

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

**REGULAR MEETINGS
MONDAY, MAY 4, 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 7:00 p.m. on Monday, May 4, 2009, with Councillor Cockrum presiding.

Councillor Cardwell introduced Curt Smith, Indiana Family Institute, who led the opening prayer. Councillor Cardwell then invited all present to join him 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
1 ABSENT: Malone

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Pfisterer recognized husband Clyde Pfisterer, retired firefighter. Councillor Cain asked members of the arts community to stand and be recognized. Councillor Nytes recognized Auditor Billie Breaux. Councillor Speedy recognized Perry Township trustee Gary Coons, and advisory board member, Michael Felsher. Councillor Lutz recognized former Council President Beurt SerVaas. Councillor Bateman recognized former Councillor Frank Short. Councillor Gray recognized former Indiana Hall of Fame Basketball player Mike Franks. Councillor Evans recognized Marshawn Rally, African American Caucus. Councillor Brown recognized Local 416 president Captain Wayne Smith. Councillor Mansfield recognized Cynthia Morgan and Amy Lyons, Indy Pit Crew.

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, May 4, 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

April 22, 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, April 24, 2009, a copy of a Notice of Public Hearing on Proposal Nos. 116, 119-120 and 125, 2009, said hearing to be held on Monday, May 4, 2009, at 7:00 p.m. in the City-County Building.

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

April 30, 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. 31, 2009 – provides for the registration with the city controller of lobbyists and lobbying activity with respect to the City and County

GENERAL ORDINANCE NO. 32, 2009 – amends the Code with respect to sewer connection permit fees and sewer user rates and charges

GENERAL ORDINANCE NO. 33, 2009 – amends the Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses

GENERAL ORDINANCE NO. 34, 2009 – amends the Code to postpone the filing deadline for Economic Statements of Interest for Councillors for 2009

SPECIAL RESOLUTION NO. 14, 2009 – recognizes the Guion Creek Middle School 8th Grade Academic Team

SPECIAL RESOLUTION NO. 15, 2009 - recognizes the Ben Davis Girls Basketball Team

Respectfully,
s/Gregory A. Ballard, Mayor

May 4, 2009

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 Journals of April 13, 2009. There being no additions or corrections, the minutes were approved as distributed.

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

President Cockrum passed the gavel to Vice President Vaughn and awarded Melissa Thompson, Clerk of the Council, with her 10-year pin. Vice President Vaughn returned the gavel to President Cockrum.

PROPOSAL NO. 179, 2009. The proposal, sponsored by Councillors Cardwell, Cain, Bateman, Evans, Scales, McHenry, Speedy, Hunter, Pfisterer and McQuillen, recognizes Thursday, May 7, 2009, National Day of Prayer. Councillor Cardwell read the proposal and moved, seconded by Councillor Cain, for adoption. Proposal No. 179, 2009 was adopted by a unanimous voice vote.

Proposal No. 179, 2009 was retitled SPECIAL RESOLUTION NO. 16, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2009

A COUNCIL RESOLUTION recognizing Thursday May 7, 2009, National Day of Prayer.

WHEREAS, throughout the history of America, our people have offered prayers of thanksgiving for our God-given rights and the blessings which we enjoy, as well as prayers for guidance, comfort, and protection; and

WHEREAS, in times of joy and times of peril, our Presidents, from George Washington to Barack Obama have called upon Americans to pray to our Creator; and

WHEREAS, observance of a National Day of Prayer was first declared by the Continental Congress in 1775; and

WHEREAS, the United States Congress in 1952 and again in 1988 reconfirmed this observance by proclaiming the first Thursday of May of each year as a National Day of Prayer; and

WHEREAS, the theme of the May 7, 2009 National Day of Prayer is "America, Honor God", taken from 1 Samuel, and as the war in Iraq continues, we are encouraged to pray for our troops defending freedom everywhere; 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 encourages our citizens to observe this day individually, as families, and as a community by joining their fellow citizens in praying for God's continuing guidance, comfort and protection of our Nation.

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

President Cockrum passed the gavel to Vice President Vaughn.

PROPOSAL NO. 184, 2009. The proposal, sponsored by All Councillors, recognizes former Council President Dr. Beurt R. SerVaas on his 90th Birthday Celebration. Councillor Cockrum read the proposal and presented Dr. SerVaas with a copy of the document and Council pin. Dr. SerVaas thanked the Council for the recognition. Councillor Cockrum moved, seconded by Councillor Sanders, for adoption. Proposal No. 184, 2009 was adopted by a unanimous voice vote.

Proposal No. 184, 2009 was retitled SPECIAL RESOLUTION NO. 17, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2009

A SPECIAL RESOLUTION recognizing former Council President Dr. Beurt R. SerVaas on his 90th Birthday Celebration.

WHEREAS, born May 7, 1919 in Indianapolis, Indiana of Dutch ancestry, Beurt R. SerVaas, went on to serve his country and community for well over 70 years; and

WHEREAS, a graduate of Indianapolis Public School 70 and Shortridge High School, Beurt attended the University of Mexico for undergraduate studies, later graduating from Indiana University with an AB in chemistry, history and Spanish (in which he is fluent) and from Purdue University as a du Pont scholar in graduate chemistry. He went on to serve as a Navy officer in the American Intelligence Command in the China Theatre during World War II, earning both a Bronze Star and Army Commendation Medal; and

WHEREAS, after the War, he returned home; married Dr. Cory Synhorst, his wife of almost 60 years; continued his education at Indiana University School of Medicine, where he received a Doctor of Medical Science degree, received several honorary doctorates, including Doctor of Laws from Indiana State University; and became a successful businessman as Chairman of the Board of SerVaas, Incorporated, the parent company of over 20 subsidiary companies, including The Curtis Publishing Company, Indiana Business Magazine, SerVaas Laboratories, and Curtis International; and

WHEREAS, in his first bid for public office in 1962, Dr. SerVaas led the ticket for County Council At-Large, and at the end of the June 16, 1975 City-County Council meeting he was elected President to fill a vacancy. He served Indianapolis on the Council for 40 years, 27 years as president, working with Mayors Losche, Barton, Lugar, Hudnut, Goldsmith and Peterson, in making Indianapolis the city it is today; and

WHEREAS, much of the success of Indianapolis' Renaissance is due in large part to Dr. SerVaas' civility, ideas, ability to bring people together, and his bold visions. As one of the principal supporters of UniGov, Dr. SerVaas played an integral part in the growth of the city, helping to negotiate details for such projects as Circle Centre mall, the Hoosier/RCA Dome, Market Square Arena, and the NCAA Headquarters. His immeasurable contributions to this city resulted in the Council body conferring upon him the title of President Emeritus and renaming its Council chambers as the Dr. Beurt R. SerVaas Public Assembly Room upon his retirement from the Council on October 28, 2002; and

WHEREAS, Dr. SerVaas still lives with his wife Cory in District 2 on the west side of Indianapolis, whose citizens he represented for many years, and continues to work in his offices located in District 15 near the entrance to downtown. Of his five children, four still call Indianapolis home and continue his legacy as involved members of 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 and thanks Dr. Beurt R. SerVaas for his four decades of outstanding and visionary public service on the Council and congratulates him on his 90th birthday celebration on May 7, 2009.

SECTION 2. The Council further wishes Dr. SerVaas and his wife Cory continued health and success as they continue to serve in the community and more time to enjoy with their five children and 19 grandchildren.

May 4, 2009

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.

Vice President Vaughn returned the gavel to President Cockrum.

PROPOSAL NO. 104, 2009. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 104, 2009 on April 22, 2009. The proposal, sponsored by Councillor Cardwell, 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. 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 Plowman, for adoption. Proposal No. 104, 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Malone

Proposal No. 104, 2009 was retitled COUNCIL RESOLUTION NO. 47, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2009

A COUNCIL RESOLUTION amending City-County Council Resolution No. 35, 2009 correcting the term ending date of Jeffrey Congdon's appointment to the Ft. Benjamin Harrison Reuse Authority.

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

SECTION 1. City-County Council Resolution No. 35, 2009 appointing Jeffrey Congdon as a member of the Ft. Benjamin Harrison Reuse Authority is hereby amended by correcting the term ending date in Section 2, to read as follows:

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 until his successor is appointed and qualifies.

PROPOSAL NO. 115, 2009. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 115, 2009 on April 20, 2009. The proposal, sponsored by Councillor Smith, reappoints Ezekiel David Woodruff to the Wellfield Education Corporation Board. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor , for adoption. Proposal No. 115, 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Malone

Proposal No. 115, 2009 was retitled COUNCIL RESOLUTION NO. 48, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 2009

A COUNCIL RESOLUTION reappointing Ezekiel David Woodruff to the Wellfield Education Corporation Board.

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

SECTION 1. As a member of the Wellfield Education Corporation Board, the Council reappoints:

Ezekiel David Woodruff

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. 123, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 123, 2009 on April 23, 2009. The proposal, sponsored by Councillor Hunter, reappoints Herb Bazemore to the Marion County Stormwater Management Technical Advisory Committee. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor ?, for adoption. Proposal No. 123, 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Malone

Proposal No. 123, 2009 was retitled COUNCIL RESOLUTION NO. 49, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 2009

A COUNCIL RESOLUTION reappointing Herb Bazemore to the Marion County Stormwater Management Technical Advisory 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 Marion County Stormwater Management Technical Advisory Committee, the Council reappoints:

Herb Bazemore

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. 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. 133, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 133, 2009 on April 21, 2009. The proposal, sponsored by Councillor Lutz, confirms the Mayor's nomination of Lillian Leona Frank to the City-County Ethics Commission. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coleman asked what law firm Ms. Frank works with. Councillor Lutz stated that she is a solo practitioner. Councillor Lutz moved, seconded by Councillor McQuillen, for adoption. Proposal No. 133, 2009 was adopted on the following roll call vote; viz:

May 4, 2009

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

1 ABSENT: *Malone*

Proposal No. 133, 2009 was retitled COUNCIL RESOLUTION NO. 50, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 50, 2009

A COUNCIL RESOLUTION confirming Mayor Gregory A. Ballard's nomination of Lillian Leona Frank to the City-County Ethics Commission.

WHEREAS, pursuant to Sec. 293-332(a) of the "Revised Code of the Consolidated City and County," a City-County Ethics Board nomination is subject to confirmation by the City-County Council and the terms of the initial five (5) members of the ethics commission shall be staggered, as follows: one (1) term shall end on December 31, 2009; two (2) terms shall end on December 31, 2010; and, two (2) terms shall end on December 31, 2011; and

WHEREAS, at the time of the initial appointments, the Mayor shall indicate which initial term ends on which date and each appointment thereafter shall be for a term of three (3) years ending on December 31; and

WHEREAS, the Office of the Mayor has submitted to this Council the name of Lillian Leona Frank to serve an initial term as a member of the City-County Ethics Commission; now, therefore:

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

SECTION 1. Lillian Leona Frank is hereby confirmed by the City-County Council to serve as a member of City-County Ethics Commission.

SECTION 2. Lillian Leona Frank's term shall commence upon the passage of this resolution and expire on December 31, 2010, unless otherwise removed by the City-County Council under § 293-332(d).

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

PROPOSAL NO. 134, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 134, 2009 on April 21, 2009. The proposal, sponsored by Councillors Lutz and Sanders, confirms the Mayor's nomination of Peggy Boehm to the City-County Ethics Commission. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor Mansfield, for adoption. Proposal No. 134, 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:

1 ABSENT: *Malone*

Proposal No. 134, 2009 was retitled COUNCIL RESOLUTION NO. 51 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 51, 2009

A COUNCIL RESOLUTION confirming Mayor Gregory A. Ballard's nomination of Peggy Boehm to the City-County Ethics Commission.

WHEREAS, pursuant to Sec. 293-332(a) of the "Revised Code of the Consolidated City and County," a City-County Ethics Board nomination is subject to confirmation by the City-County Council and the terms of the initial five (5) members of the ethics commission shall be staggered, as follows: one (1) term shall end on December 31, 2009; two (2) terms shall end on December 31, 2010; and, two (2) terms shall end on December 31, 2011; and

WHEREAS, at the time of the initial appointments, the Mayor shall indicate which initial term ends on which date and each appointment thereafter shall be for a term of three (3) years ending on December 31; and

WHEREAS, the Office of the Mayor has submitted to this Council the name of Peggy Boehm to serve an initial term as a member of the City-County Ethics Commission; now, therefore:

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

SECTION 1. Peggy Boehm is hereby confirmed by the City-County Council to serve as a member of City-County Ethics Commission.

SECTION 2. Peggy Boehm's term shall commence upon the passage of this resolution and expire on December 31, 2011, unless otherwise removed by the City-County Council under § 293-332(d).

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

PROPOSAL NO. 144, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 144, 2009 on April 14, 2009. The proposal, sponsored by Councillor Pfisterer, appoints Tara Acton to the Property Tax Assessment Board of Appeals. 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 Day, for adoption. Proposal No. 144, 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Malone

Proposal No. 144, 2009 was retitled COUNCIL RESOLUTION NO. 52, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 2009

A COUNCIL RESOLUTION appointing Tara Acton to the Property Tax Assessment Board of Appeals.

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 Property Tax Assessment Board of Appeals, the Council appoints:

Tara Acton

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve until his or her successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 145, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to transfer the ordinance

violations bureau from the office of corporation counsel to the office of finance and management"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 146, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to make technical corrections to provisions that refer to township assessors"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 147, 2009. Introduced by Councillors Pfisterer and Evans. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Article V of Chapter 283 of the Revised Code of the Consolidated City and County with respect to the Marion County Early Intervention Planning Council"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 148, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves statement of benefits for four applicants to allow partial tax abatements for those properties located in a designated Economic Revitalization Area as per IC 36-7-15.1-26"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 149, 2009. Introduced by Councillors Cain, Evans, Lutz, MahernB, Moriarty Adams and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which adopts ethical standards for conduct by councillors, amending the council rules on conflicts of interest and voting, requiring ethics disclosure statement by councillors, certain council employees and candidates for city-county council, and amending Chapter 293 to conform to such changes"; and the President referred it to the Ethics Committee.

PROPOSAL NO. 150, 2009. Introduced by Councillors Lutz and McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 151, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Linda Hogan to the Early Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 152, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Paul Mullin to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 153, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Edward Bartkus to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 154, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Michael Medler to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 155, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints K. Sue Leonard to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 156, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Tracy Lynn McQueen to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 157, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Heather Coffy to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 158, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Caroline Fisher to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 159, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Linda Major to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 160, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dena Simpson to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 161, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Alfarena Ballew to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 162, 2009. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$70,691 in the 2009 Budget of the Public Defender Agency (Federal Grants Fund) for salaries and benefits of a juvenile master social worker, reclassification of two program coordinator positions and computer and telephone expenses for these positions"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 163, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$864,484 in the 2009 Budget of the Marion County Prosecutor (Federal and State Grants Funds) as the result of grant awards not originally anticipated during the 2009 budget process"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 164, 2009. Introduced by Councillors Vaughn and Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to allow management tools for dealing with nuisance urban birds while upholding the state's wildlife laws

regarding the protection of birds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 165, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to correct and standardize the terminology that references the Indianapolis Metropolitan Police Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 166, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes that the Council, as the fiscal body of the City and County, is interested in making a purchase of specified land owned by James D. and Ova Hix, pursuant to IC 36-1-10.5-5, for construction of a public works project"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 167, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes that the Council, as the fiscal body of the City and County, is interested in making a purchase of specified land owned by The Riviera Club, Inc., pursuant to IC 36-1-10.5-5, for construction of a public works project"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 168, 2009. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Platinum Place and Sheridan Avenue (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 169, 2009. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Windsor Drive between Arlington Avenue and Catherwood Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 170, 2009. Introduced by Councillors Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking changes on New York Street (Districts 17 and 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 171, 2009. Introduced by Councillors Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking changes on Michigan Street (Districts 17 and 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 172, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes one-way restrictions on Waldemere Avenue and Alley 1175 South (District 13)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 173, 2009. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking meters on both sides of Illinois Street between 38th Street and 39th Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 174, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the mayor's nomination of Gary Roberts to the City-County Ethics Commission"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 175, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which reviews the 2009 tax rates, tax levies and budgets of certain civil taxing units and adopts recommendations with respect to such tax rates, levies and budgets"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 176, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of Waterworks District Net Revenue Bonds in an aggregate principal amount of refunding bonds not to exceed \$540,000,000 and other actions in respect thereto"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 177, 2009. Introduced by Councillors Plowman, Nytes, B. Mahern and D. Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to establish a new city department of code enforcement, to consolidate into two sections the various fees to be collected by the new department, and to make corresponding technical corrections"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 178, 2009. Introduced by Councillors Speedy and Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by adding provisions to clarify Chapter 531 regarding regulation of pit bulls, including registration and sterilization, better humane standards for the care and treatment of all dogs, and requiring all dogs and cats adopted out of the animal care and control system to be altered"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 183, 2009. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Matthew Symons to the Metropolitan Board of Zoning Appeals, Division I"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 180-182, 2009. Introduced by Councillor Smith. Proposal Nos. 180-182, 2009 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 23, 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. 42-44, 2009, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 42, 2009.
2008-ZON-100
8255 CRAIG STREET (Approximate Address) INDIANAPOLIS
LAWRENCE TOWNSHIP, COUNCIL DISTRICT # 5
KEN GARSTEN requests rezoning of three acres, from the C-3 District, to the C-4 classification to provide for regional-community commercial uses.

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REZONING ORDINANCE NO. 43, 2009.
2009-ZON-002
515 EAST SAINT CLAIR STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCIL DISTRICT # 9
CHATHAM ARCH NEIGHBORHOOD requests rezoning of 0.177 acre, from the D-8 District, to the PK-1 classification to provide for the construction of a neighborhood park.

REZONING ORDINANCE NO. 44, 2009.
2009-ZON-802
6740, 6744 AND 6748 DERBYSHIRE ROAD (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCIL DISTRICT # 24
THOMAS G. HILL, by Ray Good, requests REZONING of 1.897 acres, from the D-6 District, to the D-5II classification to legally establish two-family dwellings.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 108, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 108, 2009 on April 2 and 23, 2009. The proposal, sponsored by Councillor Hunter, appropriates \$2,900,000 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. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 7:46 p.m. There being no one present to testify, Councillor Hunter moved, seconded by Councillor Lutz, for adoption. Proposal No. 108, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 108, 2009 was retitled FISCAL ORDINANCE NO. 7, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) appropriating Two Million Nine Hundred Thousand Dollars (\$2,900,000) in the Transportation General Fund for purposes of the Department of Public Works, and reducing certain other accounts for that agency, where applicable.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (h) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to fund street, curb, sidewalk, access ramp and traffic signal improvements in the 86th Street TIF district, financed by a transfer of revenue in the 86th Street TIF subfund to the Transportation General Fund.

SECTION 2. The sum of Two Million Nine Hundred Thousand Dollars (\$2,900,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	2,900,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	<u>2,900,000</u>

SECTION 4. A total of \$2,900,000 of cash is hereby transferred from the 86th Street TIF subfund (of the Revenue Bonds Fund) to the Transportation General Fund, to support the said approved appropriations from that fund.

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>2,900,000</u>
TOTAL REDUCTION	<u>2,900,000</u>

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:

The 2009 ending fund balance for the Transportation General Fund, as depicted in the 2009 budget ordinance (FO 54, 2008 page 52) was estimated to be \$464,882. Because this appropriation is funded by a transfer of revenue from the Revenue Bonds Fund there is no net impact on the Transportation General Fund balance.

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

PROPOSAL NO. 116, 2009. Councillor Day reported that the Parks and Recreation Committee heard Proposal No. 116, 2009 on April 16, 2009. The proposal, sponsored by Councillors Day and Speedy, appropriates \$514,308 in the 2009 Budget of the Department of Parks and Recreation (Parks and Federal Grants Funds) to fund after school activities, trail system repairs and expansion, pool staff, monitoring costs of the Summer Food Program, and restoration and maintenance activities at area parks. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders asked what trails are being repaired. Councillor Day said that they did not say which ones specifically, but all are within the parks, and they did reference Southeastway Park regarding expansion of trails.

President Cockrum called for public testimony at 7:48 p.m. There being no one present to testify, Councillor Day moved, seconded by Councillor Cain, for adoption. Proposal No. 116, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 116, 2009 was retitled FISCAL ORDINANCE NO. 8, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Fifty Thousand One Hundred Forty-Three Dollars (\$50,143) in

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the Parks Fund and Four Hundred Sixty-Four Thousand One Hundred Sixty-Five Dollars (\$464,165) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing other accounts, where applicable.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the following: after school activities (\$40,543), financed by a United Way of Central Indiana grant; repairs and expansion of the trail system at Southwestway Park (\$129,875), financed by an Indiana Department of Natural Resources grant from the Federal Highway Administration; staffing, supplies and transportation costs at eight IPS after school locations (\$250,000), financed by an Indiana Department of Education 21st Century Community Learning Center grant; staffing at the George Washington Community School Pool (\$9,000), financed by a Mary Rigg Neighborhood Center grant from the U.S. Department of Education; monitoring costs of the Summer Food Service Program (\$9,600), financed by a Hoover Family Foundation grant; and restoration and maintenance activities at the Town Run Trail South Park and Eagle Creek Park (\$75,290), financed by grants from the United States Department of Interior Fish and Wildlife Service.

SECTION 2. The sum of Five Hundred Fourteen Thousand Three Hundred Eight Dollars (\$514,308) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARKS FUND</u>
1. Personal Services	39,007
2. Supplies	0
3. Other Services and Charges	11,136
4. Capital Outlay	0
5. Internal Chargebacks	0
TOTAL INCREASE	50,143
 <u>DEPARTMENT OF PARKS AND RECREATION</u>	 <u>FEDERAL GRANTS FUND</u>
1. Personal Services	209,000
2. Supplies	13,145
3. Other Services and Charges	112,145
4. Capital Outlay	129,875
5. Internal Chargebacks	0
TOTAL INCREASE	464,165

SECTION 4. There is a remaining balance of \$11,079 from a prior year U.S. Department of Interior Fish and Wildlife Services grant that will be used to support part of the said increased appropriation in the Federal Grants Fund. The rest of the said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following funds:

	<u>PARKS FUND</u>
New revenues supporting the appropriations in Section 3	50,143
TOTAL	50,143
	 <u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	453,086
TOTAL	453,086

SECTION 5. There is a 20% local match required for the Indiana Department of Natural Resources grant. This match was budgeted and accounted for in the Department of Parks and Recreation's 2009 Parks Fund appropriations. No local match is required for the other grants.

There are no new FTE's associated with any of these grants.

SECTION 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 119 and 120, 2009 on April 15, 2009. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 119, 2009. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, appropriates \$637,223 in the 2009 Budget of the Department of Public Safety (Federal Grants Fund) to implement re-entry programs for females incarcerated at Liberty Hall and males at the Plainfield Re-Entry Facility, financed by federal grants from the Department of Justice. PROPOSAL NO. 120, 2009. The proposal, sponsored by Councillors Moriarty Adams and Pfisterer, appropriates \$58,185 in the 2009 Budget of the Marion Superior Court (County General, Local and State Grants Funds) to fund the salary of a court reporter and recording equipment in Truancy Court, supplies and partial salary of personnel in Family Court, and monitors and equipment to be used as a paging system at the Juvenile Court. By 8-0 votes, the Committee reported Proposal No. 119, 2009 to the Council with the recommendation that it do pass and Proposal No. 120, 2009 to the Council with the recommendation that it do pass as amended.

President Cockrum called for public testimony at 7:53 p.m.

Timothy McGuire, citizen, asked if the Plainfield Re-entry Facility is in Plainfield and why the city would be sending offenders outside Marion County. Councillor Vaughn said that the grant pays for the facility to offer counseling services for Marion County residents coming back into the County after being incarcerated. Mr. McGuire asked if there will be proper auditing procedures for this grant. Councillor Vaughn said that there is a strict process they have to adhere to.

Councillor Nytes said that the programs at the Duvall Residential Center have been disappointing, and she hopes there will be a little more oversight and follow-up with the committee, so that the same problems do not occur. Councillor Vaughn said that as a member of the community corrections board, he can assure Councillor Nytes that they will pay close attention to these programs. He said that there has been poor management of community corrections in the past, but as recently as three months ago, the board worked through some of the problems with the annex situation and vendors and cleared the hurdle to proceed with some of these programs. He added that they are issuing requests for proposals (RFPs) for services at Duvall.

Councillor McNeill asked if the inmates housed at Duvall are from Marion County or from the entire state. Councillor Vaughn said that none of these funds are going to the Duvall Center. They are earmarked for Plainfield and Liberty Hall. He said, however, that it is his understanding that Duvall residents are Marion County residents, but this proposal is not related to the Duvall Center.

Councillor Coleman asked if these are tax dollars. Councillor Vaughn stated that they are all federal grant money. Councillor Sanders asked if any of the funds are stimulus dollars. Councillor Vaughn said they are not to his knowledge.

There being no further public testimony, Councillor Vaughn moved, seconded by Councillor

Lutz, for adoption. Proposal Nos. 119-120, 2009 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Speedy

1 ABSENT: Malone

Proposal No. 119, 2009 was retitled FISCAL ORDINANCE NO. 9, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 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 Six Hundred Thirty Seven Thousand Two Hundred Twenty-three Dollars (\$637,223) in the Federal Grants Fund for purposes of the Department of Public Safety.

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 to implement the following programs, all financed by federal grants from the Department of Justice.

Liberty Hall Reentry Enhancement Program- \$424,815

Awarded by the Edward Byrne Memorial Discretionary Grants Program, these funds will be used to support re-entry efforts for women incarcerated at Liberty Hall who have children and also have drug addition issues.

Indianapolis First Day Out Men's Reentry Program - \$212,408

Awarded by the Edward Byrne Memorial Discretionary Grants Program, this re-entry program is designed to give mentorship and resource support to men at the Plainfield Re-Entry Facility (PREF).

SECTION 2. The sum of Six Hundred Thirty Seven Thousand Two Hundred Twenty-three Dollars (\$637,223) 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	2,400
3. Other Services and Charges	631,823
4. Capital Outlay	3,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	637,223

SECTION 4. The said additional appropriation is funded by Unappropriated revenues, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
Grant revenues supporting the appropriations in Section 3	<u>637,223</u>
TOTAL	637,223

SECTION 5 There are no matching funds required for these grants.

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

Proposal No. 120, 2009, as amended, was retitled FISCAL ORDINANCE NO. 10, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 10, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Twenty-Nine Thousand Nine Hundred Eighty-Five Dollars (\$29,985) in the Local Grants Fund, Twenty Thousand Dollars (\$20,000) in the State Grants Fund, and Eight Thousand Two Hundred Dollars (\$8,200) in the County General Fund for purposes of the Marion Superior Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06(f) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the following: the salary of a court reporter, provision of supplies to support the position and a recording system for the expansion of the Truancy Court (\$29,985), financed by a Community Crime Prevention Task Force grant being appropriated in the Local Grants Fund; the partial salary and provision of supplies for the Family Court Coordinator (\$20,000), financed by a grant from the State Supreme Court; monitors and equipment to be used as a paging system at the Juvenile Court (\$8,200), financed by a transfer between characters in the Marion Superior Court's County General Fund appropriations..

SECTION 2. The sum of Fifty-Eight Thousand One Hundred Eighty-Five Dollars (\$58,185) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>LOCAL GRANTS FUND</u>
1. Personal Services	27,485
2. Supplies	2,500
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	29,985

<u>MARION SUPERIOR COURT</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	18,000
2. Supplies	2,000
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	20,000

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>8,200</u>
TOTAL INCREASE	8,200

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

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	8,200
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	8,200

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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>LOCAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>29,985</u>
TOTAL	29,985
	<u>STATE GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>20,000</u>
TOTAL	20,000

SECTION 5. No local match is required for the Community Crime Prevention Task Force grant. This grant will fund one new part-time FTE, which was not originally accounted for in F.O. 54, 2008. No new FTEs are associated with and no local match is required for either the State Supreme Court or Juvenile Accountability Initiative Block grants.

SECTION 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 125, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 125, 2009 on April 23, 2009. The proposal, sponsored by Councillor Pfisterer, appropriates \$3,250,000 in the 2009 Budget of the Department of Metropolitan Development (Federal Grants, Transportation and Consolidated County Funds) to fund various regional pavement, traffic and route planning activities with associated data gathering, financed by grants from the Federal Highway Administration, matching funds from the Department of Public Works, and contributions from partners and neighboring municipalities. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gray asked if there is a map on where these paving jobs will take place. Councillor Hunter stated that these dollars are not for the laying down of asphalt but for a paving management system. Councillor Sanders asked if this is stimulus money. Councillor Hunter said that to his knowledge, it is not, and is a Federal Highway Grant with a 20% match from the Department of Public Work's budget.

President Cockrum called for public testimony at 8:00 p.m. There being no one present to testify, Councillor Hunter moved, seconded by Councillor Cardwell, for adoption. Proposal No. 125, 2009, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 125, 2009, as amended, was retitled FISCAL ORDINANCE NO. 11, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Two Million Six Hundred Thousand Dollars (\$2,600,000) in the

Federal Grants Fund, Two Hundred Ninety-Nine Thousand Dollars (\$299,000) in the Transportation Fund, and Three Hundred Fifty-One Thousand Dollars (\$351,000) in the Consolidated County Fund, for purposes of the Department of Metropolitan Development.

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

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(g) and §1.01(h) and of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development (DMD) to fund the following activities: updating the regional pavement management system; project counts and traffic impact studies; light detecting, ranging and aerial photography for data acquisition; Geographic Infrastructure System (GIS) data development; IndyGo behavioral surveys and route planning; thoroughfare plan development; and alternative transportation. The previously named activities are financed by (1) grant funds from the Federal Highway Administration through the State of Indiana in the form of Planning (PL) funds deposited into the Federal Grants Fund, (2) matching funds from a transfer in the Transportation General Fund from DPW to DMD, and (3) matching funds collected through contributions from several partners and from neighboring municipalities deposited into the Consolidated County Fund.

SECTION 2. The sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	2,600,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	2,600,000

SECTION 4. The increased appropriation authorized by Section 3 is funded by grant funds from the Federal Highway Administration through the State of Indiana of Planning (PL) funds. These funds will allow the Metropolitan Planning Organization (MPO) to pay for eighty percent (80%) of the costs of the various contractual obligations pertaining to following activities: updating the regional pavement management system; traffic counts and traffic impact studies; light detecting and ranging (LIDAR) and aerial photography for data acquisition; Geographic Infrastructure System (GIS) data development; IndyGo behavioral surveys and route planning; thoroughfare plan development; and alternative transportation planning.

SECTION 5. The sum of Two Hundred Ninety-Nine Thousand Dollars (\$299,000) be, and the same appropriated for, the purposes as shown in Section 6 by reducing the accounts as shown in Section 7, where applicable.

SECTION 6. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>TRANSPORTATION FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	299,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	299,000

SECTION 7. The increased appropriation in Section 6 is funded by the following reduction:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>TRANSPORTATION FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	<u>0</u>
4. Capital Outlay	<u>299,000</u>
TOTAL DECREASE	299,000

SECTION 8. The transfer in the Transportation General Fund from the Department of Public Works (DPW) to the Department of Metropolitan Development (DMD) will cover the twenty percent (20%) match required for the federal grant appropriations requested for the following activities: updating the regional pavement management system, traffic counts and traffic impact studies.

SECTION 9. The sum of Three Hundred Fifty-One Thousand Dollars (\$351,000) be, and the same appropriated for, the purposes as shown in Section 10 and funded by the sources identified in Section 11.

SECTION 10. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	351,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	351,000

SECTION 11. The increased appropriation authorized by Section 9 is funded by commitments to contributions from other partners and municipalities. These matching funds will allow the Metropolitan Planning Organization (MPO) to pay for twenty percent (20%) of the costs of the various contractual obligations pertaining to following activities: light detecting and ranging (LIDAR) and aerial photography for data acquisition; Geographic Infrastructure System (GIS) data development; IndyGo behavioral surveys and route planning; thoroughfare plan development; and alternative transportation planning.

SECTION 12. 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 13. 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. 62, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 62, 2009 on February 11 and April 15, 2009. The proposal, sponsored by Councillor Vaughn, approves the consolidation of the Perry Township Fire Department with the Indianapolis Fire Department on or after August 1, 2009. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn explained that several amendments and discussion have taken place since the last meeting and more work is needed on this proposal. Councillor Vaughn moved, seconded by Councillor D. Mahern, to return Proposal No. 62, 2009 to committee for further discussion. Proposal No. 62, 2009 was returned to committee by a unanimous voice vote.

PROPOSAL NO. 74, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 74, 2009 on March 3 and 24 and April 14, 2009. The proposal, sponsored by Councillor Pfisterer, determines the need to lease approximately 26,254 square feet of office space at 3733 Commercial Drive for use as a traffic court, clerk's office and probation office of the Marion Superior Court. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Pfisterer moved, seconded by Councillor Day, to strike. Proposal No. 74, 2009 was stricken by a unanimous voice vote.

PROPOSAL NO. 113, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 113, 2009 on April 14, 2009. The proposal, sponsored by Councillor Sanders, transfers and appropriates \$21,718 in the 2009 Budget of the County Administrator (Drug Free Community Fund) to fund the Kaleidoscope and Gallahue Mental Health grants, financed by a transfer from the Marion County Prosecutor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lewis asked for consent to abstain because of her working relationship with Drug Free Marion County. Consent was given.

Councillor Pfisterer moved, seconded by Councillor Sanders, for adoption. Proposal No. 113, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 113, 2009 was retitled FISCAL ORDINANCE NO. 12, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Twenty-One Thousand Seven Hundred Eighteen Dollars (\$21,718) in the Drug Free Community Fund for purposes of the County Administrator.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, §1.04(a) and §1.06(c) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Administrator to fund the following: the Kaleidoscope grant, which provides for an after school summer camp program that targets drug prevention primarily for African-American children ages 5 years of age to 18 years of age and the Gallahue Mental Health grant, which provides assisted living for people in drug rehabilitation. Each of these grantees are financed by a transfer in the Drug Free Community Fund.

SECTION 2. The sum of Twenty-One Thousand Seven Hundred Eighteen Dollars (\$21,718) be, and the same appropriated for, the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY ADMINISTRATOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	21,718
4. Capital Outlay	0
TOTAL INCREASE	21,718

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

<u>COUNTY PROSECUTOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	21,718
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	21,718

SECTION 5. 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 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 117, 2009. Councillor Day reported that the Parks and Recreation Committee heard Proposal No. 117, 2009 on April 16, 2009. The proposal, sponsored by Councillors Day, Cain, Gray and Nytes, approves certain public purpose grants totaling \$1 million for the support of the arts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coleman said that he does not think government should be giving public tax dollars to private organizations when money is tight. He commended the Capital Improvement Board for withholding arts dollars in this time of financial crisis.

Councillor Day moved, seconded by Councillor Cain, for adoption. Proposal No. 117, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 117, 2009 was retitled GENERAL RESOLUTION NO. 5, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2009

PROPOSAL FOR A GENERAL RESOLUTION approving certain public purpose grants totaling \$1,000,000.00 for the support of the arts.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana ("City-County Council") appropriated the sum of one million dollars (\$1,000,000.00) in Section 4.01 of City-County Fiscal Ordinance No. 54, 2008, Annual Budget of the Consolidated City of Indianapolis (Budget Ordinance) for funding arts grants to be made by the Arts Council of Indianapolis and provided that such grants shall be considered public purpose local grants; and

WHEREAS, Section 4.01 of City-County Fiscal Ordinance No. 54, 2008 of the Budget Ordinance requires that sums appropriated therein for public purpose local grants shall not be spent until the City-County Council approves the amount and identity of the recipient of each grant; now, therefore:

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

SECTION 1. The following grants and administrative expenses totaling one million dollars (\$1,000,000.00) for support of the arts is approved in the following amounts for the following organizations:

ARTS COUNCIL OF INDIANAPOLIS
2009 Annual Grant Program
Funded by the City of Indianapolis

LIST OF GRANT RECIPIENTS

Organization Name	2009 Grant
American Cabaret Theatre	\$3,750
American Pianists Association	\$36,000
Art With a Heart, Inc.	\$8,000
Asante Children's Theatre	\$4,000
Children's Museum of Indianapolis	\$20,000
Children's Theatre Institute, Inc.	\$7,200
Clowes Memorial Hall	\$30,750

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Dance Kaleidoscope, Inc.	\$42,000
Eiteljorg Museum	\$36,000
Encore Vocal Arts	\$8,500
Festival Music Society	\$5,950
Fine Arts Society of Indianapolis	\$4,000
Footlite Musicals, Inc.	\$3,200
Freetown Village, Inc.	\$34,425
Gregory Hancock Dance Theatre	\$13,600
Harrison Center for the Arts	\$9,600
Heartland Truly Moving Pictures	\$15,000
Indiana Repertory Theatre	\$36,000
Indianapolis Arts Center	\$66,000
Indianapolis Chamber Orchestra	\$35,200
Indianapolis Children's Choir	\$26,250
Indianapolis Civic Theatre	\$36,750
Indianapolis Museum of Art	\$20,000
Indianapolis Museum of Contemporary Art	\$7,200
Indianapolis Opera	\$53,250
Indianapolis Symphonic Band, Inc.	\$7,650
Indianapolis Symphonic Choir	\$20,000
Indianapolis Symphony Orchestra	\$20,000
Indianapolis Theatre Fringe Festival	\$8,000
IndyBaroque	\$1,700
IndyChoruses	\$2,500
InterAction Theatre, Inc.	\$6,800
International Violin Competition	\$40,000
Madame Walker Theatre Center	\$12,400
Motus Dance Theatre	\$4,250
Music for All, Inc.	\$26,625
New World Youth Orchestras	\$6,800
Orkestra Projekt	\$1,700
Philharmonic Orchestra of Indpls	\$13,600
Phillips Music Guild	\$2,000
Phoenix Theatre	\$48,800
President Benjamin Harrison Foundation	\$4,000
Primary Colours	\$5,950
Ronen Chamber Ensemble	\$4,250
ShadowApe Theatre Company	\$3,400
Storytelling Arts of Indiana	\$26,350
Summer Stock Stage	\$2,550
Urban Arts Consortium	\$5,525
VSA arts of Indiana	\$39,000
WFYI Teleplex	\$34,500
Writers' Center	\$5,525
Young Audiences of Indiana	\$46,500

**Arts Council of Indianapolis
Distribution of 2009 City Arts Funding**

2009 Grant Recommendations (see attached list of grant recipients)	\$963,000
Adjudication and Panel Costs	\$0
Direct program costs including audit fees, workshops, publicity and promotion, printing, and technology and web development (no staff salaries or benefits are included in this line item)	\$37,000
Total of 2009 Arts Funding as Line Item through Indy Parks and Recreation	\$1,000,000

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

May 4, 2009

PROPOSAL NO. 121, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 121, 2009 on April 15, 2009. The proposal, sponsored by Councillor Vaughn, approves the city's Edward Byrne Memorial Justice Assistance Grant application to obtain funds to assist efforts to prevent or reduce crime and violence. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders asked if this is stimulus money. Councillor Vaughn said that it is money from the Recovery and Reinvestment Act and must be spent within four years through a formula designed by the federal government.

Councillor Nytes stated that if government would invest more significantly in the work of arts groups, less would probably be needed to be spent in reducing crime. She said that they need to invest in the front end for activities to keep youth from a life of crime and violence.

Councillor Lewis asked for consent to abstain because of her working relationship with the Indiana Criminal Justice Institute, who oversees these dollars. Consent was given.

Councillor Vaughn moved, seconded by Councillor Plowman, for adoption. Proposal No. 121, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 121, 2009 was retitled GENERAL RESOLUTION NO. 6, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2009

PROPOSAL FOR A GENERAL RESOLUTION to authorize Indianapolis and Marion County to approve the Office of Finance and Management's application for disbursement of funds from the Edward Byrne Memorial Justice Assistance Grant Program ("Grant Program").

WHEREAS, the City-County Council is the governing body for the City of Indianapolis and Marion County pursuant to IC 36-3-4-19; and

WHEREAS, the Grant Program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a); and

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance ("BJA") is the administrator of the Grant Program; and

WHEREAS, an application for disbursement of grant funds from the Grant Program must be made available for review by the governing body not fewer than thirty (30) days before it is submitted to the BJA; and

WHEREAS, the grant application is attached hereto as Appendix A; 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 and hereby approves the attached grant application to be submitted to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 126-129, 2009 on April 23, 2009. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 126, 2009. The proposal, sponsored by Councillor Plowman, authorizes intersection controls in the McGregor Highlands subdivision (District 25). PROPOSAL NO. 127, 2009. The proposal, sponsored by Councillor Plowman, authorizes intersection controls in the Moeller Estates at Wildwood Farms, Sections 2, 4, 6 and 7 (District 25). PROPOSAL NO. 128, 2009. The proposal, sponsored by Councillor Plowman, authorizes intersection controls in the Hanover subdivision, Sections 1 and 3 (District 25). PROPOSAL NO. 129, 2009. The proposal, sponsored by Councillor Cockrum, authorizes intersection controls in the Bluff View Meadows subdivision (District 22). By a 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Plowman, for adoption. Proposal Nos. 126-129, 2009 were adopted on the following roll call vote; viz:

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

Proposal No. 126, 2009 was retitled GENERAL ORDINANCE NO. 35, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 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>
48	Aberdeenshire Ct Aberdeenshire Way	Aberdeenshire Way	Stop
48	Aberdeenshire Way Blair Castle Ct	Aberdeenshire Way	Stop
48	Drum Castle Ct Fenton Tower Dr	Fenton Tower Dr	Stop
48	Fenton Tower Dr Franklin Rd	Franklin Rd	Stop

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

Proposal No. 127, 2009 was retitled GENERAL ORDINANCE NO. 36, 2009, and reads as follows:

May 4, 2009

CITY-COUNTY GENERAL ORDINANCE NO. 36, 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>
34	Caraway Ln Cork Bend Dr	Cork Bend Dr	Stop
34	Caraway Pl Cork Bend Dr	Cork Bend Dr	Stop
34	Cork Bend Dr States Bend Dr	States Bend Dr	Stop
34	Cork Bend Dr States Bend Ln	Cork Bend Dr	Stop
34	Cork Bend Dr Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
34	Fisher Bend Dr Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
34	Grove Berry Dr Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
34	Grove Berry Way Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
34	States Bend Dr States Bend Ln	States Bend Dr	Stop
34	States Bend Dr Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
41	Allspice Ln Corktree Dr Laurel Cherry Ln	Corktree Dr Laurel Cherry Ln	Stop
41	Allspice Ln Wildwood Farms Blvd	Wildwood Farms Blvd	Stop
41	Cork Bend Dr Cork Bend Ln	Cork Bend Dr	Stop
41	Cork Bend Ln Wildwood Farms Ln	Wildwood Farms Ln	Stop
41	Laurel Cherry Ln Whistlewood Ln	Whistlewood Ln	Stop
41	Wildwood Farms Blvd Wildwood Farms Dr	Wildwood Farms Blvd	Stop
41	Wildwood Farms Blvd Wildwood Farms Ln	Wildwood Farms Blvd	Stop
41	Whistlewood Ct Whistlewood Ln	Whistlewood Ln	Stop

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

Proposal No. 128, 2009 was retitled GENERAL ORDINANCE NO. 37, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 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>
34	Brandenburg Blvd States Bend Dr	Brandenburg Blvd	Stop
41	Brandenburg Blvd Southeastern Ave	Southeastern Ave	Stop

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

Proposal No. 129, 2009 was retitled GENERAL ORDINANCE NO. 38, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 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>
38	Bluff View Blvd Bluff View Dr Cliff Ridge Dr	Bluff View Dr Cliff Ridge Dr	Stop
38	Bluff View Blvd Epler Ave	Epler Ave	Stop
38	Cliff Ridge Ct Cliff Ridge Dr	Cliff Ridge Dr	Stop
38	Cliff Ridge Dr Cliff Ridge Ln	Cliff Ridge Ln	Stop

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

PROPOSAL NO. 131, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 131, 2009 on April 23, 2009. The proposal, sponsored by Councillors Plowman and Nytes, amends the Code to enhance the city's ability to enforce the provisions of Chapter 575,

Environmental Public Nuisances, including amendments regarding high weeds and vegetation. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Day asked how many people it will take to monitor this, as it seems like a very big job and a widespread problem. Rick Powers, Office of Code Enforcement, said that they are engaging vendors to cut proactively and therefore, the program should monitor itself. He said that this should actually relieve some of the burden on DPW staff. Councillor Mansfield said that the costs incurred will also be covered by being applied to the owners' property tax bill. .

Councillor Coleman said that he agrees this is a problem, but five days seems a very short time frame. He asked when the five-day period will begin. Mr. Powers said that it will begin from the date of notice, and they will take into account an acceptable mailing time. Councillor Coleman said that if someone is on vacation for two weeks, they could end up being non-compliant. Mr. Powers stated that the grass has to be 12 inches high before it is considered high weeds and he doubts two weeks of growth on a well-kept lawn will produce 12 inches. Councillor Coleman asked about absentee landlords and rental properties. Mr. Powers said that there are abatement allowances and an appeal process to take into account mitigated circumstances.

Councillor Nytes said that this is actually an opportunity to remind absentee landlords that they have had a pretty good deal in the price of cutting grass and the fines they had to pay. She said that the neighborhood associations have been asking for this for a long time, and she is glad government has heard them.

Councillor Lutz said that he understands the reasons behind the ordinance, but his concern regards 12-inch high grass on city property, and if the citizens are to be held accountable, then the city, should be held to the same standards.

Councillor Plowman said that Proposal No. 177, 2009, which was introduced tonight, along with this proposal, is helping to consolidate code compliance and enforcement, and he believes the city is heading in the right direction.

Councillor Coleman said that he would suggest adding a repeat offender provision instead of limiting the number of days a citizen has to mow their grass.

Councillor Hunter moved, seconded by Councillor Plowman, for adoption. Proposal No. 131, 2009 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), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Vaughn
1 NAY: Coleman
1 NOT VOTING: Speedy
1 ABSENT: Malone

Proposal No. 131, 2009 was retitled GENERAL ORDINANCE NO. 39, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code: to shorten the time from ten (10) days to five (5) days for abatement of the environmental public nuisance of vegetation of a height of twelve (12) inches or more; to provide that, if the City abates the environmental public nuisance

of vegetation of a height of twelve (12) inches or more under the provisions of Chapter 575 of the Revised Code, the notice of violation for the subject property is in effect for the calendar year in which it is issued, and that the City, without issuance of further notice, may continue to reinspect and abate such subsequent environmental public nuisances of a similar nature that exist on the subject property and may recover its abatement costs; to make publication of a list of repeat violators discretionary; and, to remove language referring to a violation for inoperable vehicles that is no longer contained in Chapter 575.

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

SECTION 1. Section 575-5 of the "Revised Code of the Consolidated City and County," regarding environmental public nuisances, hereby is amended by deletion of the language that is stricken-through, and by addition of the language that is underscored, to read as follows:

Sec. 575-5. Determination of violation; notice of violation.

(a) Any department of the city that receives a complaint regarding an environmental public nuisance on any property within the city shall forward that complaint to the department of public works, which shall make a record of, and assign a case number to, such complaint. An authorized individual shall visually inspect the property in question. If the authorized individual determines that a violation exists, the department shall issue a notice of violation to the owner if the city intends to proceed under the provisions of section 575-7 of this chapter and, in the department's sole discretion, to the occupant. A notice of violation issued for vegetation of a height of twelve (12) inches or more remains in effect for the calendar year in which it is issued if the city abates the environmental public nuisance under the provisions of section 575-7 of this chapter. After such abatement by the city, without issuance of further notice, the city may continue to reinspect the subject property and may abate subsequent violations of vegetation of a height of twelve (12) inches or more and may recover its abatement costs under this chapter.

(b) Notice of violation described in subsection (a) shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than five (5) days from the date of the notice for vegetation of a height of twelve (12) inches or more, and ten (10) days from the date of the notice for all other violations under this chapter, when the property will be reinspected. The notice shall inform the recipient that, if the condition is not corrected upon reinspection, the city has the right to enter on the property to abate or correct the condition and bill the recipient for costs incurred in so doing. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located shall be sufficient notice under this subsection.

SECTION 2. Section 575-7 of the "Revised Code of the Consolidated City and County," regarding the failure to abate a public nuisance and abatement by the city, hereby is amended by deletion of the language that is stricken-through, and by addition of the language that is underscored, to read as follows:

Sec. 575-7. Failure to abate after notice; abatement by city.

(a) *Abatement by city.* If, upon reinspection, it is determined by the authorized individual that abatement has not occurred, or if vegetation of a height of twelve (12) inches or more is present on a property in the same calendar year in which the city previously abated a violation of a similar nature on that property, then the director of the department of public works, or his designee, may enter upon the premises and abate the environmental public nuisance. The recipient shall be liable for the costs of abatement. After abatement is completed, the department of public works shall, either by personal service or first class United States mail, postage prepaid, send the recipient a bill for the costs of abatement.

(b) ~~Responsibility of occupant or owner for costs of abatement.~~ Responsibility of occupant or owner for costs of abatement.

(1) ~~Abatement costs.~~ Abatement costs. As reimbursement to the department of public works for its costs, the recipient shall, within ten (10) days of the date of the bill, pay to the department of public works of the city the following fees and charges:

a. The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

May 4, 2009

Administrative fees . . . \$226.00

- b. Any disposal fees actually incurred to dispose of litter and waste products removed;
 - c. Any other reasonable fees actually incurred in abating an environmental nuisance;
 - d. Administrative, labor and equipment fees may be changed or established by regulation of the board of public works as necessary to assure that such fees are adequate to reimburse the department.
- (2) *Hearing.* A recipient may request in writing an informal hearing before the director of the department of public works, or his designee, to dispute the existence of a violation and/or the accuracy of all or part of the costs of abatement billed. Upon receipt of a hearing request, the department shall not take abatement action until after the director or his designee notifies the recipient of his decision. After such hearing, the director of the department of public works, or his designee, shall determine the existence of a violation and/or the accuracy of all or part of the abatement costs billed and shall notify the recipient of any amounts due to the department. The decision of the director, or his designee, shall be final.
- (3) *Unpaid costs become lien upon affected property; perfecting of lien.* Upon the failure of the owner who was sent a ~~notice of violation and~~ bill to pay the appropriate fees and charges within the ten-day time period, the department of public works of the city shall have a lien upon the property on which the environmental public nuisance was abated for the amount billed in accordance with the fee schedule listed above. In addition, there will be a ten-dollar charge for services necessary in order to perfect such lien. Such liens may be perfected in the following manner:
- a. By the adoption by the board of public works at any regular or special meeting thereof of an assessment resolution, which shall give the name of the owner or owners, a description of the property on which the environmental public nuisance was abated, and the amount of the charges being assessed; and
 - b. The certification of such assessment resolution to the auditor of Marion County, who by special assessment shall cause the amount thereof to be placed on a tax duplicate for the property on which the environmental public nuisance was abated for collection as in the nature of a real property tax;
 - c. Upon receipt of a written verified request from the purchaser, the department shall release liens perfected after the recorded date of conveyance of the property. The request must state that the purchaser was not an owner or occupant of the property at the time of the notice of violation or at the time of the City's abatement without notice of a subsequent violation of a similar nature in a calendar year as provided in this chapter, had no knowledge of the notice of violation and has not been paid by the seller for the costs of abatement billed.
- (4) *Civil action to recover costs of abatement.* Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten-day period, the department of public works may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees.

SECTION 3. Sections 575-9 and 575-10 of the "Revised Code of the Consolidated City and County," regarding penalties for environmental public nuisances, and variances, respectively, hereby are amended by deletion of the language that is stricken-through, and by addition of the language that is underscored, to read as follows:

Sec. 575-9. Penalty.

(a) Any ~~recipient~~ owner or occupant found in violation of this chapter may be fined not more than two thousand five hundred dollars (\$2,500.00) for each violation. Each day such violation is permitted to continue may be deemed to constitute a separate violation. A previous violation of this chapter may be considered in determining the penalty assessed. Notwithstanding section 103-3 of this Code, a finding that a violation occurred or an admission that a violation occurred is not required to assess and recover a penalty if the recipient subject to the penalty agrees to pay the penalty pursuant to either an agreed judgment or consent decree in a court action for ordinance violation or a compliance agreement in an administrative adjudication.

(b) Notwithstanding paragraph (a) above, a recipient shall be fined two thousand five hundred dollars (\$2,500.00) for each repeat violation.

(c) The department of public works ~~shall~~ may publish a list of the names of owners and occupants who have been cited for a repeat violation under this chapter and the addresses of the affected properties. The director shall determine the frequency of publication.

Sec. 575-10. Variance.

An owner or occupant may submit a written request for a variance to the board of public works if compliance with this chapter will cause undue hardship to such owner or occupant without a sufficient corresponding benefit to the health or safety of the public. To receive consideration, such request must be received prior to the time the city abates the environmental nuisance on the property. Upon receipt of a request, the board of public works shall schedule a hearing and notify the owner or occupant of the time and place. At least ten (10) days prior to the hearing, the owner or occupant shall notify in writing the owners and occupants of all property within one hundred fifty (150) feet of the property for which the variance is requested. The notice shall state the location of the property for which the variance is requested, the nature of the variance requested, and the time and place of the hearing. At the hearing, the owner or occupant requesting the variance, representatives of the city, representatives of state or local governmental health authorities and any person affected by the proposed variance may present evidence. After the hearing, the board of public works may grant or deny the request. The decision of the board of public works shall be final. Within ten (10) days of the decision, written notice of the board of public works' decision shall be given to the owner or occupant who requested the variance. ~~This provision shall not apply to an environmental public nuisance as defined in subsection 575-2(3)e of this chapter.~~

SECTION 4. 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 5. 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 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

NEW BUSINESS

Councillor Vaughn said that although Proposal No. 62, 2009 was returned to committee this evening, it will not be on the agenda for this Wednesday's Public Safety and Criminal Justice Committee, as that agenda has already been set. He stated that he will add it to the next meeting's agenda. Councillor Brown said that words like "minimal" and "small" are not sufficient for him, and he would like to see actual numbers regarding this proposal in committee.

Councillor Lutz said that the proposal regarding new dog regulation requirements has been assigned to the Rules and Public Policy Committee, and they will not act on this at their May 12th meeting, but will set out a schedule for public hearings on the matter. Councillor Mansfield asked if they will then take no public testimony on May 12. Councillor Lutz said that he will not.

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.

May 4, 2009

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

- (1) All Councillors in memory of James E. McQuillen; and
- (2) Councillor Cain in memory of Gertrude Dirks Baird, Ted W. Harper and Alan Cobb; and
- (3) Councillors Cain and Hunter in memory of David S. Neeld; and
- (4) Councillor Hunter in memory of Irene Sprunger and Ramona June Applegate; and
- (5) Councillor Evans in memory of Frederick Laurence Clemons, Sr.; and
- (6) Councillors Plowman, Hunter, Day, Cardwell, Cockrum and Speedy in memory of Rachel Orpha Miller; and
- (7) Councillor Speedy in memory of George R. McMath.

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 James E. McQuillen, Gertrude Dirks Baird, Ted W. Harper, Alan Cobb, David S. Neeld, Irene Sprunger, Ramona June Applegate, Frederick Laurence Clemons, Sr., Rachel Orpha Miller, and George R. McMath. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:32 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 4th day of May, 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)

