

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

**REGULAR MEETINGS
MONDAY, AUGUST 10, 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, August 10, 2009, with Councillor Cockrum presiding.

Councillor Lewis introduced Pastor T.D. Robinson, Greater Mt. Heron Baptist Church, who led the opening prayer. She then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Lutz recognized Mayor Greg Ballard, Andy Harris, administrator of neighborhood liaisons, and Jon Livengood, Hotel Association. Councillor McQuillen recognized community activist Joey Fox. Councillor Gray recognized Cordelia Lewis Burke and family and radio personality Amos Brown. Councillor Evans recognized Joe Hogsett, former Indiana Democratic Party chairman. Councillor Pfisterer recognized long-time friend and firefighter Tom Hanify. Councillor McHenry recognized Doug Meecham, Wayne Township resident, and Daniel Walsh, Pike Township resident. Councillor Lewis recognized Senator Greg Taylor. Councillor Minton-McNeill introduced community activist Kareem Abdullah and neighborhood liaison Carlos May. Councillor Oliver recognized union representative Steve Quick. Councillor Pfisterer recognized

firefighter Tom Miller. Councillor Plowman recognized radio personality Abdul Shabazz, the Mayor's wife Winnie Ballard, and Indianapolis Metropolitan Police Department officers. Councillor Sanders welcomed all those who have not been recognized specifically.

OFFICIAL COMMUNICATIONS

President Cockrum recognized The Honorable Gregory Ballard, Mayor, who offered the following remarks regarding the proposed 2010 budget:

Members of the Indianapolis Marion County City County Council:

I am pleased to introduce to you this evening a balanced 2010 budget for the City of Indianapolis.

This budget reflects our belief that Indianapolis can and should be a taxpayer affordable city – one that crunches government, not citizens, to make ends meet. If we are to be successful as a city – both next year and in the next 50 years—we must create an economic climate now in which ordinary citizens can afford to live and live well. And we must do so despite tough economic times.

We have known for quite a while that 2010 would be a tough budget year. In this cycle, we will feel the full effect of property tax caps. We championed this much-needed relief in the legislature on behalf of Marion County citizens, because the people who live here deserve a consistent, predictable tax structure. It was the right thing to do, and it is a positive measure for our city.

But it has a dramatic impact on the City's revenue structure, and we have responded – not by passing along the financial burden to citizens – but by taking a closer look at programs and services to determine which are essential and which amount to an overreach of the function of municipal government.

Money is tight for everyone right now. Private companies are working to overcome budget challenges too. Families are making tough decisions about the ways they spend money. The individuals and families who live here are finding creative ways to make their hard-earned dollars stretch, and we owe it to them to do the same thing in the day to day operations of their government.

Our 2010 budget demonstrates that we too are striving to live within our means, with a balanced budget, in which revenues equal or exceed expenditures. We knew this year would be tough, so we started preparing for it in last year's budget. Strong fiscal leadership last year means we won't have to make the Draconian cuts other governments are making this year. Our budget is based on a strategic model – not an annual model. And we must continue to be conservative in our estimates of incoming revenues and disciplined in our spending of taxpayer monies.

We began this process with an estimated \$40 million shortfall to overcome as a result of property tax caps, reduced revenue from income tax, and the general effects of a down economy. We arrived at a balanced budget for 2010 the same way we developed one in 2009, through an unwavering commitment to create efficiencies, reduce wasteful spending, explore creative options; and by gathering significant public input along the way.

Transparency and citizen input are hallmarks of this budget. People deserve to know how and where their tax dollars are being spent. And frankly, they shouldn't have to wait until a budget is introduced to get that information or to make their voices heard. Through Mayor's Night Out events and our open budget reviews, citizens repeatedly asked us to continue focusing on the basics of good government. We heard their voices and created a plan for the coming year that keeps Indianapolis heading in the right direction.

To begin the 2010 budgeting process, we asked city and county agencies to start at 95% of their 2009 appropriations as a way to curb spending. As I'm sure you'll recall, they were asked to do the same thing in 2008 and 2009 as well.

Within that remaining 95%, we set out to find ways to maintain or improve the level of service we provide to the public, while taking into account things like union pay increases – something we intend to continue funding in 2010, in part by asking city and county agencies to find 25% of the contract increases through existing resources.

You will notice we have flat-lined the budget for health insurance, and we are currently working with insurance carriers to develop plan changes that will not over-burden employees. But with healthcare costs projected to increase 10%, we must all work together to control that cost. This past year, we were pleased to open a health clinic in this building to assist employees and their dependents with healthcare needs, and that clinic will remain part of the benefit package we provide.

Unlike last year when we provided a 3% across-the-board increase to non-union employees, there are no planned salary increases for non-union employees, with one exception. In reviewing spending and budget options this year, I learned – and frankly was embarrassed to learn --that there are city and county employees being paid below the poverty level. That is not acceptable to me, and I instructed our HR

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department to develop and adjust our salary scale to raise the city's and county's lowest paid employees to a livable wage. This impacts 300 city/county employees.

Public Safety is, and will remain, job one in Indianapolis. We continue to adequately and appropriately fund public safety agencies, so they may continue to do the same kind of good work that has caused crime to decrease this past year throughout Marion County. Some of that public safety funding - \$11 million to fund 50 new police officers - will come from federal stimulus dollars.

This is one piece of the federal stimulus funding the city has been awarded and will continue to aggressively pursue in 2010 and beyond.

The Neighborhood Stabilization Program (NSP) formula grants are another great example of this. In 2009, we've been able to launch a program that will pump \$29 million into four areas of the city needing a boost to become vibrant neighborhoods again. We have another round of NSP funds for which we're aggressively competing (\$35 million), and we have been awarded \$8 million already in grants for sustainability projects and more than \$20 million for public works projects. The American Recovery and Reinvestment Act is allowing us to accelerate schedules on much-needed infrastructure and sustainability projects, and I want to recognize Congressman André Carson for his work in Washington D.C. on behalf of our city.

We are also pursuing other federal grant opportunities to help us get caught up on one-time projects. For example, the imaging of historical maps that otherwise would have been collecting dust and deteriorating – is taking place because our county Surveyor, Debbie Jenkins, sought out creative funding sources to make the project happen. And I want to recognize her tonight for her leadership and persistence in finding a way to get the job done, even when the budget was tight.

In this budget, you will also find \$1 million in funding for the arts, and \$4 million in funding for the crime prevention grant program – an allocation that I believe will allow us to continue supporting that program in an effective, efficient way. We will also increase our investment in housing development for low income family units by expanding the housing trust fund as well as increasing funding for the demolition of abandoned and unsafe buildings.

This budget also funds a long-term vehicle lease plan for DPW that supplements the existing purchase plan and creates a sustainable fleet solution. Many times, a broken-down vehicle in our aging fleet is the only thing standing between a DPW crew and potholes to patch or streets to plow. A long-term, sustainable vehicle plan is a necessity that will improve the way we deliver services to citizens.

Consolidation and process improvements are also key elements to our success moving forward. As you will see in our budget approach, many of the hurdles we are facing have challenged us in a positive way to develop more sustainable solutions, and to continue removing duplicative services within City and County government. Township fire department consolidation, Six Sigma partnerships with our business community, the creation of the Central Indiana Purchasing Alliance, re-tooling of our code enforcement processes, and seeking creative marketing and sponsorship opportunities for city assets, are but a few examples.

Integrating financial operations is a milestone for this city that was contemplated in UNIGOV 40 years ago, but which was never implemented. This budget includes funding for the first phase of development and implementation of an integrated financial management system that will eliminate over 1,100 "shadow systems" and consolidate the back office accounting and management functions throughout city and county government.

The township assessor consolidation we championed last year will mean a \$2 million reduction this year and an additional \$300,000 of savings in 2011 when the previously elected township assessors are removed from the city's payroll.

In addition to consolidation measures and creating efficiencies through process improvement, basic measures of fiscal responsibility continue to provide big returns as well. In 2010, we'll be able to minimize our borrowing simply by getting property tax bills out on time. Getting that process back on a normal budget cycle means cutting interest payments from \$3 million to \$1.5 million – That's a 50% reduction we'll realize simply by focusing on the fundamentals of good government.

There can be no question that we are in the midst of tough economic times. Most of us have been personally affected by the down economy in one way or another. But at this significant moment in our nation's history, when cities and counties throughout the country are halting essential services, laying off firefighters and police officers hundreds at a time and non-public safety employees by the thousands, I am extremely proud that our controller's office and separate departments and agencies have demonstrated the will and the capacity to continue providing excellent service for our citizens despite limited resources.

My proposed budget sets forth a plan by which we can continue serving all citizens of Marion County by making Indianapolis a safe, livable city now and for future generations. I welcome your thorough review of this budget, and I look forward to many positive discussions with you in the coming weeks.

Thank you.

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

Journal of the City-County Council

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 10, 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

July 24, 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:

FISCAL ORDINANCE NO. 24, 2009 – approves an additional appropriation of \$160,710 in the 2009 Budgets of the Marion County Election Board and Voter's Registration (County General Fund) to fund referenda elections on November 3, 2009, financed by reimbursement from Franklin Township Community School Corporation and Beech Grove City Schools

FISCAL ORDINANCE NO. 25, 2009 – approves an additional appropriation of \$181,455 in the 2009 Budget of the Department of Parks and Recreation (Federal Grants Fund) to fund increased costs of food service contracts pertaining to the Summer Food Program

FISCAL ORDINANCE NO. 26, 2009 – approves an appropriation of \$4,768,903 in the 2009 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to fund operating expenses for the balance of 2009 associated with the consolidation of the Perry Township Fire Department into the Indianapolis Fire Department, financed by Perry Township revenues

FISCAL ORDINANCE NO. 28, 2009 – approves a transfer of \$900,000 in the 2009 Budget of the Department of Public Works (Consolidated County Fund) to fund maintenance and repair costs for the City-County's vehicle fleet

GENERAL ORDINANCE NO. 64, 2009 – authorizes intersection controls at Fairfax Road and Harlan Street (District 24)

GENERAL ORDINANCE NO. 65, 2009 – authorizes school day parking restrictions on the north and south sides of Julian Avenue (District 21)

GENERAL ORDINANCE NO. 66, 2009 – authorizes a change in parking restrictions on Pennsylvania Street between Ohio Street and New York Street (District 15)

GENERAL ORDINANCE NO. 67, 2009 – authorizes intersection controls in the Orchard Valley Farms subdivision, Sections 4 and 5 (District 18)

GENERAL ORDINANCE NO. 68, 2009 – authorizes intersection controls in the Cheswick Place subdivision, Sections 1 and 2A (Districts 7, 8)

GENERAL ORDINANCE NO. 69, 2009 – authorizes a multi-way stop at the intersection of Beulah Avenue and Legrande Avenue

GENERAL ORDINANCE NO. 70, 2009 – authorizes a multi-way stop at the intersection of Patton and Suburban Drives (District 7)

GENERAL ORDINANCE NO. 71, 2009 – authorizes intersection controls in the Copeland Mills Estates subdivision (District 22)

GENERAL ORDINANCE NO. 72, 2009 – authorizes intersection controls in the Camby Village Triplex subdivision (District 22)

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GENERAL ORDINANCE NO. 73, 2009 – authorizes intersection controls in the Cedar Park subdivision, Sections 1 and 2 (District 22)

GENERAL ORDINANCE NO. 74, 2009 – authorizes intersection controls at the intersection of Camby Village Boulevard and Kentucky Avenue (District 22)

GENERAL RESOLUTION NO. 18, 2009 – reallocates and approves certain public purpose grants totaling \$1,000,000 for the support of the arts

GENERAL RESOLUTION NO. 19, 2009 – certifies a question to be submitted to voters in the November 3, 2009 special election regarding a referendum tax levy by Beech Grove City Schools

GENERAL RESOLUTION NO. 20, 2009 – certifies two questions to be submitted to voters in the November 3, 2009 special election regarding referenda tax levies by Franklin Township Community School Corporation

SPECIAL RESOLUTION NO. 23, 2009 - recognizes Taylor Whipkey on achieving the rank of Eagle Scout

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of July 20, 2009. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 304, 2009. The proposal, sponsored by Councillors Pfisterer, Scales, Cardwell, Hunter, Bateman, Malone, Cain, Evans, Minton-McNeill, Moriarty Adams and Mansfield, recognizes the Marion County Commission on Youth (MCCOY) for their efforts in providing better opportunities and outcomes for youth in Central Indiana. Councillors Pfisterer and Bateman read the proposal and presented copies of the document and Council pins to representatives. Representatives thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Bateman, for adoption. Proposal No. 304, 2009 was adopted by a unanimous voice vote.

Proposal No. 304, 2009 was retitled SPECIAL RESOLUTION NO. 24, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2009

A SPECIAL RESOLUTION recognizing the Marion County Commission on Youth (MCCOY) for their efforts in providing better opportunities and outcomes for youth in Central Indiana.

WHEREAS, MCCOY's mission is to support positive development of youth by setting a high standard for improving and expanding the quality of youth opportunities; and

WHEREAS, MCCOY's approach to accomplishing their mission involves four strategic roles: advocate – promoting positive practices and effective policies for youth; resource - providing essential tools and information to caring adults and young people; capacity builder - preparing youth-serving organizations to support the developmental needs of young people; and convener - bringing the community together to find innovative ways to address youth issues; and

WHEREAS, MCCOY's strategic roles have led them to focus on key initiatives including: the Learning Network; the upcoming Ready by 21 Quality Counts effort, the soon-to-be launched ROY – Resources Online for Youth – program; and many special initiatives; and

WHEREAS, these programs and initiatives provide a range of learning and networking opportunities for youth development professionals and other caring adults, focuses on improving the quality and reach of youth programs and strengthening local policies that guide resource allocation, accountability and workforce development, and acts as a tool to connect young people and families to quality youth programs in their area, as well as to assess the state of youth programming in the community; and

WHEREAS, MCCOY has opened many doors in the community, in local agencies, and in young people's lives to opportunities, activities and developmental outcomes; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes MCCOY for creating a series of Community Compacts for Youth that outline ways that both individuals and organizations throughout the community can increase the odds of success for local youth.

SECTION 2. The Council congratulates MCCOY for its many successful efforts and wishes them continued success in all future contributions to the positive development of youth in Central Indiana.

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

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

PROPOSAL NO. 305, 2009. The proposal, sponsored by Councillors Plowman, McQuillen, Nytes, Day, Scales, Cardwell, Vaughn, Hunter, Bateman, McHenry, Malone, Cain, Moriarty Adams and Minton-McNeill, recognizes Scott C. Newman for his many years of dedicated service to the City of Indianapolis/Marion County. Councillor Plowman moved, seconded by Councillor Vaughn, to postpone Proposal No. 305, 2009 until August 31, 2009. Proposal No. 305, 2009 was postponed by a unanimous voice vote.

PROPOSAL NO. 306, 2009. The proposal, sponsored by Councillors McHenry, Minton-McNeill and Moriarty Adams, recognizes Daniel Walsh on achieving the rank of Eagle Scout. Councillor McHenry read the proposal and presented Mr. Walsh with a copy of the document and Council pin. Mr. Walsh thanked the Council for the recognition. Councillor McHenry moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 306, 2009 was adopted by a unanimous voice vote.

Proposal No. 306, 2009 was retitled SPECIAL RESOLUTION NO. 25, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2009

A SPECIAL RESOLUTION recognizing Daniel Walsh on achieving the rank of Eagle Scout.

WHEREAS, Daniel began his scouting career over 10 years ago as a Tiger Cub with Pack 69 at Eagle Creek Elementary School; and

WHEREAS, Daniel earned his Arrow of Light award and crossed over to Troop 269 at St. Andrew Presbyterian Church in April of 2003; and

WHEREAS, Daniel has served his troop in many leadership positions and has earned 48 merit badges throughout his scouting career; and

WHEREAS, Daniel participated in the 2005 National Jamboree at Fort AP Hill in Virginia, wilderness treks in 2007 and 2009 at Philmont Scout Ranch in New Mexico, and a 2008 canoe trip in the Canadian boundary waters; and

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WHEREAS, Daniel earned the Eagle Scout rank on April 8, 2009; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes Daniel Walsh for achieving the high rank of Eagle Scout.

SECTION 2. The Council heartily congratulates Daniel on this great accomplishment and wishes him continued success in all future endeavors.

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

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

PROPOSAL NO. 307, 2009. The proposal, sponsored by Councillors Nytes, McQuillen, Scales, Malone, Lutz, Minton-McNeill, Moriarty Adams and Mansfield, recognizes the Indianapolis-Marion County Public Library. Councillors Nytes and McQuillen read the proposal and presented representatives with copies of the document and Council pins. Laura Bramble, Chief Executive Officer, thanked the Council for the recognition. Councillor Nytes moved, seconded by Councillor McQuillen, for adoption. Proposal No. 307, 2009 was adopted by a unanimous voice vote.

Proposal No. 307, 2009 was retitled SPECIAL RESOLUTION NO. 26, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2009

A SPECIAL RESOLUTION recognizing the Indianapolis-Marion County Public Library (IMCPL).

WHEREAS, the IMCPL was named the 2009 winner of the American Library Association (ALA)/Information Today, Inc. Library of the Future Award; and

WHEREAS, ALA/Information Today, Inc. Library of the Future Award is presented annually to a library that demonstrates innovative planning and development of patron training programs about information technology in a library setting; and

WHEREAS, the "Library of the Future" concept is about more than just technological advancement, it is about engaging communities with technology to create a better future; and

WHEREAS, IMCPL's winning initiative was "The Learning Curve @ Central Library" project, which is an outstanding programming space – physical and virtual – that provides a high tech, high energy, hands-on information environment designed for today's children; and

WHEREAS, children in the Learning Curve are in a flexible environment surrounded by books and participate in activities that are infused with digital elements reflecting the ideal synthesis of technology and traditional literacy that children need to successfully face the future; and

WHEREAS, IMCPL believes that children need to be strong readers, good writers and insightful thinkers, and children who attend programs at IMCPL's Learning Curve have the opportunity to use technology in productive ways that reinforce basic information literacy skills through real and virtual activities; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes IMCPL on winning the ALA/Information Today, Inc. Library of the Future Award.

SECTION 2. The Council congratulates MCPL and extends its support for the continued development of new models for the Library industry to address the advancements of new standards for how children learn.

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

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

PROPOSAL NO. 308, 2009. The proposal, sponsored by Councillors Nytes, Bateman, Cain, Moriarty Adams and Minton-McNeill, recognizes Amanda Lewis Davis on her academic accomplishments. Councillors Nytes and Bateman read the proposal and presented Ms. Davis with a copy of the document and Council pin. Ms. Davis thanked the Council for the recognition. Councillor Nytes moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 308, 2009 was adopted by a unanimous voice vote.

Proposal No. 308, 2009 was retitled SPECIAL RESOLUTION NO. 27, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2009

A SPECIAL RESOLUTION recognizing Amanda Lewis Davis on her academic accomplishments.

WHEREAS, Amanda Davis is a 2009 graduate of Arlington High School. She attended Crispus Attucks Junior High School and Jewel Christian Academy, where she was Salutatorian; and

WHEREAS, Amanda participated in the Junior National Student Leadership Conference, the Crispus Attucks Student Council, the Mayor's Youth Council, Senator Evan Bayh's Leadership Summit, and received a Center for Leadership Development Certificate; and

WHEREAS, Amanda's honor's awards include: Honor Roll recipient, Crispus Attucks and Arlington High School; National Honor Roll recipient; the Honor's Improvement Award AP Biology; the Major Honor's Certificate of Excellence in Social Studies, English, Math, Science and Foreign Language; and the State of Indiana Outstanding Academic Achievement Hoosier Scholar – accepted in the NASA Inspire OLC Award Program; and

WHEREAS, Amanda's accomplishments are not only in academics, but her athletic accomplishments include being a member of the Arlington High School Varsity Basketball Team, Girls Softball Team, and Track and Field Team; and

WHEREAS, Amanda is very active in her community. Her community and volunteer service include participation in the following: Best Buddies Program; Indianapolis Weed and Seed Program; Rev. Mozell Sanders Thanksgiving Day Dinner; United Way Family Strengthening Summit; Mayor's July 4th Celebration; Keep Indianapolis Beautiful; Highland Vicinity Neighborhood Cleanup Program; Operation Big Vote Election Day; Barack Obama campaign; Congresswoman Julia Carson campaign; and Andre Carson campaign; and

WHEREAS, Amanda received admission acceptance from the Bennett College for Women in Greensboro, NC, Howard University in Washington, DC, North Carolina Agricultural & Technical State University in Greensboro, NC, and Butler University in Indianapolis, IN, where she accepted the offer and a four year scholarship; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes Amanda Lewis Davis as an example of the many IPS students whose hard work and dedication allow them to excel upon graduation.

SECTION 2. The Council congratulates Amanda on her many accomplishments, academically, athletically and socially, and wishes her continued success in all future endeavors.

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

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SECTION 4. 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. 309, 2009. The proposal, sponsored by Councillor Cockrum, determines to hold the required public meeting by the Marion County Income Tax Council to discuss whether the tax rate under IC 6-3.5-6 should be adjusted. Councillor Cockrum said that this is a requirement of the City Code, and they have selected August 25, 2009 at 5:00 p.m. before the Administration and Finance Committee, who has to approve the action by the Income Tax Council. Councillor Cockrum moved, seconded by Councillor Day, for adoption. Proposal No. 309, 2009 was adopted by a unanimous voice vote.

Proposal No. 309, 2009 was retitled COUNCIL RESOLUTION NO. 81, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2009

A PROPOSAL FOR A COUNCIL RESOLUTION determining to hold the required public meeting by the Marion County Income Tax Council discuss whether the tax rate under IC 6-3.5-6 should be adjusted.

WHEREAS, IC 6-3.5-6-13.5 and 30(q) require the Marion County Income Tax Council to annually hold a public meeting on whether the tax rate under IC 6-3.5-6 should be adjusted, and

WHEREAS, the City-County Council has a majority of the votes on the Marion County Income Tax Council and desires to comply with the statute requiring such public meeting, 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 determines that the Marion County Income Tax Council should hold the required public meeting to discuss whether the tax rate imposed pursuant to IC 6-3.5-6 should be adjusted.

SECTION 2. The City-County Council calls a meeting of the Marion County Income Tax Council to be held on August 25, 2009 at 5:00 p.m. in room 260 of the City-County Building, 200 E. Washington Street, Indianapolis, Indiana, to conduct a public meeting discuss whether to adjust the tax rate imposed under IC 6-3.5-6 and appoints the president of the City-County as chairperson to preside at such meeting.

SECTION 3. The Clerk of the City-County Council is directed to give notice to all members of the Marion County Income Tax Council of such meeting and to publish notice of such meeting in accordance with IC 5-3-1.

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. 331, 2009. The proposal, sponsored by Councillors Nytes, Lutz and Cardwell, creates a council task force to research and develop a long-term regional solution to the funding of the Capital Improvement Board (CIB) of Managers and its related entities. Councillor Nytes said that stakes are getting higher and the citizens of Marion County cannot be asked to continue to bear the burden of these regional attractions. Councillor Lutz urged his colleagues to support the measure. Councillor Nytes read the proposal and moved, seconded by Councillor Lutz, for adoption. Proposal No. 331, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 331, 2009 was retitled COUNCIL RESOLUTION NO. 82, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 2009

PROPOSAL FOR A COUNCIL RESOLUTION creating a Council task force to research, develop and obtain a long-term regional solution to the funding of the Capital Improvement Board of Managers and its related entities.

WHEREAS, the various entities directed by the Capital Improvement Board are critical to the economy of the Central Indiana region; and

WHEREAS, solutions offered to date are short-term and do not adequately reflect the impact of these economic drivers on the region; and

WHEREAS, the Council has a significant stake in the development of a stronger solution; now, therefore:

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

SECTION 1. The Council hereby creates a special task force to represent the Council at the General Assembly and with contiguous counties in order to obtain a long-term regional solution to the funding issues of the Capital Improvement Board of Managers and its related entities.

SECTION 2. Such task force shall consist of five members: four of which are Councillors, with two being appointed by the President from the Majority Party and two by the Minority Leader. The Mayor is invited to appoint one additional member to join the task force in its efforts. The president of the Council shall designate one of the members as chairperson.

SECTION 3. This task force shall be appointed to begin its work upon passage of this resolution by the Council in compliance with IC 36-3-4-14.

Councillor Brown asked if this proposal will cost any additional money. President Cockrum said that the only cost will be for meeting time compensation as regular committee attendance with annual meeting limits.

PROPOSAL NO. 235, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 235, 2009 on July 29, 2009. The proposal, sponsored by Councillor Vaughn, appoints Albert Serrano to the Domestic Violence Fatality Review Team. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor McQuillen, for adoption. Proposal No. 235, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 235, 2009 was retitled COUNCIL RESOLUTION NO. 83, 2009, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 83, 2009

A COUNCIL RESOLUTION appointing Albert Serrano to the Domestic Violence Fatality Review Team.

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

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

Albert Serrano

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

PROPOSAL NO. 272, 2009. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 272, 2009 on July 27, 2009. The proposal, sponsored by Councillor Smith, appoints Virgil Madden to the Wellfield Education Corporation Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Day, for adoption. Proposal No. 272, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 272, 2009 was retitled COUNCIL RESOLUTION NO. 84, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 84, 2009

A COUNCIL RESOLUTION appointing Virgil Madden 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 appoints:

Virgil Madden

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. 276, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 276, 2009 on July 30, 2009. The proposal, sponsored by Councillor McHenry, appoints Reginald A. Mallamo to the Air Pollution Control Board. 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 McHenry, for adoption. Proposal No. 276, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 276, 2009 was retitled COUNCIL RESOLUTION NO. 85, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 85, 2009

A COUNCIL RESOLUTION appointing Reginald A. Mallamo to the Air Pollution Control 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 Air Pollution Control Board, the Council appoints:

Reginald A. Mallamo

SECTION 2. The appointment made by this resolution is for a term ending June 6, 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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 291, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 292, 2009. Introduced by Councillors Lutz, Mansfield and McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to reduce the salaries for elected township assessors whose responsibilities were transferred to the county assessor as a result of HEA 1001, 2008 and the 2008 referendum"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 293, 2009. Introduced by Councillor Coleman. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which directs the Director and the Board of Parks and Recreation to consider the sale of city golf courses"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 294, 2009. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to clarify provisions regarding the Indianapolis Fire Department and to reflect the prevailing operation of the department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 295, 2009. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 25 mile per hour speed limit on Buck Rill Drive at Arlington Avenue (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 296, 2009. Introduced by Councillors Hunter and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 25 mile per hour speed limit in the Butler University neighborhood (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 297, 2009. Introduced by Councillor MahernB. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the

intersection of Gray Street and Newton Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 298, 2009. Introduced by Councillor MahernB. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Newton Avenue and Parker Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 299, 2009. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Meadowridge Trail and Royal Meadow Drive (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 300, 2009. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at the intersection of Drury Inn Drive, Hilton Drive and Shadeland Avenue (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 301, 2009. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Hampton Drive in the vicinity of Clarendon Road (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 302, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Department of Public Works to purchase certain land on Guion Road acquired for construction of a public works project "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 303, 2009. Introduced by Councillor Coleman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add a new section regarding the internet posting of city and county contracts"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 310, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which proposes an ordinance of the Marion County Income Tax Council increasing and confirming the homestead credit and confirming and extending the tax rates of the County Option Income Tax effective October 1, 2009"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 311, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which provides for additional appropriations and transfers in the 2009 Budget for various city and county agencies affecting various city and county funds to provide for continued operations and services of agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 312, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which elects to fund the Metropolitan Emergency Communications Agency (MECA) in 2010 with County Option Income Tax (COIT) revenues"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 313, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Indianapolis Airport Authority for 2010"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 314, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Capital Improvement Board of Managers for 2010"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 315, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Health and Hospital Corporation for 2010"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 316, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Indianapolis Public Transportation Corporation (IndyGo) for 2010"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 317, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Indianapolis-Marion County Public Library for 2010"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 318, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which adopts the annual budget for the Police Special Service District for 2010"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 319, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which adopts the annual budget for the Fire Special Service District for 2010"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 320, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance, which adopts the annual budget for the Solid Waste Collection Special Service District for 2010"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 321, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the City of Indianapolis and Marion County for 2010"; and the President referred it to the Various Committee.

PROPOSAL NO. 322, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Ben Davis Conservancy District for 2010"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 323, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of

Rexnord Industries, LLC to allow tax abatements for property located in an Economic Revitalization Area"; and the President referred it to the Metropolitan Development Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 324-330, 2009. Introduced by Councillor Smith. Proposal Nos. 324-330, 2009 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 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. 64-70, 2009, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 64, 2009.

2009-ZON-005

159 WEST 28th STREET (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

DOUBLE EIGHT REALTY, LLC, by S. Gregory Zubek requests REZONING of 0.7502 acre, from the D-8 and SU-2 Districts, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 65, 2009.

2009-ZON-009

2102 SHELBY STREET (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 19

JAMES E. CREWES AND KRISTOFER FELHAKE, by S. Gregory Zubek, requests REZONING of 0.234 acre, from the C-2 District, to the C-3 classification to legally establish neighborhood commercial uses.

REZONING ORDINANCE NO. 66, 2009.

2009-ZON-013

1525 SHELBY STREET, 1133 COTTAGE AVENUE, AND 1510 OLIVE STREET (*Approximate Addresses*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 16

FRATERNAL ORDER OF POLICE INDIANAPOLIS LODGE # 86 requests REZONING of 0.904 acre, from the C-2 and D-5 Districts, to the SU-34 classification to provide for a fraternal lodge.

REZONING ORDINANCE NO. 67, 2009.

2009-ZON-018

5248 MOLLER ROAD AND 5455 WEST 56th STREET (*Approximate Address*)

INDIANAPOLIS, PIKE TOWNSHIP

COUNCIL DISTRICT # 7

AT&T OF INDIANA, by Timothy E. Ochs, requests REZONING of 0.905 acre from the SU-2 and SU-43 Districts, to the SU-20 classification to provide for telecommunications facilities.

REZONING ORDINANCE NO. 68, 2009.

2009-ZON-020

10512 EAST 38th STREET (*Approximate Address*)

INDIANAPOLIS, LAWRENCE TOWNSHIP

COUNCIL DISTRICT # 18

FERVENT PRAYER OUTREACH MINISTRIES, INC., by Robert R. Hill, requests REZONING of 8.34 acres, from the D-7 (FF) District, to the SU-1 (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 69, 2009.

2009-ZON-023

8647 AND 8653 WEST WASHINGTON STREET (*Approximate Addresses*)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 13

RAY SARKINE requests REZONING of 1.371 acres, from the "A" District, to the C-3 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 70, 2009.

2009-ZON-808

5455 WEST 56TH STREET AND 5248 MOLLER ROAD (*Approximate Addresses*)

INDIANAPOLIS, PIKE TOWNSHIP

COUNCIL DISTRICT # 7

YMCA OF GREATER INDIANAPOLIS, by Timothy E. Ochs, requests REZONING of 14.392 acres, from the SU-2 and SU-43 Districts, to the SU-38 classification to provide for a community center.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 237, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 237, 2009 on July 1, 2009 and the proposal received an indecisive vote at the full Council meeting on July 20, 2009. The proposal, sponsored by Councillor McQuillen, amends the Code to restrict solicitation at intersections. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McQuillen made the following motion:

Mr. President:

I respectfully move to amend Proposal No. 237, 2009, by (a) the substitution of a new SECTION 1, SECTION 2, and SECTION 3 for that which appears as SECTION 1 in the Proposal, and (b) the renumbering of SECTION 2 as SECTION 4, to read as follows:

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

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

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

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

Sec. 431-703. Interference with vehicular traffic.

It shall be unlawful for a person (by oral or written methods) to solicit, or to peddle, sell, advertise, donate, or distribute any product, property, or service, including but not limited to tickets, handbills, newspapers, or other printed material, to an occupant of a vehicle ~~within or upon a roadway, or to engage in conversation or discourse with an occupant of a vehicle within or upon a roadway,~~ or to engage in conversation or discourse with an occupant of a vehicle within or upon a roadway or a median between two (2) roadways, or within the public right-of-way not exceeding

fifty (50) feet from the traveled portion of any intersection controlled by an automatic traffic signal or stop sign, so as to:

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

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

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

SECTION 4. This ordinance shall be in effect from and after adoption and compliance with IC 36-3-4-14.

Councillor Plowman seconded the motion.

Councillor Oliver moved to return the amendment to committee. Councillor Hunter said that this motion is out of order and only the proposal can be returned to committee.

Councillor Mansfield said that she believes, even with this amendment, there are civil liberty issues, and she supports sending the proposal back to committee.

Councillor Brown asked how many people Councillor McQuillen spoke to regarding this proposal. Councillor McQuillen said that he did not keep a tally. Councillor Brown asked how many poor people he spoke with. Councillor McQuillen said that this is not an issue of poor or wealthy.

Councillor Mansfield said that there is an existing ordinance that specifically deals with people going into the roadways, and that is already illegal and in violation. This proposal would prohibit anyone within 50 feet of an intersection to hold a sign for advertising or in support of a sports team.

Councillor Hunter said that as long as people are holding up signs to advertise on private property, such as in tax season, this does not prohibit that activity. He said that he supports the amendment.

Councillor Minton-McNeill asked if there is documented data of public safety concerns due to this activity. President Cockrum said that the discussion should be directed toward the amendment only. Councillor Minton-McNeill said that Councillor McQuillen referred to public safety issues and asked what data supports this. Councillor Vaughn stated that there have been 124 arrests for panhandling so far this year, compared to 136 for the entire year last year. He said that this information can be accessed via the Public Safety Department's website. He said that the majority of these occur downtown, and they could not provide information on tickets written, but there were over 330 incidents of pedestrians being struck last year, with some deaths and both

bodily harm and property damage. He said that there is data to support this effort. He added that there was recently a carjacking incident perpetrated by a panhandler.

Councillor Smith said that he supports freedom of speech, but this recent carjacking shows that this issue crosses over classes, races and social status. He said that many of these panhandlers are not homeless. He said that his church passes out tracts, as well, but it is definitely a safety issue.

Councillor Sanders said that the 330 incidents of pedestrians being struck were not specifically related necessarily to panhandling.

Councillor Nytes asked about the reference to the public right-of-way in the amendment. She said that many groups are organized to hold signs along Meridian Street on the curb or sidewalk to advertise events and causes.

Councillor Bateman said that restricting individuals to stand, sit or move is restricting their personal freedoms. He said that the recent carjacking was a carjacking incident and not a panhandling incident.

Councillor Sanders said that the term “public right-of-way” is inconsistent throughout Marion County.

Councillor McQuillen asked John Mays, Office of Corporation Counsel, to review the amendment, which he helped draft to address concerns. Mr. Mays said that the proposal is not infringing on freedom of speech rights to eliminate any type of demonstrating or advertising, but simply adds safety measures to ask these individuals to move away from the intersection 50 feet.

Councillor Bateman asked if Mr. Mays is a constitutional lawyer. Mr. Mays said that this is one of the areas in which he practices.

Councillor Mansfield read from Sec. 431-703 and asked if someone who is lost and asking for directions or greeting a neighbor would be in violation.

Councillor Brown asked if Mr. Mays is giving his opinion. Mr. Mays said that they have researched the issue thoroughly, looking at case law, and the office believes the language is constitutional.

Councillor Sanders said that due to the amount of conversation, it is clear this needs more discussion and she would urge the sponsor of the amendment to withdraw the amendment and allow the proposal to be returned to committee. She said that they recently lost a constitutional lawsuit that cost the city a lot of money, and she would like to prohibit another such instance.

Councillor Plowman urged his colleagues to support the amendment and said that he believes police officers will know the difference between panhandling and greeting neighbors.

Councillor Pfisterer said that of all the citizens that contacted her, none asked her to oppose the proposal, but instead encouraged her to support the measure.

Councillor Oliver said that it was testified that this proposal was data-driven, but not one police officer or public safety official asked for it or attended the committee.

The motion to amend Proposal No. 237, 2009 carried on the following roll call vote; viz:

August 10, 2009

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

Councillor Moriarty Adams said that she requested citations and tickets for panhandling and, while there were several downtown, there was no data available for panhandling in other police districts. She said that she therefore questions whether IMPD has the manpower to further enforce a law that does not seem to be enforced.

Councillor Oliver moved, seconded by Councillor Sanders, to return Proposal No. 237, 2009 to committee. Proposal No. 237, 2009 was returned to committee on the following roll call vote; viz:

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 255, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 255, 2009 on July 28, 2009. The proposal, sponsored by Councillors Lutz and Sanders, approves a public purpose grant to the University of Indianapolis in the amount of \$33,276 for the purpose of enabling the Educational Television Cooperative to purchase a video server for the purposes of programming delivery. 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 Day, for adoption. Proposal No. 255, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 255, 2009 was retitled SPECIAL RESOLUTION NO. 28, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 2009

PROPOSAL FOR A SPECIAL RESOLUTION approving a public purpose grant to University of Indianapolis in the amount of \$33,276.00 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase a video server for the purposes of programming delivery.

WHEREAS, holders as defined in IC 8-1-34-6 within the Consolidated City (City) are required to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

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

WHEREAS, on May 18, 2009, the Board approved University of Indianapolis' request for \$33,276.00 from the Fund to purchase a video server to be used by University of Indianapolis, in cooperation with the ETC, a voluntary consortium of area school districts, colleges, and universities, to

support programming delivery on the educational access channels of video service providers in Marion County, Indiana; and

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

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$33,276.00 to University of Indianapolis for the purpose of purchasing a video server to be used for the educational access channels of the video service providers' systems Marion County, Indiana; and

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

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

SECTION 1. The Grant in the amount of \$33,276.00 to University of Indianapolis for the purpose of purchasing a video server to support programming delivery on the educational access channels of the video service providers' systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

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

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 277-284, 2009 on July 30, 2009. He asked for consent to vote on these proposals together. Councillor Coleman asked that Proposal No. 281, 2009 be voted on separately. Consent was given.

PROPOSAL NO. 277, 2009. The proposal, sponsored by Councillor Minton McNeill, authorizes removal of parking meters and addition of parking restrictions on 11th Street at Dr. Martin Luther King Jr. Street (District 15). PROPOSAL NO. 278, 2009. The proposal, sponsored by Councillor Minton McNeill, authorizes parking restrictions on New York Street between Senate Avenue and Illinois Street (District 15). PROPOSAL NO. 279, 2009. The proposal, sponsored by Councillor B. Mahern, authorizes a weight limit restriction on Highland Avenue between Washington Street and New York Street (District 16). PROPOSAL NO. 280, 2009. The proposal, sponsored by Councillor Evans, authorizes a traffic signal at the intersection of Technology Center Drive and Zionsville Road (District 1). PROPOSAL NO. 282, 2009. The proposal, sponsored by Councillor Cockrum, authorizes intersection controls in the River Run subdivision (District 22). PROPOSAL NO. 283, 2009. The proposal, sponsored by Councillor Hunter, authorizes a weight limit restriction on Kitley Avenue between Washington Street and Pleasant Run Parkway, South Drive (District 21). PROPOSAL NO. 284, 2009. The proposal, sponsored by Councillor D. Mahern, authorizes parking restrictions and parking meters on Virginia Avenue southeast of Pennsylvania Street (District 19). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Mansfield, for adoption. Proposal Nos. 277-280 and 282-284, 2009 were adopted on the following roll call vote; viz:

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

Proposal No. 277, 2009 was retitled GENERAL ORDINANCE NO. 75, 2009, and reads as follows:

August 10, 2009

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2009

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, and Sec. 621-202, Parking meter zones designated.

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

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Eleventh Street, on the south side, from a point 738 feet east of Dr. Martin Luther King Jr. Street, to a point 862 feet east of Dr. Martin Luther King Jr. Street;

SECTION 2. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

Eleventh Street, on the south side, from Senate Avenue to a point 368 feet east of Dr. Martin Luther King Jr. Street;

Eleventh Street, on the south side, from a point 318 feet east of Dr. Martin Luther King Jr. Street, to a point 186 feet east of Dr. Martin Luther King Jr. Street;

SECTION 3. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

Eleventh Street, on the south side, from a point 190 feet east of Dr. Martin Luther King Jr. Street, to a point 326 feet east of Dr. Martin Luther King Jr. Street;

Eleventh Street, on the south side, from a point 378 feet east of Dr. Martin Luther King Jr. Street, to a point 738 feet east of Dr. Martin Luther King Jr. Street;

Eleventh Street, on the south side, from a point 862 feet east of Dr. Martin Luther King Jr. Street to Senate Avenue

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

Proposal No. 278, 2009 was retitled GENERAL ORDINANCE NO. 76, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 2009

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

New York Street, on the north side, from a point 250 feet west of Capitol Avenue to Illinois Street;

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

Proposal No. 279, 2009 was retitled GENERAL ORDINANCE NO. 77, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Highland Avenue, from Washington Street to Marlowe Avenue;

Highland Avenue, from Marlowe Avenue to New York Street;

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

Proposal No. 280, 2009 was retitled GENERAL ORDINANCE NO. 78, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 2009

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	Technology Center Dr Zionsville Rd	Zionsville Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	Technology Center Dr Zionsville Rd	None	Signal

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

Proposal No. 282, 2009 was retitled GENERAL ORDINANCE NO. 79, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 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>
37	Dollar Forge Dr Powder River Ct	Dollar Forge Dr	Stop
37	Dollar Forge Dr Dollar Run Dr Sweet River Dr	None	All Way Stop

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

Proposal No. 283, 2009 was retitled GENERAL ORDINANCE NO. 80, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Kitley Avenue, from Washington Street to Pleasant Run Parkway, S. Drive;

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Kitley Avenue, from a point 1,120 feet south of Washington Street to Pleasant Run Parkway, S. Drive;

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

Proposal No. 284, 2009 was retitled GENERAL ORDINANCE NO. 81, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-108, Manner of parking and Sec. 621-202, Parking meter zones designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-108, Manner of parking, be and the same is hereby amended by the addition of the following, to wit:

- (b) *Ninety-degree angle. Virginia Avenue*, on both sides, from a point 150 feet southeast of Pennsylvania Street to a point 467 feet southeast of Pennsylvania Street.

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

Virginia Avenue, on the north side, from a point 150 feet southeast of Pennsylvania Street to a point 230 feet southeast of Pennsylvania Street;

Virginia Avenue, on the north side, from a point 270 feet southeast of Pennsylvania Street to a point 467 feet southeast of Pennsylvania Street;

Virginia Avenue, on the south side, from a point 150 feet southeast of Pennsylvania Street to a point 467 feet southeast of Pennsylvania Street

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

PROPOSAL NO. 281, 2009. The proposal, sponsored by Councillor Evans, authorizes a traffic signal at the intersection of 84th Street and Zionsville Road (District 1). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coleman said that a constituent asked him to oppose the proposal, and that is why he called it out to be voted on separately.

Councillor Mansfield said that the term “warrants” means a number of factors have been looked at to see if an intersection merits a traffic signal. Usually, this indicates there has been a study behind such a traffic signal.

Councillor Evans agreed and said that this is in his district, and he feels it is warranted.

Councillor Hunter said that this is a tax increment financing (TIF) area, which is set up to specifically pay for these types of projects.

Councillor Hunter moved, seconded by Councillor Mansfield, for adoption. Proposal No. 281, 2009 was adopted on the following roll call vote; viz:

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

Proposal No. 281, 2009 was retitled GENERAL ORDINANCE NO. 82, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 2009

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	84 th St Zionsville Rd	Zionsville Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	84 th St Zionsville Rd	None	Signal

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

PROPOSAL NO. 285, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 285, 2009 on July 28, 2009. The proposal, sponsored by Councillor Cockrum, adopts the provisions for financing the continuing operations of the Capital Improvements Board of Marion County as authorized by House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Lutz made the following motion:

Mr. President:

I move the following technical amendment of Proposal 285,2009, as amended, as follows:

1. In SECTION 1, Sec. 161-101 should read Sec. 116-101,
2. In SECTION 1, Sec. 161-102 should read Sec. 116-102, and
3. In SECTION 1, in the first line of Sec. 161-102 (amended to Sec. 116-102) the word Barrowings should be spelled Borrowings.

Councillor Cain seconded the motion, and Proposal No. 285, 2009 was amended by a voice vote.

Councillor Brown asked if the Mayor’s Office will lobby the General Assembly for a long-term solution to this issue. Councillor Lutz said that he cannot speak for the Mayor’s Office, but this proposal gives the city a couple of years to find a solution. With Councillor Nytes’ proposal to form a task force, he hopes this can be accomplished.

Councillor Brown asked what the current deficit is for the Capital Improvement Board (CIB). James Steele, Chief Financial Officer for the Council, said that there is not a current deficit. He said that if this is approved, along with the \$9 million, they will have a slight underfunding at the end of 2010.

Councillor Gray said that it is a shame if the Council passes this, and this would be rubber stamping something they have no control over. He encouraged his colleagues to oppose the proposal.

Councillor Vaughn said that he does not entirely disagree with Councillor Gray, but this issue began when the city entered into this project without understanding the full operating costs and entering into bond negotiations they could not pay for. He said that they built infrastructure that they do not want to pay for. He said that failing to raise 1% of a tax on hotels, when 87% of those using the hotels would pay, is a bigger failure than laying off 7,500 people. He encouraged Councillors to support the proposal in order to protect jobs and sustain this industry for the next couple of years.

Councillor Lutz said that they heard a lot of information at the committee meeting. He said at this time, this is the only option they have, and he would rather adopt a tax increase that is predominantly paid by non-residents, than risk the jobs of residents.

Councillor Gray said that there has been a lot of talk about jobs being lost, but passing it does not mean jobs will be saved and it may not be sustainable. President Cockrum said that the testimony given at committee said that this temporary fix will sustain these jobs for two years.

Councillor D. Mahern said that they need every bit of this money to sustain those jobs, and if the economy fails to live up to the challenge, then it will fail.

Councillor B. Mahern said that he does not know how the loan will be repaid and this is troubling. He said that this is a policy issue, and sometimes short-term fixes are unacceptable.

President Cockrum added that the CIB will be required to present a five-year plan to the Council.

Councillor Hunter said that he voted against the CIB budget last year, and he will vote against it again if they do not make some changes. He said that this is the only option the state legislature has given them, and they will be watching the CIB closely to insure they do not end up back at the same place.

Councillor Lutz said that he and Councillor Hunter voted against the CIB budget last year, and he and Councillor Vaughn the year before. Because this is a short-term fix, the only way to get them out of this situation is through additional marketing to fill the convention and those hotels.

Councillor Brown said that the Council raised the County Option Income Tax (COIT) to pay for public safety, and many of the Majority party voted against that, yet supports this tax increase to bail out the CIB.

Councillor Scales said that before voting on any issue, she does her homework, and it has been difficult for her to accept the terms of this funding package and suggested alternatives.

Councillor Lutz moved, seconded by Councillor Hunter, for adoption. Proposal No. 285, 2009, as amended, was adopted on the following roll call vote; viz:

15 YEAS: Cain, Cardwell, Cockrum, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Nytes, Pfisterer, Plowman, Smith, Speedy, Vaughn

14 NAYS: Bateman, Brown, Coleman, Evans, Gray, Lewis, Mahern (B), Mahern (D), Mansfield, Minton-McNeill, Moriarty Adams, Oliver, Sanders, Scales

Proposal No. 285, 2009, as amended, was retitled GENERAL ORDINANCE NO. 83, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to adopt the operational financing plan authorized for the Capital Improvements Board of Marion County by House Enrolled Act 1001, of the 2009 Special Session of the Indiana General Assembly, by approving the expansion of the Professional Sports Development Area, approving operational borrowings from the State of Indiana, and adopting an increase in the county innkeeper's tax.

WHEREAS, House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly authorized an operational financing plan for the Capital Improvements Board of Marion County that required certain actions be taken by the City-County Council, and

August 10, 2009

WHEREAS, the City-County Council finds that such plan should be approved and adopted, and

WHEREAS, on July 15, 2009, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), adopted its Resolution No. 09-R-009, entitled "Resolution of the Metropolitan Development Commission of Marion County, Indiana, Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, Supplementing and Amending Resolution No. 97-D-052 and Resolution No. 05-B-018, Declaring an Area in Marion County, Indiana as a Professional Sports Development Area and Approving a Development Area Plan" (the "Declaratory Resolution), declaring a certain geographical area located within the City of Indianapolis, Indiana, as an expansion to the existing Marion County Professional Sports Development Area (the "Prior Tax Area" and, as expanded, the "Expanded Tax Area"), pursuant to the provisions of Indiana Code 36-7-31, as amended (the "Act"), and approving a supplement to the existing Marion County Professional Sports Development Area Plan prepared in connection with the Original Tax Area; and

WHEREAS, on August 5, 2009, it is anticipated that the Commission, following a public hearing thereon upon notice as required by law, will adopt its Resolution entitled "Resolution of the Metropolitan Development Commission of Marion County, Indiana, Acting as the Redevelopment Commission of the City of Indianapolis, Indiana, Confirming Resolution No. 09-R-010, Declaring an Area in Marion County, Indiana, as an Expansion to the Marion County Professional Sports Development Area and Approving a Supplement to the Marion County Professional Sports Development Area Plan" (the "Confirmatory Resolution"), confirming in all respects the Declaratory Resolution; and

WHEREAS, on August 10, 2009, the Capital Improvement Board of Managers of Marion County, Indiana ("Board") is anticipated to adopt a resolution to issue notes to borrow up to Nine Million Dollars (\$9,000,000) in 2009 from the State of Indiana pursuant to IC 5-13-10.5-18 to meet and fund the operational requirements of the Board ("Operational Borrowings"), which use was anticipated in the Board's 2009 approved budget; and

WHEREAS, the Board has requested the approval of such borrowing by the City-County Council; and

WHEREAS, House Enrolled Act 1001 of the 2009 Special Session of the Indiana General Assembly authorizes the city-county council to increase the county innkeeper's tax rate by not more than one percent (1%); and

WHEREAS, the city-county council finds that such increase is both advisable and necessary; now, therefore:

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, be and is hereby amended by adopting a new Article I of Chapter 116, to read as follows:

ARTICLE I – CAPITAL IMPROVEMENTS BOARD OF MARION COUNTY

Sec. 116-101. Marion County Professional Sports Development Area. Pursuant to the provisions of IC 36-7-31 for purposes of financing the Capital Improvements Board of Marion County, the Marion County Professional Sports Development Area is approved as determined and confirmed by the Metropolitan Development Commission of Marion County acting as the Redevelopment Commission of Indianapolis as set forth in the Declaratory Resolution No. 09-R-009 and confirmed by the Confirmatory Resolution No. 09-R-010, as described therein, to wit:

The "Prior Tax Area" as defined by the Metropolitan Development Commission, acting as the Redevelopment Commission of Marion County, on June 4, 1997, in its duly adopted Resolution No. 97-D-052 (the "Original Resolution"), thereby declaring an area in Marion County, Indiana (the "County"), designated as the "Marion County Professional Sports Development Area" and approving the "Marion County Professional Sports Development Area Plan," among other things, as was amended and supplemented on August 17, 2005, by the Commission's duly adopted Resolution No. 05-B-018 (the "First Supplemental Resolution") and an area in Indianapolis, Indiana, bounded on the east by Illinois Street, on the south by Maryland Street, and on the west and north by Washington Street, as those streets were located on June 1, 2009 (the "2009 Tax Area Addition").

Sec. 116-102. Operational Borrowings Approved. The City-County Council hereby approves the Operational Borrowings from the State of Indiana, pursuant to IC 5-13-10.5-18 in an amount not to exceed Nine Million Dollars (\$9,000,000) in 2009 as approved by the Capital Improvements Board of Marion County.

SECTION 2. Section 121-204 of the "Revised Code of the Consolidated City and County," regarding the county innkeeper's tax, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 121-204. County innkeeper's tax.

(a) ~~After June 30, 2005,~~ The county innkeeper's tax imposed by section 2 of IC 6-9-8 (as amended by H.E.A. 4120 1001 of the ~~2005 Regular~~ 2009 Special Session of the Indiana General Assembly) is hereby increased from ~~six (6)~~ nine (9) percent to ~~nine (9)~~ ten (10) percent.

(b) The increase in the tax rate authorized by this section ~~expires on:~~ continues in effect unless the increase is rescinded.

~~(1) January 1, 2004;~~

~~(2) January 1, 2010, if on that date there are no obligations owed by the CIB to the Authority created by IC 5-1-17 or to any state agency under IC 5-1-17-26; or~~

~~(3) October 1, 2005, if on that date there are no obligations owed by the CIB to the authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the director of the state budget agency.~~

SECTION 3. The Clerk of the council is hereby directed to send, on the effective date of this ordinance, a certified copy of this ordinance to the commissioner of the department of state revenue.

SECTION 4. The increase in the tax rate authorized by this ordinance shall apply to transactions after the last day of the month in which this ordinance is adopted, if such adoption occurs on or before the fifteenth day of such month. If this ordinance is adopted after the fifteenth day of a month, the tax increase shall apply to transactions after the last day of the month following the month in which this ordinance is adopted.

SECTION 5. 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 6. 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 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 290, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 290, 2009 on July 28, 2009. The proposal, sponsored by Councillor Cockrum, amends Sec. 151-68 of the Council Rules to reflect legislative changes. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor McQuillen, for adoption. Proposal No. 290, 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), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*
0 NAYS:

1 NOT VOTING: *Mahern (D)*

Proposal No. 290, 2009 was retitled GENERAL ORDINANCE NO. 84, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 84, 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 151 of the Revised Code of the Consolidated City and County with respect to procedures for reviewing tax rates, levies and budgets of certain taxing units.

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

SECTION 1. Section 151-68 of the Revised Code of the Consolidated City and County be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

SEC. 151-68. Review of Tax Rates, Levies and Budgets of Civil Units.

(a) This section shall apply to review of tax rates, levies and budgets submitted to the city-county council pursuant to IC ~~36-1.1-17-3.5~~ or IC ~~36-1.1-17-20~~.

(b) With respect to a civil taxing unit that is required to file information with the city-county council under IC ~~36-1.1-17-3.5~~:

- (1) The proper officers of such unit shall file the information required by that section at least ~~fifteen (15)~~ forty-five (45) days before the date of the meeting at which the ~~city-county council civil taxing unit~~ is scheduled to adopt the ~~annual budget, rate and levy for the city and county taxing unit, but not later than September 17.~~
- (2) Information filed under this subsection shall be referred to the Chief Financial Officer of the council for preparation of a proposed recommendation as required by the statute.
- (3) Such information for each civil taxing unit and the proposed recommendation shall be referred to an appropriate committee by the president of the council.
- (4) The general counsel shall prepare an appropriate proposal for a special resolution adopting the proposed recommendation.
- (5) The proposal as approved by the committee shall be placed on the council agenda under "special orders - priority business" at the next meeting of the council.

(c) With respect to a governing body of a taxing unit that is required to submit its proposed budget and property tax levy to the city-county council for adoption by the city-county council under IC 6-1.1-17-20:

- (1) The governing body shall submit its proposed budget and tax levy to the city-county council at least fourteen (14) days prior to the date the city-county council schedules the public hearing on the annual budgets and tax levies for the city and county.
- (2) The general counsel shall prepare an appropriate proposal for a fiscal ordinance adopting a final budget and tax levy for each taxing unit for which a proposed budget and property tax levy is submitted under IC 6-1.1-17-20 for introduction at the council meeting at which the public hearing is scheduled on the annual budgets for the city and county.

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

NEW BUSINESS

Councillor Brown thanked city employees Robert Vane and Rick Powers for helping him with local meetings and resolving some issues for some of his constituents.

Councillor Vaughn said that since the solicitation proposal was returned to committee, but the agenda for Wednesday's meeting has already been set, they will not hear that proposal that evening because of an already-full agenda. He said that he will probably try to schedule a special meeting for this proposal and will give notice accordingly.

Councillor Smith said that August is national immunization month, and he encouraged all seniors to get vaccinations, as the flu season is quickly approaching.

Councillor Coleman said that he is glad to see Proposal No. 331, 2009 introduced, and would like to remind those appointing members to that committee that there is a Libertarian on the Council who would like to be included in that membership. President Cockrum said that he will take that into consideration.

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) All Councillors in memory of I. Marie Speedy ; and
- (2) Councillor Moriarty Adams in memory of Willard S. Givan and George and Shirley Kempe ; and
- (3) Councillor Cockrum in memory of Dorothy J. Farmer and Richard M. Givan ; and
- (4) Councillor Sanders in memory of Florence Spalding ; and
- (5) All Councillors in memory of the Honorable John Hammel ; and
- (6) Councillors Cain, Hunter and Plowman in memory of Walter Moos ; and
- (7) Councillors Lewis, Minton-McNeill, Bateman and Evans in memory of William Hart and Estella Robertson ; and
- (8) Councillor McQuillen in memory of Fred Johnston ; and
- (9) Councillor Pfisterer in memory of Joseph R. Talbert ; and
- (10) Councillor Evans in memory of Evelyn Louise Russell Humphrey ; and
- (11) Councillor Nytes in memory of Ray Clark Fatout.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of I. Marie Speedy, Willard S. Givan, George, Shirley Kempe, Dorothy J. Farmer, Richard M. Givan, Florence Spalding, the Honorable John Hammel, Walter Moos, William Hart, Estella Robertson, Fred Johnston, Joseph R. Talbert, Evelyn Louise Russell Humphrey and and Ray Clark Fatout. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:32 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 10th day of August, 2009.

August 10, 2009

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

Bob Cookrum

President

ATTEST:

Melissa Thompson

Clerk of the Council

(SEAL)