Street, and at Lambert Street and Reisner Street (Districts 17, 25)

GENERAL ORDINANCE NO. 107, 2003 - authorizes a multi-way stop at Breton Street and Falcon Drive (District 8)

GENERAL ORDINANCE NO. 108, 2003 - authorizes a change in intersection controls for Beauport Road and Fredonia Road (District 8)

GENERAL ORDINANCE NO. 109, 2003 - authorizes shuttle stops for the Indy Go Blue Line Circulator (District 16)

SPECIAL ORDINANCE NO. 6, 2003 - 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

SPECIAL RESOLUTION NO. 68, 2003 - congratulates Margaret Arthur for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community

SPECIAL RESOLUTION NO. 69, 2003 - congratulates Pat Zarse for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community

SPECIAL RESOLUTION NO. 70, 2003 - recognizes the work of the Nationalities Council and its International Festival

SPECIAL RESOLUTION NO. 71, 2003 - recognizes Theology on Tap, an organization dedicated to promoting traditional values in young adults

SPECIAL RESOLUTION NO. 72, 2003 - welcomes and honors United States Postmaster General John "Jack" E. Potter

SPECIAL RESOLUTION NO. 73, 2003 - congratulates Roncalli High School for earning the U.S. Department of Education's Blue Ribbon Schools Award for the third time

SPECIAL RESOLUTION NO. 74, 2003 - authorizes Robert J. Clifford to accept pension liability

SPECIAL RESOLUTION NO. 75, 2003 - an inducement resolution for Keystone Towers, LLC in an amount not to exceed \$6,000,000 which consists of the acquisition and substantial rehabilitation of the existing vacant 254-unit Keystone Towers Apartments located at 2855 East 45th Street and 4475 Allisonville Road (Districts 6, 11)

SPECIAL RESOLUTION NO. 76, 2003 - an inducement resolution for TR Associates, LLC in an amount not to exceed \$6,600,000 which consists of the acquisition and substantial rehabilitation of the existing 284-unit Timber Ridge Apartments located at 4005 Meadows Drive (District 11)

SPECIAL RESOLUTION NO. 77, 2003 - seeks authorization to pay legal expenses incurred with the jail-overcrowding litigation from the jail commissary fund

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 October 27, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 691, 2003. The proposal, sponsored by Councillors McWhirter, Bainbridge, and Knox, recognizes West Indy's 5th Annual Steak n Shake's Breakfast with Santa. Councillor McWhirter read the proposal and presented representatives with copies of the documents and Council pins. Marshall Lewis, founder and chair of the event, thanked the Council for the recognition, and introduced several sponsor representatives. They provided Council members with gifts, and Kim Boyd, representative of Vincennes University, read a poem, while Gliminte the Magician performed a magic trick. Councillor Brents thanked Mr. Lewis for his efforts with this event and said that she will be attending. Councillor McWhirter moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 691, 2003 was adopted by a unanimous voice vote.

Proposal No. 691, 2003 was retitled SPECIAL RESOLUTION NO. 78, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 2003

A SPECIAL RESOLUTION recognizing West Indy's 5th Annual Steak n Shake's Breakfast with Santa

WHEREAS, for the past four years, Steak n Shake Restaurants of Central Indiana and many local businesses and individuals have hosted a growing event known as Breakfast with Santa; and

WHEREAS, the annual occasion has given joy to over 5,000 children since its inception, and this year will hit the 6,000 mark of children and 1,000 families that have been served; and

WHEREAS, the 2003 Breakfast with Santa will be held Saturday, December 13th at the Wayne Township Fire Department Training Conference Center on North High School Road; and

WHEREAS, Breakfast with Santa sponsors already signed up for this December's event include: Wayne Township Fire Department, Wayne Township Schools, Wayne Township Trustee's Office, Westlake Church of Christ, IUPUI/MOM Project, Lynn and Rich Elson, Indy Parks, Indianapolis Police Books & Badges, U-Haul, Vincennes University, Long's Bakery, Steak n Shake, Indy 500, Toys for Tots, Hands On, LLC, The Recovery Room, Indianapolis Public Schools, and Glimante The Magician; 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 commends all of those who make the Westside's Annual Breakfast with Santa event possible, including Marshall Lewis, who spends countless hours in organizing the breakfast.

SECTION 2. For all the time, expense, and energy of planning and conducting this breakfast for the children, a big happy ear-to-ear smile from a little child at Christmastime is all the reward that is necessary for a good job, well done.

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

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

PROPOSAL NO. 692, 2003. The proposal, sponsored by Councillor Dowden, recognizes the U.S. Marine Corps Reserves' "Toys for Tots" Program. Councillor Dowden read the proposal and presented representatives with copies of the document and Council pins. Captain Raul Salcido thanked the Council for the recognition. Councillor Massie thanked the Marines for their service, and said that his son Matthew is currently in the Marine Corps serving overseas and he has a great appreciation for all that they do to protect this country's freedom. Councillor Dowden

moved, seconded by Councillor Massie, for adoption. Proposal No. 692, 2003 was adopted by a unanimous voice vote.

Proposal No. 692, 2003 was retitled SPECIAL RESOLUTION NO. 79, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 2003

A SPECIAL RESOLUTION recognizing the U.S. Marine Corps Reserves' "Toys for Tots" Program.

WHEREAS, while earning the epithet "First to Fight" during their 228 year history, the United States Marines have also displayed their compassion for the needy through such programs as today's "Toys for Tots"; and

WHEREAS, while delivering a shiny new toy to a child, the goal of "Toys for Tots" is to also deliver the message to needy youngsters that they have not been forgotten and that someone really cares about them and wants to encourage them by example to grow into responsible adults; and

WHEREAS, Toys for Tots began in 1947 when a group of Marine Reservists in California delivered toys to needy children in their area, with the first gift being a Raggedy Ann doll; and

WHEREAS, the program rapidly grew nationwide with Walt Disney designing the logo, and celebrities including such persons as John Wayne, Bob Hope, Charlton Heston, Kenny Rogers, Brooke Shields, George Strait, and many others endorsing the program; and

WHEREAS, last year the local Indianapolis Marine Corps Reserve distributed 38,000 toys to 18,000 needy children; 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 good work of the U.S. Marine Corps Reserves in their annual "Toys for Tots" Program, and specifically commends local Marines: Captain Raul Salcido, Sgts. Christopher Borghese, Terrence Epperson, Glen Hanson, Shareif Bailey, Joseph Borchin, Levi Jones, Robert Miller, John Lund, and Cpl. Molly Johnson.

SECTION 2. The Council commends the Marines, both for their commitment to defending America's freedoms and for their compassion shown by gathering toys for children in need.

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. 705, 2003. The proposal, sponsored by Councillors Borst and Black, recognizes the National Collegiate Athletic Association's fourth year in Indianapolis. Councillor Borst read the proposal and presented Danita Edwards, public relations director for the NCAA, with a copy of the document and a Council pin. Ms. Edwards thanked the council for the recognition on behalf of President Miles Brand, who was delayed this evening, and said that the NCAA is happy to be a part of the good things happening in this City. Councillor Borst moved, seconded by Councillor Black, for adoption. Proposal No. 705, 2003 was adopted by a unanimous voice vote.

Proposal No. 705, 2003 was retitled SPECIAL RESOLUTION NO. 80, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 2003

A SPECIAL RESOLUTION recognizing the National Collegiate Athletic Association's Fourth year in Indianapolis.

WHEREAS, in the late 1990's, 52 cities vied to become the NCAA headquarters' new home city; and

WHEREAS, the list was narrowed down to Indianapolis when more than a hundred businesses, foundations, individuals, the Lilly Endowment, the City of Indianapolis and the State of Indiana came together and offered to construct a new NCAA headquarters building and the Hall of Champions in the White River State Park and to provide land to the NCAA for its warehouse facility, and

WHEREAS, that \$50 million investment four years ago has paid handsome dividends according to a new study by KPMG, LLP which shows that the NCAA's presence has created 857 jobs, has served as a catalyst for the National Federation of State High School Association, the National Youth Sports Corporation and the Black Coaches Association to locate here, and the NCAA's presence has a \$63.3 million annual financial impact upon Indianapolis and Indiana, and a total of \$326 million since the move in 1999; and

WHEREAS, in addition, the NCAA has become a community partner with its "Stay in Bounds" sportsmanship program having been presented in 300 area schools, the NCAA Hall of Champions having celebrated the roles of women and minorities in sports, and the NCAA staff actively supporting many community programs and not-for-profit groups; and

WHEREAS, Indianapolis, as the "amateur sports capital of the world," has to competitively bid for prestigious sports events, but has already booked the 2004 World Swimming Championships, the 2004 U.S. Olympic Wrestling Trials, the 2005 Women's Final Four and the 2006 Men's Final Four; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the NCAA-Indianapolis partnership upon its Fourth Anniversary, and expresses its appreciation of that organization and its staff for their many contributions to the City of Indianapolis.

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

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

PROPOSAL NO. 611, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 611, 2003 on November 11, 2003. The proposal, sponsored by Councillor Nytes, approves the Mayor's appointment of Michael J. Rogers as hearing officer to preside over the administrative adjudication of parking citations. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 611, 2003 was adopted by a unanimous voice vote.

Proposal No. 611, 2003 was retitled COUNCIL RESOLUTION NO. 87, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 87, 2003

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

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

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

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

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

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 659, 2003. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing for the City for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period from January 1, 2004 through December 31, 2004"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 660, 2003. Introduced by Councillors McWhirter and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing for the County for the County General Fund and the County Family and Children's Fund during the period from January 1, 2004 through December 31, 2004"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 662, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which transfers the powers and duties of the Enhanced Access Board to the Information Technology Board and abolishes the Enhanced Access Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 663, 2003. Introduced by Councillors Nytes, Talley, Sanders, and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which allows the City to pick up additional employee contributions to PERF through a payroll deduction, and to treat such amounts as pre-tax "pick-up" contributions"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 664, 2003. Introduced by Councillors McWhirter and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the County to pay the employee's contribution to the pension plan for merit officers of the Marion County Sheriff's Department during the period of military leave"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 665, 2003. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$47,500 in the 2003 Budget of the Department of Parks and Recreation (Park General Fund) to pay for overtime costs incurred cleaning up after unexpected floods and windstorms this year, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 666, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves a transfer of \$331,000 and an increase of \$383,000 in the 2003 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to cover the unbudgeted portion of the sworn firefighter contractual pay increase as well as overtime expenses, financed by a transfer and fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 667, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves a transfer of \$45,000 in the 2003 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay for additional supplies needed to support the Arrestee Processing Center operations "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 668, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$18,000 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to correct an error in the original grant award (Project Safe Neighborhoods grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 669, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$18,900 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grant Fund) to correct an error in the original grant award (Evaluation of the Marion County's Cite and Release and Emergency Jail Release Policies Grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 670, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$42,205 in the 2002 Budget of the Marion Superior Court, Juvenile Division, (State and Federal Grants Fund) to cover capital expenses (Juvenile Accountability Incentive Block Grant #4)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 671, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$24,162 in the 2003 Budget of the Marion Superior Court, Juvenile Division, (State and Federal Grants Fund) to appropriate a Kid's Voice Grant for the Guardian Ad Litem and Reach for Youth programs, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 672, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$749,927 in the 2003 Budgets of Community Corrections and the County Auditor (Home Detention User Fee Fund) to fund personnel, home detention equipment, and supplies for the second six months of fiscal year 2003-2004, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 673, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$21,550 in the 2003 budget of Community Corrections (Home Detention User Fee Fund) to provide additional funds for supplies due to growth in programming, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 676, 2003. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Child Advocacy Agency in the Office of the Prosecuting Attorney"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 677, 2003. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the Department of Public Works to collect a capacity availability fee for every building issued a permit by the Department of Metropolitan Development"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 678, 2003. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Hancock Street and Ida Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 679, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Forsythia Drive and Orchid Lane (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 680, 2003. Introduced by Councillors Brents and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Ft. Wayne Avenue between New Jersey Street and 10th Street (Districts 16, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 681, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Maryland Street between Missouri Street and Illinois Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 682, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Illinois Street between Merrill Street and South Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 683, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Illinois Street between Washington Street and Ohio Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 684, 2003. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Dequincy Street between 23rd Street and Dead End north of 23rd Street (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 685, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Delaware Street from Fall Creek Parkway S. Drive to Fall Creek Parkway N. Drive (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 686, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 14th Street between College Avenue and Dead End east of College Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 687, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes no left turn restrictions on Fall

Creek Parkway on College Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 688, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes no left turn restrictions on Fall Creek Parkway N. Drive at 30th Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 689, 2003. Introduced by Councillors Black, Boyd, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes no left turn restrictions on Fall Creek Parkway N. Drive at 38th and 39th Streets (Districts 6, 11, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 690, 2003. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in one-way traffic and two-way traffic on Limestone Street between New York Street and Michigan Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 693, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which amends the term of service for Jerry Barnaby as a member of the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 704, 2003. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves a schedule of regular council meetings for the year 2004"; and the President referred it to the Committee of the Whole.

PROPOSAL NO. 706, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which amends the term of service for Al Polin as a member of the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Talley said that he would like to make it clear that the CAFE referenced in Proposal No. 677, 2003 does not represent the familiar acronym of the Community Alliance of the Far Eastside.

President Borst encouraged members to review Proposal No. 704, 2003 before the next Council meeting, as it is the calendar for next year's meetings. Councillor Boyd asked if this calendar will be sent to the Councillors-elect. President Borst asked the Clerk to make sure those new Council members get a copy of this proposal.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 694-696, 2003 and PROPOSAL NOS. 697-703, 2003. Introduced by Councillor Langsford. Proposal Nos. 694-696, 2003 and Proposal Nos. 697-703, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 15 and November 5, 2003. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 164-173, 2003, the original

copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 164, 2003.
2003-ZON-060 (2003-DP-008)
9900, 10050, 10500, and 10640 EAST THOMPSON ROAD and 10101 and 10401 PENTECOST ROAD (approximate addresses), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #23
BAY DEVELOPMENT, by David A. Retherford, requests a rezoning of 422.943 acres, being in the D-P (FF) (FW) District, to the D-P (FF) (FW) classification to provide for 833 single-family residential dwellings, at a density of 1.98 units per acre.

REZONING ORDINANCE NO. 165, 2003.
2003-ZON-106
2225 YANDES STREET, and 2202, 2203 and 2224 COLUMBIA AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22
OVERCOMING CHURCH requests a rezoning of 0.86 acre, being in the D-5 and I-2U Districts, to the SU-1 classification to provide for religious uses, including an educational center, recreational facility, off-street parking area and a playground.

REZONING ORDINANCE NO. 166, 2003.
2003-ZON-834
9920 EAST 30TH STREET (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT #5
WAL-MART REAL ESTATE BUSINESS TRUST, by Joseph D. Calderon, requests a rezoning of 7.34 acres, being in the I-3-S District, to the C-3 classification to provide for a supermarket and pharmacy.

REZONING ORDINANCE NO. 167, 2003.
2003-ZON-110
2219 WEST MICHIGAN STREET and 415 NORTH TREMONT STREET (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16
GOODWILL INDUSTRIES OF CENTRAL INDIANA, INCORPORATED AND WESTSIDE COMMUNITY DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 5.87 acres, being in the I-3-U District, to the C-S classification to provide for all I-2-U uses, automobile storage of operable and inoperable vehicles, and an automobile auction.

REZONING ORDINANCE NO. 168, 2003.
2003-ZON-120
667 EAST MERRILL STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16
CHUCK LORING, by David Kingen, requests a rezoning of 0.54 acre, being in the D-8 (RC) District, to the CBD-2 (RC) classification.

REZONING ORDINANCE NO. 169, 2003.
2003-ZON-121
229, 324 and 349 WEST MORRIS STREET (approximate address), INDIANAPOLIS.,
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16
CONCORD COMMUNITY DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 2.90 acres, being in the I-3-U District, to the C-S classification to provide for all C-3C, C-ID and I-1-U uses.

REZONING ORDINANCE NO. 170, 2003.
2003-ZON-122
7316 SOUTH US 31 (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT #20
STEVEN J. ROSSMAN, requests a rezoning of 1.00 acre, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 171, 2003.

2003-ZON-125

6702 EAST 34TH STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #10

TRAVELERS REST MISSIONARY BAPTIST CHURCH requests a rezoning of 0.80 acre, being in the D-3 District, to the SU-1 classification to provide for a church parking lot.

REZONING ORDINANCE NO. 172, 2003.

2003-ZON-839

2715, 2725, 2727 and 2800 SOUTH LYNHURST DRIVE (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #17

METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP, by Philip A. Nicely, requests a rezoning of 11.90 acres, being in the D-A, D-8 and SU-2 Districts, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 173, 2003.

2003-ZON-841

5570 NORTH KEYSTONE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #7

LOCKHART CORNER, LLC, by Joseph D. Calderon, requests a rezoning of 0.905 acre, being in the D-4 (W-5), C-4 (W-5), and C-5 (W-5) Districts, to the C-5 (W-5) classification to provide for the expansion of an automobile dealership.

PROPOSAL NO. 658, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 658, 2003 on November 10, 2003. The proposal, sponsored by Councillor Langsford, is a special resolution amending the inducement resolution for Phoenix Apartments (to be renamed "Avondale Village") in an amount not to exceed \$12,000,000 which consists of the acquisition and rehabilitation of an existing 328-unit apartment complex on an approximately 10.31 acre parcel of land located at 4004 Meadows Drive (District 11). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

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

Councillor Langsford moved, seconded by Councillor Talley, for adoption. Proposal No. 658, 2003 was adopted on the following roll call vote; viz:

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

0 NAYS:

5 NOT VOTING: Black, Coonrod, Knox, Moriarty Adams, Smith

Proposal No. 658, 2003 was retitled SPECIAL RESOLUTION NO. 81, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 2003

A SPECIAL RESOLUTION amending City-County Special Resolution No. 24, 2003, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bounds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of

the revenue bond issue may be loaned to the company and said facilities directly owned by the company; and

WHEREAS, City-County Special Resolution No. 24, 2003 (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana (the "City-County Council") concerning certain proposed economic development facilities to be developed by a to be formed limited partnership which is affiliated with the Winn Companies to be named either Phoenix Limited Partnership or Avondale Village Limited Partnership, or its assigns (the "Company") which resolution set an expiration date of December 31, 2003 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the City prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

WHEREAS, an Ordinance has not yet been adopted authorizing the issuance of such bonds and such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, however, the Company has shown good cause to extend the aforesaid expiration date; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 2003, contained therein and replacing said date with the date of July 31, 2004.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

Councillor Massie reported that the Rules and Public Policy Committee heard Proposal Nos. 674 and 675, 2003 on November 11, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 674, 2003. The proposal, sponsored by Councillors Bainbridge and Gibson, authorizes the mayor to issue a charter to 21st Century English Avenue Charter School, Inc. PROPOSAL NO. 675, 2003. The proposal, sponsored by Councillors Bainbridge and Gibson, authorizes the mayor to issue a charter to Southeast Neighborhood School of Excellence, Inc. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Bainbridge said that the selection process for the charter schools has been an outstanding success and will serve as a model for the rest of the country. He congratulated these recipients. Councillors Gibson and Short agreed and asked their fellow Councillors to support the proposals.

Councillor Conley said that he was skeptical about charter schools at first because of them possibly cutting into funding and success of public schools. He said that this process has won him over and he supports the proposals.

Councillor Massie moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 674 and 675, 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, Schneider, Short, Smith, Soards, Talley, Tilford*
1 NAY: *Sanders*

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she is not opposed to either of these entities specifically, but she is simply philosophically against charter schools.

Proposal No. 674, 2003 was retitled COUNCIL RESOLUTION NO. 88, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 88, 2003

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to 21st Century English Avenue Charter School, Inc.

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

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

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to 21st Century English Avenue Charter School, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to 21st Century English Avenue Charter School, Inc.

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

Proposal No. 675, 2003 was retitled COUNCIL RESOLUTION NO. 89, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 89, 2003

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Southeast Neighborhood School of Excellence, Inc.

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

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

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Southeast Neighborhood School of Excellence, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Southeast Neighborhood School of Excellence, Inc.

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

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 563, 623-627, 630, and 632, 2003 on October 8, 2003. He asked for consent to vote on Proposal Nos. 563, 623-627, and 630, 2003 together. Consent was given. He said that Proposal No. 632, 2003 needs to be postponed, and therefore he would like consent to handle that proposal first. Consent was given.

PROPOSAL NO. 632, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$179,000 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to appropriate funds to facilitate a strategic planning committee for public safety, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$75,509 is funded by the existing appropriations in the 2003 budgets of the Marion County Justice Agency and Marion Superior Court.). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden stated that some additional questions have been raised, and he moved, seconded by Councillor Nytes, to postpone Proposal No. 632, 2003 until December 8, 2003. Proposal No. 632, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 563, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, 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. PROPOSAL NO. 623, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$200,000 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund (1) a salary for a supervisor and a partial salary for an administrator for community outreach projects, and (2) computer upgrades and training for the Community Prosecution Division, funded by a federal grant (Community Prosecution Leadership Award by the U.S. Department of Justice). PROPOSAL NO. 624, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$195,577 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding for Centers of Hope in all Marion County hospitals which provide comprehensive care to victims of sexual assault, funded by a state grant (Indiana Criminal Justice Institute). PROPOSAL NO. 625, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$56,000 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund (1) a Conflict Resolution Coordinator and to pay rent, training, and supplies at Community Court; (2) Nuisance Abatement Paralegals; and (3) a portion of the Tidemark database, funded by grants through the U.S. Department of Justice. PROPOSAL NO. 626, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$270,205 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to provide funding for eight victim advocate positions for various divisions in the County Prosecutor's Office, funded by a state grant (Victims of Crime Act Victim Assistance Grant) (The local match of \$67,552 is funded by the existing appropriations in the Prosecutor's Office budget.). PROPOSAL NO. 627, 2003. The proposal, sponsored by Councillor Dowden, approves an increase of \$684,364 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salaries, fringes, supplies, equipment, travel, and contractual services for a Project Safe Neighborhood project, funded by a federal grant (Project Safe Neighborhoods Grant). PROPOSAL NO. 630, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$46,840 in the 2003 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund vehicle lease and outfitting costs, to move six tornado warning sirens to new locations, and

to cover fleet charges for the remainder of the year, financed by a grant from the American Red Cross and fund balances. By unanimous votes, the Committee reported Proposal Nos. 563, and 623-627, 2003 to the Council with the recommendation that they do pass and Proposal No. 630, 2003 to the Council with the recommendation that it do pass as amended.

Councillor Nytes said that some of these proposals raise a concern about a pattern that has been developed where a large percentage of the specialists in public safety service areas are funded from State and Federal grants. She said that this makes her very uncomfortable because a lot of vital programs could fall apart if funding is cut. She asked that the Public Safety and Criminal Justice Committee request a table or matrix showing the liability should Federal and State funding be eliminated in the near future. She said that she had the same concern regarding the Department of Metropolitan Development (DMD) and asked them for a projection, so that the Council could have a clearer picture.

President Borst called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 563, and 623-627, 2003 and Proposal No. 630, 2003, as amended, 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, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford*
0 NAYS:
2 NOT VOTING: *Massie, Short*

Proposal No. 563, 2003 was retitled FISCAL ORDINANCE NO. 151, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 151, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Six Hundred Twelve Thousand Four Hundred Forty-four Dollars (\$612,444) in the County General Fund and transferring and appropriating an additional Four Hundred Twenty-two Thousand Five Hundred Eleven Dollars (\$422,511) in the County General Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County General Fund 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 cover shortage of money in 2003 for gasoline and to appropriate funds for an additional 20 Correction Officers for the jail.

SECTION 2. The sum of One Million Thirty-four Thousand Nine Hundred Fifty-five Dollars (\$1,034,955) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4.

SECTION 3. The following additional appropriation and increase is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services – fringes	40,755
 <u>COUNTY SHERIFF</u>	
2. Supplies	908,200
4. Capital Outlay	<u>86,000</u>
TOTAL INCREASE	1,034,955

Journal of the City-County Council

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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	61,911
3. Other Services and Charges	<u>360,600</u>
TOTAL DECREASE	422,511

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>612,445</u>
TOTAL REDUCTION	612,445

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

Current cash balance August 31, 2003	(16,070,624)
Anticipated additional revenue through December 31, 2003	<u>94,096,758</u>
Projected funds available	78,026,134
Remaining appropriations and encumbrances	65,219,555
Proposed additional appropriation (Proposal No. 563, 2003)	<u>612,444</u>
Funds required	65,832,000
Projected fund balance December 31, 2003	12,194,134

SECTION 6. Section 5(c) of Fiscal Ordinance 97, 2002, is hereby amended by approving the addition of twenty (20) more Community Correction Officers for the jail (FTE positions), as shown below.

Agency	Position Type	2003 Proposed	2003 As Amended
Sheriff	Full Time FTE	701.00	721.00

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

Proposal No. 623, 2003 was retitled FISCAL ORDINANCE NO. 152, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 152, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Two Hundred Thousand Dollars (\$200,000) 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 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Prosecutor to fund (1) a salary for a supervisor and a partial salary for an administrator for community outreach projects, and (2) computer upgrades and training for the Community Prosecution Division.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) 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	34,954
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	115,046
2. Supplies	6,000
3. Other Services and Charges	42,000
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	200,000

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>200,000</u>
TOTAL REDUCTION	200,000

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. 624, 2003 was retitled FISCAL ORDINANCE NO. 153, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 153, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional One Hundred Ninety-five Thousand Five Hundred Seventy-seven Dollars (\$195,577) in the State and Federal Grants Fund for purposes of the County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

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

SECTION 2. The sum of One Hundred Ninety-five Thousand Five Hundred Seventy-seven Dollars (\$195,577) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>195,577</u>
TOTAL INCREASE	195,577

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>195,577</u>
TOTAL REDUCTION	195,577

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. 625, 2003 was retitled FISCAL ORDINANCE NO. 154, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 154, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Fifty-six Thousand Dollars (\$56,000) 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 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Prosecutor to fund (1) a Conflict Resolution Coordinator and to pay rent, training, and supplies at Community Court; (2) Nuisance Abatement Paralegals; and (3) a portion of the Tidemark database.

SECTION 2. The sum of Fifty-six Thousand Dollars (\$56,000) 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	12,711
<u>COUNTY PROSECUTOR</u>	
1. Personal Services	27,492
2. Supplies	597
3. Other Services and Charges	<u>15,200</u>
TOTAL INCREASE	56,000

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>56,000</u>
TOTAL REDUCTION	56,000

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. 626, 2003 was retitled FISCAL ORDINANCE NO. 155, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 155, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Two Hundred Seventy Thousand Two Hundred Five Dollars (\$270,205) in the State and Federal Grants Fund for purposes of the County Prosecutor and the County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (c) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor and the County Auditor to provided funding for eight (8) victim advocate positions for various divisions within the Prosecutor's Office.

SECTION 2. The sum of Two Hundred Seventy Thousand Two Hundred Five Dollars (\$270,205) 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	61,285
 <u>COUNTY PROSECUTOR</u>	
1. Personal Services	204,281
3. Other Services and Charges	<u>4,639</u>
TOTAL INCREASE	270,205

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>270,205</u>
TOTAL REDUCTION	270,205

SECTION 5. The local match of \$67,552 is funded by the following existing appropriations in the Prosecutor's Office budget and is hereby approved:

	<u>DEFERRED PROGRAM FEE FUND</u>
1. Personal Services	<u>67,552</u>
TOTAL MATCH	67,552

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

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

Proposal No. 627, 2003 was retitled FISCAL ORDINANCE NO. 156, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 156, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Six Hundred Eighty-four Thousand Three Hundred Sixty-four Dollars (\$684,364) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (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 and County Auditor to provide salaries, fringes, supplies, equipment, travel and contractual services for a Project Safe Neighborhood project.

SECTION 2. The sum of Six Hundred Eighty-four Thousand Three Hundred Sixty-four Dollars (\$684,364) 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	29,760
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	93,000
2. Supplies	26,500
3. Other Services and Charges	533,604
4. Capital Outlay	<u>1,500</u>
TOTAL INCREASE	684,364

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>684,364</u>
TOTAL REDUCTION	684,364

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. Section 4 of City-County Fiscal Ordinance 97, 2002, is hereby amended by approving the addition of one (1) more Justice Agency FTE position, as shown below.

Agency	Position Type	2003 Proposed	2003 As Amended
Clerk	Full Time FTE	135.00	135.00
Clerk	Part Time/Seasonal FTE	4.70	4.70
Public Defender	Full Time FTE	117.00	117.00
Public Defender	Part Time/Seasonal FTE	1.00	1.00
Prosecutor	Full Time FTE	204.00	204.00
Prosecutor	Part Time/Seasonal FTE	12.25	12.25
Prosecutor-Child Support	Full Time FTE	88.00	88.00
Forensic Services	Full Time FTE	52.00	52.00
Forensic Services	Part Time/Seasonal FTE	1.20	1.20
Sheriff	Full Time FTE	679.00	679.00
Sheriff	Part Time/Seasonal FTE	49.00	49.00
Sheriff	Merit FTE	408.00	408.00
Community Corrections	Full Time FTE	41.00	41.00
Circuit Court	Full Time FTE	8.00	8.00
Circuit Court	Part Time/Seasonal FTE	2.60	2.60
Justice Agency	Full Time FTE	41.00	42.00
Justice Agency	Part Time/Seasonal FTE	3.00	3.00
Superior Courts	Full Time FTE	703.00	703.00
Superior Courts	Part Time/Seasonal FTE	14.50	14.50
Total		2,564.25	2,565.25

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

Proposal No. 630, 2003, as amended, was retitled FISCAL ORDINANCE NO. 157, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 157, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Forty-six Thousand Eight Hundred Forty Dollars (\$46,840) in the Consolidated County Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division and reducing the unappropriated and unencumbered balance in the Consolidated County 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(k) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management and Planning Division to fund vehicle lease and vehicle outfitting costs, to move six (6) tornado warning sirens to new locations, and to cover fleet charges for the remainder of the year, financed by a grant from the American Red Cross and fund balances.

SECTION 2. The sum of Forty-six Thousand Eight Hundred Forty Dollars (\$46,840) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>EMERGENCY MANAGEMENT AND PLANNING DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	30,625
4. Capital Outlay	10,682
5. Internal Charges	<u>5,533</u>
TOTAL INCREASE	46,840

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>46,840</u>
TOTAL REDUCTION	46,840

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

Cash balance as of June 30, 2003	24,212,504
Estimated revenues June through December, 2003	<u>34,797,111</u>
Projected funds available	59,009,615
2003 remaining appropriations, including all encumbrances	35,837,194
Proposed additional appropriation (Proposal No. 630, 2003)	<u>46,840</u>
Total Requirements	35,884,034
Projected fund balance December 31, 2003	23,125,581

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

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 612-614, and 656, 2003 on November 11, 2003. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 612, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$1,000,000 in the 2003 Budget of the County Auditor (County General Fund) to fund the increase in the cost of health insurance due to increased enrollment and higher policy rates, financed by fund balances. PROPOSAL NO. 613, 2003. The proposal, sponsored by Councillor McWhirter, approves an increase of \$3,715,233 in the 2003 Budget of the County Auditor (Property Reassessment Fund) to restore the Property Reassessment Fund Budget that was reduced by the Department of Local Government Finance (DLGF), financed by fund balances. PROPOSAL NO. 614, 2003. The proposal, sponsored by Councillor Cockrum, approves an increase of \$183,000 in the 2003 Budget of the Information Services Agency (Internal Services Fund) to cover expenditures for Light Detection and Ranging (laser aerial photography) and Ortho Projects for the IMAGIS Consortium, financed by fund balances. PROPOSAL NO. 656, 2003. The proposal, sponsored by Councillor Borst, amends City-County Fiscal Ordinance Nos. 113, 114, and 115, 2003, to correct errors in the 2004 budgets of the County Sheriff, County Auditor, and Marion Superior Court. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Nytes said that she has some concern over Proposal No. 612, 2003, because this is the second year in a row when the County has come back to the Council after the budget asking for an increase to cover health insurance. She said that this process needs to be looked at and resolved. While she values the County employees, this raises serious concerns. She added that with regards to Proposal No. 613, 2003, the County knew about this increase while preparing the budget but have waited until November to deal with the issue. The township assessors are continuing to spend money that is not appropriated, and these types of situations need to be handled in a more timely manner. Councillor Sanders agreed and said that this is very poor management and is not the best way to do business.

Councillor McWhirter said that the Auditor's Office has been working to address the health insurance cost issue by going from 30-day employment requirement to a 90-day requirement before coverage kicks in, and is also trying to encourage employees to accept spousal benefit coverage. She added that with regards to Proposal No. 613, 2003, the Auditor's Office has been working with the Department of Local Government and Finance (DLGF) for several months to correct this error, and were recently told that offering this proposal would be the best way to insure that the money was restored.

President Borst said that he believes the concerns regarding the health care are largely due to a timing issue. Because the budget is passed in September, there is no way of knowing the actual number of people who will sign up for benefit coverage until November, and sometimes the estimates are off.

President Borst called for public testimony at 8:18 p.m.

Marvin Bechtel, Meridian-Kessler neighborhood resident, said that the property tax issue is in limbo and he encouraged those who will continue on the Council to be part of the solution to the problem. He said that not all of the tax assessors are doing their jobs properly, as improvements on his home were not reflected. He added that he would like to see less excuses and more results. He said that it is also sad that only 27% of the City showed up to vote, and more input from the public is needed. He said that the public notices advertised for increases in fiscal spending are in too small print to read or understand and are not always clear.

President Borst said that the Council did their part in addressing the property tax issue with additional Homestead Credits and cutting tax levies during the budget. He said that they will continue to look for ways to help taxpayers.

There being no further testimony, Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 612-614 and 656, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 612, 2003 was retitled FISCAL ORDINANCE NO. 158, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 158, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 96, 2002) appropriating an additional One Million Dollars (\$1,000,000) in the County General Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(b) 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 to pay for increased costs of health insurance due to increased enrollment and higher policy rates.

SECTION 2. The sum of One Million Dollars (\$1,000,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

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

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>1,000,000</u>
TOTAL REDUCTION	1,000,000

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

Current cash balance September 30, 2003	(21,510,933)
Anticipated additional revenue through December 31, 2003	<u>87,129,460</u>
Projected funds available	65,617,460
Remaining appropriations and encumbrances	52,836,311
Proposed additional appropriation (Proposal No. 612, 2003)	1,000,000
Proposed additional appropriation (Proposal No. 634, 2003)	<u>100,000</u>
Funds required	53,936,311
Projected fund balance December 31, 2003	11,681,231

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

Proposal No. 613, 2003 was retitled FISCAL ORDINANCE NO. 159, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 159, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 98, 2002) appropriating an additional Three Million Seven Hundred Fifteen Thousand Two Hundred Thirty-three Dollars (\$3,715,233) in the Property Reassessment Fund for purposes of the Marion County and reducing the unappropriated and unencumbered balance in the Property Reassessment 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 and reduction by the Department of Local Government Finance (DLGF), Section 1(b,c,d,e,f,g,h,I,j,k,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 County Assessor, Center Township Assessor, Decatur Township Assessor, Franklin Township Assessor, Lawrence Township Assessor, Perry Township Assessor, Pike Township Assessor, Warren Township Assessor, Washington Township Assessor, and Wayne Township Assessor.

SECTION 2. The sum of Three Million Seven Hundred Fifteen Thousand Two Hundred Thirty-three Dollars (\$3,715,233) 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 ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
1. Personal Services	141,328
2. Supplies	23,500
3. Other Services and Charges	125,700
4. Capital Outlay	201,700
<u>CENTER TOWNSHIP ASSESSOR</u>	
1. Personal Services	91,977
2. Supplies	10,000
3. Other Services and Charges	20,000
4. Capital Outlay	20,000
<u>DECATUR TOWNSHIP ASSESSOR</u>	
1. Personal Services	158,355
2. Supplies	37,500
3. Other Services and Charges	674,550
4. Capital Outlay	60,000
<u>FRANKLIN TOWNSHIP ASSESSOR</u>	
1. Personal Services	195,294
2. Supplies	5,000
3. Other Services and Charges	18,822
4. Capital Outlay	6,500
<u>LAWRENCE TOWNSHIP ASSESSOR</u>	
1. Personal Services	97,584
2. Supplies	15,000
3. Other Services and Charges	75,000
4. Capital Outlay	25,000
<u>PERRY TOWNSHIP ASSESSOR</u>	
1. Personal Services	286,392
2. Supplies	10,000
3. Other Services and Charges	67,000
4. Capital Outlay	18,000

PIKE TOWNSHIP ASSESSOR

1. Personal Services	260,936
2. Supplies	14,200
3. Other Services and Charges	103,570
4. Capital Outlay	25,000

WARREN TOWNSHIP ASSESSOR

1. Personal Services	210,442
2. Supplies	15,215
3. Other Services and Charges	20,330
4. Capital Outlay	5,500

WASHINGTON TOWNSHIP ASSESSOR

1. Personal Services	225,376
2. Supplies	4,500
3. Other Services and Charges	64,200
4. Capital Outlay	20,000

WAYNE TOWNSHIP ASSESSOR

1. Personal Services	262,722
2. Supplies	16,746
3. Other Services and Charges	60,738
4. Capital Outlay	21,556

TOTAL INCREASE 3,715,233

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

PROPERTY REASSESSMENT FUND

Unappropriated and Unencumbered Property Reassessment Fund	3,715,233
TOTAL REDUCTION	3,715,233

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

Current cash balance as of October 3, 2003	3,337,643
Anticipated additional revenue through December 31, 2003	1,022,668
Projected funds available	4,360,311
Remaining appropriations and encumbrances	(1,501,000)
Pending appropriation (Proposal No. 613, 2003)	3,715,233
Less Reduction (Fiscal Ordinance No. 118, 2003)	400,000
Funds required	1,814,233
Projected fund balance December 31, 2003	2,546,078

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

Proposal No. 614, 2003 was retitled FISCAL ORDINANCE NO. 160, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 160, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 98, 2002) appropriating an additional One Hundred Eighty-three Thousand Dollars (\$183,000) in the Internal Services Fund for purposes of the Information Services Agency and reducing the unappropriated and unencumbered balance in the Internal Services 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(h) of the City-County Annual Budget for 2003 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Information Services Agency to cover expenditures for the LIDAR and Ortho Projects for the IMAGIS Consortium.

SECTION 2. The sum of One Hundred Eighty-three Thousand Dollars (\$183,000) 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>INFORMATION SERVICES AGENCY</u>	<u>INTERNAL SERVICES FUND</u>
3. Other Services and Charges	<u>183,000</u>
TOTAL INCREASE	183,000

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

	<u>INTERNAL SERVICES FUND</u>
Unappropriated and Unencumbered	
Internal Services Fund	<u>183,000</u>
TOTAL REDUCTION	183,000

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

Current cash balance September 30, 2003	5,086,225
Anticipated additional revenue through December 31, 2003	<u>8,667,830</u>
Projected funds available	13,754,055
Remaining appropriations and encumbrances	12,571,068
Pending appropriation (Proposal No. 614, 2003)	<u>183,000</u>
Funds Required	12,754,068
Projected fund balance December 31, 2003	999,987

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

Proposal No. 656, 2003 was retitled FISCAL ORDINANCE NO. 161, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 161, 2003

A FISCAL ORDINANCE amending portions of the City-County Annual Budgets for 2004 (City-County Fiscal Ordinance Nos. 113, 114, and 115, 2003) to correct errors in the budgets of the County Sheriff, County Auditor, and Marion County Superior Court.

WHEREAS, on August 4, 2003, City-County Proposal No. 470, 2003, City-County Proposal No. 471, 2003, and City-County Proposal No. 472, 2003, were introduced as parts of the Annual Budgets for 2004 for certain county offices; and

WHEREAS, such proposals failed to reflect certain adjustments made by the Auditor and submitted in the detailed budget books; and

WHEREAS, the Council committees recommended and the Council adopted amendments that failed to correct those errors; and

WHEREAS, the City-County Council now determines that Proposal Nos. 470, 471, and 472, 2003, adopted as City-County Fiscal Ordinance No. 113, 2003, City-County Fiscal Ordinance No. 114, 2003, and City-County Fiscal Ordinance No. 115, 2003, do not correctly reflect the amounts the City-County Council intended to adopt, now, therefore:

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

SECTION 1. Section 1(b) of City-County Fiscal Ordinances No. 113, 2003, the Annual Budget for 2004 for certain constitutional officers of Marion County be, and is hereby amended as follows:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY COUNTY COUNCIL	CORRECTED AMOUNTS
(b) COUNTY AUDITOR	COUNTY GENERAL FUND		
1. Personal Services	1,970,223	747,214	1,970,223
2. Supplies	28,432	22,432	22,432
3. Other Services and Charges	20,436,589	20,223,589	20,223,589
4. Capital Outlay	77,727	52,727	52,727
TOTAL	22,512,971	21,045,962	22,268,971

SECTION 2. Section 1(b) of City-County Fiscal Ordinances No. 114, 2003, the Annual Budget for 2004 for certain enforcement agencies in Marion County be, and is hereby amended as follows:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY COUNTY COUNCIL	CORRECTED AMOUNTS
(b) COUNTY SHERIFF	COUNTY GENERAL FUND		
1. Personal Services	61,588,992	62,744,487	61,521,478
2. Supplies	1,779,193	1,787,393	1,787,393
3. Other Services and Charges	20,270,797	20,310,597	20,310,597
4. Capital Outlay	88,191	174,191	174,191
TOTAL	83,727,173	85,016,668	83,793,659

SECTION 3. Section 1(f) of City-County Fiscal Ordinances No. 115, 2003, the Annual Budget for 2004 for certain judicial agencies in Marion County be, and is hereby amended as follows:

	ORIGINAL PUBLISHED BUDGET APPROPRIATION	BUDGET APPROVED BY CITY COUNTY COUNCIL	CORRECTED AMOUNTS
(f) MARION SUPERIOR COURT	COUNTY GENERAL FUND		
1. Personal Services	27,384,578	27,384,578	27,384,578
2. Supplies	715,396	784,061	713,543
3. Other Services and Charges	5,954,201	5,981,852	5,952,052
4. Capital Outlay	524,954	248,138	348,456
TOTAL	34,579,129	34,398,629	34,398,629

SECTION 4. The Clerk shall upon adoption, prepare corrected and amended versions of City-County Fiscal Ordinance No. 113, 2003, and City-County Fiscal Ordinance No. 114, 2003, and City-County Fiscal Ordinance No. 115, 2003, and certify the same to the County Auditor for submission to the Indiana Department of Local Government Finance.

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

PROPOSAL NO. 616, 2003. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 616, 2003 on November 11, 2003. The proposal, sponsored by Councillors Sanders and Tilford, approves an increase of \$70,000 in the 2003 Budget of the Department of Administration, Fleet Services Division (Non-Lapsing Federal Grants Fund) to install a 10,000 gallon above ground fuel tank, with canopy, to dispense ethanol (E85) fuel, financed by a federal grant (Great Lakes Regional Biomass Energy Program). By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Frick said that he is against this proposal because in the long run, the City will be spending more to use ethanol, and he said that the positive environmental impact is questionable because of the developmental stage of ethanol being harmful.

President Borst called for public testimony at 8:21 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 616, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 616, 2003 was retitled FISCAL ORDINANCE NO. 162, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 162, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Administration, Fleet Services Division 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 1.01(h) 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 Administration, Fleet Services Division, to install a 10,000 gallon above ground fuel tank, with canopy, to dispense ethanol (E85) fuel, financed by a federal grant.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) 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 ADMINISTRATION</u>	
<u>FLEET SERVICES DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>70,000</u>
TOTAL INCREASE	70,000

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>70,000</u>
TOTAL REDUCTION	70,000

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 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.

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

PROPOSAL NO. 618, 2003. The proposal, sponsored by Councillor Bradford, approves an increase of \$39,967 in the 2003 Budgets of the County Auditor and Cooperative Extension

Agency (County Grants Fund) for funding the salary for one year for a Commercial Horticulture Program Assistant, funded by a county grant (Indiana Professional Lawn and Landscape Association). Councillor Bradford reported that the Community Affairs Committee has not yet heard Proposal No. 618, 2003. He moved, seconded by Councillor Soards, to postpone Proposal No. 618, 2003 until December 8, 2003. Proposal No. 618, 2003 was postponed by a unanimous voice vote.

PROPOSAL NO. 619, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 619, 2003 on November 10, 2003. The proposal, sponsored by Councillor Langsford, approves an increase of \$26,000 in the 2003 Budget of the County Surveyor (Corner Perpetuation Fund) to pay IMAGIS fees, financed by fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 619, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 619, 2003 was retitled FISCAL ORDINANCE NO. 163, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 163, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 96, 2002) appropriating an additional Twenty-six Thousand Dollars (\$26,000) in the Corner Perpetuation Fund for purposes of the County Surveyor and reducing the unappropriated and unencumbered balance in the Corner Perpetuation Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(f) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Surveyor to pay IMAGIS fees.

SECTION 2. The sum of Twenty-six Thousand Dollars (\$26,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SURVEYOR</u>	<u>CORNER PERPETUATION FUND</u>
3. Other Services and Charges	<u>26,000</u>
TOTAL INCREASE	26,000

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

	<u>CORNER PERPETUATION FUND</u>
Unappropriated and Unencumbered Corner Perpetuation Fund	<u>26,000</u>
TOTAL REDUCTION	26,000

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

Current cash balance September 30, 2003	712,819
Anticipated additional revenue through December 31, 2003	<u>86,310</u>
Projected funds available	799,129
Remaining appropriations and encumbrances	96,433
Pending appropriation (Proposal No. 619, 2003)	<u>26,000</u>
Funds required	122,433
Projected fund balance December 31, 2003	676,696

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

PROPOSAL NO. 631, 2003. The proposal, sponsored by Councillors Bainbridge, Conley, McWhirter, and Moriarty Adams, approves an increase of \$220,000 in the 2003 Budget of the Department of Public Works, Operations Division (Transportation General Fund) to restore 2003 budgeted dollars expended for overtime as a result of emergency response to floods in July and September and to purchase a sandbag filling machine, financed by fund balances. Councillor Bainbridge said that the last Public Works Committee hearing was cancelled due to lack of a quorum and the Committee has not yet heard the proposal. He moved, seconded by Councillor Soards, to postpone Proposal No. 631, 2003 until December 8, 2003. Proposal No. 631, 2003 was postponed by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 608, 610, and 615, 2003 on November 11, 2003. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 608, 2003. The proposal, sponsored by Councillors McWhirter, Moriarty Adams, Talley, Tilford, and Sanders, continues the early retirement program for city employees who are in positions covered by the master agreement between the City and AFSCME. PROPOSAL NO. 610, 2003. The proposal, sponsored by Councillors Moriarty Adams, Talley, and Dowden, determines the need to lease office space at 25 West 9th Street as the site of the IPD Downtown District office. PROPOSAL NO. 615, 2003. The proposal, sponsored by Councillors Talley and Tilford, approves a transfer of \$199,750 in the 2003 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover an expected shortfall in funds for vehicle maintenance repairs. By 7-0 votes, the Committee reported Proposal No. 608, 2003 to the Council with the recommendation that it do pass as amended and Proposal Nos. 610 and 615, 2003 to the Council with the recommendation that they do pass. Councillor McWhirter moved, seconded by Councillor Talley, for adoption. Proposal No. 608, 2003, as amended, and Proposal Nos. 610 and 615, 2003 were adopted on the following roll call vote; viz:

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

Proposal No. 608, 2003, as amended, was retitled GENERAL ORDINANCE NO. 110, 2003, and reads as follows:

November 17, 2003

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend Section 291-111 of the Revised Code to continue the early retirement program for city employees who are in positions covered by the master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62.

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

SECTION 1. Section 291-111 of the "Revised Code of the Consolidated City and County," regarding early retirement for employees represented by the American Federation of State, County and Municipal Employees, Indiana Council 62, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 291-111. Early retirement.

(a) Effective as of November 15, ~~1999~~, 2003 the city may make an early retirement program available to city employees who are in positions covered by the master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62 as follows:

- (1) The program shall be available to covered employees who are eligible for retirement benefits under the public employees' retirement fund.
- (2) The following schedule of benefits shall apply to employees who elect to take early retirement:
 - a. For employees who have completed ten (10) years but less than fifteen (15) years of continuous service with the city: three thousand six hundred dollars (\$3,600.00).
 - b. For employees who have completed at least fifteen (15) years but less than twenty (20) years of continuous service with the city: four thousand eight hundred dollars (\$4,800.00).
 - c. For employees who have completed at least twenty (20) but less than twenty-five (25) years of continuous service with the city: six thousand dollars (\$6,000.00).
 - d. For employees who have completed twenty-five (25) or more years of continuous service with the city: seven thousand two hundred dollars (\$7,200.00).
- (3) Employees who elect to participate in the program may choose to have the benefit paid in a lump sum upon retirement, or may have the amount of the benefit applied to the purchase of continued health insurance under the city's health insurance plan, pursuant to state and federal law. The selection between these options must be made at least thirty (30) calendar days prior to retirement.
- (4) Employees who choose to apply the benefit to the purchase of health insurance may do so under rules established by the office of the controller.
- (5) The city may, at its option, elect to make this program available from time to time. However, the city shall make the program available at least once in calendar years ~~1999, 2000, 2001 and 2002~~ 2003, 2004, 2005 and 2006. The program may be made available on an unlimited basis or for a limited number of covered employees. The program may be made available citywide or on a departmental basis.

(b) The program authorized by this section shall expire upon the expiration of the ~~1999-2002~~ 2003-2006 master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining

provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

Proposal No. 610, 2003 was retitled SPECIAL RESOLUTION NO. 82, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 2003

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 6,250 square feet of office space at 25 West 9th Street, Indianapolis, Indiana, for use by the Department of Public Safety, Indianapolis Police Department as the site of the IPD Downtown District office.

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 that the lease of space for use by the Department of Public Safety, Indianapolis Police Department as the site of the IPD Downtown District office, is needed.

SECTION 2. The property to be leased is located at 25 West 9th Street, Indianapolis, Indiana. Such property is owned by Norle Investments, Inc., which in turn is owned by Larry Cohen and Linda Cohen.

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

Proposal No. 615, 2003 was retitled FISCAL ORDINANCE NO. 164, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 164, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring and appropriating an additional One Hundred Ninety-nine Thousand Seven Hundred Fifty Dollars (\$199,750) in the Consolidated County Fund for purposes of the Department of Administration, Indianapolis Fleet Services Division and reducing certain other appropriations for 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 1.01(h) 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 Administration, Indianapolis Fleet Services Division to cover an expected shortfall in funds for vehicle maintenance repairs, financed by a transfer between characters.

SECTION 2. The sum of One Hundred Ninety-nine Thousand Seven Hundred Fifty Dollars (\$199,750) 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:

DEPARTMENT OF ADMINISTRATION
FLEET SERVICES DIVISION
3. Other Services and Charges
TOTAL INCREASE

CONSOLIDATED COUNTY FUND
199,750
199,750

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

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>FLEET SERVICES DIVISION</u>	
4. Capital Outlay	<u>199,750</u>
TOTAL DECREASE	199,750

SECTION 5. 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.

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

PROPOSAL NO. 620, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 620, 2003 on November 10, 2003. The proposal, sponsored by Councillors Langsford and Horseman, pertains to off-premises outdoor advertising signs within Marion County (03-AO-04) (Certified October 20, 2003). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Horseman, for adoption. Proposal No. 620, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 620, 2003 was retitled GENERAL ORDINANCE NO. 111 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the portions of the Sign Regulations pertaining to off-premises outdoor advertising signs.

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

SECTION 1. Section 734-306 of the "Revised Code of the Consolidated City and County," regarding off-premises outdoor advertising signs, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 734-306. Off-premises (outdoor advertising) signs.

(a) *General regulations.* The following regulations shall pertain to off-premises signs (also known as outdoor advertising signs) in all districts where permitted by section 734-500, Table D 734-306, Table 3.06-D: Also, refer to section 734-403(c), signs on freeways and expressways, for additional requirements.

(1) *Proportional regulations.* The size of an outdoor advertising sign on a lot shall not exceed the size specified in the following table:

TABLE 3.60-A PROPORTIONAL REGULATIONS	
Lot Size (In square feet)	Maximum Sign Dimensions (Vertical by Horizontal)
Up to 10,000	6 ft. by 12 ft.
10,000+ - 20,000	12 ft. by 12 ft.
20,000+ - 43,560	12 ft. by 25 ft.
43,560+	10.5ft. by 36 ft.*
43,560+	or 12 ft. by 50 ft.
43,560+	or 14 ft. by 48 ft.*

NOTE* plus extensions as defined in section 734-501.

Extensions. Elements of an outdoor advertising sign may be permitted to extend beyond the horizontal or vertical sign edge. The maximum length of an extension shall not be greater than four feet beyond the top edge of the sign and one foot along all other sign edges. The maximum width of an extension shall not be greater than 45% of the linear length of the horizontal or vertical dimension of the outdoor advertising sign (See Extension Table 3.60-B below and refer to Extension Diagram 35).

Sign Size (Feet)	Maximum Extension Length (Top) (Feet)	Maximum Extension Length (Sides and Bottom) (Feet)	Sign Dimension (Feet)	Extension Width (Feet)
10.5 by 36	4	1	10.5	4.725
			36	16.2
14 by 48	4	1	14	6.3
			48	21.6

(2) Outdoor advertising sign size. The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by section 734-403 and shall not contain more than two (2) advertising signs per facing.

(3) Flashing, intermittent or moving lights. No advertising sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.

(4) Animation. No advertising sign shall be permitted which has animated or moving images.

(5) Advertising sign faces consisting of three or less panels that rotate to present a single fixed display at a time, commonly known as Tri-vision signs, are permitted, provided that the rotation of one display to another is no more frequent than every fifteen (15) seconds.

(6) Video, LED, (Light Emitting Diode), LCD (Liquid Crystal Display) or electrically powered. No advertising sign shall be permitted which displays video or emitting graphics.

(3)(7) Distance between outdoor advertising signs. Except as otherwise provided for signs in the protected areas along highways, freeways and expressways (see section 734-403), the minimum distance between outdoor advertising signs shall be as specified below. The applications of these provisions are illustrated in Diagrams 18 and 19:

a. Linear spacing between outdoor advertising signs. The minimum distance between outdoor advertising signs located along and oriented toward the same public street shall be one thousand (1,000) feet (refer to Diagram 18), subject to the following:

1. The spacing requirement shall be applied regardless of whether the signs are on the same side of the street.

2. The spacing requirement shall be applied continuously along a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.

3. For purposes of applying the spacing requirement to outdoor advertising signs, pole, roof, wall, ground and projecting signs shall be treated the same, whether double-faced or single-faced.

4. Outdoor advertising signs located at the same intersection are not in violation of the minimum spacing requirement specified in this section because of their nearness to one another if they are located so that their messages are directed toward traffic flowing in different directions.

b. Radial spacing between outdoor advertising signs. In no event shall any point of an outdoor advertising sign or sign structure be closer than five hundred (500) one thousand

(1,000) feet from any point of any other outdoor advertising sign or sign structure, regardless of location or orientation. (The application of this provision is illustrated in Diagram 19.)

e. ~~Method of measurement.~~ The method of measurement of the spacing between outdoor advertising signs oriented toward the same street shall be along the center line of the street to which the sign is oriented from the point in the streets' center line closest to the leading edge of the sign. (The application of this provision is illustrated in Diagram 18.)

~~(4)(8)~~ Outdoor advertising signs adjacent to protected districts. No outdoor advertising sign shall be located within two hundred fifty (250) feet of any protected district fronting on the same street to which the sign is oriented measured along the center line of the street to which the sign is oriented from the point in the streets' center line that is closest to the leading edge of the sign. In no case, however, shall any outdoor advertising sign be located within one hundred (100) feet of any protected district measured in any direction. In no event shall any point of an outdoor advertising sign be closer than three hundred (300) feet from a protected district. For the purposes of this section, a protected district shall include any dwelling district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district. (The applications of these provisions are illustrated in Diagram 20.)

~~(5)(9)~~ Outdoor advertising signs inside I-465. No portion of an outdoor advertising sign shall be erected or otherwise located within six hundred ~~sixty~~ (600 660) feet of the right-of-way of a freeway or expressway, as herein defined, located within the entire area circumscribed by the interior right-of-way line of the Outer Belt Freeway commonly identified as I-465, ~~so as to be oriented to traffic on such freeway or expressway.~~ (The application of these provisions is illustrated in Diagram 21.)

~~(6)(10)~~ Signs on freeways and expressways. In addition to the requirements of this section, outdoor advertising signs shall further comply with section 734-403 when located on freeways and expressways.

~~(7)(11)~~ Roof top outdoor advertising signs. Roof top outdoor advertising signs shall not be permitted in any zoning district.

(12) Advertising sign on or appurtenant to buildings. Advertising signs shall not be located on, above or below any portion of principal buildings (as defined in section 734-501).

~~(8)(13)~~ Outdoor advertising sign setback. Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district. Advertising signs shall not be eligible for setback averaging exceptions. (See Setback Table 3.60 - C below).

Zoning District	Freeways	Primary/Secondary	Collector/ Local Streets
Commercial Districts	60 feet	10 feet from proposed R.O.W.	10 feet from proposed R.O.W.
Industrial Urban Districts	60 feet	30' from proposed R.O.W.	20' from proposed R.O.W.
Industrial Suburban Districts	60 feet	30' from proposed R.O.W.	50' from proposed R.O.W.

~~(9)(14)~~ Maximum and minimum height of outdoor advertising signs and sign structures.

a. The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign or sign structure, ~~subject to the height exception of section 734-205, sign height exception.~~

b. No outdoor advertising sign or sign structure (except for the supports, building, structure or column) shall be at its lowest point less than nine (9) feet above grade level. Ground signs, where permitted, shall not exceed four (4) feet in height above grade level.

~~(10)(15)~~ Construction of outdoor advertising signs. The supports, uprights, bracing and framework of an outdoor advertising sign shall be of steel construction.

(16) Districts permitted and allowable square footage. (Refer to Table 3.60 - D.)

TABLE 3.60-D DISTRICTS PERMITTED								
Zoning Classification	Dwelling	Commercial				Industrial	Special Use	CBD/RC
District	All Districts	C-1, C-2	C-3, C3C	C-4, C-5, C-6, C-7, C-ID	C-S	All Districts	All Districts	All Districts
Maximum Square Footage	NP	NP	378 *	672 *	NP	672*	NP	NP

Key/Note:
 NP: Not Permitted

- * Extensions available if requirements met
- Advertising signs shall not be permitted in HP-1 Districts

(b) ~~Additional regulations for outdoor advertising signs located in the D-A (Dwelling Agriculture) District. In addition to the regulations of section 734 306(a), the following regulations shall pertain to outdoor advertising signs in the D-A (Dwelling Agriculture) District:~~

- (1) ~~Proportional regulations. Outdoor advertising signs are permitted on a lot provided that the size of an advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one-half (2.5) percent of the floor area of the principle three- or more story building located on the same lot; or the size specified in Table 3.60-A, whichever allows the greater size sign.~~
- (2) ~~Number of sign structures permitted and standards. One (1) outdoor advertising sign structure shall be permitted on a lot having a minimum frontage of five hundred (500) feet; provided, however, that:~~
 - a. ~~No dwelling unit other than the principal homestead is within one thousand (1,000) feet of the sign structure, and provided further, that if a dwelling structure is subsequently erected within one thousand (1,000) feet of such sign structure, such sign structure shall be removed within thirty (30) days after the start of construction of the dwelling.~~
 - b. ~~The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least five hundred (500) feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line; provided, however;~~
 - e. ~~In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one way street, the required viewing distance shall be at least eight hundred (800) feet;~~
 1. ~~In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two way street, the required viewing distance shall be at least eight hundred (800) feet;~~
 2. ~~In the case of a sign parallel (or within three (3) degrees of parallel) to a two way street, the required viewing distance shall be at least five hundred (500) feet in each direction; (in the case of a sign so placed that it can be viewed from more than one (1) street, the above viewing distance requirements shall be applicable to only one (1) street).~~
 - d. ~~If a sign is erected in conformance with this article and subsequently the view of the full face of the sign at any point described in subsection (b)(2)b. above is materially obstructed, such sign shall be removed in accordance with section 734 204(f). (An obstruction shall be deemed to be of material character when it renders the essential elements of the sign unreadable.)~~

(e) ~~Additional regulations for outdoor advertising signs located in commercial or industrial districts. In addition to the regulations of subsection (a) above, the following regulations shall pertain to outdoor advertising signs in commercial or industrial districts:~~

- (1) ~~Proportional regulations. Outdoor advertising signs are permitted on a lot having a frontage of less than four hundred (400) feet provided such lot complies with the minimum frontage requirements of that district. One (1) additional advertising sign structure shall be permitted~~

for each four hundred (400) feet of frontage in excess of four hundred (400) feet, provided that there is compliance with all other applicable requirements contained herein. The size of an advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one half (2.5) percent of the floor area of the principle three or more story building located on the same lot; or the size specified in Table 3.60 A, whichever allows the greater size sign.

~~(d) Additional regulations for outdoor advertising signs located in the Central Business Districts CBD 1, CBD 2, and CBD 3.~~ In addition to the regulations of subsection (a) above, the following regulations shall pertain to outdoor advertising signs in the Central Business Districts (CBD 1, CBD 2, CBD 3):

~~(1) Permitted areas within districts.~~

~~a. CBD 1 District.~~ Permitted in Central Business District One (CBD 1) provided the lot on which such advertising sign is located abuts one (1) of the following streets:

- ~~1. Washington Street, except between Illinois and Pennsylvania Streets.~~
- ~~2. Ohio Street, except between Illinois and Pennsylvania Streets.~~
- ~~3. Pennsylvania Street, except between Washington and Ohio Streets.~~
- ~~4. Illinois Street, except between Washington and Ohio Streets.~~
- ~~5. New York Street, except between Meridian and Pennsylvania Streets.~~
- ~~6. Delaware Street.~~
- ~~7. Maryland Street.~~
- ~~8. Capitol Avenue.~~
- ~~9. Indiana Avenue.~~
- ~~10. Massachusetts Avenue.~~
- ~~11. Kentucky Avenue.~~
- ~~12. Virginia Avenue.~~

~~b. CBD 2 District.~~ Permitted in Central Business District Two (CBD 2).

~~c. CBD 3 District.~~ Permitted in Central Business District Three (CBD 3), provided such advertising sign is not located within two hundred fifty (250) feet of the right-of-way of the following streets:

- ~~1. North Meridian Street.~~
- ~~2. North Pennsylvania Street.~~

~~(2) Proportional regulations.~~ Outdoor advertising signs are permitted on a lot provided that the size of an outdoor advertising sign shall not exceed: five (5) percent of the ground floor area of the principle one-story building located on the same lot; three (3) percent of the floor area of the principle two-story building located on the same lot; two and one half (2.5) percent of the floor area of the principle three or more story building located on the same lot; or the size specified in Table 3.60 A, whichever allow the greater size sign.

~~(3) Outdoor advertising sign size.~~ The face of an outdoor advertising sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension, except where specifically regulated by section 734.403 and shall not contain more than two (2) advertising signs per facing (see exception noted in subsection (d)(5) (below).

~~(4) Number of sign structures permitted and standards.~~ One (1) outdoor advertising sign structure may be erected on each street frontage on a lot. Provided, however, that:

- a.—The full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least two hundred fifty (250) feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. Provided, however:
 - 1.—In the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least four hundred (400) feet.
 - 2. ~~In the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least four hundred (400) feet.~~
 - 3. ~~In the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least two hundred fifty (250) feet in each direction.~~
 - 4. ~~In the case of a sign so placed that it can be viewed from more than one (1) street, the above-viewing distance requirements shall be applicable to only one (1) street.~~
- b. ~~If a sign is erected in conformance with this article and subsequently the view of the full face of the sign at any point described in subsection (d)(4)a. is materially obstructed, such sign shall be removed in accordance with section 734.304(f). (An obstruction shall be deemed to be of a material character when it renders the essential elements of the sign unreadable.)~~
 - (5) ~~Increased dimension of sign face.~~ The vertical dimension of the sign face may be increased to eighteen (18) feet, provided the required viewing distance in subsection (d)(4) above is increased to five hundred (500) feet and such facing contains only one (1) sign, and the sign is perpendicular or within fifteen (15) degrees of being perpendicular to the frontage street.
 - (6) ~~Viewing distance for wall signs.~~ Outdoor advertising signs or sign structures attached to the wall of a building shall be regulated in accordance with subsection (d)(3), (4) and (5) above, except that the required viewing distance shall be increased by a distance equal to the amount by which the height of such sign or sign structure exceeds forty (40) feet (measured from the grade level of the building to which the sign is attached to the highest part of such sign or sign structure).

SECTION 2. Section 734-403 of the "Revised Code of the Consolidated City and County," regarding off-premises outdoor advertising signs, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 734-403. Signs on freeways and expressways.

All signs within six hundred sixty (660) feet of the right-of-way of freeways and expressways, as shown on the Official Thoroughfare Plan for Marion County, as adopted by the Metropolitan Development Commission, shall comply with the requirements of this section in addition to all other provisions of this chapter.

- (a) *Permitted signs.* Unless prohibited by local, state or federal law, erection or maintenance of the following signs shall be permitted in protected areas, as defined in section 734-501:
 - (1) *Official signs.* Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in local, state, or federal law, for the purpose of carrying out an official duty or responsibility.
 - (2) *On-premises (business) signs.* However, not more than one (1) freestanding identification sign shall be permitted to be located on each premises.
 - (3) *Off-premises (advertising) signs.*
- (b) *General provisions.* No off-premises signs shall be permitted to be erected or maintained in any manner inconsistent with the following:
 - (1) *Flashing, intermittent or moving lights.* No sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.

- (2) *Animation.* No sign shall be permitted which moves or has any animated or moving parts.
- (3) Rotating, louvered (Vertical and or Horizontally), moving or other elements. Advertising signs with rotating, louvered (vertical and/or horizontally), moving parts or elements shall not be permitted.
- (4) Video, LED (Light Emitting Diode), LCD (Liquid Crystal Display) or electrically powered. No sign shall be permitted which displays video or emitting graphics.

~~(3)~~(5) *Measurement of distance.*

~~a. The distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the center line of the freeway or expressway.~~

b. All dimensions parallel to the alignment of the freeway or expressway shall be measured along the center line of the freeway or expressway between two (2) vertical planes which are normal or perpendicular to and intersect the center line of the freeway or expressway, and which pass through the termini of the measured distance.

(c) *Regulations for off-premises (advertising) signs.*

(1) *Off-premises signs within informational sites.* If the Indiana Department of Transportation (IDOT) constructs an informational site (as defined in section 734-501), on the freeway system in Marion County, control over off-premises signs within such site shall be the responsibility of that Department.

(2) *Off-premises signs outside of informational sites.*

a. The erection or maintenance of the following signs shall be permitted within protected areas outside of informational sites: off-premises signs which are oriented located within six hundred sixty (660) feet of a freeway or expressway, as herein defined.

b. The erection or maintenance of off-premises signs permitted under paragraph a. of this subsection shall not be permitted in any manner inconsistent with the following:

1. ~~Sign number: In protected areas in advance of an intersection of the main traveled way of a freeway or expressway and an exit roadway, such signs visible to traffic on the main traveled way approaching such intersection shall not be permitted to exceed:~~

Distance from

Intersection _____ ***Maximum Number***

0-1,500 feet _____ 0

Over 1,500 feet _____ 2 per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main traveled way of the freeway or expressway (refer to Diagram 26).

21. ~~Sign spacing: Subject to the other provisions of this subsection (c), not more than two (2) such signs shall be permitted within any one mile distance measured from any point, and no such signs shall be permitted to be less than one thousand (1,000) feet apart. within protected areas adjacent to freeway or expressway rights-of-way, no part of any off-premise sign structure shall be located within one thousand five hundred (1,500) feet of any other off-premises sign structure located adjacent to said freeway or expressway. Said one thousand five hundred (1,500) feet distance shall be measured linearly along the centerline of the freeway or expressway. (The application of this provision is illustrated in Diagrams 26 and 27).~~

32. ~~Maximum sign dimensions: The maximum size of any sign shall not exceed twelve (12) feet in vertical dimension and twenty five (25) fourteen (14) feet in vertical~~

dimension and forty-eight (48) feet in horizontal dimension. (Plus extensions as defined in section 734-501.)

43. *Sign setback:* Signs shall not be located closer than sixty (60) feet to the right-of-way of the freeway or expressway.
54. *Sign clearance:* Signs shall not be less than nine (9) feet above grade level at the lowest point, except for the supporting structure.
65. *Maximum sign height:* The maximum height of signs and sign structures shall not exceed forty (40) feet above grade level at the base of such sign structure.
76. *Entrance or exit roadway limitation:* Signs shall not be permitted in protected areas adjacent to any freeway or expressway right-of-way upon any part of the width of which is constructed an entrance or exit roadway. No sign shall be permitted within five hundred (500) feet from the point of intersection between the traveled way of such entrance or exit roadway and the main traveled way of the freeway or expressway. Said five hundred (500) feet distance shall be measured to the nearest point of the intersection of the traveled way of the entrance or exit roadway and the main-traveled way of the freeway or expressway (Refer to Diagram 26).
8. ~~*Entrance roadway limitation:* Signs visible to freeway or expressway traffic which is approaching or has passed an entrance roadway shall not be permitted in protected areas for one thousand (1,000) feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the freeway or expressway (refer to Diagram 27).~~

SECTION 3. 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 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 621, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 621, 2003 on November 10, 2003. The proposal, sponsored by Councillors Langsford and Nytes, approves the amounts, locations, and programmatic operation for certain projects to be funded from the Community Development Grant Funds for 2004. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gibson commended Julie Slaughter, administrator of the Community Development Division of DMD, and her staff and said that he appreciates the way they have helped youthful offenders in this process.

Councillor Massie said that he will vote against the proposal on principle, because he believes if these programs are important enough that taxpayer monies should be devoted to them, then they should be supported on the local level and not through federal monies.

Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 621, 2003 was adopted on the following roll call vote; viz:

November 17, 2003

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

6 NAYS: Bradford, Coonrod, Dowden, Massie, Schneider, Smith

1 NOT VOTING: Horseman

Proposal No. 621, 2003 was retitled SPECIAL RESOLUTION NO. 83, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 83, 2003

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 112, 2003, 2004 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4 (b) of the Budget Ordinance, as approved by the Council, reads as follows:

Community Development Grant Funds. Until this Council has approved the amounts, locations, and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent;

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2004 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2004, to the Council; and

WHEREAS, the 2004 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2004 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2004 Consolidated Annual Action Plan, including insubstantial amendments thereto 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. That the amounts, locations, and programmatic operations of each of the projects included in the 2004 Consolidated Annual Action Plan, which are summarized in the Summary of 2004 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

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

ATTACHMENT A

SUMMARY OF 2004 PROPOSED ACTIVITIES			
Organization Name	Proposed Funding	Funding Source	Project Description
Preserve Homeownership			
<i>Homeowner Repair</i>			
BOS Community Development Corp.	\$162,500	CDBG	Provide repairs to 13 owner-occupied units.

CICOA: The Access Network	\$125,000	CDBG	Provide repairs to 10 owner-occupied units.
Community Action of Greater Indianapolis	\$275,000	CDBG	Provide repairs to 40 owner-occupied units.
Community Alliance of the Far Eastside	\$113,750	CDBG	Provide repairs to 9 owner-occupied units.
Concord Community Development Corp.	\$187,500	CDBG	Provide repairs to 15 owner-occupied units.
Emergency Homeowner Repair	\$425,000	CDBG	Additional funding set aside for winter emergencies.
King Park Area Development Corp.	\$75,000	CDBG	Provide repairs to 6 owner-occupied units.
Mapleton Fall Creek Development Corp.	\$125,000	CDBG	Provide repairs to 10 owner-occupied units.
Martindale-Brightwood Community Development Corp.	\$50,000	CDBG	Provide repairs to 4 owner-occupied units.
Near North Community Development Corp.	\$130,000	CDBG	Provide repairs to 10 owner-occupied units.
Riley Area Development Corp.	\$75,000	CDBG	Provide repairs to 6 owner-occupied units.
Riley Area Development Corp.	\$211,250	CDBG	Provide repairs to 17 owner-occupied units in the former ECI neighborhood.
Southeast Neighborhood Development Corp.	\$215,625	CDBG	Provide repairs to 17 owner-occupied units.
United Northeast Community Development Corp.	\$50,000	CDBG	Provide repairs to 4 owner-occupied units.
United Northwest Area Development Corp.	\$243,750	CDBG	Provide repairs to 19 owner-occupied units.
West Indianapolis Development Corp.	\$150,000	CDBG	Provide repairs to 12 owner-occupied units.
Westside Community Development Corp.	\$264,000	CDBG	Provide repairs to 21 owner-occupied units.
Homeowner Repair Total	\$2,878,375		
Increase Homeownership			
<i>New Construction</i>			
Riley Area Development Corp.	\$160,000	HOME	Construct 10 townhomes for homeownership.
Southeast Neighborhood Development Corp.	\$64,000	HOME	Construct 2 units for homeownership.
Westside Community Development Corp.	\$320,000	HOME	Construct 10 units for homeownership.
New Construction Total	\$544,000.00		
<i>Acquisition/Rehab</i>			
Mapleton Fall Creek Area Development Corp.	\$32,000	HOME	Acquisition / Rehab of 1 abandoned home.
Southeast Neighborhood Development Corp.	\$128,000	HOME	Acquisition / Rehab of 4 abandoned homes.

West Indianapolis Development Corp.	\$200,000	HOME	Rehabilitate 3 units for homeownership and assist 6 families with down payment assistance and homebuyer counseling.
Acquisition/Rehab Total	\$360,000.00		
Homebuyer Assistance			
Fall Creek Place	\$593,000	CDBG	Provide down payment assistance to 57 homebuyers.
Fall Creek Place	\$1,350,000	HOME	Provide down payment assistance to 56 homebuyers.
Indianapolis Neighborhood Housing Partnership	\$380,000	HOME	Provide down payment assistance to 50 low-income homebuyers.
Homebuyer Assistance Total	\$2,323,000.00		
Increase Affordable Rental Housing			
Merritt & Hubbard, LLC.	\$700,000	HOME	New Construction of 70 rental units affordable to families with incomes at or below 60% of the median family income.
West Indianapolis Development Corp.	\$32,500	CDBG	Provide repairs to 10 rental units.
Rental Housing Total	\$732,500.00		
Support Capital and Enterprise Development			
Keystone Enterprise Park	\$1,412,787	CDBG	City project to develop industrial park.
LISC-Commercial Façade Improvement Program	\$100,000	CDBG	Project will provide façade improvement grants to businesses as part of the FOCUS economic development efforts.
LISC-Predevelopment Loan Pool	\$49,908	CDBG	Project will provide loan opportunities for CDC's partnering with businesses for predevelopment costs associated with economic development.
Capital and Enterprise Dev. Total	\$1,562,695		
Supportive Service Activities			
Program Activities			
Coburn Place	\$142,100	CDBG	Operating support for transitional housing for victims of domestic violence.
Community Centers of Indianapolis	\$500,000	CDBG	Provide public services to at-risk neighborhoods.
Indianapolis Housing Agency	\$99,200	CDBG	Provide funding for Indianapolis Housing Agency initiatives.
Program Activities Total	\$741,300		
Job Training			
Horizon House	\$235,200	CDBG	Job readiness and employment program for homeless individuals.
Keys to Work, Inc.	\$164,800	CDBG	Job assessment, job placement and retention.
Job Training Total	\$400,000		
Senior Services			
CICOA: The Access Network	\$52,000	CDBG	Provide job training and transportation for seniors.

Family Service Association of Indiana	\$18,000	CDBG	Provide support services to seniors and adults with disabilities.
Senior Services Total	\$70,000		
Youth Services			
Area Youth Ministry, Inc.	\$12,500	CDBG	Provide life skills to at-risk youth
Bicycle Action Project	\$50,000	CDBG	Provide life skills to youth.
Quest for Excellence	\$12,400	CDBG	Provide funding for Child Care Center at Emergency Shelter.
School on Wheels	\$35,000	CDBG	Provide tutors and education programs to youth living in homeless shelters.
Summer Youth Program	\$100,000	CDBG	Support collaborative summer youth activities.
Youth Services Total	\$209,900		
Other Public Service Activities			
Community Organizations Legal Assistance Project, Inc.	\$14,000	CDBG	Provide legal services to non-profit organizations providing services to the homeless.
Dayspring Center, Inc.	\$19,610	CDBG	Provide operating support for the wellspring transitional housing program.
Family Service Association of Indiana	\$40,000	CDBG	Provide long-term credit counseling and homeownership training for prospective home owners.
Gennesaret Free Clinic, Inc.	\$38,500	CDBG	Provide dental services to homeless individuals at the Blue Triangle.
Indianapolis Neighborhood Resource Center	\$50,000	CDBG	Provide neighborhood capacity building/training to community groups.
Neighborhood Self-Employment Initiative	\$13,320	CDBG	Provide entrepreneurial training for low-moderate income individuals.
Other Public Services Total	\$175,430		
Eliminate Unsafe Buildings and Sites			
Brownfields Grant/Loan Program	\$50,000	CDBG	Remediate 5 brownfields for future development.
Brownfields Program	\$50,000	CDBG	Remediate 5 brownfields for future development.
Unsafe Buildings Program	\$2,138,300	CDBG	Board, demolish and secure vacant unsafe buildings in Indianapolis.
Unsafe Sites Total	\$2,238,300		
Support Shelters and Other Special Needs Housing			
Children's Bureau	\$21,160	ESG	Funds will be used for essential services, homelessness prevention and operating expenses.
Community Centers of Indianapolis	\$23,200	ESG	Funds will be used for homelessness prevention.
Damien Center	\$380,000	HOPWA	Funds will be used for short-term assistance, tenant-based rental assistance, supportive services, project-based rental assistance and administrative costs.

Dayspring Shelter	\$50,000	ESG	Funds will be used to provide operating expenses and homelessness prevention activities.
Ebenezer Church Foundation	\$187,500	HOPWA	Funds will be used for short-term assistance, tenant-based rental assistance, supportive services and administrative costs.
Gennesaret Free Clinic	\$34,760	ESG	Funds will be used for essential services, homelessness prevention and operating expenses.
Holy Family Shelter	\$59,000	ESG	Funds will be used to provide operating expenses, homelessness prevention and essential services.
Horizon House	\$58,450	ESG	Funds will be used to provide operating expenses, homelessness prevention and essential services.
Julian Center	\$35,000	ESG	Funds will be used to provide operating expenses.
Metro Transit	\$34,000	ESG	Inter-agency agreement for bus tickets to homeless shelters. No application is necessary.
Quest for Excellence	\$26,500	ESG	Funds will be used for homelessness prevention and operating expenses.
Salvation Army Harbor Lights	\$36,200	HOPWA	Funds will be used for short-term assistance, supportive services and administrative costs.
Salvation Army Social Service Center	\$43,600	ESG	Funds will be used for homelessness prevention and operating expenses.
Special Needs Housing Total	\$989,370		
City of Indianapolis Administrative Support			
CHDO Administrative Funds	\$195,000	HOME	HOME CHDO Operating Support
City Planning and Administration	\$2,489,750	CDBG, HOME, ESG & HOPWA	Administration Support
Administrative Support Total	\$2,684,750		

PROPOSAL NO. 622, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 622, 2003 on October 29, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer of \$46,863 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) to pay unexpected expenses covered by law enforcement block grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 622, 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, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Horseman, Massie

Proposal No. 622, 2003 was retitled FISCAL ORDINANCE NO. 165, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 165, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) transferring and appropriating an additional Forty-six Thousand Eight Hundred Sixty-three Dollars (\$46,863) 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 Forty-six Thousand Eight Hundred Sixty-three Dollars (\$46,863) 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>
2. Supplies	26,848
4. Capital Outlay	<u>20,015</u>
TOTAL INCREASE	46,863

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

<u>COUNTY SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>46,863</u>
TOTAL DECREASE	46,863

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

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

President Borst convened the Fire Special Service District Council.

PROPOSAL NO. 628, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 628, 2003 on October 29, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$128,507 in the 2003 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to cover the purchase price of phase one of the Defibrillator replacement plan, financed by fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 628, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 628, 2003 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 8, 2003, and reads as follows:

CITY-COUNTY FIRE SPECIAL SERVICE DISTRICT NO. 8, 2003

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Annual Budget for 2003 (Fire Special Service District Fiscal Ordinance No. 4, 2002) appropriating an additional One Hundred Twenty-eight Thousand Five Hundred Seven Dollars (\$128,507) in the Fire General Fund for purposes of the Department of Public Safety, Fire Division and reducing the unappropriated and unencumbered balance in the Fire General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to cover the purchase of phase one of the Defibrillator replacement plan, financed by fund balance.

SECTION 2. The sum of One Hundred Twenty-eight Thousand Five Hundred Seven Dollars (\$128,507) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>FIRE DIVISION</u>	
2. Materials and Supplies	16,707
4. Capital Outlay	111,800
TOTAL INCREASE	128,507

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

	<u>FIRE GENERAL FUND</u>
Unappropriated and Unencumbered	
Fire General Fund	<u>128,507</u>
TOTAL REDUCTION	128,507

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

Cash balance as of June 30, 2003	13,240,148
Estimated revenues June through December, 2003	<u>23,585,727</u>
Projected funds available	36,825,875
2003 remaining appropriations, including all encumbrances	29,162,174
Proposed additional appropriation (Proposal No. 628, 2003)	<u>128,507</u>
Total Requirements	29,290,681
Projected fund balance December 31, 2003	7,535,194

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

PROPOSAL NO. 629, 2003. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 629, 2003 on October 29, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer of \$110,215 in the 2003 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants and Federal Grants Funds) to cover the salary and benefits of the Indiana Task Force One Coordinator, to purchase personal equipment and supplies, and to pay for architectural design and preparatory tasks in support of renovating the current storage/warehouse facility. By a 5-0 vote,

the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 629, 2003 was adopted on the following roll call vote; viz:

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

Proposal No. 629, 2003 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 9, 2003, and reads as follows:

CITY-COUNTY FIRE SPECIAL SERVICE DISTRICT NO. 9, 2003

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (Fire Special Service District Fiscal Ordinance No. 4, 2002 and Fire Special Service District Fiscal Ordinance 1, 2003) transferring and appropriating an additional One Hundred Ten Thousand Two Hundred Fifteen Dollars (\$110,215) in the Non-Lapsing Federal Grants and Federal Grants Funds for purposes of the Department of Public Safety, Fire Division and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to cover the salary and benefits of the Indiana Task Force One Coordinator, to purchase personal equipment, uniforms, medical, and business supplies, and to pay for architectural design and preparatory tasks in support of renovating the current storage/warehouse facility, financed by a transfer of funds.

SECTION 2. The sum of One Hundred Ten Thousand Two Hundred Fifteen Dollars (\$110,215) 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:

DEPARTMENT OF PUBLIC SAFETY	
<u>FIRE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	<u>50,549</u>
TOTAL INCREASE	50,549

DEPARTMENT OF PUBLIC SAFETY	
<u>FIRE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	50,000
3. Other Services and Charges	<u>9,666</u>
TOTAL INCREASE	59,666

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

DEPARTMENT OF PUBLIC SAFETY	
<u>FIRE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>110,215</u>
TOTAL DECREASE	110,215

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. The appropriations from the non-lapsing federal grants fund, described 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.

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

President Borst reconvened the City-County Council.

NEW BUSINESS

Councillor Coughenour said that there were statements made that some Council members could accept Proposal No. 122, 2003, the smoke-free workplace ordinance, if certain changes were made. She asked for suggested changes to be forwarded to her this week for her to incorporate for further consideration at a special hearing of the Rules and Public Policy Committee.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Smith in memory of Charles W. "Chuck" Pritchett and Kenneth Gregory; and
- (2) Councillor Knox in memory of Roy E. Hutton; and
- (3) Councillor Tilford in memory of Richard Keith Foster; and
- (4) Councillor McWhirter in memory of Doris Bee; and
- (5) Councillor Langsford in memory of James Joyce; and
- (6) Councillor Coughenour in memory of Richard Clay.

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 Charles W. "Chuck" Pritchett, Kenneth Gregory, Roy E. Hutton, Richard Keith Foster, Doris Bee, James Joyce, and Richard Clay. 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 8:36 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 17th day of November, 2003.

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

Philip C. Booth DVM

President

ATTEST:

Shelley Hart

Clerk of the Council

(SEAL)