

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

**REGULAR MEETINGS
MONDAY, APRIL 5, 2010**

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, April 5, 2010, with President Vaughn presiding.

Councillor Bateman led the opening prayer and invited Boy Scout Troop 174 to lead all present in the Pledge of Allegiance to the Flag.

ROLL CALL

President Cockrum 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:

26 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
3 ABSENT: Evans, Hunter, Oliver

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Cockrum recognized his grand-nephew Mark Cockrum working on a badge for Eagle Scout, and his parents Ben and Cheryl Cockrum. Councillor Bateman introduced Father Boniface Hardin. Councillor Scales recognized the new Chief of Police Paul Ciesielski, and his commander staff members in attendance. Councillor McQuillin recognized his wife Polly. Councillor Cain recognized former Councillor Lonnell Conley. Councillor Day recognized political activist and candidate Carlos May. Councillor Minton-McNeill recognized members of the northwest district police department.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 5, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Bob Cockrum
President, City-County Council

March 23, 2010

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 26, 2010 a copy of a Notice of Public Hearing on Proposal Nos. 83 and 92, 2010, said hearing to be held on Monday, April 5, 2010, at 7:00 p.m. in the City-County Building and Legal Notice of General Ordinance Nos. 85 and 118, 2009.

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

March 31, 2010

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. 5, 2010 – approves a transfer of \$35,000 in the 2010 Budget of the Metropolitan Emergency Communications Agency (MECA and MECA Emergency Telephone System Funds) to fund overtime costs related to the operations of the customer service desk

GENERAL ORDINANCE NO. 9, 2010 – amends the Code to make technical corrections regarding when economic statements of interest need to be viled

GENERAL ORDINANCE NO. 10, 2010 – amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections

GENERAL ORDINANCE NO. 11, 2010 – authorizes a traffic signal at the intersection of Washington Street and California Street (Districts 15 and 19)

GENERAL ORDINANCE NO. 12, 2010 – authorizes a change in parking nad manner of parking on Milburn Street between 14th Street and Indiana Avenue (District 15)

GENERAL ORDINANCE NO. 13, 2010 – amends the Code to make technical corrections and clarify provisions as a result of the excluded City of Beech Grove having exercised its statutory right to withdraw from the Marion County Stormwater Management District

GENERAL RESOLUTION NO. 6, 2010 – approves crime prevention initiative grant awards to specific organizations as recommended by the Crime Prevention Advisory Board and as approved by the Mayor

SPECIAL RESOLUTION NO. 14, 2010 – recognizes Sigma Gamma Rho Sorority

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SPECIAL RESOLUTION NO. 15, 2010 – recognizes Speedway Schools

SPECIAL RESOLUTION NO. 16, 2010 – recognizes NUVO on their 20th anniversary

SPECIAL RESOLUTION NO. 17, 2010 – opposes transportation of radioactive waste along federal and state highways

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 22, 2010. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 102, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 102, 2010 on March 31, 2010. The proposal, sponsored by Councillor Coleman, supports the Second Amendment to the United States Constitution, Article 1, Section 32 of the Indiana Constitution, and the position of Indiana Attorney General Greg Zoeller, recently argued before the United States Supreme Court, that the Second Amendment applies to states and local units of government. By a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coleman said that this proposal is an attempt to support Attorney General Greg Zoeller's decision and let the Supreme Court know that this body agrees with the attorney's interpretation.

Councillor B. Mahern said that this proposal supports a particular interpretation of the Second Amendment on a case that is already closed before the Supreme Court. He said that there is a separation of powers between the Supreme Court and local governing bodies, and they operate in their own realm. He said that he is not saying that he does not support the Second Amendment, but he cannot support this proposal, because it is senseless for this body to even consider such.

Councillor Mansfield echoed Councillor Mahern's concerns and said that the Supreme Court does not rule based on popularity, and therefore it would garner a meaningless result and it is inappropriate for this body to be acting on it.

Councillor Sanders agreed with Councillors Mahern and Mansfield and said that this proposal is redundant and she cannot support it.

Councillor Lutz moved, seconded by Councillor Coleman, for adoption. Proposal No. 102, 2010 was adopted on the following roll call vote; viz:

18 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Lutz, MahernD, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
8 NAYS: Bateman, Gray, Lewis, MahernB, Malone, Mansfield, Minton McNeill, Sanders
3 ABSENT: Evans, Hunter, Oliver

Councillor Brown asked for consent to explain his vote. Consent was given. Councillor Brown said that although he feels a different spin was put on the proposal by Councillor Coleman, he appreciates Chairman Lutz's explanation of the intent, and his vote was not a political vote, but simply a vote in support of the Second Amendment.

Proposal No. 102, 2010 was retitled SPECIAL RESOLUTION NO. 18, 2010 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2010

A SPECIAL RESOLUTION supporting the Second Amendment to the United States Constitution and Attorney General Greg Zoeller's position that the Second Amendment of the United States applies to states and local units of government. This resolution further acknowledges that the Second Amendment of the United States Constitution is redoubled and fortified by Article 1, Section 32 of the Indiana Constitution.

WHEREAS, the right to possess arms for the defense of oneself and one's nation is a fundamental and natural right of all persons that preexists the formation of every nation and is acknowledged and protected by Article 1, Section 32 of the Indiana Constitution and the Second Amendment to the United States Constitution; and

WHEREAS, the United States Supreme Court on Tuesday, March 2, 2010 heard the case *McDonald v. Chicago* which deals with the legal issue of whether the Second Amendment applies to states and local units of government; and

WHEREAS, the Plaintiff in that case, Otis McDonald, is a 76 year old man who lives in Chicago and seeks to own a handgun to protect himself from violence in his neighborhood. However, a Chicago ordinance prevents Mr. McDonald from having a handgun for self-protection or for any other purpose guaranteed by the Second Amendment; and

WHEREAS, Indiana Attorney General Greg Zoeller along with 31 other state attorneys general have filed a "friend of the court" brief that primarily argues: 1) that the Second Amendment protects Mr. McDonald's right to possess a handgun, and 2) that Chicago's handgun ban violates the Second Amendment; and

WHEREAS, the members of this Council support the position advocated by Indiana Attorney General Greg Zoeller that the Second Amendment applies to states and local governments such as the City of Indianapolis; and

WHEREAS, The Council realizes that a citizen, himself, has the inalienable right and the greatest ability to insure his own safety; and

WHEREAS, the members of this Council support the Second Amendment and the right of Indianapolis residents to keep and bear firearms for self-protection and for all other fundamental purposes; 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 supports the fundamental and inherent right to keep and bear arms guaranteed by Article 1, Section 32 of the Indiana Constitution and the Second Amendment to the United States Constitution.

SECTION 2. The Council supports a person's inherent right to self-defense protected by the Constitutions of Indiana and the United States.

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SECTION 3. The Council supports Indiana Attorney General Greg Zoeller in his position taken before the Supreme Court that the Second Amendment applies to states and local units of government such as the City of Indianapolis.

SECTION 4. The Council agrees that all laws and policies adopted by the City of Indianapolis should conform with the fundamental and inherent right to possess arms, which right is guaranteed by the Constitutions of Indiana and the United States.

SECTION 5. The Council agrees that the City of Indianapolis should not frustrate, impede, delay or otherwise harass the fundamental and inherent right to keep and bear arms.

SECTION 6: The Mayor is invited to join this resolution by affixing his signature hereto.

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

PROPOSAL NO. 87, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 87, 2010 on March 29, 2010. The proposal, sponsored by Councillor Vaughn, appoints Mark D. Fisher to the Board of Code Enforcement. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McHenry moved, seconded by Councillor Cardwell, for adoption. Proposal No. 87,2010 was adopted on the following roll call vote; viz:

24 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Minton McNeill, Nytes
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 87, 2010 was retitled COUNCIL RESOLUTION NO. 45, 2010 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2010

A COUNCIL RESOLUTION appointing Mark D. Fisher to the Board of Code Enforcement.

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 Board of Code Enforcement, the Council appoints:

Mark D. Fisher

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 until his successor is appointed and qualifies.

PROPOSAL NO. 90, 2010. In Chairman Hunter's absence, Councillor Cockrum reported that the Public Safety and Criminal Justice Committee heard Proposal No. 90, 2010 on March 24, 2010. The proposal, sponsored by Councillors Hunter, Brown and Pfisterer, confirms the department of public safety director's appointment of Paul R. Ciesielski as chief of the Indianapolis Metropolitan Police Department. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 90, 2010 was adopted on the following roll call vote; viz:

25 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

1 NOT VOTING: *Nytes*

3 ABSENT: *Evans, Hunter, Oliver*

Proposal No. 90, 2010 was retitled COUNCIL RESOLUTION NO. 46, 2010 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2010

A COUNCIL RESOLUTION confirming the department of public safety director's appointment of Paul R. Ciesielski as chief of the Indianapolis metropolitan police department.

WHEREAS, pursuant to Section 279-221 of the "Revised code of the Consolidated City and County," the appointment of a chief of the Indianapolis metropolitan police department is subject to confirmation by the city-county council; and

WHEREAS, the director of the department of public safety has appointed Paul R. Ciesielski to serve as the chief of the Indianapolis metropolitan police department at the director's pleasure; now, therefore:

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

SECTION 1. Paul R. Ciesielski is confirmed by the city-county council to serve as the chief of the Indianapolis metropolitan police department at the pleasure of the director, and until a successor is appointed and confirmed.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 115, 2010. Introduced by Councillors Scales and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to reorganize the city-county internal audit agency as an executive office with expanded powers and duties, and to make corresponding technical changes"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 116, 2010. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Michael Huber as Deputy Mayor for Economic Development"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 117, 2010. Introduced by Councillor McHenry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$11,036,100 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) to fund costs related to the development of affordable rental housing and the rehabilitation of foreclosed or abandoned homes"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 118, 2010. Introduced by Councillor Rivera. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$37,500 in the 2010 Budget of the Department of Public Works (State Grants Fund) to fund educational outreach and increased awareness regarding the proper disposal of compact fluorescent light bulbs"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 82, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 82, 2010 on March 23, 2010. The proposal, sponsored by Councillor Pfisterer, amends Sec. 135-741 of the Code concerning the Capital Asset Development Fund. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Pfisterer stated that after discussion with the Department of Local Government Finance (DLGF) for clarification, it was found that property taxes could not be included in the revenues for this fund. Councillor Cockrum moved, seconded by Councillor Nytes, to amend Proposal No. 82, 2010 to remove property taxes and renumber the subsequent sources listed.

Councillor Nytes said that she raised the same question when the amendment was proposed in committee and she appreciates that they were able to pursue the issue with the DLGF. She said that she is disappointed by the DLGF's decision, in limiting this body's ability to govern their city as they see fit. She added that often local governing bodies' hands are tied by state and federal "strings," and this is another in her opinion. She said that since this was the ruling, however, she will support the amendment and the proposal overall.

Councillor Sanders asked for a description of the money going into this fund if it is not from property taxes. Jason Dudich, Office of Finance and Management (OFM), stated that the money proceeds are related to the retirement of debt service on the South Harding Street facility.

Proposal No. 82, 2010 was amended by a voice vote.

Councillor B. Mahern asked how vehicles will be funded going forward and if this is a one-time allocation. He asked if this is a priority choice, or if these funds could be spent on other things. He said that he understands this proposal simply establishes the fund, but the next proposal actually deals with expenditures. Mr. Dudich said that the law is very specific as to what these funds can be used for. The funds can be used for things such as leases, land acquisition, and the purchase of buildings. Councillor B. Mahern asked if the funds could be used to purchase park benches or playground equipment. Mr. Dudich said that he believes they could.

Councillor Nytes said that although she was against the decision of the DLGF, she is in favor of creating this fund and the multiple-year planning that accompanies it. She said that she often comments that more long-range vision is needed, and she feels this is a good tool for some significant investments without issuing bonds or borrowing money.

Councillor Pfisterer moved, seconded by Councillor Cardwell, for adoption. Proposal No. 82, 2010 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
1 NAYS: Mansfield
0 NOT VOTING:
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 82, 2010 was retitled GENERAL ORDINANCE NO. 14, 2010 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2010

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

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

SECTION 1. Chapter 135, Article VII, Division 4 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:

DIVISION 4. CAPITAL ASSET DEVELOPMENT CAPITAL PROJECT FUND

Sec. 135-741. Created.

(a) There is hereby created a special capital project fund, to be designated the "capital asset development capital project fund," in the office of finance and management. ~~the fund will be a sub fund of the consolidated county fund.~~

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

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

- (1) Vehicles,
- (2) Equipment,
- (3) Buildings,
- (4) Lease Agreements,
- (5) Construction, and
- (6) Other items as deemed appropriate by the city-county council.

(d) The office of finance and management shall administer the fund.

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

- (1) Revenues from operating agreements between the city-county and outside contractors,
- ~~(2) Property taxes,~~
- ~~(3) County Option~~ Income Taxes, and
- ~~(4) Other fees and revenues,~~

if so allocated by the city-county council.

(f) Expenses from the fund shall be appropriated by the city-county council in accordance with the procedures for expenditures of public funds and shall not lapse until the Controller of the City of Indianapolis certifies to the City-County Council that encumbered balances in the fund have been released.

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

PROPOSAL NO. 83, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 83, 2010 on March 23, 2010. The proposal, sponsored by Councillor Pfisterer, appropriates \$27,562,000 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Indianapolis Fire Department and Department of Public Works (Capital Asset Development Capital Projects Fund) for long-term vehicle purchases. By

a 5-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders said that she believes a different acronym is needed for this program, as VIP is an indication of misplaced priorities. She said that she is concerned about the total amount of funding. She said that \$27.5 million is from the exhaustion of the Covanta bond, and asked if the rest is coming from the budgets. She said that with \$7 million in leasing, this is just under \$45 million. She said in the last two years they have spent \$16 million on replacing vehicles, and it seems with this proposal, they will be spending \$61 million in a five-year period on vehicles. She said that it seems there are some competing interests that could have been addressed with some of this money. She said that she is not opposed to a long-range vehicle replacement plan, but in driving up Central Avenue today, she noticed a lot of potholes and resurfacing needs, and she is concerned that they are overlooking other priorities.

Councillor B. Mahern echoed Councillor Sanders' concerns, and said that he understands that replacement is needed to keep repair costs at a minimum. However, he added that there are many other funding issues related to quality of life, such as with the parks. He said that parks are where people go and gather as a community, and he would like to see some of this money used for the shortfalls in that area. He said that they should be contemplating changes in operating costs and how they relate to public safety vehicles. He asked where discussions lie in finding other ways to fund vehicles and where the administration stands regarding the policy to reduce the number of take-home cars out there. President Vaughn said that this seems a broad policy question that is not specific to this proposal and would be better left for the committee to investigate.

Councillor Nytes said that the administration was asked to discuss vehicle strategy and they were assured that there would be an exploration. She said that she would strongly ask that the take-home policy be reviewed.

Councillor Vaughn said that he agrees that parks need more funding and a park bench is certainly an important investment. However, he added that they have to look at priorities, and he feels they need to adequately fund the purchase of safe vehicles to help public safety officers do their job without that added fear.

Councillor Gray said that if more was invested in the parks, they would stop crime and keep people from entering into the system. He said that he feels priorities are out of whack and maybe not as many policemen and cars would be needed if the parks were more properly cared for. President Vaughn relayed several statistics and stated that the priorities are certainly in order in providing for more public safety.

Councillor Brown said that park maintenance costs are down because they eliminated personnel. He asked if they are going to finally adequately fund additional police officers. President Vaughn said that this proposal does not add police officers, it simply insures that the ones the city has now can function properly with adequate vehicles.

Councillor Mansfield said that the police car policies need to be scrutinized. She said that she saw one Indianapolis Metropolitan Police Department officer in Hamilton County running personal errands, and this increases wear and tear on vehicles. She said that the policy needs to be adjusted.

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Councillor Malone said that she would like to see this proposal include County vehicles as well, as it is not comprehensive, and the Sheriff can purchase additional vehicles outside of this plan and funding.

Councillor Rivera said that they are funding this today because in the past, funding for replacement vehicles was neglected. He said that it has now become a matter of the cost of maintenance being higher than the cost of leasing new police cars. He said that take-home vehicles help to provide a police presence and visibility in the neighborhoods, which also helps to deter crime.

Councillor D. Mahern asked how this funding was prioritized, as it seems IMPD is getting a significantly larger portion than the Indianapolis Fire Department (IFD). Mr. Dudich said that they determined the priority of vehicles by working with those entities. They basically asked for a wish list. He said that the reason IFD's portion may not be as large is because with consolidation, they have acquired some equipment, and they will be asking for help from the Fire Cumulative Fund to purchase more of their equipment in the long run.

Councillor B. Mahern said that he believes parks are very important and he does not understand why some of that money could not be funneled into parks. He said that people do not go to the parks because there is no equipment, and if the average citizen does not use the parks, then it becomes a haven for illegal activities. He said that it troubles him that if vehicle replacement is such a high priority, why funds were not found for it in the budget, and then extra found money could be used for lower priorities.

Councillor Bateman stated that the Wes Montgomery pool is being closed, and there is already a high crime rate in that area. He said that he agrees with his colleagues that this money could be better spent to help crime prevention.

Councillor Sanders moved to amend Proposal No. 83, 2010 to designate \$5 million of this money to the Wes Montgomery pool and its maintenance. President Vaughn said that amendments on the Council floor must be provided in writing to members, and therefore, this amendment is out of order.

Councillor Gray said that there is no data to support the fact that the visibility of police cars reduces crime. He said that he often sees baby seats in the back of police cars and he therefore knows that they are being used for personal use. He said that most of those police officers do not live in high crime areas for their take-home vehicles to be a deterrent.

Councillor Brown said that he agrees with Councillor Rivera slightly, but there are no police living in the Wes Montgomery area. He said that he will support the proposal, because he believes safe vehicles are needed. He said that he would take issue with the fact that this funding was neglected in the past, as every controller has tried to find funding for vehicle replacement.

The President called for public testimony at 7:44 p.m. There being no-one present to testify, Councillor Pfisterer moved, seconded by Councillor Cardwell, for adoption. Proposal No. 83, 2010 was adopted on the following roll call vote; viz:

19 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Lutz, MahernD, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
 7 NAYS: Bateman, Gray, Lewis, MahernB, Mansfield, Minton McNeill, Sanders
 0 NOT VOTING:
 3 ABSENT: Evans, Hunter, Oliver

Proposal No. 92, 2010 was retitled FISCAL ORDINANCE NO. 7, 2010 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Three Hundred Fifty-Two Thousand One Hundred Forty Dollars (\$352,140) in the Federal Stimulus Grants Fund and Eighty Thousand Dollars (\$80,000) in the State Grants Fund for purposes of the Marion Superior Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06(f) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the following: the salaries of probation officers and a supervisor who will provide case management services at the Juvenile Runaway/Reception Center as part of the Family and Youth Intervention (FYI) Program, financed by the 2009 remaining balance of the Edward Byrne Memorial Justice Assistance Grant (\$352,140) and a new grant from the Department of Child Services (\$80,000).

SECTION 2. The sum of Four Hundred Thirty-Two Thousand One Hundred Forty Dollars (\$432,140) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>FEDERAL STIMULUS GRANTS FUND</u>
1. Personal Services	352,140
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	352,140

<u>MARION SUPERIOR COURT</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	80,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	80,000

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

	<u>FEDERAL STIMULUS GRANTS FUND</u>
Unappropriated, unencumbered	
Federal Stimulus Grants Fund	<u>352,140</u>
TOTAL	352,140

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

	<u>STATE GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>80,000</u>
TOTAL	80,000

SECTION 5. No local match is required for either grant. The Edward Byrne Memorial Justice Assistance Grant will fund thirteen new FTEs, which were not originally accounted for in F.O. 35, 2009. The

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authorized FTE count for the Superior Court will go from 744.75 to 757.75. The Department of Child Services grant will supplement the salaries of already-existing FTEs.

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

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

PROPOSAL NO. 92, 2010. In Chairman Hunter's absence, Councillor Cockrum reported that the Public Safety and Criminal Justice Committee heard Proposal No. 92, 2010 on March 24, 2010. The proposal, sponsored by Councillors Pfisterer and Moriarty Adams, approves an appropriation of \$432,140 in the 2010 Budget of the Marion Superior Court (Federal Stimulus and State Grants Funds) to fund salaries of probation officers and a case manager supervisor as part of the Family and Youth Intervention (FYI) program. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:48 p.m. There being no-one present to testify, Councillor Cockrum moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 92, 2010 was adopted on the following roll call vote; viz:

24 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Vaughn

2 NAYS: Coleman, Speedy

3 ABSENT: Evans, Hunter, Oliver

Councillors Coleman and Speedy asked for consent to explain their votes. Consent was given. Councillor Coleman said that he does not believe it is appropriate to take stimulus dollars with strings attached. He said that these monies will fund it for a year, but if it is that important a program it should be built into the budget. Councillor Speedy said that he is also not comfortable with the practice of funding on-going programs with grant dollars, and therefore he could not support it.

Proposal No. 92, 2010 was retitled FISCAL ORDINANCE NO. 7, 2010 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Three Hundred Fifty-Two Thousand One Hundred Forty Dollars (\$352,140) in the Federal Stimulus Grants Fund and Eighty Thousand Dollars (\$80,000) in the State Grants Fund for purposes of the Marion Superior Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06(f) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the following: the salaries of probation officers and a supervisor who will provide case management services at the Juvenile Runaway/Reception Center as part of the Family and Youth Intervention (FYI) Program, financed by the 2009 remaining balance of the Edward Byrne Memorial Justice Assistance Grant (\$352,140) and a new grant from the Department of Child Services (\$80,000).

SECTION 2. The sum of Four Hundred Thirty-Two Thousand One Hundred Forty Dollars (\$432,140) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>FEDERAL STIMULUS GRANTS FUND</u>
1. Personal Services	352,140
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	352,140

<u>MARION SUPERIOR COURT</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	80,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	80,000

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

	<u>FEDERAL STIMULUS GRANTS FUND</u>
Unappropriated, unencumbered	
Federal Stimulus Grants Fund	<u>352,140</u>
TOTAL	352,140

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

	<u>STATE GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>80,000</u>
TOTAL	80,000

SECTION 5. No local match is required for either grant. The Edward Byrne Memorial Justice Assistance Grant will fund thirteen new FTEs, which were not originally accounted for in F.O. 35, 2009. The authorized FTE count for the Superior Court will go from 744.75 to 757.75. The Department of Child Services grant will supplement the salaries of already-existing FTEs.

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

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 62, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 62, 2010 on February 23 and March 23, 2010. The proposal, sponsored by Councillor Pfisterer, authorizes the execution of guaranteed energy savings contracts with three qualified providers for the implementation of recommended conservation measures. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Vaughn stated that he will abstain from voting on this proposal to avoid the appearance of a conflict, and he passed the gavel to Vice President Pfisterer.

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Councillor B. Mahern asked how the contracts will be funded. Councillor Pfisterer said that they will be funded through savings over a period of time.

Councillor Sanders asked where the initial payment is coming from. Karen Haley, Office of Sustainability, said that they will be taking a loan for \$20 million, and the payment structure provides that the savings they see as a result of energy consumption reduction will pay for the bond. She said that all Councillors should have received audit reports for all the buildings and a project summary sheet. She said that guaranteed savings will be used to pay back the loan.

Councillor Gray asked what happens if there are no savings. Ms. Haley said that the city will get its money back if they do not receive the savings guaranteed by the energy companies. Councillor Gray said they tried this before with another company in the parks department and they never received savings. Ms. Haley said that she cannot speak to that instance as she is not familiar with it, but the loan is through the bond bank and the savings guarantee is written into the contract.

Councillor Rivera asked if there are different rules or procedures the staff needs to follow in order to receive the savings. Ms. Haley said that the staff will receive training about system upgrades. Councillor Rivera asked what happens if the staff is the responsible party in not achieving savings. Ms. Haley said that the city is only responsible for training their staff, but the energy service companies are responsible for the reduction of utility bills and consumption.

Councillor McQuillen moved, seconded by Councillor Day, for adoption. Proposal No. 62, 2010 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Freeman, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy
3 NAYS: Coleman, Gray, Sanders
1 NOT VOTING: Vaughn
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 62, 2010 was retitled GENERAL RESOLUTION NO. 7, 2010 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 2010

PROPOSAL FOR A GENERAL RESOLUTION to authorize the execution of guaranteed energy savings contracts with three qualified providers pursuant to IC § 36-1-12.5-5.

WHEREAS, IC § 36-1-12.5-5 authorizes the City-County Council (“the Council”) to enter into a guaranteed savings contract with a qualified provider to reduce Indianapolis' and Marion County's energy consumption if, after review of the report described in IC § 36-1-12.5-6 (hereinafter referred to as “Report”), the Council finds that:

- (1) In the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, the amount the Council would spend on the conservation measures under the contract, and that is recommended in the Report, is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the Report were followed; and
- (2) The qualified provider provides a written guarantee as described in subsection (d)(3) of IC § 36-1-12.5-5;

and

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WHEREAS, Energy Systems Group Incorporated submitted a Report to the Council (the “ESG Report”), is a *qualified provider* as defined by IC § 36-1-12.5-3, and provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5; and

WHEREAS, Johnson Controls Incorporated submitted a Report to the Council (the “Johnson Report”), is a *qualified provider* as defined by IC § 36-1-12.5-3, and provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5; and

WHEREAS, Performance Services Incorporated submitted a Report to the Council (the “Performance Services Report”), is a *qualified provider* as defined by IC § 36-1-12.5-3, and provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5; 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 authorizes the execution of a guaranteed energy savings contract with Energy Systems Group Incorporated as provided in IC § 36-1-12.5-5. The Council, having reviewed the ESG Report, finds that (i) the amount the Council would spend on the conservation measures under the contract, and that is recommended in the ESG Report, is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the ESG Report were followed; and (ii) Energy Systems Group has provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5.

SECTION 2. The Council hereby authorizes the execution of a guaranteed energy savings contract with Johnson Controls Incorporated as provided in IC § 36-1-12.5-5. The Council, having reviewed the Johnson Report, finds that (i) the amount the Council would spend on the conservation measures under the contract, and that is recommended in the Johnson Report, is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the Johnson Report were followed; and (ii) Johnson Controls has provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5.

SECTION 3. The Council hereby authorizes the execution of a guaranteed energy savings contract with Performance Services Incorporated as provided in IC § 36-1-12.5-5. The Council, having reviewed the Performance Services Report, finds that (i) the amount the Council would spend on the conservation measures under the contract, and that is recommended in the Performance Services Report, is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the Performance Services Report were followed; and (ii) Performance Services Incorporated has provided the written guarantee described in subsection (d)(3) of IC § 36-1-12.5-5.

SECTION 4. The Council finds that the guaranteed energy savings contracts hereby approved (collectively, the “GES Contracts”) may be in a combined amount not to exceed Twenty Million Dollars (\$20,000,000). Indianapolis and Marion County are each hereby authorized to enter into installment payment contracts or other financing agreements, including agreements with The Indianapolis Local Public Improvement Bond Bank (collectively, the “Financing Agreements”), as necessary in a combined principal amount not to exceed Twenty Million Dollars (\$20,000,000) to evidence their respective obligations to make installment payments under the GES Contracts. The proper officers of Indianapolis and Marion County, with the advice of counsel, are hereby authorized to approve the form of and execute on behalf of Indianapolis and Marion County the GES Contracts, the Financing Agreements and all other contracts, agreements, schedules and other documents necessary to give effect to this resolution, such approval to be confirmed by the execution thereof.

SECTION 5. The Council will use its best efforts to take all lawful action to carry out and give effect to the transactions contemplated by the GES Contracts and to appropriate annually funds from the appropriate funds of Indianapolis and Marion County in amounts sufficient to pay the annual installment payments due under the Financing Agreements until all such required payments have been made.

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

Vice President Sanders returned the gavel to President Vaughn.

PROPOSAL NO. 85, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 85, 2010 on March 31, 2010. The proposal, sponsored by

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Councillor Cardwell, approves the statement of benefits of Companion Diagnostics, Inc., an applicant for tax abatement for property located in an Economic Revitalization Area. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes asked if there is room at the incubator center for an additional 30 jobs. Councillor Lutz said that this question was not asked in committee. Councillor Vaughn stated that the jobs will be phased in over three years, so there may be room for them as other tenants leave or expand.

Councillor Lutz moved, seconded by Councillor Cockrum, for adoption. Proposal No. 85, 2010 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman
0 NOT VOTING:
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 85, 2010 was retitled GENERAL RESOLUTION NO. 8, 2010 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 2010

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

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

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

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

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

WHEREAS, the Applicant has submitted Statement of Benefits to the MDC as part of their application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC § 36-7-15.1-26; and

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

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

SECTION 1. The Council hereby approves the Statement of Benefits that was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Companion Diagnostics, Incorporated.

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

PROPOSAL NO. 86, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 86, 2010 on March 29, 2010. The proposal, sponsored by Councillor B. Mahern, approves the issuance of special taxing district bonds of the Redevelopment District, payable from taxes on real property located in the Near Eastside HOTIF Area. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McHenry moved, seconded by Councillor Cardwell, for adoption. Proposal No. 86, 2010 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Freeman, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
2 NAYS: Coleman, Gray
2 NOT VOTING: Lewis, Minton McNeill
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 86, 2010 was retitled GENERAL RESOLUTION NO. 9, 2010 and reads as follows:

CITY COUNCIL GENERAL RESOLUTION NO. 9, 2010

A GENERAL RESOLUTION (1) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues payable from taxes on real property located in the Near Eastside HOTIF Area allocated and deposited in the Near Eastside HOTIF Area Allocation Fund pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Metropolitan Development Commission of Marion County, Indiana, pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Near Eastside Redevelopment Area (the "Near Eastside Area"), pursuant to the provisions of Indiana Code 36-7-15.1; and

WHEREAS, the Redevelopment District of the City of Indianapolis, Indiana (the "District") has previously issued its Limited Obligation Notes, Series 2006A (Near Eastside Project), in the aggregate principal amount not to exceed Five Million Dollars (\$5,000,000), for the purpose of paying the costs of acquisition and construction of certain infrastructure improvements to develop the Near Eastside Area (the "Prior Notes"); and

WHEREAS, on March 17, 2010, the Commission adopted a Preliminary Bond Resolution (Resolution No. 2010-B-003) (the "Bond Resolution") authorizing the issuance of special taxing district bonds in one or more series or issues, in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000) (the "Bonds"), which shall be issued in the name of the City of Indianapolis, for and on behalf of the District, the principal and interest on which are payable solely from taxes on real property located in the Near Eastside HOTIF Area (the "Allocation Area") allocated and deposited into the Near Eastside HOTIF Area Allocation Fund (the "Allocation Fund"), pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, for the purpose of procuring funds to be applied to the costs of (a) refunding the Prior Notes and (b) financing certain additional infrastructure improvements in or serving the Consolidated Area (the "Additional Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the "Project"); and

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WHEREAS, the Bonds are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank pursuant to the provisions of Indiana Code 5-1.4; and

WHEREAS, the Bond Bank anticipates purchasing the Bonds with the proceeds from the issuance of one or more series of bonds of the Bond Bank (the "Bond Bank Bonds"), which Bond Bank Bonds may be secured by a debt service reserve fund established by the Bond Bank that will be subject to Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council; and

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds 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 City-County Council does hereby approve (i) the Bond Resolution and (ii) the issuance of the Bonds in the name of the City, for and on behalf of the District, in one or more series or issues payable solely from taxes on real property located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15-1-17(h), if any, in an aggregate principal amount not to exceed Eight Million Dollars (\$8,000,000), which amount does not exceed the estimated costs of the Project.

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Bonds may be supported by a debt service reserve fund that will be subject to the provisions of Indian Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 88, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 88, 2010 on March 29, 2010. The proposal, sponsored by Councillors Evans and McHenry, amends the Code to clarify that a solid waste transfer station requires special exception approval in order to be established in the I-4-U and I-4-S districts (2009-AO-04). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McHenry moved, seconded by Councillor Cain, for adoption. Proposal No. 88, 2010 was adopted on the following roll call vote; viz:

25 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

1 NOT VOTING: *Lewis*

3 ABSENT: *Evans, Hunter, Oliver*

Proposal No. 88, 2010 was retitled GENERAL ORDINANCE NO. 15, 2010 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2010

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2009-AO-04

PROPOSAL FOR A GENERAL ORDINANCE to the Revised Code to clarify that a solid waste transfer station requires Special Exception approval in order to be established in the I-4-U and I-4-S districts, and to fix a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers it to approve and recommend to the City-County Council of the City of Indianapolis and/or Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing

adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the listing of permitted uses within each zoning district is a primary method of achieving the purposes set forth above; and,

WHEREAS, the Industrial Zoning Ordinance ("IZO") does not explicitly list a "solid waste transfer station" as a permitted or prohibited use in the I-4-S and I-4-U districts or any other zoning district; and,

WHEREAS, the definition of "motor truck terminal," a use permitted in the I-4-S and I-4-U districts, is insufficient to exclude a waste transfer station from being described by that term; and,

WHEREAS, because of the lack of inclusion of a "solid waste transfer station" in permitted use lists and the insufficiency of the definition of "motor truck terminal," the Supreme Court of Indiana ruled, in 600 Land, Inc. v. Metropolitan Board of Zoning Appeals of Marion County, Indiana, Division One, that a solid waste transfer station qualifies as a motor truck terminal and "is a permitted use under the IZO without a special exception;" and,

WHEREAS, it is the desire of the Metropolitan Development Commission, and in the best interest of the general public, that the interpretation of laws and ordinances be as certain and consistent as possible when differentiating possible objectionable uses from those that may be considered less so; now, therefore:

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

SECTION 1. Subsection (d)(2) of Section 733-201 of the "Revised Code of the Consolidated City and County," regarding uses permitted by Special Exception within the I-4-S and I-4-U zoning districts, 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. 733-201. I-1-S and I-1-U uses.

(d) *Permitted I-4-S and I-4-U uses.*

(2) *I-4-S and I-4-U uses permitted by special exception.* In addition, the following uses shall be permitted in the I-4-S and I-4-U Districts by special exception only, upon the grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 733-212. These uses shall conform to either the I-4-S development standards (section 733-205(a)); and I-4-S performance standards (section 733-205(b)); or the I-4-U development standards (section 733-209(a)); and I-4-U performance standards (section 733-209(b)); as well as all requirements set forth in section 733-212 and all conditions attached to the grant of such special exception by the Metropolitan Board of Zoning Appeals. In case of conflict, the more restrictive standards or requirements shall prevail.

- a. Bulk storage of petroleum products.
- b. Coke ovens, blast furnaces, steel and iron production.
- c. Fat rendering.
- d. Foundries.
- e. Leather curing and tanning.
- f. Manufacture of:
 1. Batteries, storage or primary batteries, wet or dry.
 2. Cement, lime and gypsum.
 3. Chemicals and gases.
 4. Creosote, including treatment.

5. Explosives, matches, and fireworks.
 6. Fertilizer.
 7. Oil, including refining or processing.
 8. Plastic materials and synthetic resin.
 9. Smelting (primary) and refining of nonferrous metals.
 10. Tar, tar paper and tar products - manufacturing or processing.
- g. Open hearths and blast furnaces.
 - h. Production of emulsified asphalt and preparation of asphaltic concrete paving material.
 - i. Sand, gravel or aggregate washing, screening or processing (not including mining or dredging).
 - j. Scrap metal, junk or salvage storage or operation, open or enclosed, including automobile or truck wrecking or recycling, construction materials recycling, or similar uses.
 - k. Slaughtering or meat packing.
 - l. Stock yards for shipping, holding and the sale of animals.
 - m. Vehicle storage (wrecked or inoperable).
 - n. Vehicle wrecking and salvage operation, shredder.
 - o. Wrecker service.
 - p. Waste transfer station, subject also to the regulations of section 733-205(a)(1)c. (I-4-S) or section 733-209(a)(1)c. (I-4-U).
 - pq. Any similar use requiring outside storage.

SECTION 2. Subsection (a)(1) of Section 733-205 of the "Revised Code of the Consolidated City and County," regarding development standards to be followed by I-4-S uses, 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. 733-205. I-4-S Heavy Industrial Suburban District.

(a) *I-4-S development standards.*

(1) *Use.*

- a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).
 1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.
 2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-205(a)(6) and section 733-211(e).
 3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:

- i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
- ii. Be located behind the established front building line; and
- iii. Not be located within a required yard or required transitional yard unless located within a parking area ~~which~~ that is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

- b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:
 1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- c. *Motor truck terminals and waste transfer stations.* Motor truck terminals and waste transfer stations shall be subject to the following exception: ~~The~~ parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

SECTION 3. Subsection (a)(1) of Section 733-209 of the "Revised Code of the Consolidated City and County" regarding development standards to be followed by I-4-U uses, 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. 733-209. I-4-U Heavy Industrial Urban District.

(a) *I-4-U development standards.*

(1) *Use.*

- a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).
 1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.
 2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-209(a)(6) or section 733-211(e).
 3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) cubic feet shall:
 - i. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
 - ii. Be located behind the established front building line; and
 - iii. Not be located within a required yard or required transitional yard unless located within a parking area ~~which~~ that is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

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- b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:
 - 1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 - 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- c. *Motor truck terminals and waste transfer stations.* Motor truck terminals and waste transfer stations shall be subject to the following exception: ~~The~~ parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

SECTION 4. Subsection (b) of Section 733-213 of the "Revised Code of the Consolidated City and County" regarding Industrial Zoning Districts definitions, and specifically the definition of *motor truck terminal* therein, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 733-213. Construction of language and definitions.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Motor truck terminal. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment. This definition shall not include waste transfer stations.

SECTION 5. Subsection (b) of Section 733-213 of the "Revised Code of the Consolidated City and County" regarding Industrial Zoning Districts definitions, hereby is amended by the addition of a definition of *waste transfer station*, to read as follows:

Sec. 733-213. Construction of language and definitions.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Waste transfer station. A site or facility where solid waste is unloaded from collection vehicles and transferred onto larger-load transport vehicles, either immediately or following a temporary storage period, for shipment to landfills or other treatment or disposal facilities.

SECTION 6. The expressed or implied repeal or amendment by this ordinance or 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 7. 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 8. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 91, 2010. In Chairman Hunter's absence, Councillor Cockrum reported that the Public Safety and Criminal Justice Committee heard Proposal No. 91, 2010 on March 24, 2010. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$45,000

in the 2010 Budgets of Marion County Community Corrections and Marion Superior Court (Drug Free Community Fund) to implement substance abuse programs. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Lewis asked for consent to abstain to avoid the appearance of a conflict. Consent was given.

Councillor Cockrum moved, seconded by Councillor McQuillen, for adoption. Proposal No. 91, 2010 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Lewis

3 ABSENT: Evans, Hunter, Oliver

Proposal No. 91, 2010 was retitled FISCAL ORDINANCE NO. 8, 2010 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) transferring and appropriating Forty Five Thousand Dollars (\$45,000) in the Drug Free Community fund for purposes of the Marion County Community Corrections Agency and Marion Superior Court, and reducing certain other accounts in the Marion County Auditor and Marion Superior Court budgets.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Sections 1.04(a), 1.06 (f) and 1.07 (c) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated:

Marion County Community Corrections - appropriation of \$18,000 to enhance outcomes for substance abuse treatment by providing incentives, transportation assistance and drug screening tests for substance abuse participants in community corrections programs.

Marion Superior Court - a transfer of \$27,000 from character 1 to characters 2 and 3, for community service work crew supplies, a study of recidivism, a program instructor and addiction treatment to include assessments, detoxification and intensive outpatient services. There will also be a reduction of \$15,282 in character 1 appropriations because a grant that was anticipated did not get approved.

Marion Auditor - a reduction of \$2,718 in character 3 appropriations that are not needed.

SECTION 2. The sum of Forty-five Thousand Dollars (\$45,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION CO. COMMUNITY CORRECTIONS AGENCY</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	0
2. Supplies	1,000
3. Other Services and Charges	17,000
4. Capital Outlay	0
TOTAL INCREASE	18,000

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<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	0
2. Supplies	4,000
3. Other Services and Charges	23,000
4. Capital Outlay	0
TOTAL INCREASE	27,000

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

<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	42,282
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	42,282

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

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 93, 2010. In Chairman Hunter's absence, Councillor Cockrum reported that the Public Safety and Criminal Justice Committee heard Proposal No. 92, 2010 on March 24, 2010. The proposal, sponsored by Councillor Vaughn, amends the Code to eliminate the provisions regarding law enforcement consolidation transition entities, and to make corresponding technical corrections. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 93, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 NAYS:
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 93, 2010 was retitled GENERAL ORDINANCE NO. 16, 2010 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to eliminate the provisions regarding law enforcement consolidation transition entities, and to make corresponding technical corrections.

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

SECTION 1. The title of Chapter 279 of the "Revised Code of the Consolidated City and County," regarding the Indianapolis Metropolitan Police Department, 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:

Chapter 279

**INDIANAPOLIS METROPOLITAN LAW ENFORCEMENT AGENCY
POLICE DEPARTMENT**

SECTION 2. Section 279-101 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 279, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 279-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

~~*Advisory council* means the metropolitan law enforcement advisory council established pursuant to section 279-201 of this chapter.~~

Board means the metropolitan law enforcement merit board established by section 279-232 of this chapter.

Chief means the Chief of the Indianapolis Metropolitan Police Department appointed under section 279-221 of this chapter.

Indianapolis Metropolitan Police Department or *department* means the Indianapolis Metropolitan Police Department as established by section 279-102 of this chapter.

Sheriff's department means the Marion County Sheriff's Department.

SECTION 3. Chapter 279, Article II, Division 1 of the "Revised Code of the Consolidated City and County," regarding the Metropolitan Law Enforcement Consolidation Transition Entities and the law enforcement advisory council, hereby is REPEALED.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 94, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 94, 2010 on April 1, 2010. The proposal, sponsored by Councillor Speedy, amends the Code to add and amend various penalties related to the enforcement of provisions addressing the operation and safety of bicycles and bicycle lanes or paths. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brown asked if these penalties are for bike operators or vehicle operators. Councillor Speedy stated that they are for bike operators. Councillor Brown asked who will enforce them. Councillor Speedy said that he assumes the Office of Code Enforcement will, but he will check and let him know for sure.

Councillor Speedy moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 94, 2010 was adopted on the following roll call vote; viz:

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20 YEAS: Bateman, Cain, Cardwell, Cockrum, Day, Freeman, Gray, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy
6 NAYS: Brown, Coleman, Lewis, Lutz, Sanders, Vaughn
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 94, 2010 was retitled GENERAL ORDINANCE NO. 17, 2010 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to add and amend various penalties related to the enforcement of provisions addressing the operation and safety of bicycles and bicycle lanes or paths.

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

SECTION 1. Sections 431-602, 431-603, and 431-604 of the "Revised Code of the Consolidated City and County" (as amended and/or enacted by G.O. No. 118, 2009) regarding bicycles, 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. 431-602. Operation by children under twelve years of age; responsibility of adults.

(a) It shall be unlawful for the parent, legal guardian or custodian of a child under twelve (12) years of age to suffer or permit such child to operate a bicycle in a roadway in the city while such roadway is open and used by vehicular traffic; however, this subsection shall not apply when and where:

- (1) The child is at least eight (8) years of age, and is accompanied by a parent, legal guardian or custodian who at all times is in position to observe and direct such child's bicycle operation; or
- (2) The child is riding only in that portion of a roadway which is designated by signs or pavement markings as being set aside for the exclusive use of bicycles; or
- (3) The street where such roadway is located is designated by the city as a play street.

(b) A child under twelve (12) years of age may operate a bicycle upon a sidewalk or greenway in the city in the manner provided by section 431-603(b) of the Code.

(c) After a law enforcement officer gives one (1) warning in a twelve-month period to a parent, legal guardian or custodian that he or she has committed a violation of this section, it shall be unlawful for such parent, legal guardian or custodian to commit a second or subsequent violation of this section in a twelve-month period. ~~A second or subsequent violation of this section is subject to the enforcement procedures provided in chapter 103, article III, in a twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code. All subsequent violations in a twelve-month period shall be subject to the enforcement procedures provided in Section 103-3 of the Code.~~

Sec. 431-603. Operation on roadways, sidewalks and greenways; violations.

(a) A person who operates a bicycle in a roadway shall comply with the provisions of IC chapter 9-21-11.

(b) A person who operates a bicycle on a sidewalk or greenway in the city shall do so only in the following manner:

- (1) The bicycle shall not be operated at a speed, or in any manner, which constitutes a threat to the safety of either the bicycle operator or other persons, or diminishes or impairs the free use of the sidewalk or greenway by other persons;
- (2) The person propelling, and each person riding upon, a bicycle shall be seated upon a permanent and regular seat firmly attached to the bicycle;

- (3) The person propelling the bicycle shall not allow more persons to be carried at one (1) time than the number for which the bicycle is designed and equipped;
- (4) The bicycle shall be equipped with a bell or other device capable of giving an audible signal, lamps, and brakes in the same manner as is required by state law for bicycles operated upon a highway; and
- (5) The bicycle's bell or other device capable of giving an audible signal shall be sounded not less than fifty (50) feet from any pedestrian or vehicle approaching upon the sidewalk or greenway; ~~and.~~

(c) It shall be unlawful for a person to operate a bicycle in a manner prohibited by this section. A person's first violation in a twelve-month period shall be subject to ~~the enforcement procedures provided in chapter 103, article III,~~ an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code, and each second and subsequent violation is subject to the enforcement procedures and penalties provided in section 103-3 of the Code.

Section 431-604. Unattended bicycles and bicycles not in operation.

- (a) It shall be unlawful for a person to leave a bicycle:
- (1) So that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building access ramp, building entrance, or so that it obstructs pedestrian access to a parking meter, newsrack, or newsstand;
 - (2) Secured to a fire hydrant or to a police or fire call box;
 - (3) On private property without the consent of the owner or legal tenant, which consent is implied on private commercial property; or
 - (4) On a street, roadway, or other city-owned property or rights-of-way for more than seventy-two (72) consecutive hours.
- (b) The first, second, and third violation in any twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code. All subsequent violations in a twelve-month period shall be subject to the enforcement procedures provided in section 103-3 of the Code.

SECTION 2. Section 441-374 of the "Revised Code of the Consolidated City and County" (as enacted by G.O. No. 118, 2009) regarding enforcement of limitations and restrictions related to the regulation of traffic on bicycle paths and/or lanes, 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:

Section 441-374. Enforcement.

A violation of this division shall constitute a violation of the code. A person's first violation in a twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code. All subsequent violations in a twelve-month period shall be subject to the enforcement procedures provided in section 103-3 of the Code.

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding the schedule of civil penalties designated for specific ordinance violations, 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. 103-52. Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

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<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
293-321	Failure to file economic statement of interest--First offense	50.00
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
407-103	Loitering--First offense in calendar year	50.00
407-201	Unlawful fireworks use, ignition or discharge--First offense	\$100.00
431-108	Parking prohibited for street repairs and cleaning	20.00
431-314	Premises address violation--Second offense in calendar year	25.00
431-602	Bicycles-- Second and subsequent violations violation in a twelve-month period regarding children under twelve	50.00
431-603	Unlawful operation of bicycle--First violation in a twelve-month period	50.00
431-604	<u>Unattended bicycle or bicycle not in operation—First violation in a twelve-month period</u>	<u>50.00</u>
431-604	<u>Unattended bicycle or bicycle not in operation—Second violation in a twelve-month period</u>	<u>100.00</u>
431-604	<u>Unattended bicycle or bicycle not in operation—Third violation in a twelve-month period</u>	<u>200.00</u>
431-702	Prohibited activity in roadways--First violation in twelve-month period	25.00
431-703	Interference with vehicular traffic--First violation in twelve-month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-374	<u>Bicycle path or lane--First violation in a twelve-month period</u>	<u>50.00</u>
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
441-503	Consumption or possession by operator of motor vehicle--First offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages--First offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large--First offense in twelve-month period	50.00
531-202	No dog or cat permanent identification--First offense	50.00
531-202	No dog or cat permanent identification--Second and subsequent offenses	100.00
531-301	No dog or cat antirabies vaccination--First offense	100.00
531-302	No antirabies vaccination tag on dog or cat--First offense in twelve-month period	25.00
531-302	No antirabies vaccination record for feral cat colony--First offense in twelve-month period	25.00
611-403	Unlawful loading or unloading of private bus	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00

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611-502	Violation of noise restriction on food vendors	15.00
611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curbside of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00
621-118	Unlawful parking of commercial vehicles at night	20.00
621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--First offense in a twelve-month period	50.00
621-127	Unlawful outdoor storage of inoperable motor vehicle--Second offense in a twelve-month period	250.00
621-203	Parking in excess of time permitted in parking meter zone	20.00
621-210	Parking in meter zone when temporarily prohibited	20.00
621-216	Overtime parking in metered parking space	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center--Non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00

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621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours--First offense in calendar year	50.00
631-109	Alcohol in park--First offense in calendar year	50.00
645-528	Skateboard or similar play device--First offense in calendar year	50.00
706-105	Water conservation violation--First offense in twelve-month period	100.00
706-105	Water conservation violation--Second offense in twelve-month period	250.00
730-505	Civil zoning violations--First offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
811-704	Second faulty fire alarm in twelve-month period	25.00
811-704	Third faulty fire alarm in twelve-month period	50.00
811-704	Fourth faulty fire alarm in twelve-month period	75.00
Ch. 895	Horse-drawn carriage violation--First offense in twelve-month period	100.00
Ch. 903	Pedal cab violation--First offense in twelve-month period	100.00
931-305	Excessive parking charge at commercial parking facility--First offense in twelve-month period	100.00
996-77	No monthly taxicab certificate--First offense in twelve-month period	25.00
996-123	Failure to maintain public vehicle for hire--First offense in twelve-month period	25.00
996-124	Taxicab operator dress code violation--First offense in twelve-month period	25.00
996-126	Failure to display licenses or fare schedule--First offense in twelve-month period	25.00
996-138	Taxicab operator exceeding limitation on hours--First offense in twelve-month period	25.00

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 95, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 95, 2010 on April 1, 2010. The proposal, sponsored by Councillor Rivera, authorizes multi-way stops at intersections in the Timberlakes subdivision (District 25). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Speedy moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 95, 2010 was adopted on the following roll call vote; viz:

26 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*
 0 NAYS:
 3 ABSENT: *Evans, Hunter, Oliver*

Proposal No. 95, 2010 was retitled GENERAL ORDINANCE NO. 18, 2010 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 2010

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>
48	Stones River Dr Stones River Cir	Stones River Dr	Stop
48	Stones River Dr Ashtree Dr	Stones River Dr	Stop
48	Ashtree Dr Ashtree Ct	Ashtree Dr	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>
48	Stones River Dr Stones River Cir	None	All-Way Stop
48	Stones River Dr Ashtree Dr	None	All-Way Stop
48	Ashtree Dr Ashtree Ct	None	All-Way Stop

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

Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal Nos. 96 and 97, 2010 on March 31, 2010. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 96, 2010. The proposal, sponsored by Councillors McQuillen, Brown, Gray, Scales and Pfisterer, approves the Mayor's establishment of a charter school, "Site 1 - St.

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Andrew/St. Rita" by issuing a charter to ADI, Inc. PROPOSAL NO. 97, 2010. The proposal, sponsored by Councillors McQuillen, Brown, Gray, Scales and Pfisterer, approves the Mayor's establishment of a charter school, "Site 2 - St. Anthony" by issuing a charter to ADI, Inc. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Sanders said that in recognition of the constitution and Second Amendment this body talked about earlier, she has grave concerns about these proposed charters. She said that her views are no reflection on the students, parents or teachers, but this is a serious issue of the separation of church and state. She said that these are public dollars being held by the Archdiocese of Indianapolis (ADI), and therefore she cannot support it. She said that these schools are not currently funded by public dollars, and with another cut in education dollars this past legislative session, she cannot support another burden on those funds. Councillor Cain stated that the separation of church and state is not stated in the constitution.

Councillor Minton-McNeill stated that these schools have committed to building student enrollment, but they are located within and Indianapolis Public Schools (IPS) district, which already is showing a declining student enrollment. She said that this will force more IPS schools to close. She asked where these students will come from. Councillor Lutz said that both schools have strong representation in the neighborhoods, and to attend charter schools, a student does not have to live in the district, and theoretically, students could attend these schools from as far as South Bend, Indiana.

Councillor B. Mahern echoed Councillor Sanders' comments and said that these schools previously were religious schools influenced by ADI, who will continue to own them. He added that they will probably have the same staff, and he feels that the public coffers should not be funneled into religious institutions.

Councillor Mansfield stated that she holds dear the separation of church and state, and often cringes when non-inclusive prayers are offered at the beginning of government meetings. She said that representatives, however, assured the committee that these schools would be operated in a secular environment, and they carefully walked the committee members through the steps they have taken to insure that they comply with the laws and constitution. She added that they are also fully aware that if they violate that, their charter could be revoked. She said that these schools will serve 640 students, and they have a track record of providing good education.

Councillor Lutz said that representatives testified that they will be using a secular program that is already used in many public schools, called "Character Counts." He said that they testified that they had their new curriculum and programs reviewed by counsel, and they passed constitutional muster. He said that these charters will be in the hands of an independent board, not ADI.

Councillor Scales said that one of these schools is in her district, and she conferred with many of her neighbors, and the school has overwhelming support. She added that she has also been reassured of the secular nature of the curriculum. She said that ADI has supported many inner city schools and are often the first to provide services to the impoverished, and the Catholic Church has a fine history of providing for the needs of its community. She said that this body should not ignore the history of the Catholic Church and how it has already provided quality education and health services free to communities, bearing the cost themselves. She said that these are tough economic times, and even the most giving of organizations are seeking new resources.

Councillor Coleman agreed that the separation of church and state is not cited in the constitution. He said that he had reservations at first, but after speaking to the Director of Charter Schools, Karega Rausch, he has been assured that there will be no religious activities during school hours and the curriculum has been changed significantly to comply with charter school regulations.

Councillor Minton-McNeill asked if the schools will have provisions for special needs students. Mr. Rausch responded in the affirmative. Councillor Minton-McNeill asked at what level they will provide for special needs. Mr. Rausch stated that they will provide for students with any disability as required by law.

Councillor Nytes said that she believes this to be the most difficult vote before the Council this evening. She said that faced with financial difficulties, ADI had the option to find another way to help fund their schools. Unfortunately, IPS, while faced with the dilemma of closing some schools, did not have that same option to come to this body ask ask to be a part of the charter system. She said that at the end of the day, she can only take the assurances the committee was given that these will indeed be secular schools. If that is the case, then the only other question to ask is whether or not these neighborhoods need quality schools to be strong again, and the answer to that is “yes.” She said that if they do not have the mechanism to get IPS the resources they need to do what they need to do, then this may be the only other option. She said it is an unfortunate situation to find themselves in as a city, but a good neighborhood school trumps everything else.

Councillor Rivera said that he supports the proposals, as these schools particularly see a high amount of latino students who cannot afford a private education. He said that these grant charters help parents have choices and he supports that.

Councillor Pfisterer said that besides being given assurance by the board that these schools would be secular in nature, the Charter Schools process is very rigorous and Mr. Rausch monitors compliance with those types of issues on a regular basis.

Councillor Lutz moved, seconded by Councillor Mansfield, for adoption. Proposal Nos. 96 and 97, 2010 were adopted on the following roll call vote; viz:

21 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Lewis, Lutz, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
5 NAYS: MahernB, MahernD, Malone, Minton McNeill, Sanders
3 ABSENT: Evans, Hunter, Oliver

Proposal No. 96, 2010 was retitled COUNCIL RESOLUTION NO. 47, 2010 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2010

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, “Site 1 - St. Andrew/St. Rita” by issuing a charter to ADI, Inc.

WHEREAS, the Mayor is authorized by IC 20-24 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-24-3-5 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

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WHEREAS, the Mayor has announced his intention to issue a charter to ADI, Inc. for a charter school named "Site 1 -St. Andrew/St. Rita"; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Site 1 - St. Andrew/St. Rita" by issuing a charter to ADI, Inc.

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

Proposal No. 97, 2010 was retitled COUNCIL RESOLUTION NO. 48, 2010 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 48, 2010

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Site 2 - St. Anthony" by issuing a charter to ADI, Inc.

WHEREAS, the Mayor is authorized by IC 20-24 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-24-3-5 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to ADI, Inc. for a charter school named "Site 2 -St. Anthony"; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Site 2 - St. Anthony" by issuing a charter to ADI, Inc.

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

NEW BUSINESS

Councillor Sanders stated that Councillor Oliver is absent this evening due to the passing of his brother Raymond. She said that arrangements will be announced tomorrow. Councillor Vaughn thanked family and friends for the kind thoughts and wishes at the passing of his wife's grandfather, who is recognized in tonight's adjournment memorials and was a World War II prisoner of war. Councillor Gray urged fellow Councillors to cheer on the Butler University Bulldogs from the 8th District in tonight's Final Four Championship game.

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 Sidney A. Rains; and
- (2) Councillor Cain in memory of Gordon Smith.

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 Sidney A. Rains and Gordon Smith. 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 8:37 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 5th day of April, 2010.

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

President

ATTEST:

Clerk of the Council

(SEAL)