

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

**REGULAR MEETINGS  
MONDAY, AUGUST 31, 2009**

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 7:03 p.m. on Monday, August 31, 2009, with Councillor Cockrum presiding.

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

**ROLL CALL**

The President 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:

*28 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn  
1 ABSENT: Minton-McNeill*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor McQuillen recognized Dave Lawrence, acting president of the Arts Council. Councillor Malone recognized Reverend Blambert of the Bethel African Methodist Episcopal Church. Councillor Scales recognized Roland Gray of the Greater Allisonville Community Council. Councillor Brown recognized Warren Township board member Tim Hughes and all other Parks Department employees in attendance. Councillor Oliver recognized citizen Gerald Ellis. Councillor Evans recognized Marshawn Wolley, citizen. Councillor Speedy recognized Clint Fultz, Chief Executive Officer of Noble Industries.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 31, 2009, 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/Bob Cockrum  
President, City-County Council

August 17, 2009

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, August 19, 2009 and in the *Indianapolis Star* on Thursday, August 20, 2009, a copy of a Notice of Public Hearing on Proposal Nos. 310 and 311, 2009, said hearing to be held on Monday, August 31, 2009, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Melissa Thompson  
Clerk of the Council

August 20, 2009

TO PRESIDENT COCKRUM 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, Melissa Thompson, the following ordinances:

GENERAL ORDINANCE NO. 75, 2009 – authorizes removal of parking meters and addition of parking restrictions on 11th Street at Dr. Martin Luther King Jr. Street (District 15)

GENERAL ORDINANCE NO. 76, 2009 – authorizes parking restrictions on New York Street between Senate Avenue and Illinois Street (District 15)

GENERAL ORDINANCE NO. 77, 2009 – authorizes a weight limit restriction on Highland Avenue between Washington Street and New York Street (District 16)

GENERAL ORDINANCE NO. 78, 2009 – authorizes a traffic signal at the intersection of Technology Center Drive and Zionsville Road (District 1)

GENERAL ORDINANCE NO. 79, 2009 – authorizes intersection controls in the River Run subdivision (District 22)

GENERAL ORDINANCE NO. 80, 2009 – authorizes a weight limit restriction on Kitley Avenue between Washington Street and Pleasant Run Parkway, South Drive (District 21)

GENERAL ORDINANCE NO. 81, 2009 – authorizes parking restrictions and parking meters on Virginia Avenue southeast of Pennsylvania Street (District 19)

GENERAL ORDINANCE NO. 82, 2009 – authorizes a traffic signal at the intersection of 84th Street and Zionsville Road (District 1)

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GENERAL ORDINANCE NO. 83, 2009 – adopts the provisions for financing the continuing operations of the Capital Improvements Board of Marion County as authorized by House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly

GENERAL ORDINANCE NO. 84, 2009 – amends Sec. 151-68 of the Council Rules to reflect legislative changes

SPECIAL RESOLUTION NO. 24, 2009 – recognizes the Marion County Commission on Youth (MCCOY) for their efforts in providing better opportunities and outcomes for youth in Central Indiana

SPECIAL RESOLUTION NO. 25, 2009 – recognizes Daniel Walsh on achieving the rank of Eagle Scout

SPECIAL RESOLUTION NO. 26, 2009 – recognizes the Indianapolis-Marion County Public Library

SPECIAL RESOLUTION NO. 27, 2009 – recognizes Amanda Lewis Davis on her academic accomplishments

SPECIAL RESOLUTION NO. 28, 2009 - approves a public purpose grant to the University of Indianapolis in the amount of \$33,276 for the purpose of enabling the Educational Television Cooperative to purchase a video server for the purposes of programming delivery

Respectfully,  
Gregory A. Ballard, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Hunter moved, seconded by Councillor Malone, to suspend the Council Rules and act on Proposal No. 344, 2009, under Introduction of Proposals, this evening. President Cockrum stated that 18 votes are needed to suspend the Rules. The Council Rules were suspended on the following roll call vote; viz:

*18 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn*  
*10 NAYS: Bateman, Brown, Evans, Gray, Lewis, Mahern (B), Mahern (D), Nytes, Oliver, Sanders*  
*1 ABSENT: Minton-McNeill*

President Cockrum stated that the proposal will be added for action at the end of the agenda following Proposal No. 323, 2009.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of August 10, 2009. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 305, 2009. The proposal, sponsored by Councillors Plowman Moriarty Adams, Plowman, McQuillen, Nytes, Day, Scales, Cardwell, Vaughn, Hunter, Bateman, McHenry, Malone, Cain and Minton McNeill, recognizes Scott C. Newman for his many years of dedicated service to the City of Indianapolis/Marion County. Councillor Plowman read the proposal and stated that the resolution will be presented to Mr. Newman at a later date. Councillor Plowman moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 305, 2009 was adopted by a unanimous voice vote.

Proposal No. 305, 2009 was retitled SPECIAL RESOLUTION NO. 29, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 2009

A SPECIAL RESOLUTION recognizing Scott C. Newman for his many years of dedicated service to the City of Indianapolis/Marion County.

WHEREAS, Mr. Newman received his A.B. summa cum laude from Princeton University and graduated magna cum laude from the University of Michigan School of Law. He is also a Distinguished Fellow of the Indianapolis Bar Foundation; and

WHEREAS, Mr. Newman has served for over 20 years in many capacities of leadership and law. He served as an Assistant United States Attorney for the Southern District of Indiana; as Counsel for Medical Affairs at Anthem, Inc.; as a litigation partner at the firm of Barnes and Thornburg; he formed Strand Analytical Laboratories; and he established the Rock Steady Boxing Foundation to be a voice for those with Parkinson's Disease; and

WHEREAS, Mr. Newman specifically served the citizens of Indianapolis and Marion County through his election as Prosecuting Attorney of Marion County for two terms from 1994 to 2002 and his appointment as the Director of Public Safety in January of 2008; and

WHEREAS, during his term as Public Safety Director, Mr. Newman returned control of the Indianapolis Metropolitan Police Department (IMPD) to City Administration; instituted unique career pathing and recruiting efforts for IMPD and the Indianapolis Fire Department (IFD); restored the focus of IMPD to Community Policing; and spearheaded the effort of Fire Department Consolidation in the County; and

WHEREAS, also while serving as Director, Mr. Newman developed a collaboration between Indianapolis Animal Care and Control (IACC) and animal welfare groups to make IACC a leader for animal rescues and adoptions, as well as established a contractual relationship between IUPUI and the Emergency Management Planning Division to provide education experiences for the students and additional resources for the Division; and

WHEREAS, in addition to Director Newman's commendable service to the City and County, he has received numerous awards and recognitions, including receipt of the Indianapolis Bar Association's President's Award for his contributions to the legal profession; being named to the Indianapolis Business Journal's "40 Under 40" in 1995 and "Who's Who in Law" in 2002; being honored as Outstanding Prosecutor of the Year in 2001 by the Indiana Coalition Against Sexual Assault (INCASA); and receiving national recognition as the recipient of the U.S. Chief Postal Inspector's Special Award for successfully investigating and prosecuting a Superior Court Judge for bribery and racketeering; and

WHEREAS, Director Newman will leave his position with the Department of Public Safety on July 31, 2009; 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 proudly recognizes Director Scott Newman for his creative, dedicated and diligent service to the City of Indianapolis/Marion County and its citizens.

SECTION 2. The Council extends its appreciation and gratitude to Director Newman for his many contributions and wishes him continued success in all future endeavors.

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. 346, 2009. The proposal, sponsored by Councillor Pfisterer, recognizes select students of the Way Out Studio for their placement in the 2009 Isshinryu Worlds Karate Tournament. Councillor Pfisterer read the proposal and presented representatives with copies of

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the document and Council pins. Coach Allen thanked the Council for the recognition and stated that he is very proud of the team. Councillor Pfisterer moved, seconded by Councillor Day, for adoption. Proposal No. 346, 2009 was adopted by a unanimous voice vote.

Proposal No. 346, 2009 was retitled SPECIAL RESOLUTION NO. 30, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 2009

A SPECIAL RESOLUTION recognizing select students of the Way Out Studio for their placement in the 2009 Isshinryu Worlds Karate Tournament.

WHEREAS, the 2009 Isshinryu Worlds Karate Tournament was held in Pittsburgh, PA with 300 competitors of all ages and ranks from all over the world; and

WHEREAS, the Way Out Studio is a Christian-based Martial Arts school of which majority of the students are from the Haughville area; and

WHEREAS, four students from the Way Out Studio, all from the Haughville area, placed in several divisions of the competition; and

WHEREAS, Gabriel Edwards, a nine-year-old Green Belt, who has been taking classes since the age of four placed 2<sup>nd</sup> in fighting, with at least ten to fifteen competitors to each rank and division; and

WHEREAS, Keoni Seymour, an eleven-year-old Green Belt, who has been taking classes since the age of nine placed 3<sup>rd</sup> in fighting, with at least ten to fifteen competitors to each rank and division; and

WHEREAS, Paul Watson, a 14-year-old Green Belt, who has been taking classes since the age of nine placed 1<sup>st</sup> in fighting with eight competitors, and 2<sup>nd</sup> in forms with twelve competitors; and

WHEREAS, Zavius Wortham, a seven-year-old Yellow Belt, who has been taking classes since the age of five placed 2<sup>nd</sup> in fighting with eight competitors; and

WHEREAS, because of the enthusiasm of the students and the dedication of the parents, enough money was earned through donations and fundraisers to cover the entire expense of the trip; 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 proudly recognizes the Way Out Studio for their positive influence and contributions to the children in the Indianapolis community.

SECTION 2. The Council heartily congratulates Gabriel Edwards, Keoni Seymour, Paul Watson and Zavius Wortham on their placements and great accomplishments in the 2009 Isshinryu Worlds Karate Tournament.

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. 275, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 275, 2009 on August 12, 2009. The proposal, sponsored by Councillor Vaughn, appoints Dawn E. Higgins to the Domestic Violence Fatality Review Team. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Plowman, for adoption. Proposal No. 275, 2009 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Minton-McNeill*

Proposal No. 275, 2009 was retitled COUNCIL RESOLUTION NO. 86, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 86, 2009

A COUNCIL RESOLUTION appointing Dawn E. Higgins to the Domestic Violence Fatality Review Team.

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

SECTION 1. As a member of the Domestic Violence Fatality Review Team, the Council appoints:

Dawn E. Higgins

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 291, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 291, 2009 on August 11, 2009. The proposal, sponsored by Councillors Malone and Vaughn, approves the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of parking citations. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Scales, for adoption. Proposal No. 291, 2009 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Minton-McNeill*

Proposal No. 291, 2009 was retitled COUNCIL RESOLUTION NO. 87, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 87, 2009

A COUNCIL RESOLUTION approving the Mayor's appointment of John C. Krause 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 John C. Krause 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:

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SECTION 1. John C. Krause 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 I.C. § 36-3-4-14.

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 332, 2009. Introduced by Councillors Cockrum and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a property tax installment payment plan for certain taxpayers with a homestead deduction"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 333, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to increase the surety bond amounts of certain county officials, as necessitated by recent statutory amendments"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 334, 2009. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kristin Lee Sims to the Marion County Children's Guardian Home Reuse Authority"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 335, 2009. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with respect to expenditures from the Marion County Children's Guardian Home Donation and Cash Change Funds"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 336, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes an excessive levy appeal for the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 337, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of general obligation refunding bonds for the Indianapolis-Marion County Public Library in an amount not to exceed \$48,000,000"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 338, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the zoning ordinance to change the name of the enforcement agency to the new city department of code enforcement and to make grammatical corrections (2009-AO-01)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 339, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the enforcement and remedies ordinance to change the name of the police department to its official title and to make grammatical corrections (2009-AO-02)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 340, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the subdivision control ordinance to change the referenced agency name from township assessor to county assessor and to make

grammatical corrections (2009-AO-03)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 341, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to clarify the sources and use of the Marion Superior Court equipment fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 342, 2009. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Michigan Street between College Avenue and Leon Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 343, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Burgess Avenue and Spencer Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 344, 2009. Introduced by Councillors Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the first and second amendments to the agreement for the operation and maintenance of the advanced wastewater treatment facilities and wastewater and stormwater collection facilities between the Department of Public Works and White River Environmental Partnership (d/b/a United Water Services Indiana)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 345, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to correct all spellings of the word councillor and to make other technical corrections"; and the President referred it to the Rules and Public Policy Committee.

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

PROPOSAL NOS. 348-350, 2009 and PROPOSAL NOS. 351-355, 2009. Introduced by Councillor Smith. Proposal Nos. 348-350, 2009 and Proposal Nos. 351-355, 2009 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February August 12 and 21, 2009. 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. 71-78, 2009, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

2009-ZON-010  
7190 ROCKVILLE ROAD (Approximate Address)  
INDIANAPOLIS, WAYNE TOWNSHIP  
COUNCIL DISTRICT # 13  
JOHN D. ANAGNOSTOU AND NIKOLAOS D. ANAGNOSTOU requests REZONING of 0.52 acre, from the C-3 District, to the C-4 classification to provide for community-regional commercial uses.

2009-ZON-029  
8219 AND 8227 NORTHWEST BOULEVARD (Approximate Addresses)  
INDIANAPOLIS, PIKE TOWNSHIP

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COUNCIL DISTRICT # 1

NW ASSOCIATES LLC, by Joseph D. Calderon, requests REZONING of 20.76 acres, from the I-2-S District, to the C-S classification to provide for all I-2 uses and limited C-4 uses, including offices, schools and other instructional facilities, retail bakery sales, recreational establishments, and event facilities.

2008-ZON-860

1959 SOUTH MERIDIAN STREET (Approximate Address)  
INDIANAPOLIS, CENTER TOWNSHIP  
COUNCIL DISTRICT # 19

Fountain Realty, Inc., by David Kingen, requests REZONING of three acres, from the I-3-U District, to the C-S classification to provide for all D-8, C-1, C-2 and I-3-U uses.

2009-ZON-026

7930 EAST 38<sup>TH</sup> STREET (formerly 3802 North Franklin Road) (Approximate Address)  
INDIANAPOLIS, LAWRENCE TOWNSHIP  
COUNCIL DISTRICT # 11

BARRETT REAL ESTATE SOLUTIONS, INC. requests REZONING of 1.5 acres, from the C-S District, to the C-S classification to provide for a gas station, convenience store, and car wash.

2009-ZON-032

7578 AND 7602 WEST WASHINGTON STREET (Approximate Addresses)  
INDIANAPOLIS, WAYNE TOWNSHIP  
COUNCIL DISTRICT # 13

J. FRANK AND MAUDIE M. IVY requests REZONING of 1.01 acres, from the I-4-S and D-5 Districts, to the C-5 classification to provide for general commercial` uses.

2009-ZON-034

7400 ACTON ROAD; 5706 NORTH MERIDIAN STREET; 2605 KENTUCKY AVENUE; 9501 EAST 36<sup>th</sup> PLACE; 5335 & 5353 SOUTH HIGH SCHOOL ROAD AND 6038-6240 VALLEY LANE; 8401 ROCKVILLE ROAD; 1934 NORTH DEQUINCY STREET; 5398 MILHOUSE ROAD; 750 GREER STREET; 4241 FAIRVIEW TERRACE AND 4242 CROWN STREET; 5670 STONEHILL DRIVE; 1700 NORTH FRANKLIN ROAD; 7425 MENDENHALL ROAD; 1313 MADISON AVENUE; 254 EAST BEECHER STREET; 5624 SOUTH CARROLL ROAD; 4900 WEST SOUTHPORT ROAD; 1616 EAST 71<sup>st</sup> STREET; 1603 & 1625 WEST OHIO STREET, 1618 EVERETT STREET, 120 NORTH REISNER STREET, AND 135 NORTH RICHLAND STREET; 4459 SHELBYVILLE ROAD; 5700 EAST 23<sup>rd</sup> STREET; AND 1701 EAST WASHINGTON STREET (Approximate Addresses)

INDIANAPOLIS, CENTER, DECATUR, FRANKLIN, PERRY, WARREN, WASHINGTON AND WAYNE TOWNSHIPS

COUNCIL DISTRICTS # 3, 8, 10, 15, 16, 17, 18, 19, 22, 24, & 25

METROPOLITAN DEVELOPMENT COMMISSION requests REZONING of 463.544 acres, from multiple zoning classifications, to the PK-I classification to provide for park and recreational uses.

2009-ZON-040

10 SOUTH 17<sup>th</sup> AVENUE AND 1819 MAIN STREET (Approximate Addresses)  
CITY OF BEECH GROVE, PERRY TOWNSHIP  
COUNCIL DISTRICT # 20

GB INDIANA 2, LLC, Mary E. Solada, request) REZONING of 1.8 acres, from the C-3, D-8, and D-5 Districts, to the C-3 classification to provide for neighborhood commercial uses.

2009-ZON-813

4331 DANDY TRAIL (Approximate Address)  
INDIANAPOLIS, PIKE TOWNSHIP  
COUNCIL DISTRICT # 6

RICHARD MICHAEL NEESE requests REZONING of 3.372 acres, from the PK-1 (FF) and PK-2 (FF) Districts, to the PK-2 (FF) classification to provide for park perimeter uses.

**SPECIAL ORDERS - PUBLIC HEARING ON PROPOSED BUDGETS**

President Cockrum called for public testimony on the proposed 2010 budget proposals. Public testimony was accepted on the following proposals:

PROPOSAL NO. 313, 2009 - adopts the annual budget for the Indianapolis Airport Authority for 2010. PROPOSAL NO. 314, 2009 - adopts the annual budget for the Capital Improvement Board of Managers for 2010. PROPOSAL NO. 315, 2009 - adopts the annual budget for the Health and Hospital Corporation for 2010. PROPOSAL NO. 316, 2009 - adopts the annual budget for the Indianapolis Public Transportation Corporation (IndyGo) for 2010. PROPOSAL NO. 317, 2009 - adopts the annual budget for the Indianapolis-Marion County Public Library for 2010. PROPOSAL NO. 318, 2009 - adopts the annual budget for the Police Special Service District for 2010. PROPOSAL NO. 319, 2009 - adopts the annual budget for the Fire Special Service District for 2010. PROPOSAL NO. 320, 2009 - adopts the annual budget for the Solid Waste Collection Special Service District for 2010. PROPOSAL NO. 321, 2009 - adopts the annual budget for Indianapolis and Marion County for 2010. PROPOSAL NO. 322, 2009 - adopts the annual budget for the Ben Davis Conservancy District for 2010.

Janis Mikits, employee of the Parks Department, said that privatizing government services caused many employees to lose their jobs, and then the City turned around and bought the Water Company. He said that contractors cannot do the job for less than full-time employees, and the Council needs to reconsider out-bidding services and contracts at the expense of city employees.

Patrick Brennan, employee of the Parks Department, said that it pains him to hear of privatization and loss of employment in the media. He said that the employees are the last to learn of this, and that is not good practice. He said that if the city goes the route of privatization, the bidding process should be fair and employees should be allowed to bid on the jobs.

Shane Brinkman, president of AFSCME Local 87, stated that he represents maintenance and park rangers for Indy Parks. He said that weekly salaries is proposing a cut of \$866,913 for 2010, approximately 29% of maintenance employees. Employees are already down 10 positions from the former administration and this cut would leave only 52 employees to serve over 11,000 acres in 206 parks. He said that cutting this amount from salaries would not be enough money for contractors to do the job at the same level.

Ronald Asher, employee of the Parks Department, said that cutting this salary for bids that have not been bid is not good practice. He said that he would guarantee that Parks employees can do the job for less than any contractor.

Larry Vaughn, citizen, said that Mayor Greg Ballard is promoting slave labor to displace good citizens who have been laboring in this community for many years. He said that slave labor has a two-edged sword, and cuts both ways. He said that this Council granted millions of dollars to bail out the Capital Improvement Board (CIB) at their last meeting, but cannot spend the money to maintain the labor force. He said that bringing in Guatemalan laborers at \$2.50 an hour to put these men out of their jobs is slave labor in its purest form.

Cathy Burton, president of the Marion County Alliance of Neighborhood Associations (MCANA), applauded the Controller's Office for presenting a balanced budget and safeguarding the city with a Rainy Day Fund and healthy fund balances. She said that they do not support the

Rainy Day Fund being raided for a CIB bailout. She said that they want to make sure the Department of Metropolitan Development's (DMD) core services are guarded if this ordinance is not passed. She said that MCANA members are extremely concerned about the cuts to the Parks Department budget, as they have already deferred maintenance and underfunded programs. She said that the city could possibly look at restoring some of their funding through the Rainy Day Fund. She said that she still has concerns about the clarification on the shortfall in the Sheriff's Pension Fund.

Clint Bolser, president and Chief Executive Officer (CEO) of Noble of Indiana, thanked the Council for their past and current support of Noble and people with disabilities. He said that they could not have served the people they have over the years without the City's support. He said that there are four who have come to testify, and they are just a small sample of those who these funds have helped serve. He said that this funding is an investment in the well-being of the community.

Sharon O'Brien, Noble of Indiana board member and parent advocate, said that she moved to this city after her husband was named coach of the Indiana Pacers. She said that having a child with developmental disabilities, Noble helped them maneuver through the process of applying for benefits for their daughter, Caitlyn. She said that she was later asked to join the Noble board and has been inspired by the compassion of the staff in providing hope and a sense of community to this city's most vulnerable citizens. She thanked the Council for their support.

Caitlyn O'Brien, Noble worker, thanked the Council for their support of Noble. She said that she has lived in eight states, and the first friends she met in Indiana were from Noble. She said that Noble helped her find a job at Marsh Supermarket and provided her with a job coach. She said that she feels the city's support of Noble has helped her have a great life in Indianapolis.

Dee Lloyd, Noble parent, and daughter Mya, stated that being at Noble has given Mya confidence, friends, and accomplishments. She said that Noble has been a life-changing experience for Mya and their family.

Barbara Mussler, employment consultant through Noble of Indiana, exchanged a brief question and answer dialogue with Noble worker, Jeffrey Thomas Cornell, who has worked at Marsh Supermarkets for 23 years as a utility clerk. Mr. Cornell said that Noble helped him find the job and trained him to keep the job, resulting in winning citizenship and longevity awards. Ms. Mussler said that Mr. Cornell is the first person in the state to get a job through supportive employment through Noble.

Jill Ditmire, owner of Massachusetts Avenue Wine Shop and president of board of directors of Indy Fringe, provided Councillors with handouts from IndyFringe and asked the Council not to forget the arts organizations. She said that arts add to the quality of life in every city.

Reverend Mmoja Ajabu said that this appears to be a very hard-hearted budget, decreasing the Parks budget and increasing the Police budget. Crime Prevention, for which taxes were raised 65%, has lost \$1 million of what was promised each year for supposed administrative costs. He asked if the city is more concerned with locking people up instead of using parks and crime prevention to stop the crime. He said that this budget calls into question if there is anything good in the city budget. He asked the members to not look at what is legal, but look at what is right.

Lettie Oliver, associate of AFSCME Local 62, said that she is appalled that the Council is looking at taking \$866,000 out of Parks. She said that when privatization took place under former Mayor

Steve Goldsmith, the Union employees bid on those jobs and won eight out of 10 contracts. She said that they are not opposed to competing for the jobs, but the requests for proposals (RFPs) will not go out until January, and yet the budget is being cut. This will cause 22 to 25 people to lose their jobs. She asked how many would be opposed to losing world-class parks.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 310, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 310, 2009 on August 25, 2009. The proposal, sponsored by Councillor Cockrum, proposes an ordinance of the Marion County Income Tax Council confirming the homestead credit and confirming and extending the tax rates of the County Option Income Tax effective October 1, 2009. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Cockrum called for public testimony at 8:07 p.m.

Larry Vaughn, citizen, stated that the city is giving money to these boards illegally, and the city is coming up short because they are investing money in contingency corporations.

Councillor Pfisterer stated that none of this money goes to any corporation, and all of it goes to homeowners as a homestead credit.

There being no further testimony, Councillor Pfisterer moved, seconded by Councillor Vaughn, for adoption. Proposal No. 310, 2009, as amended, was adopted on the following roll call vote; viz:

*25 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*1 NAY: Oliver*  
*2 NOT VOTING: Brown, Gray*  
*1 ABSENT: Minton-McNeill*

Proposal No. 310, 2009 was retitled SPECIAL RESOLUTION NO. 31, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 2009

A PROPOSAL FOR A RESOLUTION of the City-County Council of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council confirming the homestead credit under IC 6-3.5-6-13 and confirming and extending the tax rates pursuant to IC 6-3.5-6-8, IC 6-3.5-6-30, IC 6-3.5-6-31, and IC 6-3.5-6-32 of the County Option Income Tax effective October 1, 2009, and to cast the vote of the City-County Council on said ordinance.

WHEREAS, the Indiana General Assembly established the County Option Income Tax pursuant to IC 6-3.5-6, *et seq.*; and

WHEREAS, IC 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, pursuant to IC 6-3.5-6-8, the Marion County Income Tax Council imposed the county option income tax in 1984 and by subsequent actions increased the rate to its present rate of one (1) percent; and

August 31, 2009

WHEREAS, pursuant to IC 6-3.5-6-13 the Marion County Income Tax Council adopted a local homestead credit for taxpayers in Marion County, which is now eight percent (8%); and

WHEREAS, pursuant to IC 6-3.5-6-30, the Marion County Income Tax Council adopted an ordinance imposing an additional tax rate in Marion County, which rate is now twenty-seven hundredths of one percent (0.27%); and

WHEREAS, pursuant to IC 6-3.5-6-31, the Marion County Income Tax Council adopted an additional income tax rate for public safety, which rate is now thirty-five hundredths of one percent (0.35%); and

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to extend the local homestead credit pursuant to IC 6-3.5-6-13 and to confirm and extend the present county option income tax rate pursuant to IC 6-3.5-6-8, IC 6-3.5-6-30, IC 6-3.5-6-31, and IC 6-3.5-6-32; 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 proposes an ordinance of the Marion County Income Tax Council pursuant to IC. 6-3.5-6.

SECTION 2. The City-County Council casts its 92.04 votes in favor of the proposed ordinance of the Marion County Income Tax Council which ordinance is attached hereto, as Exhibit A..

SECTION 3. The City Clerk of the City of Indianapolis is hereby ordered to deliver an original executed copy of this Resolution and the proposed ordinance of the Marion County Income Tax Council to the Auditor of Marion County forthwith so that the Auditor of Marion County shall deliver copies of said proposed ordinance to other members of the County Income Tax Council, namely, the City Council of the City of Beech Grove, the City Council of the City of Lawrence, the Town Council of the Town of Speedway and the City Council of the City of Southport, after receipt from the City Clerk and so that the other members of the Marion County Income Tax Council shall, after receipt from the Auditor of Marion County, vote on said proposed ordinance.

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

**EXHIBIT A**

**AN ORDINANCE OF THE MARION COUNTY INCOME TAX COUNCIL INCREASING AND CONFIRMING THE LOCAL HOMESTEAD CREDIT AND CONFIRMING AND EXTENDING THE COUNTY OPTION INCOME TAX RATES**

WHEREAS, the Indiana General Assembly established the county option income tax pursuant to IC 6-3.5-6, *et seq.*; and

WHEREAS, IC 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, IC 6-3.5-6-8 permits the Marion County Income Tax Council to impose the county option income tax on county taxpayers; and,

WHEREAS, pursuant to IC 6-3.5-6-8, the Marion County Income Tax Council imposed the county option income tax in 1984 and by subsequent actions increased the rate to its present rate of one (1) percent; and

WHEREAS, pursuant to IC 6-3.5-6-13 the Marion County Income Tax Council adopted a local homestead credit for taxpayers in Marion County, which is now eight percent (8%); and

WHEREAS, pursuant to IC 6-3.5-6-30, the Marion County Income Tax Council adopted an ordinance imposing an additional tax rate in Marion County, which rate is now twenty-seven hundredths of one percent (0.27%); and

WHEREAS, pursuant to IC 6-3.5-6-31 the Marion County Income Tax Council adopted an additional income tax rate for public safety, which rate is now thirty-five hundredths of one percent (0.35%); and

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to increase and extend the local homestead credit pursuant to IC 6-3.5-6-13 and to confirm and extend the present county option income tax rate pursuant to IC 6-3.5-6-8, IC 6-3.5-6-30 and IC 6-3.5-6-31; now, therefore:

BE IT ORDAINED BY THE  
MARION COUNTY INCOME TAX COUNCIL

SECTION 1. Pursuant to IC 6-3.5-6-13, the Marion County Income Tax Council hereby confirms the local homestead credit for the calendar year 2010 and thereafter at the rate of eight percent (8.00%).

SECTION 2. Pursuant to IC 6-3.5-6-8, the Marion County Income Tax Council confirms the county option income tax rate effective July 1, 2009 and thereafter at the rate of one percent (1%).

SECTION 3. Pursuant to IC. 6-3.5-6-30, the Marion County Income Tax Council hereby reduces the additional county option income tax rate effective from and after October 1, 2009 to the rate of two thousand six hundred fourteen ten-thousandths percent (0.2614%).

SECTION 4. Pursuant to IC. 6-3.5-6-31, the Marion County Income Tax Council hereby confirms the additional income tax rate for public safety effective from and after October 1, 2009 at the rate of thirty-five hundredths of one percent (0.35%).

SECTION 5. Pursuant to IC 6-3.5-6-32, the Marion County Income Tax Council hereby establishes the additional county option income tax rate effective from and after October 1, 2009 at the rate of eighty-six ten-thousandths percent (.0086%) for the purpose of a uniformly applied homestead credit.

SECTION 6. The Auditor of Marion County shall send a certified copy of this ordinance to the Department of State Revenue and the Department of Local Government Finance by certified mail.

SECTION 7. This ordinance shall be in full force and effect on and after the first day of October, 2009.

PROPOSAL NO. 311, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 311, 2009. The proposal, sponsored by Councillors Pfisterer and Moriarty Adams, provides for additional appropriations and transfers in the 2009 Budget for various city and county agencies affecting various city and county funds to provide for continued operations and services of agencies. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President Cockrum called for public testimony at 8:12 p.m.

Mr. Vaughn said that federal grants are still tax dollars, and they are lining the local budget with federal grants. They are therefore taking over the operations of the city and deciding where local tax money is spent.

Councillor Pfisterer said that the grant money the city receives is tax money sent to the federal government and she is in favor of returning every dollar to the city to make Indianapolis a better place to live.

Councillor Nytes asked if the amendment of dollars for the Indianapolis Metropolitan Police Department (IMPD) is to cover the 27<sup>th</sup> pay, and if this is being addressed by moving money out of the fuel budget. She asked if this will leave them with a new problem in funding fuel. Jason

Dudich, Deputy Controller, said that IMPD has worked to shift funds and find savings or cuts to help fund this. He said that the fuel budget was based on previous fuel costs, and there is significant overfunding. Councillor Nytes asked if handling the 27<sup>th</sup> pay in the 2009 budget will allow them to process the salary at this year's rate for a slight difference in pay, since salaries go up next year. Mr. Dudich replied in the affirmative and it would cost them an extra percentage if they waited to handle the 27<sup>th</sup> pay until 2010.

There being no further testimony, Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 311, 2009, as amended, was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn*  
*2 NAYS: Coleman, Sanders*  
*1 ABSENT: Minton-McNeill*

Proposal No. 311, 2009, as amended, was retitled FISCAL ORDINANCE NO. 29, 2009, and reads as follows:

Proposal No. 311, 2009 was retitled FISCAL ORDINANCE NO. 29, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008; City-County) by appropriating One Hundred Thousand Dollars (\$100,000) in the IMPD General Fund; Two Million Thirty Eight Thousand Dollars (\$2,038,000) in the Fire Cumulative Capital Development Fund; Three Million Five Hundred Eighty Five Thousand Seven Hundred and One Dollars (\$3,585,701) in the City Cumulative Capital Development Fund; Three Million One Hundred Seventy Six Thousand Eight Hundred Nineteen Dollars (\$3,176,819) in the City Federal Grants Fund; Seven Hundred Twenty Three Thousand Seven Hundred Fifty Four Dollars (\$723,754) in the County General Fund; Six Million Six Hundred Thirty Three Thousand Two Hundred Ninety Nine Dollars (\$6,633,299) in the Juvenile Incarceration Debt Fund; Two Thousand Five Hundred Sixty Dollars (\$2,560) in the County Grants Fund; Seventy One Thousand Four Hundred Dollars (\$71,400) in the (City) State Law Enforcement Fund; and Fifty Three Thousand Eighty-four Dollars (\$53,084) in the county's Federal Grants Fund for purposes of those departments and agencies listed below in sections 3 through 14. In addition, amends the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008; City-County) by transferring funds between characters throughout various city and county agencies.

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 its adoption, the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the following departments and agencies listed below in sections 3 through 14 to fund the following:

Section 3

The Marion County Public Defender for cost associated with death penalty cases

Section 4

The Indianapolis Fire Department for the purchase of various fire apparatus, for Task Force One operating expenses, and for a capital purchase related to fire training, funded by various federal grants

Section 5

The Indianapolis Parks Department for the repair and improvement of city pools

Section 6

The Marion County Administrator to pay the remaining balance owed to the state for Juvenile Incarceration

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Section 7

The Marion County Coroner to fund legal settlements and contractual obligations for 2009 and funding for Crime Prevention Grant programs

Section 8

The Office of Finance and Management to fund interest costs associated with Tax Anticipation Warrants

Section 9

The Indianapolis Metropolitan Police Department to expand crime watch programs, funded by a Crime Prevention Grant

Section 10

The Emergency Management Agency for homeland security initiatives, funded by a federal Urban Area Security Initiative (UASI) grant

Section 11

The Director of Public Safety to purchase access to a confidential database used to identify merchandise and/or persons suspected of crimes against property or in crimes against persons in which property was involved, funded by State Law Enforcement funds

Section 12

The Marion County Sheriff's Department for the purchase of bullet proof vests, to enhance training for dealing with sexual offenders, and for overtime for jail deputies to provide security for female inmate educational classes, all funded by federal grants.

Section 13 and 14

Various transfers between characters for numerous agencies and departments

SECTION 2. The sum of Sixteen Million Three Hundred Eighty Four Thousand Six Hundred and Seventeen Dollars (\$16,384,617) be, and the same appropriated for the purposes as shown in sections 3 through 11.

SECTION 3. The following increased appropriation is hereby approved:

<u>PUBLIC DEFENDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	538,754
4. Capital Outlay	0
TOTAL INCREASE	538,754

The said increased appropriation is funded by the following reduction:

	<u>COUNTY GENERAL FUND</u>
Unappropriated, Unencumbered Fund Balance	538,754
TOTAL REDUCTION	538,754

SECTION 4. The following increased appropriation is hereby approved:

<u>INDIANAPOLIS FIRE DEPARTMENT</u>	<u>FIRE CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
1. Personal Services	0
2. Supplies	100,000
3. Other Services and Charges	0
4. Capital Outlay	1,938,000
5. Internal Charges	0
TOTAL INCREASE	2,038,000

<u>INDIANAPOLIS FIRE DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	426,819
5. Internal Charges	0
TOTAL INCREASE	426,819

The said increased appropriation is funded by the following reduction:

	<u>FIRE CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>2,038,000</u>
TOTAL DECREASE	2,038,000

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 4	<u>426,819</u>
TOTAL	426,819

SECTION 5. The following increased appropriation is hereby approved:

<u>PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
1. Personal Services	0
2. Supplies	50,000
3. Other Services and Charges	250,000
4. Capital Outlay	3,200,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	3,500,000

The said increased appropriation is funded by the following reductions:

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>3,500,000</u>
TOTAL REDUCTION	3,500,000

SECTION 6. The following increased appropriation is hereby approved:

<u>COUNTY ADMINISTRATOR</u>	<u>JUVENILE INCARCERATION DEBT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	6,633,299
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	6,633,299

The said increased appropriation is funded by the following reductions:

	<u>JUVENILE INCARCERATION DEBT FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>6,633,299</u>
TOTAL REDUCTION	6,633,299

SECTION 7. The following increased appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	70,335
2. Supplies	0
3. Other Services and Charges	114,665
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	185,000

<u>COUNTY CORONER</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services	2,560
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	2,560

The said increased appropriation is funded by the following reduction:

	<u>COUNTY GENERAL FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>185,000</u>
TOTAL REDUCTION	185,000

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The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>COUNTY GRANTS FUND</u>
New revenues supporting the appropriations in Section 7	2,560
TOTAL	2,560

SECTION 8. The following increased appropriation is hereby approved:

<u>OFFICE OF FINANCE AND MANAGEMENT</u>	<u>CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	85,701
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	85,701

The said increased appropriation is funded by the following reductions:

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated, Unencumbered Fund Balance	85,701
TOTAL REDUCTION	85,701

SECTION 9. The following increased appropriation is hereby approved:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	100,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	100,000

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>IMPD GENERAL FUND</u>
New revenues supporting the appropriations in Section 9	100,000
TOTAL	100,000

SECTION 10. The following increased appropriation is hereby approved:

<u>EMERGENCY MANAGEMENT AGENCY</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	2,750,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	2,750,000

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 10	2,750,000
TOTAL	2,750,000

SECTION 11. The following increased appropriation is hereby approved:

<u>DIRECTOR OF PUBLIC SAFETY - DPS</u>	<u>STATE LAW ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	71,400
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	71,400

The said increased appropriation is funded by the following reductions:

	<u>STATE LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered Fund Balance	71,400
TOTAL DECREASE	71,400

SECTION 12. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	30,502
2. Supplies	7,192
3. Other Services and Charges	15,390
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	53,084

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 10	53,084
TOTAL	53,084

SECTION 12-13. The following increased appropriations are hereby approved:

<u>PUBLIC DEFENDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	321,000
4. Capital Outlay	0
TOTAL INCREASE	321,000

<u>MAYOR'S OFFICE</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	70,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	70,000

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	47,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	47,000

<u>INDIANAPOLIS FIRE DEPARTMENT</u>	<u>FIRE GENERAL FUND</u>
1. Personal Services	1,136,800
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	1,136,800

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	2,400,000 - 3,300,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	-2,400,000 - 3,300,000

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<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	65,000
3. Other Services and Charges	99,220
4. Capital Outlay	259,230
5. Internal Charges	<u>0</u>
TOTAL INCREASE	423,450

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>CUMULATIVE CAPITAL DVLP FUND</u>
1. Personal Services	0
2. Supplies	70,000
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	70,000

<u>COMMUNITY CORRECTIONS</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	195,589
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	195,589

<u>COMMUNITY CORRECTIONS</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	215,769
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	215,769

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	120,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	120,000

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	20,688
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	20,688

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>TRANSPORATION GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	100,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	100,000

<u>PARKS AND RECREATION</u>	<u>PARKS GENERAL FUND</u>
1. Personal Services	0
2. Supplies	85,000
3. Other Services and Charges	400,806
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	485,806

<u>COUNTY PROSECUTOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	50,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	50,000

<u>MARION COUNTY SUPERIOR COURTS</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>191,500</u>
TOTAL INCREASE	191,500

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	70,000
3. Other Services and Charges	260,258
4. Capital Outlay	10,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	340,258

<u>METROPOLITAN EMERGENCY COMM AGENCY</u>	<u>EMERGENCY TELEPHONE SYSTEM FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	75,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	75,000

<u>COUNTY ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	470,000
4. Capital Outlay	<u>30,000</u>
TOTAL INCREASE	500,000

SECTION ~~13~~ 14. The said increased appropriations in Section 12 are funded by the following reductions:

<u>PUBLIC DEFENDER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	295,000
2. Supplies	16,000
3. Other Services and Charges	0
4. Capital Outlay	<u>10,000</u>
TOTAL DECREASE	321,000

<u>MAYOR'S OFFICE</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	1,500
3. Other Services and Charges	67,520
4. Capital Outlay	930
5. Internal Charges	<u>0</u>
TOTAL DECREASE	70,000

<u>OFFICE OF CORPORATION COUNSEL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	47,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	47,000

<u>INDIANAPOLIS FIRE DEPARTMENT</u>	<u>FIRE GENERAL FUND</u>
1. Personal Services	0
2. Supplies	837,000
3. Other Services and Charges	219,800
4. Capital Outlay	80,000
5. Internal Charges	<u>0</u>
TOTAL DECREASE	1,136,800

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<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0 200,000
3. Other Services and Charges	0-250,000
4. Capital Outlay	0
5. Internal Charges	<u>2,100,000-2,850,000</u>
TOTAL DECREASE	<u>2,100,000-3,300,000</u>

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	423,450
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	423,450

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>CUMULATIVE CAPITAL DVLP FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	70,000
5. Internal Charges	<u>0</u>
TOTAL DECREASE	70,000

<u>COMMUNITY CORRECTIONS</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	16,000
3. Other Services and Charges	179,589
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	195,589

<u>COMMUNITY CORRECTIONS</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	215,769
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	215,769

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES FUND</u>
1. Personal Services	120,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	120,000

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	20,688
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	20,688

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>TRANSPORTATION GENERAL</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	100,000
5. Internal Charges	<u>0</u>
TOTAL DECREASE	100,000

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARKS GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	257,806
5. Internal Charges	<u>228,000</u>
TOTAL DECREASE	485,806

<u>COUNTY PROSECUTOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	35,000
3. Other Services and Charges	15,000
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	50,000

<u>MARION COUNTY SUPERIOR COURTS</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	191,500
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	191,500

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	300,258
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>40,000</u>
TOTAL DECREASE	340,258

<u>METROPOLITAN EMERGENCY COMM AGENCY</u>	<u>EMERGENCY TELEPHONE SYSTEM FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>75,000</u>
TOTAL DECREASE	75,000

<u>COUNTY ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	500,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	500,000

SECTION 44-15. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2009 projected ending fund balance for the County General Fund (on a budgetary basis) is approximately \$14,800,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the County Grants Fund (on a budgetary basis) is approximately \$50,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the Juvenile Incarceration Debt Fund (on a budgetary basis) is approximately \$0, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the Fire Cumulative Capital Development Fund (on a budgetary basis) is approximately \$1,534,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the IMPD General Fund (on a budgetary basis) is approximately \$3,850,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the State Law Enforcement Fund (on a budgetary basis) is approximately \$1,654,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the (City) Federal Grants Fund (on a budgetary basis) is approximately \$69,000, which includes the impact of this ordinance.

The 2009 projected ending fund balance for the City Cumulative Capital Development Fund (on a budgetary basis) is approximately \$400,000, which includes the impact of this ordinance.

SECTION ~~14~~-16. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations 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 ~~15~~-17. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 237, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 237, 2009 on July 1, 2009. The proposal received an indecisive vote at the July 20, 2009 Council meeting, and then was amended and returned to committee on August 10, 2009. The proposal then was heard again by the Public Safety and Criminal Justice Committee at a special meeting on August 19, 2009. The proposal, sponsored by Councillor McQuillen, amends the Code to restrict solicitation at intersections. Councillor Vaughn deferred to Councillor McQuillen, who outlined his reasons for introducing the proposal. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended by the full Council.

Councillor Coleman said that he believes that this is sugar-coated class warfare and he does not support it.

Councillor Brown stated that Councillor McQuillen testified that he did not speak to any poor people or panhandlers and asked if he has since spoken to any panhandlers. Councillor McQuillen said that a panhandler did attend the meeting and he did speak with him and with several others. Councillor Brown asked how many of the panhandling arrests were for blocking an intersection and which were aggressive. Councillor McQuillen said that he does not have that information. Councillor Brown asked Councillor Plowman or Councillor Hunter if they have issued any panhandling tickets. Councillor Plowman stated that his duties do not include patrolling that, and he sent statistics to Councillors Brown and Oliver at their request after the last meeting. Councillor Hunter said that his duties when he worked for IMPD were mostly administrative and he did not write any panhandling violations, but blocking an intersection is an arrest offense, not a ticketing offense. He said that he has made misdemeanor arrests for blocking an intersection.

Councillor Mansfield said that it is already illegal to solicit in the intersection and streets. She said that it is clear even some in the media have not read the current ordinance in place. She said that this proposal is begging the city to lose money on lawsuits. She said it is fiscally irresponsible and will affect church youth groups, sign holders and advertisers negatively. Enforcement should be focused on the existing ordinance, and passing this will simply waste valuable resources.

Councillor Plowman said that there was a law enforcement official at the Public Safety and Criminal Justice Committee hearing. He asked what his testimony was. Councillor McQuillen said that Commander David Pierce expressed concerns about dollars given to professional panhandlers going toward drugs and alcohol and he was in favor of the proposal as a tool for public safety.

Councillor Moriarty Adams said that she spoke with Chief Spears and Sargeant Hipple, and there were only 63 arrests for panhandling in the downtown area, and the outlying four districts had no statistics. She said that the new ordinance will give citizens a false sense of security, as past performance for issuing tickets for panhandling has not been a priority, and their priorities make sense. She said that enforcement statistics should bear out the need for this new ordinance.

Councillor McQuillen said that the 63 arrests only represent the downtown area, and many of his constituents work downtown. However, panhandling is a problem across the county, and there were 300 citations county-wide.

Councillor Nytes said that an employee at a pizza establishment is already prohibited from standing in the street with a sign to advertise specials. However, a measuring tape would now be needed to see if they are legal or not. She said it would also prevent the Right-To-Life marches. She said that giving money to panhandlers is not helpful and simply encourages the problem, but this ordinance seems counter-productive.

Councillor Sanders said that the 300 citations were not necessarily panhandling incidents but were simply intersection violations.

Councillor B. Mahern said that citizens should not surrender more of their rights simply because those who have enforcement tools have not used them to their fullest. He said that he has not seen statistics that warrant those tools being widened. He said that rights should not be forfeited in order to provide easier enforcement.

Councillor Bateman said that this is not about panhandling but is a violation of rights. He said that this will simply encourage lawsuits.

Councillor Vaughn said that all 300 arrests to which Councillor McQuillen referred were actual panhandling arrests in the last 18 months. He said that stating that they are not enforcing current laws makes no sense on the face of 300 arrests. He said that this proposal gives officers a tool to handle these issues quickly and move on to more serious crimes.

Councillor Hunter stated that it takes more effort to watch for traffic blocking than to handle other crimes, and several appellate cases have upheld similar legislation in New York.

Councillor Oliver said that stopping cars 50 feet away from an intersection will cause more problems. He said that he has received many calls and comments from his constituents, which are predominantly black men, and the unintended consequences will be to discriminate and promote selective enforcement.

Councillor Sanders moved, seconded by Councillor Gray, to call for the question. The question was called by a voice vote.

Councillor Vaughn moved, seconded by Councillor McQuillen, for adoption. Proposal No. 237, 2009, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Cain, Cardwell, Cockrum, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn  
13 NAYS: Bateman, Brown, Coleman, Evans, Gray, Lewis, Mahern (B), Mahern (D), Mansfield, Moriarty Adams, Nytes, Oliver, Sanders  
1 ABSENT: Minton-McNeill

Proposal No. 237, 2009 was retitled GENERAL ORDINANCE NO. 85, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to restrict solicitation at intersections.

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

SECTION 1. Sections 431-702 and 431-703 of the "Revised Code of the Consolidated City and County," regarding prohibited activities in roadways and interference with vehicular traffic, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 431-702. Prohibited activity ~~in~~ around roadways.**

It shall be unlawful for a pedestrian to sit, stand or move within or upon a roadway, or a median between two (2) roadways, or within the public right-of-way not exceeding fifty (50) feet from the traveled portion of any intersection controlled by an automatic traffic signal or stop sign, for the purpose of or while engaged in (by oral or written methods):

- (1) Soliciting, or peddling, selling, advertising, donating, or distributing any product, property, or service, including but not limited to tickets, handbills, newspapers, or other printed material, to or from an occupant of a vehicle in the roadway; or,
- (2) Conversation or discourse with an occupant of a vehicle in the roadway.

**Sec. 431-703. Interference with vehicular traffic.**

It shall be unlawful for a person (by oral or written methods) to solicit, or to peddle, sell, advertise, donate, or distribute any product, property, or service, including but not limited to tickets, handbills, newspapers, or other printed material, to an occupant of a vehicle ~~within or upon a roadway, or to engage in conversation or discourse with an occupant of a vehicle within or upon a roadway, or to engage in~~ conversation or discourse with an occupant of a vehicle within or upon a roadway or a median between two (2) roadways, or within the public right-of-way not exceeding fifty (50) feet from the traveled portion of any intersection controlled by an automatic traffic signal or stop sign, so as to:

- (1) Endanger the safety or welfare of an occupant of a vehicle within or upon a roadway, or a pedestrian on within the immediate vicinity;
- (2) Impede the free flow of vehicular traffic on the roadway; or,
- (3) Obstruct or distract the view of the driver of any such vehicle within or upon a roadway.

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 full force and effect from and after adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 292, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 292, 2009 on August 11 and 18, 2009. The proposal, sponsored by Councillors Lutz, Mansfield and McQuillen, amends the Code to reduce the salaries for elected township assessors whose responsibilities were transferred to the county assessor as a result of HEA 1001, 2008 and the 2008 referendum. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders called for a point of order and said that she believes this proposal is not properly before this body. She said that although the agenda reports the first action by the Committee as indecisive, it was actually decisive. In order for it to pass out of committee, it must pass with a majority vote. She said that the minutes clearly stated that the motion failed by lack of majority. She added that an indecisive vote is only relative to a vote on the floor by the full Council and it is against the Council Rules to have this item on the agenda this evening. President Cockrum asked General Counsel Robert Elrod for an opinion on Councillor Sanders' point of order. Mr. Elrod stated that a motion was made to send it to the Council with a "do pass" recommendation. That motion failed, but the item remains pending before the committee and it is not in violation of the Rules to then make any other motion on that item. He said that the item stays in Pending until a definitive recommendation comes out of the committee.

Councillor Pfisterer said that this matter was heard previously. Councillor Sanders called for a point of order and stated that this is not the same proposal and is a new proposal. Councillor Pfisterer said that this is correct, but that the issue is the same as a previous proposal, and this proposal will save the city and county \$38,000. She said that township assessors have had a year to find work and are not providing any service to citizens, and the law allows the city to pay them at their 1980 salaries.

Councillor Mansfield stated that in her opinion, the referendum settled this matter by voting the township assessors out of office. She said that as far as she is concerned, this is simply ghost employment, and Marion County is unfortunately different than other counties who were able to zero out these salaries. She said that given the budget restraints, they need to be fiscally responsible with taxpayer dollars and not pay any more than they are legally required to pay.

Councillor Lutz said that this is not meant to be a reflection on the job the township assessors have done, but these individuals have not been in those positions for almost a year now, and this is simply the Council doing its job of annually adjusting elected officials' salaries. He said that the legal logic says that if a person is not doing the work, they should not be paid. He said that it is taxpayer money, and they ought to get something for it. He said he feels the citizens spoke loudly through the referendum to eliminate the positions, and it seems the only reason the Council is fighting over this matter is because some of these individuals are political insiders.

Councillor Hunter said that it is unfortunate that this is not a unanimous issue, as the voters have spoken. He agrees that the amount should instead be zero, and although these are good people, the Council is charged with being good stewards of the taxpayers' money, no matter how painful.

Councillor Bateman said that state law requires that the assessors receive payment, and he is taken aback that the Council would give the CIB all that money, yet try to save \$38,000 by taking money from people who were elected to fulfill a four-year term.

Councillor Nytes said that she takes offense to the remark that there is dissent over this issue because individuals are political insiders. She said that the voters did speak, and every other county actually were allowed to eliminate these salaries altogether. She said that she felt what was decided last year with regard to these salaries was fair and consistent, and the 1980 salaries do not relate to the work that has been done in the last few years. She said that they are being asked by the State Legislature to condone ghost employment, and they need to treat all of these individuals the same.

Councillor Malone said that she supports the proposal and said that last year her intent was for fairness, compromise and equity, but this year is a different story. She said that these individuals have had a year to find other employment, which many of them have, and it is time to pay only what is required, no more and no less.

Councillor Vaughn said that he is appalled they are having this discussion, when no non-union city or county employees will be receiving raises, yet they are contemplating paying people more than the law requires who were essentially fired for not performing their job to standards.

Councillor Pfisterer said that the least amount paid to an individual would be \$19,500 in addition to benefits, and this is a more than fair compensation for not providing any service to the public.

Councillor Lewis asked if the \$38,000 in savings will go back to the Assessor's budget. President Cockrum said that it will be savings in the general fund balance. Councillor Lutz said that this is for 2010 and will not affect the 2009 salaries they are currently being paid. He said that the reason for acting on this proposal now is so that they can re-direct those funds during the budget process where they are needed. He added that the actual amount of savings is \$36,980, and is not much when they consider the fact that there are some employees working 40-hour weeks who do not even make the federal poverty level.

Councillor Scales said that the assumption seems to be that these assessors are not work and need these funds to survive, but most of them have found new positions, and this money is in addition to new salaries. She said that it seems silly to squabble over this small amount after hearing about Parks Department cuts.

Councillor Oliver said that he opposes the proposal and for consistency sake, if the CIB can receive more money in their coffers when they are not showing up to work, then the assessors need to be given the same lee-way.

Councillor Sanders asked for consent to abstain from voting on this proposal because of her objection to the item not being properly before this body on the agenda. Consent was given.

Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal No. 292, 2009 was adopted on the following roll call vote; viz:

*17 YEAS: Cain, Cardwell, Cockrum, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Nytes, Pfisterer, Scales, Smith, Vaughn*  
*10 NAYS: Bateman, Brown, Coleman, Evans, Gray, Lewis, Moriarty Adams, Oliver, Plowman, Speedy*  
*1 NOT VOTING: Sanders*  
*1 ABSENT: Minton-McNeill*

Proposal No. 292, 2009 was retitled GENERAL ORDINANCE NO. 86, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 2009

A GENERAL ORDINANCE amending the Code by reducing the salaries for elected township assessors whose responsibilities were transferred to the county assessor as a result of H.E.A. 1001, 2008.

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

SECTION 1. Section 192-103 of the "Revised Code of the Consolidated City and County" regarding compensation of county elected officers is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year ~~2009~~ 2010 and thereafter until modified in accordance with Article III of this Chapter, as:

Effective January 1, ~~2009~~ 2010, the annual compensation of the elected county officers for the calendar year ~~2009~~ 2010 and thereafter until modified shall be as follows:

- (a) An annual salary of:
  - (1) County assessor . . . \$65,278.00
  - (2) County auditor . . . 70,833.00
  - (3) County clerk . . . 70,833.00
  - (4) County coroner . . . 35,649.00
  - (5) County recorder . . . 65,278.00
  - (6) County surveyor . . . 53,488.00
  - (7) County treasurer . . . 70,833.00
  - (8) Center Township assessor . . . 27,500.00
  - (9) Decatur Township assessor . . . ~~27,500.00~~ 19,470.00
  - (10) Franklin Township assessor . . . ~~27,500.00~~ 19,470.00
  - (11) Lawrence Township assessor . . . ~~27,500.00~~ 23,364.00
  - (12) Perry Township assessor . . . ~~27,500.00~~ 23,364.00
  - (13) Pike Township assessor . . . ~~27,500.00~~ 19,470.00
  - (14) Warren Township assessor . . . ~~27,500.00~~ 25,960.00
  - (15) Washington Township assessor . . . ~~27,500.00~~ 25,960.00
  - (16) Wayne Township assessor . . . ~~27,500.00~~ 25,960.00

b) The county assessor, the county auditor, the county clerk, the county coroner, the county recorder, the county surveyor, and the county treasurer shall receive a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.

(c) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.

(d) Effective for the 2002 calendar year and thereafter until modified, the following amounts are provided, which are in addition to and not part of the officer's annual salary:

(1) The county assessor and each township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of one thousand dollars (\$1,000.00).

(2) A deputy county assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of five hundred dollars (\$500.00).

(e) The salary for the county sheriff shall be fifty-two thousand three hundred thirty-eight dollars (\$52,338.00), which shall be increased to one hundred two thousand three hundred thirty-eight dollars (\$102,338.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5

(f) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

SECTION 2. This ordinance shall be in full force and effect beginning January 1, 2010 after adoption and compliance with IC 36-3-4-14.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 295-302, 2009 on August 20, 2009. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 295, 2009. The proposal, sponsored by Councillor Plowman, authorizes a 25 mile per hour speed limit on Buck Rill Drive at Arlington Avenue (District 25). PROPOSAL NO. 296, 2009. The proposal, sponsored by Councillors Hunter and Gray, authorizes a 25 mile per hour speed limit in the Butler University neighborhood (District 8). PROPOSAL NO. 297, 2009. The proposal, sponsored by B. Councillor Mahern, authorizes a multi-way stop at the intersection of Gray Street and Newton Avenue (District 16). PROPOSAL NO. 298, 2009. The proposal, sponsored by Councillor B. Mahern, authorizes a multi-way stop at the intersection of Newton Avenue and Parker Avenue (District 16). PROPOSAL NO. 299, 2009. The proposal, sponsored by Councillor Cardwell, authorizes a multi-way stop at the intersection of Meadowridge Trail and Royal Meadow Drive (District 23). PROPOSAL NO. 300, 2009. The proposal, sponsored by Councillor Cain, authorizes a traffic signal at the intersection of Drury Inn Drive, Hilton Drive and Shadeland Avenue (District 5). PROPOSAL NO. 301, 2009. The proposal, sponsored by Councillor Gray, authorizes a change in parking restrictions on Hampton Drive in the vicinity of Clarendon Road (District 8). PROPOSAL NO. 302, 2009. The proposal, sponsored by Councillor Hunter, approves a request of the Department of Public Works to purchase certain land on Guion Road acquired for construction of a public works project. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal Nos. 295-302, 2009 were adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*0 NAYS:*  
*2 NOT VOTING: Brown, Pfisterer*  
*1 ABSENT: Minton-McNeill*

Proposal No. 295, 2009 was retitled GENERAL ORDINANCE NO. 87, 2009, and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 87, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

25 MILES PER HOUR

Buck Rill Drive, from Arlington Avenue to a point 1,200 feet west of Arlington Avenue

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

Proposal No. 296, 2009 was retitled GENERAL ORDINANCE NO. 88, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

25 MILES PER HOUR

Forty-Ninth Street, from Sunset Avenue to Boulevard Place

Hampton Drive, from Haughey Avenue to Sunset Avenue

Haughey Avenue, from Forty-Second Street to Hampton Drive

Sunset Avenue, from Hampton Drive to Forty-Ninth Street

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

Proposal No. 297, 2009 was retitled GENERAL ORDINANCE NO. 89, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 2009

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

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

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

August 31, 2009

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Gray St Newton Ave	Newton Ave	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Gray St Newton Ave	None	All-Way Stop

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

Proposal No. 298, 2009 was retitled GENERAL ORDINANCE NO. 90, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 2009

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Newton Ave Parker Ave	Newton Ave	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Newton Ave Parker Ave	None	All-Way Stop

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

Proposal No. 299, 2009 was retitled GENERAL ORDINANCE NO. 91, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2009

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Meadowridge Trl Royal Meadow Dr	Meadowridge Trl	Stop

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

*Journal of the City-County Council*

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Meadowridge Trl Royal Meadow Dr	None	All-Way Stop

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

Proposal No. 300, 2009 was retitled GENERAL ORDINANCE NO. 92, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 2009

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6	Hilton Dr Shadeland Ave	Shadeland Ave	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6	Drury Inn Dr Hilton Dr Shadeland Ave	None	Signal

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

Proposal No. 301, 2009 was retitled GENERAL ORDINANCE NO. 93, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2009

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

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

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

Hampton Drive, on the north side, from Clarendon Road to Sunset Avenue

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

Hampton Drive, on the north side, from Clarendon Road to a point 100 feet east of Clarendon Road

Hampton Drive, on the north side, from a point 142 feet west of Sunset Avenue to Sunset Avenue

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

Proposal No. 302, 2009 was retitled GENERAL RESOLUTION NO. 21, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 21, 2009

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County-Council of the City of Indianapolis and Marion County, Indiana (“City-County Council”) is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase an interest in land through a temporary work area easement upon a particular parcel of real estate located in Marion County, commonly known as 4314 - 4320 Guion Road, Parcel Number 6001053, which acquisition is more particularly depicted by Exhibits “A1” and “A2”, all of which are attached hereto and incorporated herein (“temporary work area easement”); and

WHEREAS, the project for which the temporary work area easement is being obtained is the Indianapolis North Flood Damage Reduction Project under Project Number LD-11-084; and

WHEREAS, the City-County Council, having considered the acquisition of the temporary work area easement and being duly advised, finds that the City-County Council has an interest in acquiring the temporary work area easement; now, therefore:

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

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the temporary work area easement depicted in Exhibits “A1” and “A2” (copies of which are attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by James B. Warrum, through a Quitclaim Deed recorded in the office of the Marion County Recorder on July 28, 2004, as Instrument Number 2004-0147660 and an Amended Order on Final Account of Executor, Decree of Final Distribution, and Closing Estate recorded in the office of the Marion County Recorder on November 1, 1993, as Instrument Number 1993-0162552.

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

PROPOSAL NO. 312, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 312, 2009 on August 12, 2009. The proposal, sponsored by Councillor Vaughn, elects to fund the Metropolitan Emergency Communications Agency (MECA) in 2010 with County Option Income Tax (COIT) revenues. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 312, 2009 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Brown

1 ABSENT: Minton-McNeill

Proposal No. 312, 2009 was retitled SPECIAL ORDINANCE NO. 5, 2009, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2009

A SPECIAL ORDINANCE electing to fund MECA in 2010 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the city-county council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 2010, the city-county council, prior to September 1, 2009, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

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

SECTION 1. The city-county council hereby elects to fund the operation of the District through MECA in 2010 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is as follows:

For MECA Operations	\$2,718,439
Reimburse Sheriff's Dept for emergency dispatch operations	<u>\$7,181,561</u>
TOTAL	<b>\$9,900,000</b>

SECTION 3. Upon adoption, the clerk of the council shall immediately forward a copy of this ordinance to the county auditor.

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

PROPOSAL NO. 323, 2009. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 323, 2009 on August 17, 2009. The proposal, sponsored by Councillor Lutz, approves the statement of benefits of Rexnord Industries, LLC to allow tax abatements for property located in an Economic Revitalization Area. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked where this property is located. Councillor Lutz said that it is located in his district.

Councillor Smith moved, seconded by Councillor Lutz, for adoption. Proposal No. 323, 2009 was adopted on the following roll call vote; viz:

26 YEAS: *Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
1 NAY: *Hunter*  
1 NOT VOTING: *Brown*  
1 ABSENT: *Minton-McNeill*

Proposal No. 323, 2009 was retitled GENERAL RESOLUTION NO. 22, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 22, 2009

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Rexnord Industries, LLC (hereinafter referred to as "Applicant") which is an applicant for tax abatement for property located in an allocation area as defined by IC § 36-7-15.1-26.

WHEREAS, IC § 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC § 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC § 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC § 6-1.1-12.1-2(l) (as amended, effective July 1, 2008), a statement of benefits for property located within an allocation area, as defined by IC § 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a Statement of Benefits to the MDC as part of their application for Economic Revitalization Area designation for property where the Applicant's Project will occur located at 7601 Rockville Road, Indianapolis, Indiana, which is within the Airport Economic Development Area Allocation Area, an allocation area, as defined by IC § 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC § 6-1.1-12.1; now, therefore:

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

SECTION 1. The Council hereby approves the Statement of Benefits which was submitted to the MDC as part of the application for Economic Revitalization Area designation, by Rexnord Industries, LLC.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 344, 2009. The proposal, sponsored by Councillors Moriarty Adams and Hunter, approves the first and second amendments to the agreement for the operation and maintenance of the advanced wastewater treatment facilities and wastewater and stormwater collection facilities between the Department of Public Works and White River Environmental Partnership (d/b/a United Water Services Indiana).

Councillor Hunter said that this was heard by the Public Works board and they have asked the Council to hear this tonight in order to start saving monthly almost \$50,000 to \$60,000. He said that that this authorizes United Water to own and lease the vehicles per the 2007 agreement.

Councillor Sanders asked why the Council just received this information on their desks this evening, when it was first proposed in September of 2008 and signed in February of this year. She said that they have had six to eight months to provide detailed information, yet the Council is given ten minutes to digest this information and make a decision. Councillor Hunter said that he was originally approached in April, and the delay continues to cost the city. He said that the

board has acted and all of those hearing are public meetings and are aired with appointees who act on the Council's behalf. Councillor Sanders said that someone's lack of preparation does not constitute an emergency on her part and this is inappropriate, and she feels it should go through the proper vetting process of the committee. Councillor Hunter said that he is not totally in disagreement of Councillor Sanders' concerns and he asked Council Liaison, Jeff Roeder, Department of Public Works (DPW) to explain why this matter is so time sensitive. Mr. Roeder said that he takes full responsibility and should have given the Council more time. He said that if it were not such a substantial savings, he would not have a problem letting it go through the normal committee process. He said that the cost they are seeing is two-fold: vehicles not being replaced in a sufficient manner and the lack of proper vehicles causing them to not meet quotas and goals. He said that they want to fix this problem tonight. He said they should have come to the Council sooner, but there was quite a bit of discussion as to whether or not this needed to come before the Council, and the Controller's Office felt that a cost analysis was needed, but then DPW ran into a legal hurdle where it was not allowable for them to purchase vehicles, and all of these factors caused delays. He apologized and asked the Council to support the measure this one time tonight in order to save taxpayers another \$50,000.

Councillor Brown said that the Council argued for 20 minutes this evening about saving \$36,000, yet wasted \$50,000 a month for six months. He said that he will support the proposal, since \$350,000 has already been wasted and he would like to stop that waste.

Councillor D. Mahern said that he will support the proposal, even though he shares some of the same concerns. He said that he trusts Mr. Roeder and the chairman that this is the best thing to do, and he said that if this happens again, however, he will probably not support it

Councillor Coleman moved, seconded by Councillor Bateman, to return the proposal to committee.

Councillor Vaughn asked for consent to abstain. He said that he is not sure that he has a conflict, as he did not know this would be on the agenda for action and did not have time to check, but in case he does have a conflict with his employment, he would prefer to abstain. Consent was given.

The motion to return to committee failed on the following roll call vote; viz:

*9 YEAS: Coleman, Evans, Gray, Lewis, Mahern (B), Mahern (D), Nytes, Oliver, Sanders  
18 NAYS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Hunter, Lutz, Malone, Mansfield,  
McHenry, McQuillen, Moriarty Adams, Pfisterer, Plowman, Scales, Smith, Speedy  
1 NOT VOTING: Vaughn  
1 ABSENT: Minton-McNeill*

Councillor Gray asked why it took City Legal six months to decide if this was a good or bad move. Mr. Roeder said that he will take responsibility for the delay, but there were many delays through DPW, the Controller's Office and City Legal.

Councillor Plowman said that in the past seven years, there have been many items passed through in a rush due to timing issues under the administration of both parties, and he feels the Council should just adjust to do the best thing for the taxpayers.

Councillor B. Mahern said that it is unfortunate that they have not been considering this issue for the last six months, and he will oppose the proposal because the process needs to be preserved.

He said that Councillor Vaughn does not even know if a conflict exists for him because of this quick passage, and convenience is not something he considers relevant.

Councillor Nytes said that she hopes present discussion with the Advanced Wastewater Treatment facilities and the Water Company are looking for efficiencies and contract changes. She said that these are vital public services and these should be brought to the Council for careful and public discussions through the committee process. She said that she is uncomfortable moving quickly through high-level decisions, and this is a wake-up call that if the Council is to be responsible for voting on contracts, then they should be party to them from the beginning and hopes they will not have similar issues with other modifications.

Councillor Hunter moved, seconded by Councillor Mansfield, for adoption. Proposal No. 344, 2009 was adopted on the following roll call vote; viz:

*19 YEAS: Brown, Cain, Cardwell, Cockrum, Day, Hunter, Lutz, Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Plowman, Scales, Smith, Speedy*  
*8 NAYS: Bateman, Coleman, Evans, Gray, Lewis, Mahern (B), Oliver, Sanders*  
*1 NOT VOTING: Vaughn*  
*1 ABSENT: Minton-McNeill*

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders said that she is not opposed to saving the taxpayer money, but since she abstained on the last vote because of the process, she has the same concerns regarding the deterioration of their own rules and process. She said that they need time and opportunity to review large items like this to make good decisions.

Proposal No. 344, 2009 was retitled GENERAL RESOLUTION NO. 23, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 23, 2009

PROPOSAL FOR A GENERAL RESOLUTION approving the First and Second Amendments to the Agreement for the Operation and Maintenance of the Advanced Wastewater Treatment Facilities and Wastewater and Stormwater Collection Facilities between the Department of Public Works ("Department") and White River Environmental Partnership d/b/a United Water Services Indiana ("United Water").

WHEREAS, on September 17, 2007, the City-County Council approved the Agreement for the Operation and Maintenance of the Advanced Wastewater Treatment Facilities and Wastewater and Stormwater Collection System between the Department of Public Works and White River Environmental Partnership d/b/a United Water Services Indiana (the "Agreement"); and

WHEREAS, the Department and United Water wish to reduce the Department's cost by amending the insurance and security requirements of the Agreement while still providing the City with sufficient insurance and security for the services under the Agreement; and

WHEREAS, the Board of Public Works ("Board"), on December 9, 2008, approved the First Amendment to the Agreement regarding the changes in the insurance and security requirements of the Agreement; and

WHEREAS, the Department and United Water wish to authorize United Water to administer the vehicle replacement program under the Agreement by purchasing or leasing replacement vehicles and owning the purchased or leased replacement vehicles during the term of the Agreement; and

WHEREAS, the Board, on February 11, 2009, approved the Second Amendment to the Agreement authorizing United Water to purchase and/or lease and to own replacement vehicles during the term of the Agreement; and

WHEREAS, the Board respectfully recommends that the City-County Council approve these First and Second Amendments to the Agreement; 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 hereby approves the First and Second Amendments to the Agreement for the Operation and Maintenance of the Advanced Wastewater Treatment Facilities and Wastewater and Stormwater Collection Facilities.

SECTION 2. The City-County Council hereby authorizes the Department of Public Works to take any and all action necessary to execute the First and Second Amendments to the Agreement and ratifies, confirms and approves any and all actions taken by the Department and the Board of Public Works to finalize and execute the First and Second Amendments to the Agreement.

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

**NEW BUSINESS**

Councillor Oliver thanked the Council for remembering him and his family at the recent passing of his brother.

**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 Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Sgt. Howard C. Oliver; and
- (2) Councillor Cain in memory of Margaret Ramey Kinnear and Dr. Marilyn Kay "Jake" Jacobsen; and
- (3) Councillor Gray and Malone in memory of John W. Brooks; and
- (4) Councillor Gray in memory of Rev. T. L. Hines, Jr. and Barbara Louise Broadus Shanklin; and
- (5) Councillor Cardwell in memory of Jonathan E. Byrd.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Sgt. Howard C. Oliver, Margaret Ramey Kinnear, Dr. Marilyn Kay "Jake" Jacobsen, John W. Brooks, Rev. T. L. Hines, Jr., Barbara Louise Broadus Shanklin, and Jonathan E. Byrd. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:34 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 31st day of August, 2009.

*August 31, 2009*

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

President

ATTEST:

Clerk of the Council

(SEAL)