

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

**REGULAR MEETINGS
MONDAY, MARCH 23, 2009**

The City-County Council of Indianapolis, Marion County, Indiana, the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council, Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, March 23, 2009, with Councillor Cockrum presiding.

Councillor Cain invited everyone to a National Day of Prayer celebration at the City Market on May 7, 2009. She then led the opening prayer, 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gray recognized longtime friend Ronald Crowe. Councillor Cardwell recognized civic-minded students from Perry Meridian High School: Ian Roehling, Michael Carper and Tyler Scanlan. Councillor McHenry recognized Wayne Township resident Andy Harris and his daughter Alexis. Councillor McQuillen stated that he would like to say hello to Holly Ellis's 1st grade class at the Imagine Indiana Life Sciences Academy. Councillor Oliver recognized Larry McIntyre, a hall of fame member of the 1959 Crispus Attucks Championship Team. Councillor Brown recognized eastside resident Charles Staples. Councillor Gray recognized April Silsy. Councillor Lutz recognized the Cardinal Ritter High School football team. Councillor McNeill recognized the principal of Crispus Attucks Middle School, Robert Faulkens.

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, March 23, 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

March 6, 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* and in the *Indianapolis Star* on Friday, March 13, 2009, a copy of a Notice of Public Hearing on Proposal No. 85, 2009, said hearing to be held on Monday, March 23, 2009, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

March 13, 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. 20, 2009 – authorizes intersection controls in the Branch Creek at the Pike subdivision (District 1)

GENERAL ORDINANCE NO. 21, 2009 – authorizes intersection controls in the Grey Fox Woods subdivision, sections two and three (District 25)

GENERAL ORDINANCE NO. 22, 2009 – authorizes a traffic signal at the intersection of Arlington Avenue, Graham Road, and County Line Road (District 25)

GENERAL ORDINANCE NO. 23, 2009 – authorizes intersection controls in the Raymond Park Village subdivision (District 21)

GENERAL ORDINANCE NO. 24, 2009 – authorizes intersection controls in the Arbors on Bluff subdivision (District 22)

SPECIAL RESOLUTION NO. 8, 2009 - recognizes the Eiteljorg Museum of American Indians Western Art for 20 years of service to the Indianapolis Metropolitan community

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 2, 2009. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 109, 2009. The proposal, sponsored by Councillor Moriarty Adams, recognizes George "Fred" Thompson. Councillor Moriarty Adams stated that she will present this resolution to the family at a later date. She moved, seconded by Councillor Nytes, for adoption. Proposal No. 109, 2009 was adopted by a unanimous voice vote.

Proposal No. 109, 2009 was retitled SPECIAL RESOLUTION NO. 9, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2009

A SPECIAL RESOLUTION recognizing George "Fred" Thompson.

WHEREAS, Fred Thompson was born on December 14, 1922 to Alva B. And Elsie M. Thompson; and

WHEREAS, Mr. Thompson was a devoted husband to Ailene J. (Ray) Thompson, a loving father to children: Stephen, Robert, and Joseph, and a caring grandfather to four grandchildren and two great grandchildren; and

WHEREAS, Fred Thompson was a Motorcycle Police Officer with the Indianapolis Police Department from 1945 to 1965, and worked for Western Electric from 1966 to 1986; and

WHEREAS, Mr. Thompson was a lifetime member of the Retired Police Officers Association, as well as a member of the Warren Township Board for 18 years, the Telephone Pioneers of America, the Fraternal Order of Police (FOP), and American Legion Post #56; and

WHEREAS, Fred Thompson was a very proud Eagle Scout, served as a Major in the United States Army Reserve, served on various boards and was active in the community; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes Fred Thompson for his service to Marion County and the City of Indianapolis.

SECTION 2. The Council celebrates the life of George "Fred" Thompson.

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. 110, 2009. The proposal, sponsored by Councillor Evans, recognizes Michael Jefferson, II. Councillor Evans read the proposal and presented Mr. Jefferson with a copy of the document and a Council pin. Mr. Jefferson thanked the Council for the recognition and stated

that he believes there is a bright future in store for the city. Councillor Evans moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 110, 2009 was adopted by a unanimous voice vote.

Proposal No. 110, 2009 was retitled SPECIAL RESOLUTION NO. 10, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2009

A SPECIAL RESOLUTION recognizing Michael Jefferson, II.

WHEREAS, Michael Jefferson is a Senior at Pike High School and Co-President of the Pike High School Black History Club; and

WHEREAS, Michael is an International Baccalaureate Student with a 3.3 GPA and a Senior Member of the Mayor's Youth Council; and

WHEREAS, Michael has achieved many accomplishments, including but not limited to: National Achievement Scholar Semifinalist; AP Scholar; Indiana Black Expo Youth Events Committee Member; Good Citizen, Daughter's of the American Revolution; Student Participant Leader, Greater Indianapolis NAACP branch of the ACT-SO Program; Intercessory Prayer Team Member, New Life Worship Center; and Former Cadet Teacher; and

WHEREAS, among all his accomplishments, Michael is also a proud big brother of three younger sisters, and has amassed approximately \$400,000 in institutional scholarships to the following institutions: Florida A&M University, Jackson State University, North Carolina Central University, Alabama State University, and Hampton University; 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 Michael Jefferson, II for his contributions in so many areas and achieving such great accomplishments.

SECTION 2. The Council wishes continued success to Michael and encourages him 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. 111, 2009. The proposal, sponsored by Councillors Oliver, Gray, Bateman, Lewis, B. Mahern, Minton-McNeill, Nytes, recognizes the members and 50th Anniversary of the 1959 Crispus Attucks Tigers State Basketball Championship team. Councillor Oliver read the proposal and presented representatives with copies of the document and Council pins. Former Player Larry McIntyre and Magnet School Principal Faulkens thanked the Council for the recognition. Councillor Oliver moved, seconded by Councillor Bateman, for adoption. Proposal No. 111, 2009 was adopted by a unanimous voice vote.

Proposal No. 111, 2009 was retitled SPECIAL RESOLUTION NO. 11, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2009

A SPECIAL RESOLUTION recognizing the members and 50th Anniversary of the 1959 Crispus Attucks Tigers State Basketball Championship team.

WHEREAS, the 1959 Crispus Attucks Tigers ended their regular season with 26 wins and five losses and qualified as the tallest team in the state with seven players over six feet tall; and

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WHEREAS, the members of the team included; Detroit Spencer, Larry McIntyre, Donald Swift, Walter Smith, Lawrence Moore, Jerry Hazelwood, Claude Williams, Tommy Harris, George Dixon, Bill Jones, Larry Young, *James Gholston, *Jerry Trice, *Eddie Dalton, and *Bobby Edmonds, along with student managers William Gee and *Walter Dulin. The team was headed by Coach *Bill Garrett and Assistant Coach Don Thomas; and

WHEREAS, two of the team's players, seniors Larry McIntyre and Jerry Hazelwood, were among the top scorers in the city; and

WHEREAS, the Tigers provided fans with many thrills during the season with some very close games as the Shortridge Blue Devils beat them twice in regular play. However, the Tigers' self-confidence was boosted when they beat East Chicago Washington by one point; and

WHEREAS, as the team's confidence grew, they beat their arch rival Tech High School, one of the strongest teams in the city, 52-44; 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 is pleased to honor and recognize the members of the 1959 Crispus Attucks Championship team.

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

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

PROPOSAL NO. 112, 2009. The proposal, sponsored by Councillor Lutz, recognizes the Cardinal Ritter High School football team for winning the 2008 - 2009 Class "A" High School Football Championship. Councillor Lutz read the proposal and presented representatives with copies of the document and Council pins. Head Coach Ty Hunt thanked the Council for the recognition. Councillor Lutz moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 112, 2009 was adopted by a unanimous voice vote.

Proposal No. 112, 2009 was retitled SPECIAL RESOLUTION NO. 12, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2009

A SPECIAL RESOLUTION recognizing the Cardinal Ritter High School football team for winning the 2008 - 2009 Class "A" High School Football Championship.

WHEREAS, the Cardinal Ritter football team completed an undefeated regular season for the first time in the school's history, winning their final game before sectional play against Heritage Christian 28-21; and

WHEREAS, the Cardinal Ritter Raiders faced off against South Decatur in the sectional championship and moved on to face two 1,000 yard rushers from Lapel High School in the regionals; and

WHEREAS, the Raiders made an unbelievable comeback in the Semi-State Championship by defeating Linton-Stockton and advanced toward the first ever IHSAA Championships held at Lucas Oil Stadium on November 28, 2008; and

WHEREAS, in an intense effort put forth by both teams in the IHSAA Class "A" Championship, the Raiders took a lead over Sheridan High School scoring touchdowns within an average drive of less than two minutes, led by their Quarter Back Ross Hendrickson, and prevailing with onside kicks and play action reverse passes from the special teams; and

WHEREAS, in the fourth quarter of the championship game, the two teams were tied at 27-27, and the defense team caused two fumbles that helped set up the game winning drive; and

WHEREAS, additionally, the Cardinal Ritter Raiders set a new Indiana state receiving record with player Tyrone Walker setting the mark at 1,834 yards; 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 Cardinal Ritter High School, the coaching staff, and the student athletes for showing tremendous desire and dedication throughout the 2008-2009 season.

SECTION 2. The Council congratulates Head Coach Ty Hunt and the entire team, including all players, managers and coaches, on a first-time undefeated season and for winning the IHSAA Class "A" Championship.

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. 87, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 87, 2009 on March 10, 2009. The proposal, sponsored by Councillors Sanders, Brown, Oliver, Moriarty Adams, Minton McNeill, Evans, Nytes, Lewis, Gray, Mansfield and Plowman, regards the spending of Federal Economic Recovery Funds. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Lutz moved, seconded by Councillor Cain, for adoption. Proposal No. 87, 2009, as amended, 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, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:
1 NOT VOTING: *Mansfield*

Proposal No. 87, 2009, as amended, was retitled SPECIAL RESOLUTION NO. 13, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 13, 2009

A SPECIAL RESOLUTION on the spending of Federal Economic Recovery Funds.

WHEREAS, the economic downturn is having a critical impact on residents of Central Indiana who are struggling to maintain or find jobs; and

WHEREAS, these same residents are the very taxpayers who have provided the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama have passed the taxpayer sponsored recovery package that will provide billions of dollars to help economically devastated cities and states to retain and provide jobs to millions of residents through infrastructure rebuilding, green energy projects, and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the retention and creation of local jobs and restore the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery monies will immediately help struggling American families and stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the City of Indianapolis-Marion County, to buy materials, goods and services that are produced by companies within the state of Indiana or within the United States, thus employing the very workers who are subsidizing the economic recovery plan in the first place; now, therefore:

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

SECTION 1. The City County Council will work to maximize the creation of local jobs and restore economic growth to our region by urging the Administrations at the state and local levels to spend economic recovery funds on goods and services that retain and create local jobs to help keep residents employed. Be it further resolved that any requests for waivers to this policy will be published, affording the Council the opportunity to provide information on goods and services available locally and statewide

SECTION 2. The City County Council, as the fiscal body of Indianapolis-Marion County, hereby directs the City-County Controller to enforce those guidelines already in place to ensure that recovery funds are used for the purchase of local products and services unless precluded by federal directive.

SECTION 3. A Copy of this resolution shall be forwarded to the Chair of the Indiana House Ways and Means committee and to members of the Indiana Congressional Delegation whose Districts coincide with Indianapolis-Marion County.

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.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 72 and 73, 2009 on March 3, 2009. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 72, 2009. The proposal, sponsored by Councillor Pfisterer, reappoints Christine Scales to the City-County Internal Audit Committee. PROPOSAL NO. 73, 2009. The proposal, sponsored by Councillor Pfisterer, reappoints Jackie Nytes to the City-County Internal Audit Committee. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal Nos. 72 and 73, 2009 were adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Gray, Mansfield, Oliver

Proposal No. 72, 2009 was retitled COUNCIL RESOLUTION NO. 43, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2009

A COUNCIL RESOLUTION appointing Christine Scales to the City-County Internal Audit Committee.

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 City-County Internal Audit Committee, the Council appoints:

Christine Scales

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. 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. 73, 2009 was retitled COUNCIL RESOLUTION NO. 44, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 44, 2009

A COUNCIL RESOLUTION re-appointing Jackie Nytes to the City-County Internal Audit Committee.

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 City-County Internal Audit Committee, the Council re-appoints:

Jackie Nytes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 103, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 104, 2009. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which amends City-County Council Resolution No. 35, 2009 correcting the term ending date of Jeffrey Congdon as a member of the Ft. Benjamin Harrison Reuse Authority"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 105, 2009. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gordon Smith to the Indianapolis Housing Agency Board of Directors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 106, 2009. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$314,935 in the 2009 Budget of the Marion County Sheriff (Federal Grants Fund) to pay for bulletproof vests, improvements to the jail kitchen, medical facilities and security systems, and equipment for the tactical needs of deputies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 107, 2009. Introduced by Councillors Moriarty Adams and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$94,782 in the 2009 Budget of the Marion Superior Court (Federal and Local Grants and Drug Free Community Funds) to fund salaries of two positions in the Community Court, partial salaries of personnel in the Drug Treatment Court, and six large screen monitors for a paging system at the Juvenile Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 108, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$8,900,000 in the 2009 Budget of the Department of Public Works (Transportation General Fund) to fund street, curb, sidewalk,

access ramp and traffic signal improvements in the 86th Street TIF district, financed by a transfer from revenue in the 86th Street TIF subfund"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 102, 2009. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 102, 2009 on March 18, 2009. The proposal, sponsored by Councillor Cardwell, is a final bond ordinance authorizing the issuance of Variable Rate Demand Multifamily Housing Revenue Bonds in a principal amount not to exceed \$13,750,000 for the purpose of refunding the outstanding bonds which were issued to finance the acquisition, construction and equipping of a 248-unit multifamily housing residential rental project (Washington Point Apartments Project) at 625 Bellhaven Drive (District 21). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Speedy said that although Council Rules do not require him to abstain from voting on this proposal, he has worked for this company before and may do so in the future and would prefer to abstain to avoid the appearance of a conflict of interest. Consent was given.

Councillor Cardwell moved, seconded by Councillor Plowman, for adoption. Proposal No. 102, 2009 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, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Vaughn

0 NAYS:

4 NOT VOTING: Brown, Gray, Mansfield, Speedy

Proposal No. 102, 2009 was retitled SPECIAL ORDINANCE NO. 4, 2009, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2009

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue the Bonds (as defined below) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities for diversification of economic development and creation or retention of opportunities for gainful employment in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Washington Pointe, L.P., an Indiana limited partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the refunding of the outstanding \$12,750,000 City of Indianapolis, Indiana Variable Rate Demand Multifamily Housing Revenue Bonds, Series 2005A (Washington Pointe Project) (the "Series 2005A Bonds") and the \$1,000,000 City of Indianapolis, Indiana Variable Rate Demand Limited Obligation Multifamily Housing Revenue Bonds, Series 2005B (Washington Pointe Apartments) (the "Series 2005B Bonds") (collectively, the Series 2005A Bonds and the Series 2005B Bonds are referred to as the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued to finance the costs of the acquisition, development, construction and equipping of an apartment complex known as Washington Pointe Apartments with a total of 248 units, located at 625 Belhaven Drive, Warren Township, in City-County Council District 21 of the City of Indianapolis, Indiana (the "Project"); and

WHEREAS, the Company also incurred a mortgage (the "Prior Mortgage") in connection with the Prior Bonds; and

WHEREAS, the creation or retention of opportunities for gainful employment and the provision of quality, affordable, multifamily housing to be achieved by the refunding of the Prior Bonds and the Prior Mortgage will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the refunding of the Prior Bonds and the Prior Mortgage would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the Prior Bonds were issued to provide construction financing for the Project and were supported by letters of credit issued by Fifth Third Bank and the Federal Home Loan Bank of Indianapolis which construction financing the Company planned to eventually convert to permanent financing provided by Fannie Mae and the documents utilized in connection with the previous issuance of the Series 2005A Bonds contemplate such conversion as well as the possibility that additional bonds may be issued in order to refund the Series 2005B Bonds; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to refund the Prior Bonds and the Prior Mortgage by issuing its City of Indianapolis, Indiana Variable Rate Demand Multifamily Housing Revenue Bonds, Series 2009A (Washington Pointe Apartments Project) in a principal amount not to exceed Thirteen Million Seven Hundred Fifty Thousand Dollars (\$13,750,000) (the "Bonds"); and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of April 1, 2009, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee (the "Trustee"); and

WHEREAS, the loan of the proceeds of the Bonds to enable the refunding of the Prior Bonds will occur pursuant to a Financing Agreement with respect to the Bonds among the Issuer, the Trustee and the Company (the "Loan Agreement") dated as of April 1, 2009; and

WHEREAS, capitalized terms used in this ordinance (the "Ordinance") and not otherwise defined herein shall have the meanings assigned to such terms in the Indenture; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the obligation of the Company to repay the loan with respect to the Bonds will be evidenced by a Mortgage Note, which Mortgage Note will be secured by an Amended and Restated Multifamily Mortgage, Assignment of Rents and Security Agreement from the Company to the Trustee; and

WHEREAS, the Mortgage Note will be secured by a Direct Pay Irrevocable Transferable Credit Enhancement Instrument issued by Fannie Mae that will be held by or pledged to the Trustee as additional security for the Bonds; and

WHEREAS, the Bonds will be issued in order to obtain funds to lend to the Company for the purpose of refinancing the Prior Bonds and the Prior Mortgage provided, however, that the aggregate principal amount of the Bonds shall not exceed Thirteen Million Seven Hundred Fifty Thousand Dollars (\$13,750,000); and

WHEREAS, there has been submitted prior in time to this date to the Indianapolis Economic Development Commission ("Commission") for its approval substantially final forms of the Indenture, Loan Agreement, Amended and Restated Land Use Restriction Agreement, Bond Purchase Agreement, the Official Statement and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and the proposed form of Ordinance which are by this reference incorporated herein which were approved by resolution of the Commission (the "Resolution") adopted prior in time to this date which Resolution has been transmitted to this City-County Council (the "Council"); and

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WHEREAS, the Company owns and will continue to own real property, improvements located thereon and the equipment constituting the Project, and the Company will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the Resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the refunding approved by the Commission for the Prior Bonds and the Prior Mortgage will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to refinance the costs of the Project, will require the issuance, sale and delivery of economic development revenue bonds in an aggregate principal amount not to exceed Thirteen Million Seven Hundred Fifty Thousand Dollars (\$13,750,000); now, therefore:

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

SECTION 1. It is hereby found that the refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of refunding the Prior Bonds and the Prior Mortgage, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Thirteen Million Seven Hundred Fifty Thousand Dollars (\$13,750,000), for the purpose of procuring funds to loan to the Company in order to refund the Prior Bonds and the Prior Mortgage which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof plus accrued interest, if any, and at an initial rate of interest not to exceed 12% percent per annum. The Bonds shall mature no later than February 1, 2041.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the obligations of the Company set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations

promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 8. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, including but not limited to its Economic Development Commission and members thereof, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, including but not limited to its Economic Development Commission and members thereof, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. The Company will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, including but not limited to its Economic Development Commission and members thereof, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 13. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 14. This ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 84 and 85, 2009 on March 12, 2009. He asked for consent vote on these proposals together. Consent was given.

PROPOSAL NO. 84, 2009. The proposal, sponsored by Councillors Hunter and Moriarty Adams, amends the Code to establish a Capital Asset Development Fund as a sub-fund of the Consolidated County Fund. PROPOSAL NO. 85, 2009. The proposal, sponsored by Councillors Hunter and Moriarty Adams, appropriates \$13,415,000 in the 2009 Budget of the Department of Public Works (Capital Asset Development Fund) for the purchase of new vehicles and equipment (funding includes revenue from an operating agreement with Covanta). By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Sanders asked if this will deplete the balance or only pays for certain purchases. Councillor Hunter said that there is a \$39 million balance, and this only appropriates \$13 million of that total balance.

President Cockrum called for public testimony at 7:42 p.m. There being no one present to testify, Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 84 and 85, 2009 were adopted on the following roll call vote; viz:

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

Proposal No. 84, 2009 was retitled GENERAL ORDINANCE NO. 25, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 2009

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City County by adding a new Division 4 in Chapter 135, Article VII, establishing the Capital Asset Development Fund.

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

SECTION 1. Chapter 135, Article VII of the Revised Code of the Consolidated City and County, be and is hereby, amended by adding a new Division 4, to read as follows:

DIVISION 4. CAPITAL ASSET DEVELOPMENT FUND

Sec. 135-741.

(a) There is hereby created a special fund, to be designated the "Capital Asset Development Fund," in the office of finance and management. The fund will be a sub-fund of the Consolidated County Fund.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year, and no such balances shall lapse into the Consolidated County Fund or ever be diverted, directly or indirectly, in any manner to any other uses than for the purposes stated in subsection (c) of this division.

(c) The purpose of the fund is to provide funding for capital assets for city and county agencies and departments. Capital assets include the following:

- 1) Vehicles,
- 2) Equipment,
- 3) Buildings,
- 4) Lease Agreements,
- 5) Construction, and
- 6) Other items as deemed appropriate by the City-County Council.

(d) The Office of Finance and Management shall administer the fund.

(e) Revenues for the fund may include the following:

- 1) Revenues from operating agreements between the City-County and outside contractors,
- 2) Property taxes,
- 3) Income taxes, and
- 4) Other fees and revenues,

if so allocated by the City-County Council.

(f) Expenses from the fund shall be appropriated by the City-County Council in accordance with the procedures for expenditures of public funds.

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

Proposal No. 85, 2009 was retitled FISCAL ORDINANCE NO. 1, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008, Section 1.01(h)) to appropriate \$13,415,000 from the Capital Asset Development Fund for the purposes of purchasing new vehicles and equipment for the Department of Public Works.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the City-County Annual Budget for 2009, Section 1.01(h), be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of providing for the purchase of various vehicles and equipment for the Department of Public works in order to provide for more updated and newer service vehicles and equipment that will replace aging and high cost vehicles and equipment.

The Department of Public Works seeks to appropriate from the Capital Asset Development Fund \$13,415,000 for the following items: approximately 25 Snow Trucks, 15 Solid Waste vehicles, 44 Street and Traffic vehicles and equipment, and 3 IFS vehicles. In addition, 4 mowing equipment items and other miscellaneous other vehicles and similar equipment will be purchased. In addition to the vehicles, DPW will purchase an additional 48,000, 96 gallon trash carts, to be disbursed throughout Marion County. Trash cart purchases will allow for carting of DPW Solid Waste residential service routes. These purchases will replace a number of vehicles that were purchased between 1990 and 1999 and others that have a high cost of maintenance for DPW and its operations.

SECTION 2. The sum of Thirteen Million Four Hundred and Fifteen Thousand Dollars (\$13,415,000) be, and the same is hereby appropriated for the Department of Public Works, for the purposes as shown in Section 3 by reducing the un-appropriated balance as shown in sections 4.

SECTION 3. The following additional appropriations are hereby approved:

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>CAPITAL ASSET DEVELOPMENT FUND</u> |
|-----------------------------------|---------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 13,415,000 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 13,415,000 |

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

| | <u>CAPITAL ASSET DEVELOPMENT FUND</u> |
|---------------------------------|---------------------------------------|
| Unappropriated and Unencumbered | |
| Capital Asset Development Fund | <u>13,415,000</u> |
| TOTAL DECREASE | 13,415,000 |

SECTION 5. In accordance with section 151-64 of the Revised Code of the Consolidated City and County, the following fund balance information is provided:

March 23, 2009

The estimated December 31, 2009 ending fund balance for the Capital Asset Development Fund (on a budgetary basis) is approximately \$24,000,000. Funding for the additional appropriation will be through revenues received into the Capital Asset Development Fund from proceeds related to the operating agreement of the Mass Burn Facility operated by Covanta.

SECTION 6. 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. 75, 2009. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 75, 2009 on March 18, 2009. The proposal, sponsored by Councillor McQuillen, approves the issuance of special taxing district bonds of the Fort Harrison Military Base Reuse District. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor McQuillen, for adoption. Proposal No. 75, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 75, 2009 was retitled GENERAL RESOLUTION NO. 4, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 4, 2009

A GENERAL RESOLUTION approving the issuance of special taxing district bonds of the Fort Harrison Military Base Reuse District.

WHEREAS, IC 36-3-6-9 has previously provided for the approval of certain budgets by the City-County Council which excluded those entities contained solely within the boundaries of the excluded cities and towns within Marion County, Indiana (the "County"); and

WHEREAS, House Enrolled Act 1001 (2008) amended IC 36-3-6-9 to provide for expanded approval by the City-County Council of budgets, tax levies and issuance of bonds for those entities in the County whose governing bodies are not comprised of a majority of officials who are elected to serve on the governing body (the "Amendment"); and

WHEREAS, the Amendment may be interpreted to potentially include certain boards and commissions whose governing bodies are not comprised of a majority of officials who are elected to serve on the governing body, even though the jurisdiction of such boards or commissions is included solely within the boundaries of an excluded city or town; and

WHEREAS, the Fort Harrison Reuse Authority (the "Authority"), as governing body of the Fort Harrison Military Base Reuse District (the "District"), on February 16, 2009, adopted Resolution No. 2009-1 (the "Bond Resolution") authorizing the issuance of bonds of the District payable from incremental property tax revenues (the "Bonds") in order to finance local public improvements and structures and related improvements that are in, or directly serving or benefiting, the Fort Harrison Military Base Reuse Area ("Area") and which will enhance the development, redevelopment and reuse of military base reuse property and related improvements (the "Project"); and

WHEREAS, the Common Council of the City of Lawrence, Indiana, approved the issuance of the Bonds by a resolution adopted on March 2, 2009; and

WHEREAS, the City-County Council finds that such project is of benefit to the development and stability of the District, the City of Lawrence, and the City of Indianapolis; 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 has reviewed the issuance of the Bonds by the Authority.

SECTION 2. The City-County Council hereby approves of the issuance of the Bonds by the Authority for the Project described herein.

SECTION 3. The City-County Council does hereby acknowledge that the Bonds may be purchased with the proceeds of bonds to be issued by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank Bonds"), and that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of IC 5-1.4-5-4 and Special Ordinance 67,85 of this City-County Council.

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

PROPOSAL NO. 76, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 76, 2009 on March 4, 2009. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, approves a transfer of \$1,400,000 in the 2009 Budgets of the Department of Public Safety and the Indianapolis Metropolitan Police Department (Federal Grants Fund) to purchase personal protection equipment, portable radio batteries, and a bomb-sniffing dog, and for infrastructure enhancements for federally designated sites and contractual payments to the Health and Hospital Corporation and Capital Improvements Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lutz asked if these are grant funded purchases and therefore are designated for certain expenditures. Councillor Vaughn stated that this is correct.

Councillor Malone asked why funds are needed for credentials for first responders if they are already licensed. Councillor Vaughn said that the credentials are more of a recognition as to where these individuals are located and what their responsibility would be during a crisis, not whether or not they are licensed to perform that duty. Councillor Malone said that she cannot support this, as it indicates a different type of credentialing and she has more questions.

Councillor Sanders asked if the \$1 million from Other Services and Charges comes from COPS grant funds. Councillor Vaughn said that it comes partly from a Justice Assistant Grant and partly from COPS money. This money was originally dedicated to the emergency management budget, but technically should have gone to the IMPD budget for these same functions.

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 76, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 76, 2009 was retitled FISCAL ORDINANCE NO. 4, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008, Section 1.01(i)) transferring and appropriating One Million Four Hundred

March 23, 2009

Thousand Dollars (\$1,400,000) in the Federal Grants Fund for purposes of the Department of Public Safety and the Indianapolis Metropolitan Police Department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the City-County Annual Budget for 2009, Section 1.01(i), be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Department of Public Safety and the Indianapolis Metropolitan Police Department, for the purchase of personal protection equipment, portable radio batteries, a bomb-sniffing dog, infrastructure enhancements for federally designated sites, and for contractual payments to the Marion County Health and Hospital Corporation and the Capital Improvements Board, financed by transfers between characters.

Health and Hospital is a sub-grantee to the City of Indianapolis and will use the grant funding to support the FY2007 Urban Area Security Initiative (UASI) Health & Medical and First Responder Credentialing and ID. The Capital Improvement Board is also a sub-grantee to the City and will use the FY2006 UASI funding to enhance Interoperable Emergency Communications and Video Surveillance at Lucas Oil Stadium, Conseco Fieldhouse and Victory Field.

SECTION 2. The sum of One Million Four Hundred Thousand Dollars (\$1,400,000) be, and the same is hereby appropriated for the Department of Public Safety, for the purposes as shown in Section 3 by reducing the appropriated balance as shown in sections 4.

SECTION 3. The following additional appropriations are hereby approved:

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | <u>FEDERAL GRANTS FUND</u> |
|------------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 218,752 |
| 3. Other Services and Charges | 1,000,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | 0 |
| TOTAL INCREASE | 1,218,752 |

| <u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u> | <u>FEDERAL GRANTS FUND</u> |
|--|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 181,248 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | 0 |
| TOTAL INCREASE | 181,248 |

SECTION 4. The following appropriation is hereby reduced:

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | <u>FEDERAL GRANTS FUND</u> |
|------------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 1,400,000 |
| 5. Internal Charges | 0 |
| TOTAL INCREASE | 1,400,000 |

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

PROPOSAL NO. 77, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 77, 2009 on March 4, 2009. The proposal, sponsored by Councillors Vaughn, Speedy, Moriarty Adams, Pfisterer, Brown and McHenry, amends the Code by adding a new article to establish the Marion County Domestic Violence Fatality Review Team. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Vaughn moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 77, 2009, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 77, 2009, as amended, was retitled GENERAL ORDINANCE NO. 26, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new article VII in Chapter 283, establishing the Marion County Domestic Violence Fatality Review Team.

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

SECTION 1. Chapter 283 of the Revised Code of the Consolidated City and County, be and is hereby, amended by adding a new Article VII, to read as follows:

ARTICLE VII. DOMESTICE VIOLENCE FATALITY REVIEW TEAM

Sec. 283-701. Establishment. The Marion County Domestic Violence Fatality Review Team is hereby established in accordance with this Article and IC 12-18-8-6.

Sec. 283-702. Purpose: The purpose of the Domestic Violence Fatality Review Team is to review deaths resulting from domestic violence in Marion County and in the State of Indiana as authorized by IC 12-18-8-1 *et seq.*

Sec. 283-703. Membership: The Domestic Violence Fatality Review Team shall consist of fifteen (15) members appointed by the City-County Council, as follows:

(a) Eight members, each of which shall meet one of the following qualifications:

- (1) A survivor of domestic violence.
- (2) A domestic violence direct service provider agency.
- (3) A representative of law enforcement from the area served by the local domestic violence review team.
- (4) A prosecuting attorney or the prosecuting attorney's designee from the area served by the local domestic violence fatality review team.
- (5) An expert in the field of forensic pathology or a coroner or a deputy coroner.
- (6) A medical practitioner with expertise in domestic violence.
- (7) A judge who hears civil or criminal cases.
- (8) An employee of a child protective services agency.

(b) Seven members, each of which shall meet one of the following qualifications

- (1) A clergy member.
- (2) A representative of county government agency.
- (3) A representative from a county health department.
- (4) A representative from a local bar association.
- (5) A defense attorney.
- (6) An educator.
- (7) A probation officer.
- (8) A representative from the business community.
- (9) An animal control officer.
- (10) An attorney who represents victims of domestic violence.
- (11) A provider of a batterers intervention program.

Sec. 283-704. Appointment and terms. Members initially appointed under subsection (a) of Sec. 283-703 shall serve for terms ending December 31, 2010, and members initially appointed under subsection (b) of Sec. 283-703 shall serve for terms ending December 31, 2009. Thereafter members shall be appointed or reappointed for two-year terms. Vacancies shall be filled for the remainder of the term.

Sec. 283-705. Chairperson and meetings.

(a) Any member of a local domestic violence fatality review team may serve as chairperson. The chairperson shall be elected annually by the members of the local domestic violence fatality review team at the first meeting of the local domestic violence fatality review team.

(b) The local domestic violence fatality review team shall meet at the call of the chairperson.

(c) The local domestic violence fatality review team chairperson shall determine the agenda for each meeting.

Sec. 283-706. Scope of review: The team shall review only those deaths in which the person who commits the act of domestic violence resulting in death:

- (1) Is charged with a criminal offense that results in final judgment; or
- (2) Is deceased.

Sec. 283-707. Duties:

(a) A local domestic violence fatality review team shall do the following:

- (1) Assist a local agency in identifying and reviewing a homicide or suicide that results from domestic violence.
- (2) Develop recommendations for coordinated community prevention and intervention strategies to prevent future homicides or suicides resulting from domestic violence.
- (3) Collect data described in section 14 [IC12-18-8-14] of this chapter related to a death resulting from domestic violence.

(b) A local domestic violence fatality review team may develop a protocol to assist a person who performs an autopsy in:

- (1) Identifying a victim of domestic violence; and
- (2) Preparing a written report identifying a person as the victim of domestic violence and describing the cause of death.

(c) A local domestic violence fatality review team shall be operated in conjunction with The Domestic Violence Network, a domestic violence coordinated community response organization.

(d) The team will perform its duties in accordance with IC 12-18-8-1 *et seq* and/or any amendments or replacement for IC 12-18-8-1 *et seq*.

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

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 78-81, 2009 on March 12, 2009. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 78, 2009. The proposal, sponsored by Councillors Nytes and Minton McNeill, authorizes a change in parking restrictions on the west side of Delaware Street between St. Clair and Sahm Streets (Districts 9, 15). PROPOSAL NO. 79, 2009. The proposal, sponsored by Councillor Hunter, authorizes intersection controls at South Kitley and East Julian Avenues (District 21). PROPOSAL NO. 80, 2009. The proposal, sponsored by Councillor Lutz, authorizes parking restrictions on both sides of Carlsen Avenue from Girls School Road to Tina Drive and Furman Avenue (District 13). PROPOSAL NO. 81, 2009. The proposal, sponsored by Councillor Cain, authorizes parking restrictions on both sides of Allisonwood Drive and Rymark Drive near 91st Street (District 5). By unanimous 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. 78-81, 2009 were adopted on the following roll call vote; viz:

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

Proposal No. 78, 2009 was retitled GENERAL ORDINANCE NO. 27, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-126, Parking time restricted on designated days.

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. 621-126, Parking time restricted on designated days, be and the same is hereby amended by the deletion of the following, to wit:

NINETY MINUTES
ON ANY DAY
EXCEPT SATURDAYS AND SUNDAYS
From 7:00 a.m. to 6:00 p.m.

Delaware Street, on the west side, from St. Clair Street to Ninth Street.

SECTION 2. The "Revised Code of the Consolidated City and County," specifically Sec. 621-126, Parking time restricted on designated days, be, and the same is hereby amended by the addition of the following, to wit:

NINETY MINUTES
ON ANY DAY
EXCEPT SATURDAYS AND SUNDAYS
From 7:00 a.m. to 6:00 p.m.

Delaware Street, on the west side, from St. Clair Street to Sahn Street.

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

Proposal No. 79, 2009 was retitled GENERAL ORDINANCE NO. 28, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 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 addition of the following, to wit:

| <u>BASE MAP</u> | <u>INTERSECTION</u> | <u>PREFERENTIAL</u> | <u>TYPE OF CONTROL</u> |
|-----------------|------------------------------|---------------------|------------------------|
| 27 | S Kitley Ave E Julian Ave | None | All-Way Stop |

March 23, 2009

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

Proposal No. 80, 2009 was retitled GENERAL ORDINANCE NO. 29, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-124, Parking prohibited during specified hours on certain days.

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. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

SCHOOL DAYS
From 7:00 a.m. to 4:00 p.m.

Carlsen Avenue, on the north side, from Girls School Road to Tina Drive;

Carlsen Avenue, on the south side, from Girls School Road to Furman Avenue;

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

Proposal No. 81, 2009 was retitled GENERAL ORDINANCE NO. 30, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 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 addition of the following, to wit:

Allisonwood Drive, on both sides, from Ninety-First Street to a point
45 feet north of Ninety-First Street

Rymark Drive, on both sides, from
Ninety-First Street to a point 90 feet north of
Ninety-First Street

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

NEW BUSINESS

Councillor Lutz invited anyone interested to attend a town hall meeting on Wednesday evening at 7:00 p.m. at the Wayne Branch Library on South Girls School Road.

Councillor Coleman reported that all six of Indianapolis' robotics teams made it to the quarter finals, and two made it to the finals, with one Indianapolis team winning. He added that tehre

will also be a town hall forum tomorrow evening regarding a smoking ban at 6:00 p.m. at the Central Library.

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

- (1) Councillors Mansfield, Lutz and Pfisterer in memory of PFC Zachary Nordmeyer; and
- (2) Councillor Cockrum in memory of Aaron Stout and Henry "Hank" Easter; and
- (3) Councillors Pfisterer and Brown in memory of John A. Mohler; and
- (4) Councillor Hunter in memory of Stephen A. Backer and Marilyn Dunn Huber; and
- (5) Councillor Cain in memory of Jewel "Judy" Bridgford Lamb; and
- (6) All Councillors in memory of former Councillor Maggie Brents.

Councillor Vaughn moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of PFC Zachary Nordmeyer, Aaron Stout and Henry "Hank" Easter, ohn A. Mohler, Stephen A. Backer, Marilyn Dunn Huber, Jewel "Judy" Bridgford Lamb, and former Councillor Maggie Brents. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 7:59 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 23rd day of March, 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)