

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

**REGULAR MEETINGS
MONDAY, OCTOBER 8, 2007**

The City-County Council of Indianapolis, Marion County, Indiana, 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, October 8, 2007, with President Gray presiding.

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

ROLL CALL

President Gray 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, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
3 ABSENT: Franklin, Langsford, Mansfield

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized former Councillor Stephen West. Councillor Lutz recognized west side community activist Aaron Williams. President Gray recognized family member Andy Brown and his wife. Councillor Gibson introduced Rufus “Bud” Myers, executive director of the Indianapolis Housing Agency. Councillor McWhirter recognized Wayne Township Trustee David Kingbury.

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, October 8, 2007, 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/Monroe Gray
President, City-County Council

September 24, 2007

TO PRESIDENT GRAY 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 Wednesday, September 26, 2007, a copy of a Notice of Public Hearing on Proposal Nos. 390, 391, 395, 396, 399, 401, and 403, 2007, said hearing to be held on Monday, October 8, 2007, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

October 1, 2007

TO PRESIDENT GRAY 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, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 75, 2007 – adopts the annual budget for the Metropolitan Emergency Communications Agency for 2008

FISCAL ORDINANCE NO. 76, 2007 – adopts the annual budget for the Revenue Bonds Debt Service Funds for 2008

FISCAL ORDINANCE NO. 77, 2007 – adopts the annual budget for the Marion County Office of Family and Children for 2008

FISCAL ORDINANCE NO. 78, 2007 – adopts the annual budget for Indianapolis and Marion County for 2008

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2007 – adopts the annual budget for the Police Special Service District for 2008

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2007 – adopts the annual budget for the Fire Special Service District for 2008

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2007 – adopts the annual budget for the Solid Waste Collection Special Service District for 2008

GENERAL ORDINANCE NO. 44, 2007 – amends the Code to establish a crime prevention advisory board for the purpose of reviewing and making recommendations regarding funding of crime prevention initiatives and programs

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Sanders moved, seconded by Councillor Gibson, to return Proposal Nos. 268 and 269, 2007 to Committee for further review. Councillor Schneider asked what these two proposals pertain to. Councillor Sanders identified the proposals as follows:

PROPOSAL NO. 268, 2007. The proposal, sponsored by Councillor Nytes, establishes the maximum tax rate that may be imposed for the City Cumulative Capital Development Fund. PROPOSAL NO. 269, 2007. The proposal, sponsored by Councillor Nytes, establishes the maximum tax rate that may be imposed for the County Cumulative Development Fund.

Councillor Sanders stated that these proposals were submitted in anticipation of the budget, but the budget was passed without them, and they are no longer relevant. She asked that the Council consent to returning the proposals to Committee so that the Committee can make a recommendation to strike. Proposal Nos. 268 and 269, 2007 were returned to Committee by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of September 17, 2007. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 414, 2007. The proposal, sponsored by All Councillors, recognizes the life and contributions of former City-County Councilman Elwood C. Black, Sr. Councillor Sanders read the proposal and stated that it will be presented to Mr. Black's son at a later time. Councillor Sanders moved, seconded by Councillor Borst, for adoption. Proposal No. 414, 2007 was adopted by a unanimous voice vote.

Proposal No. 414, 2007 was retitled SPECIAL RESOLUTION NO. 42, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2007

A SPECIAL RESOLUTION recognizing the life and contributions of former City-County Councilman Elwood C. Black, Sr.

WHEREAS, Elwood Black was born in Indianapolis, Indiana on January 12, 1923, as the third youngest in a family of sixteen; and

WHEREAS, the Black family spent six years in Carthage, Indiana, but returned to Indianapolis, where Elwood completed his education in the Indianapolis Public School system; and

WHEREAS, although offered athletic scholarships after graduation from Crispus Attucks High School, Elwood stayed in Indianapolis, married his high school sweetheart Mary Jameson, and raised three sons in his hometown; and

WHEREAS, Mr. Black worked as a basketball coach, maintenance worker and delivery driver to support his family, and after joining the United Auto Workers Union in 1950, worked his way up the ranks with a strong work ethic to eventually become president of UAW Local #550; and

WHEREAS, in 1991, Elwood Black was elected as the City-County Councilman for Indianapolis District 6 and worked tirelessly to provide a better community for minorities and the working poor through employment opportunities, civil rights, and quality schools and health care; and

WHEREAS, up until he departed this life on September 25, 2007 at the age of 84, the retired Elwood continued serving the community through organizations such as Community Action Against Poverty (CAAP), National Association for the Advancement of Colored People (NAACP), National Urban League, YMCA, Marion County Cancer Society, Indianapolis Athletic Club, Masonic Order and Jones Tabernacle African Methodist Episcopal Zion Church; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the life and contributions of former member Elwood C. Black, Sr. and acknowledges that Indianapolis has forever been changed by his service.

SECTION 2. The Council extends its sympathy, thoughts and prayers to Elwood's many family and friends in this time of loss.

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

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

PROPOSAL NO. 415, 2007. The proposal, sponsored by Councillora Pfisterer and Cockrum, recognizes the Ben Davis High School Dad's Organization. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Mike Morrow, president of the organization, thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 415, 2007 was adopted by a unanimous voice vote.

Proposal No. 415, 2007 was retitled SPECIAL RESOLUTION NO. 43, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2007

A SPECIAL RESOLUTION recognizing the Ben Davis High School Dads Organization.

WHEREAS, the Ben Davis Dads Organization was established in 2004 and consists of 37 fathers who devoted more than 2,100 volunteer hours last year; and

WHEREAS, the role of the Ben Davis Dads is to assist in areas of academics, fine arts, and extracurricular activities, and includes being mentors, advocates, role models, and friends; and

WHEREAS, the Ben Davis High School Dads Organization's mission statement is to provide a support service for Ben Davis High School through collaboration with parents, school personnel and the community, as they challenge students to reach their greatest potential; and

WHEREAS, the Ben Davis Dads are called upon to attend school functions, assist in events that need additional supervision, help monitor the school building when needed and participate in community service projects; and

WHEREAS, the Ben Davis High School Dads Organization was recently awarded the Mayor's Character Achievement Award for its contributions to and involvement in education at Ben Davis High School; and

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WHEREAS, the Mayor's Character Achievement Award was presented to the Ben Davis High School Dads Organization for its efforts in urging fathers to take an active role in the school community by helping advance student achievement; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes the Ben Davis Dads for their hours of service to the students of Ben Davis High School and for helping to develop an atmosphere that is conducive to learning.

SECTION 2. The Council heartily congratulates the Ben Davis High School Dads Organization on receiving the Mayor's Character Achievement Award.

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

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

PROPOSAL NO. 416, 2007. The proposal, sponsored by Councillors Franklin, Randolph, Carson and Bateman, recognizes Metropolitan Police Officer John Perkins, Firefighters Matthew Nicoson and James Weeden, and Civilian Courtney Thurman. Councillor Randolph read the proposal and presented representatives with copies of the document and Council pins. Courtney Thurman, Matthew Nicoson, John Perkins and Indianapolis Fire Department Chief James Greeson thanked the Council for the recognition. Councillor Randolph moved, seconded by Councillor Carson, for adoption. Proposal No. 416, 2007 was adopted by a unanimous voice vote.

Proposal No. 416, 2007 was retitled SPECIAL RESOLUTION NO. 44, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 2007

A SPECIAL RESOLUTION recognizing Indianapolis Metropolitan Police Officer John Perkins, Firefighters Matthew Nicoson and James Weeden, and civilian Courtney Thurman.

WHEREAS, on September 1, 2007, a nine-year-old girl and seven-year-old boy were rescued from a burning North side home after being left alone; and

WHEREAS, Officer Perkins arrived at 4509 Ralston Avenue just shortly before firefighters after responding to an incomplete 911 call; and

WHEREAS, Officer Perkins entered the burning building and pulled the girl out through a bedroom widow, but was unable to reach the boy; and

WHEREAS, Firefighters Nicoson and Weeden arrived minutes later and Perkins told them that the boy was in a front bedroom. After which, Nicoson and Weeden rushed in and pulled the boy out; and

WHEREAS, neighbors Courtney Thurman and his mother were among the first to attempt to help. Courtney kicked in the door but the smoke was too bad; and

WHEREAS, Courtney Thurman attempted CPR to resuscitate the girl because she did not appear to be breathing; and

WHEREAS, the children were taken to Riley Hospital for Children and were being treated for burns; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes the heroic acts of Officer John Perkins, Firefighters Matthew Nicoson and James Weeden, and civilian Courtney Thurman.

SECTION 2. The Council extends its gratitude for their exceptional civic responsibility.

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

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

PROPOSAL NO. 417, 2007. The proposal, sponsored by Councillor Cockrum, recognizes Michael Taylor. Councillor Cockrum read the proposal and presented Mr. Taylor with a copy of the document and a Council pin. Mr. Taylor thanked the Council for the recognition. Councillor Cockrum moved, seconded by Councillor Borst, for adoption. Proposal No. 417, 2007 was adopted by a unanimous voice vote.

Proposal No. 417, 2007 was retitled COUNCIL RESOLUTION NO. 73, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2007

A COUNCIL RESOLUTION recognizing Michael Taylor.

WHEREAS, Mr. Michael Taylor, a Crime Scene Specialist with the Marion County Crime Laboratory, will retire effective October 1, 2007; and

WHEREAS, Michael served eighteen years with the Indianapolis Police Department prior to joining the Crime Laboratory; and

WHEREAS, Michael has been with the Crime Laboratory for nineteen years, and has handled a total of 1,552 cases as a Crime Scene Specialist; and

WHEREAS, the cases included 322 Homicides, 254 Aggravated Assaults, 217 Rapes and 21 Police Action Shootings; 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 thanks Michael Taylor for his 37 years of dedicated public service to the citizens of Indianapolis and Marion County.

SECTION 2. The Council wishes Michael a long and happy retirement.

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

PROPOSAL NO. 418, 2007. The proposal, sponsored by Councillors Conley, Sanders, Gray, Brown, Boyd, and Gibson, recognizes Deloris Taylor for over 30 years of service to Marion County and the City of Indianapolis. Councillor Conley read the proposal and presented Ms. Taylor with a copy of the document and a Council pin. Ms. Taylor thanked the Council for the recognition. Councillor Conley moved, seconded by Councillor Sanders, for adoption. Proposal No. 418, 2007 was adopted by a unanimous voice vote.

Proposal No. 418, 2007 was retitled COUNCIL RESOLUTION NO. 74, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2007

A COUNCIL RESOLUTION recognizing Deloris Taylor for over 30 years of service to Marion County and the City of Indianapolis.

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WHEREAS, Deloris Taylor began her tenure with the County in 1975 as a Clerk of the Courts, and served in that capacity for four years; and

WHEREAS, after serving as a Clerk of the Courts, Ms. Taylor worked 28 years in the Center Township Assessor's Office especially with new ownerships and with entities eligible for exemptions. She retired from the Assessor's Office on May 16, 2007; and

WHEREAS, Deloris Taylor serves as President of the South side Neighborhood Block Club, is actively involved in South side neighborhood organizations, and is and has been involved in the electoral process in various offices; and

WHEREAS, Ms. Taylor was the first African American appointed to the Police Complaint Board, of which she served for approximately five years; and

WHEREAS, Deloris Taylor is the mother of five generations and has been a diligently active member of Galilee Missionary Baptist Church for 57 years; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes Deloris Taylor for her many years of dedicated service to Marion County and the City of Indianapolis.

SECTION 2. The Council wishes Ms. Taylor the best in her retirement and success with any future endeavors.

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

PROPOSAL NO. 419, 2007. The proposal, sponsored by Councillors McWhirter, Gibson and Sanders, recognizes the H.O.P.E. Team and their successful 6th Annual City-Wide Summit. Councillor McWhirter read the proposal and presented representatives with copies of the document and Council pins. Kim Boyd, executive director, thanked the Council for the recognition. Councillor McWhirter moved, seconded by Councillor Gibson, for adoption. Proposal No. 419, 2007 was adopted by a unanimous voice vote.

Proposal No. 419, 2007 was retitled SPECIAL RESOLUTION NO. 45, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2007

A SPECIAL RESOLUTION recognizing the H.O.P.E. Team and their successful 6th Annual City-Wide Summit.

WHEREAS, the H.O.P.E. Team is a grass roots organization that began in 2001 and is made up of individuals that donate their time and talent toward making sure that all people in need can find services and resources to help them recover from adversity and prosper economically; and

WHEREAS, the 6th Annual City-Wide Summit was held on Friday, September 21, 2007 at Martin University; and

WHEREAS, this year's theme, "Indiana's Department of Corrections – A Community Concern," helped to learn about some of the correctional facilities within our community, discover what enrichment opportunities are available to an offender while incarcerated, and look at issues that affect those returning from incarceration; and

WHEREAS, the H.O.P.E. Team (which stands for Helping Others Prosper Economically) meets on a monthly basis to collaborate and exchange information on a variety of resources and services available for little or no cost to people in transition and in need; and

WHEREAS, the 2007 Planning Committee members Kim Boyd, Deby Crislip, Don Hawkins, Phyllis Carr, Isaac Spain, Dianne Brown, Betty Jennings, Rudo Muzorewa-Hughes, Tammy Atwood, Sherri Roop, Madonna Richardson, Pam Rice, Joseph Worth, Reginald Townsend, James Logan, Marshall

Lewis, and William Payne volunteered their time and energy to organize this year's summit in order to help promote their goal of connecting those in need with the proper resources; and

WHEREAS, the H.O.P.E. Team was able to offer this year's summit free to the community through the help of sponsors Martin University, Old Country Buffet, Spain's Residential Living, Wayne Township Trustee, WorkOne, Other People's Properties, LLC, Chalandon Designs, Indianapolis Marriott Starbucks, Virtual Scavengers, Pop's Furniture, Chase Bank, Educational Destinations, Harold Lamonte Richardson, Professional Career Academy, California Catering, Hands on Interpreting Service, Bethlehem House, Operation Open Up, and Shirley Cannon Realtor and ; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the efforts of the H.O.P.E. Team to help citizens find the resources they need to overcome temporary obstacles in order to prosper and thrive in the community.

SECTION 2. The Council thanks the H.O.P.E. Team for their investment in the community and wishes them much success in future endeavors.

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

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

PROPOSAL NO. 420, 2007. The proposal, sponsored by Councillors Carson, Sanders, Gray, Brown, Boyd, Gibson and Pfisterer, recognizes the Indianapolis Police Athletic League/Christamore House Boxing Team on their success at the 2007 Ringside World Championship Boxing Tournament. Councillor Carson read the proposal and presented representatives with copies of the document and Council pins. Olgen Williams, Christamore House, thanked the Council for the recognition. Councillor Carson moved, seconded by Councillor Boyd, for adoption. Proposal No. 420, 2007 was adopted by a unanimous voice vote.

Proposal No. 420, 2007 was retitled COUNCIL RESOLUTION NO. 75, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2007

A COUNCIL RESOLUTION recognizing the Indianapolis Police Athletic League/Christamore House Boxing Team on their success at the 2007 Ringside World Championship Boxing Tournament.

WHEREAS the Indy PAL/Christamore House Boxing team earned the right to be considered among the world's best at the 2007 Ringside Word Championship Boxing Tournament held in Kansas City, Missouri; and

WHEREAS the World Championship Boxing Tournament for 2007 was the largest amateur boxing event to date with more than 1400 boxers and coaches, from all over the world, in attendance and participating; and

WHEREAS with the support of Mt. Zion Apostolic Church, Yats Restaurant, Sam's Club, Domino's Pizza and a host of other friends, the Indy PAL/Christamore House Boxing team was able to take five (5) boxers to participate in the tournament; and

WHEREAS the members of the team included: Greg McKinney who competed in the 9 to 10 year old class at 85 pounds; Andres Baldex who competed in the 9 to 10 year old class at 90 pounds; Clarence McKinney who competed in the 11 to 12 year old class at 106 pounds; Alonzo Calloway who competed in the 13 to 14 year old class at 80 pounds; and Tyrone Hayes who competed in the 13 to 14 year old class at 165 pounds; and

WHEREAS the Indy team did a great job with all five (5) boxers making it to the semi and final rounds with three (3) of the five (5) making the finals wherein Greg McKinney and Clarence McKinney

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won championship belts and Tyrone Hayes lost an extremely close decision to come out a runner up; now therefore:

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

SECTION 1: Indianapolis City-County Council proudly recognizes the Indy PAL/Christamore House Boxing team and their coaches on their accomplishment at the 2007 Ringside World Championship Boxing Tournament held in Kansas City, Missouri.

SECTION 2: The Council congratulates the team on achieving many firsts and wishes them continued success in all further endeavors in and out-side the ring.

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

PROPOSAL NO. 421, 2007. The proposal, sponsored by Councillors Sanders, Boyd, Brown, Cockrum, Keller, Moriarty Adams, Nytes, Gibson, Plowman, Conley, Gray, Pfisterer and Pryor, supports a sister-city relationship between Eldoret, Kenya and Indianapolis, Indiana. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Ed Quigley, Sister City Committee, thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 421, 2007 was adopted by a unanimous voice vote.

Proposal No. 421, 2007 was retitled SPECIAL RESOLUTION NO. 46, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2007

A SPECIAL RESOLUTION supporting a sister-city relationship between Eldoret, Kenya, and Indianapolis, Indiana, and extending an invitation to the Mayor of Eldoret for his city to join with the Mayor of the City of Indianapolis in this cooperative relationship.

WHEREAS, the people-to-people program initiated by President Dwight D. Eisenhower in 1956 and endorsed by President John F. Kennedy in 1961, is designed to bring the people of the world closer together in the interest of peace; and

WHEREAS, the Sister Cities Program, sanctioned by Sister Cities International, develops municipal partnerships between U.S. cities and similar jurisdictions in other nations in order to provide opportunities for citizens and city officials to experience and explore other cultures through long-term partnerships; and

WHEREAS, a local committee has been established, including members of the Indianapolis City-County Council and citizens of Indianapolis, as well as others affiliated with the IU-Kenya Partnership, in order to explore the desirability and benefits of a sister-city relationship with Eldoret, Kenya; and

WHEREAS, Eldoret, a city of 107,900 citizens surrounded by the green highlands of northwestern Kenya, and Indianapolis have benefited from research and training exchanges spanning two decades between the Indiana University School of Medicine and Moi University; and

WHEREAS, in addition to medical assistance for public health issues such as HIV/AIDS and cancer, more than five-hundred Indianapolis citizens, through the Rotary Club and many local places of worship, have traveled to Eldoret to serve as voluntary ambassadors of Indianapolis in establishing orphanages, women's shelters, sustainable agricultural programs, and free legal assistance, thereby building self-sufficiency and bringing hope to Kenyans affected by poverty, disease, and injustice; and

WHEREAS, the local committees in both Eldoret and Indianapolis have worked cooperatively to identify the areas of education, safe water, legal aid, tourism, business development, and the safety of street children as areas of mutual interest to be explored through a formal relationship between the two cities; and

WHEREAS, citizens and government officials of Eldoret welcome the commitment to a sister-city relationship and the exchange of mutual interests; therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the established friendship between and mutual interests of the cities of Eldoret, Kenya, and Indianapolis, Indiana, and extend through this resolution a formal invitation to the Mayor of Eldoret to join with the City of Indianapolis as Sister Cities and as such construct mutually beneficial programs of exchange between their citizens thus strengthening international amity.

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

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

PROPOSAL NO. 386, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 386, 2007 on September 25, 2007. The proposal, sponsored by Councillors Cain and Borst, appoints Sue Tempero to the Equal Opportunity Advisory Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Conley, for adoption. Proposal No. 386, 2007 was adopted by a unanimous voice vote.

Proposal No. 386, 2007 was retitled COUNCIL RESOLUTION NO. 76, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2007

A COUNCIL RESOLUTION appointing Sue Tempero to the Equal Opportunity Advisory Board.

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

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Sue Tempero

SECTION 2. The appointment made by this resolution, pursuant to Sec. 581-302 of the Revised Code of the City and County, is for a term ending December 31, 2009 and/or until a successor is appointed and qualifies.

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

PROPOSAL NO. 406, 2007 Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 406, 2007 on September 18, 2007. The proposal, sponsored by Councillors Boyd, Gray, Conley, Sanders, Brown, and Gibson, appoints Bart Brown as a member of the Early Intervention Planning Council. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 406, 2007 was adopted by a unanimous voice vote.

Proposal No. 406, 2007 was retitled COUNCIL RESOLUTION NO. 77, 2007, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2007

A COUNCIL RESOLUTION appointing Bart Brown, who is experienced in public accounting and finance, as a member of the Early Intervention Planning Council.

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 Early Intervention Planning Council, the Council appoints:

Bart Brown

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008.

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

Councillor Borst moved that Proposal No. 182, 2007 be added to the agenda this evening under Unfinished Business, where it belongs, instead of under Pending Proposals. Councillor Schneider seconded the motion. Proposal No. 182, 2007, sponsored by Councillor Borst, establishes a special committee to investigate the Indianapolis Star's allegations against Councillor Monroe Gray.

General Counsel Aaron Haith stated that Councillor Borst's motion is out of order at this time, and should have been presented during the Adoption of the Agenda. He added that Sec. 151-85 of the Revised Code deals with indecisive votes and states that they are to be placed on the next agenda under Unfinished Business. However, Robert's Rules of Order, page 272, says that if there is no reasonable belief the vote will have a different outcome, it can come off of the agenda. He stated that one such precedent happened with a development proposal in Councillor Cockrum's district in 2005.

Councillor Borst stated that Robert's Rules of Order does not trump the Council Rules, and Council Rules in the Revised Code, by counsel's own admission, states that items with an indecisive vote should remain on the next agenda under Unfinished Business. Mr. Haith said that when the Council Rules are not specific, the Council refers to Robert's Rules of Order. Councillor Borst stated that the Council Rules are specific and cannot get any more specific than that.

Councillor Sanders said that she understands the issue, but this proposal has twice been on the agenda for the full Council, with the same indecisive vote result. She said that it is relatively clear the outcome will be the same with another vote, and therefore, Robert's Rules of Order make sense in this instance.

Councillor Borst said that Robert's Rules of Order has no bearing on Council Rules, and simply helps govern the parliamentary proceedings of these meetings. He said that the Council Rules are clear in this instance.

Councillor Sanders stated that a motion at this time is out of order, and it should have been offered under the Adoption of the Agenda.

Councillor Schneider appealed the ruling that this motion is out of order at this time. He said that Council Rules take precedence over Robert's Rules of Order, and moving the item to Pending is disposing of it without action of the Council.

President Gray stated that it seems both sides have a different understanding of the rules, but this is not the appropriate time for this motion.

Councillor Borst stated that it is illegal to put this proposal under Pending without further action.

Councillor Cain stated that she struggles with Mr. Haith counseling President Gray or the full Council on matters relating to this proposal, as there is a clear conflict of interest involved.

Councillor Gibson said that the citizens should be able to expect a certain level of decorum in these proceedings. For the Minority Caucus to keep bringing up something where the outcome is not going to change is an obvious display for political gain.

Councillor Schneider stated that he made a motion to appeal the chair's ruling. Councillor Vaughn seconded the motion. Mr. Haith stated that it will take 15 "yea" votes to overrule the chair's ruling. Councillor Borst said that according to Sec. 151-52 regarding challenges of rulings, overruling a chair's decision only needs a majority of those voting members present, and not a majority vote of the entire body. Mr. Haith said that this is incorrect, and there must be 15 votes to overturn the chair's ruling. Mr. Haith stated that according to Indiana Code 36-4-11, it indicates the majority vote must be of the entire legislative body. Councillor Borst stated that this is in matters of adoption of a proposal, but not with regards to a procedural issue. Mr. Haith stated that it applies to procedural votes as well.

Councillor Oliver moved, seconded by Councillor Bateman, to return to the adopted agenda and order of business.

Councillor Schneider said that this motion is out of order until his previous motion, which was recognized, to appeal the chair's ruling has received a vote.

Councillor Borst stated that President Gray should recuse himself from voting on this matter, as it concerns him directly. President Gray said that this is a vote on a procedural vote, and not on the actual proposal, and therefore, he will cast a vote.

The motion to appeal the chair's ruling failed on the following roll call vote, viz:

13 YEAS: Borst, Cain, Cockrum, Day, Keller, Lutz, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Speedy, Vaughn

13 NAYS: Bateman, Boyd, Brown, Carson, Conley, Gibson, Gray, Mahern, Moriarty Adams, Nytes, Oliver, Pryor, Sanders

0 NOT VOTING:

3 ABSENT: Franklin, Langsford, Mansfield

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 422, 2007. Introduced by Councillors Sanders and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers a total of \$50,000 between the 2007 Budgets of the Lawrence Township and Washington Township Assessors (County General and Property Reassessment Funds) to fix an error in Fiscal Ordinance No. 67, 2007 because appropriations were inadvertently transferred between the wrong funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 423, 2007. Introduced by Councillors Sanders and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$155,400 in the 2007

Budgets of the County Assessor and the County Treasurer (County General and Property Reassessment Funds) to pay for expenses related to the state ordered property reassessment for the 2006 pay 2007 tax year"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 424, 2007. Introduced by Councillors Mahern and Pryor. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$1,800 in the 2007 Budget of the Washington Township Assessor (County General Fund) to cover the need for additional paper and toner supplies that have resulted from unexpected price increases and usage"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 425, 2007. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which urges the Council to consider a reduction in the amount of the property tax levy needed to generate the tax increment replacement amount as determined pursuant to I.C. 6-1.1-21-11(b) in certain tax districts"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 426, 2007. Introduced by Councillors Sanders, Brown, McWhirter, and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which amend the City's deferred compensation plan for Warren Township Civilian Personnel"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 427, 2007. Introduced by Councillors Brown, Moriarty Adams, Conley, Gray and Sanders. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 4,000 square feet of space at 501 North Post Road for use by the Indianapolis Fire Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 428, 2007. Introduced by Councillors Moriarty Adams, Brown, Conley, Boyd and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$1,470,434 in the 2007 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to fund salaries and fringes for child interviewers; salaries, supplies, training, and child interviewing equipment upgrades; eight victim advocate positions; five teams of local law enforcement from six departments; and overtime patrols to combat impaired driving and increase seat belt usage in Marion County, funded by various grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 429, 2007. Introduced by Councillors Franklin, Plowman and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$200,237 in the 2007 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to allow for the researching of current cold cases and the analysis of approximately 225 cases that demonstrate possible DNA eligible evidence, financed by a grant from the U.S. Department of Justice/National Institute of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 430, 2007. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$1,500 in the 2007 Budget of the Marion Superior Court (Drug Testing Laboratory Fund) to fund the replacement of freezer equipment in the Drug Lab that is no longer under warranty"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 431, 2007. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$198,234 in the 2007 Budget of the Marion Superior Court (County General and Cumulative Capital Improvement Funds) to cover expenses for paper, toner, outfitting microphones in new courts, to furnish new offices for technology staff and commissioners and to purchase technology equipment and installation services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 432, 2007. Introduced by Councillors Moriarty Adams, Conley, Sanders, Boyd and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers \$5,787 in the 2007 Budget of the Marion County Circuit Court (County General Fund) to cover expenses for equipment and installation of microphones for court reporters"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 433, 2007. Introduced by Councillors Moriarty Adams, Brown, Conley, Sanders, Boyd and Gibson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$1,500 in the 2007 Budget of the Marion Superior Court (County Grants Fund) for a public awareness campaign about jury summonses, financed by a grant from the Indianapolis Bar Foundation"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 434, 2007. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Sanders, Conley, Gibson and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$3,402,712 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) for the reimbursement of overtime of five federal task force teams for the following initiatives: Weed and Seed, Cold Case Initiative, Gang Resistance Education and Training, Grants to Encourage Arrests, Edward Byrne Memorial Justice Assistance Grant, Victims Assistance, Indy Nite Lite, Narcotic Interdiction School, and Highway Interdiction Training funded by various grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 435, 2007. Introduced by Councillors Moriarty Adams, McWhirter, Brown, Sanders, Conley, Gibson and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$899,072 in the 2007 Budget of the Department of Public Safety. Emergency Management Planning and Fire Divisions (Non-lapsing Federal Grants Fund) for various Urban Area Security Initiatives (UASI), including laptop computers with aerial photography software, search and rescue technical equipment, advanced commercial vehicle crime and terrorism interdiction training, public safety communications terrorism awareness and public safety dispatchers training, all financed by grants from the U.S. Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 436, 2007. Introduced by Councillors Conley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$848,530 in the 2007 Budget of the Department of Public Works (Transportation General Fund) to restore Character 01 funds for salaries and wages expended by the Department of Public Works during the 2007 snow emergency, financed by reimbursements from the Federal Emergency Management Agency"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 437, 2007. Introduced by Councillors Conley, Moriarty Adams and Keller. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates

\$1,800,000 in the 2007 Budget of the Department of Public Works (Consolidated County Fund) to fund the costs of operating and maintaining city and county trucks, cars, fire apparatus, and other rolling stock, financed by chargeback revenues to be received from the various city and county governmental customers of the Fleet Services Division of DPW"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 438, 2007. Introduced by Councillors Vaughn and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 55th Street and Winthrop Avenue (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 439, 2007. Introduced by Councillors Pfisterer and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Bertha Street and Fleming Street (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 440, 2007. Introduced by Councillors Carson and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes No Parking Anytime restrictions on the north side of 9th Street from Paca Street to California Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 441, 2007. Introduced by Councillors Carson and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions around the Indianapolis-Marion County Public Library (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 442, 2007. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 14th Street and Mitchner Avenue (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 443, 2007. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Deer Run Subdivision, Sections 1 and 2 (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 444, 2007. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Barth Avenue and Palmer Street (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 445, 2007. Introduced by Councillors Day and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Legrande Avenue and Villa Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 446, 2007. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which removes No Parking Anytime restrictions in The Springs of Hamptons subdivision (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 447, 2007. Introduced by Councillors Borst and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Meridian Place Subdivision (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 448, 2007. Introduced by Councillors Speedy and Conley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes speed limits for the McFarland Farms Subdivision (District 24)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 410, 2007, PROPOSAL NO. 411, 2007, PROPOSAL NO. 412, 2007, and PROPOSAL NO. 413, 2007. Introduced by Councillor Mahern. Proposal No. 410, 2007, Proposal No. 411, 2007, Proposal No. 412, 2007, and Proposal No. 413, 2007 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 28, 2007. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 102-105, 2007, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 102, 2007.

2007-ZON-027

2825 NORTH GERMAN CHURCH ROAD (*Approximate Address*), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 18

INDIANA LAND DEVELOPMENT CORPORATION, by Joseph D. Calderon, requests rezoning of 26.98 acres, from the D-P District, to the D-P classification to provide for a maximum of 60 dwelling units in four-unit buildings and for 40 single-family dwellings, resulting in a density of 3.7 units per acre.

REZONING ORDINANCE NO. 103, 2007.

2007-ZON-063

4610 AND 4614 FRANKLIN ROAD (*Approximate Address*), CITY OF LAWRENCE

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT #11

KHAMIS SE LP, by David Kingen, requests rezoning of 0.44 acre, from the I-3-U District, to the C-4 classification to provide for community regional commercial uses.

REZONING ORDINANCE NO. 104, 2007.

2007-ZON-046 (2007-DP-004)

9119 AND 9120 OTIS AVENUE, 5401, 5747 AND 5757 NORTH POST ROAD, 5736 LEE ROAD, 9425 EAST 59TH STREET AND ALL PARCELS WITHIN AN AREA BOUNDED BY 56TH STREET (SOUTH), 59TH STREET (NORTH), POST ROAD (WEST) AND LEE ROAD (EAST) (*Approximate Address*) CITY OF LAWRENCE

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 12

FORT HARRISON RE-USE AUTHORITY, by Timothy E. Ochs, requests rezoning of 150.28 acres from the D-P District, to the D-P classification to provide for three development districts

REZONING ORDINANCE NO. 105, 2007.

2007-ZON-804

202 WEST 38TH STREET (*Approximate Address*), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 8

Al and Paula Mordoh, by David Kingen, requests rezoning of 0.35 acre, from the D-5 District, to the C-3 classification to provide for neighborhood commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Sanders reported that the Administration and Finance Committee heard Proposal Nos. 390 and 391, 2007 on September 25, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 390, 2007. The proposal, sponsored by Councillors Sanders, Conley, Gray and Gibson, appropriates \$258,880 in the 2007 Budget of the Marion County Election Board (County General Fund) to cover contractual expenses incurred during the 2006 election and to pay for supplies, software and workers for the November 2007 General Election. PROPOSAL NO. 391, 2007. The proposal, sponsored by Councillors Moriarty Adams, Gray, Conley and Sanders, transfers and appropriates \$300,000 in the 2007 Budget of the Marion County Clerk (County General Fund) to cover an anticipated shortage in postage expenses and other contractual expenses. By 4-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:40 p.m.

Robert Yahara, citizen, stated that with regard to Proposal No. 390, 2007, for democracy to work, the people must have free elections.

Larry Vaughn, citizen, asked why the Clerk is begging for \$300,000 to cover normal operating procedures, when the Metropolitan Development board just gave away \$3 million in forgivable loans. Councillor Sanders stated that this money for the County Clerk's office is to cover postage because of how the laws have changed regarding how probate case information must now be mailed by certified mail.

Abu Henderson, citizen, stated that \$300,000 seems like a lot of money to simply mail letters, and he asked where the accountability was in this spending. Councillor Sanders stated that certified mail packets cost on average \$6.80 per packet, and this is a mandate by the courts.

Councillor Vaughn stated that in his experience with his law practice, the attorneys have to pay certified mail costs when they file, as this is a requirement made by the Clerk's Office. Therefore, he does not understand why this additional amount is needed, as the attorneys are paying those costs. Councillor Sanders said that this is a new requirement regarding probate cases, due to a recent change by the State Legislature.

Councillor Lutz said that he has done lots of probate work, and the attorneys pay for all postage costs when they file a case. He stated that he also does not understand why the Council is appropriating this money to pay for something the attorneys and their clients already pay for. Councillor Nytes stated that she does not know where the source of this funding comes from, but the Clerk's Office still has to appropriate the money in this particular line item for spending. Councillor Lutz stated that the attorneys take envelopes with the postage already on it into the Clerk's Office with their filings, and he does not understand the need for this appropriation. Councillor Sanders said that there is also postage involved with judgments, and all of the postage costs are not covered.

Councillor Nytes said that this issue was discussed during the budget process and they anticipated these additional appropriations when projecting end-of-the-year fund balances.

There being no further public testimony, Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 390 and 391, 2007 were adopted on the following roll call vote; viz:

19 YEAS: Bateman, Borst, Boyd, Brown, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pryor, Sanders, Speedy
7 NAYS: Cain, Lutz, Pfisterer, Plowman, Randolph, Schneider, Vaughn
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 390, 2007 was retitled FISCAL ORDINANCE NO. 79, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 79, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by appropriating Two Hundred Fifty-Eight Thousand Eight Hundred Eighty Dollars (\$258,880) for purposes of the Marion County Election Board.

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 1.04(a) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Election Board to cover contractual expenses incurred during the 2006 election and to pay for supplies, software, and workers for the November 2007 General Election.

SECTION 2. The sum of Two Hundred Fifty-Eight Thousand Eight Hundred Eighty Dollars (\$258,880) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY ELECTION BOARD</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	12,700
2. Supplies	30,000
3. Other Services and Charges	216,180
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	258,880

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated Unencumbered	
County General Fund	<u>258,880</u>
TOTAL REDUCTION	258,880

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

After deducting the appropriation included in this and other pending proposals, the 2007 ending fund balance for the County General Fund is estimated to be \$ 6.4 million.

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

Proposal No. 391, 2007 was retitled FISCAL ORDINANCE NO. 80, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) transferring and appropriating Three Hundred Thousand Dollars (\$300,000) in the County General Fund for purposes of the Marion County Clerk.

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 1.05(a) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Clerk to appropriate funds to cover an anticipated shortage in postage expenses and other contractual expenses.

SECTION 2. The sum of Three Hundred Thousand Dollars (\$300,000) be, and the same is hereby appropriated and/or transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY CLERK</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	300,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	300,000

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

<u>MARION COUNTY CLERK</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	120,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	120,000

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered County General Fund	<u>180,000</u>
TOTAL REDUCTION	180,000

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

After deducting the appropriation included in this and other pending proposals, the 2007 ending fund balance for the County General Fund is estimated to be \$ 6.4 million.

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

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 395, 396, 399, 401 and 403, 2007 on September 19, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 395, 2007. The proposal, sponsored by Councillors Moriarty Adams, Conley, Gray, Brown and Sanders, approves an appropriation of \$45,217 in the 2007 Budget of the Marion County Community Corrections (State and Federal Grants Fund) for the purpose of a substance abuse treatment program that will be provided to offenders in the Community Corrections Center, financed by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 396, 2007. The proposal, sponsored by Councillors Moriarty Adams, Conley, Gray, Brown and Sanders, approves an appropriation of \$762,500 in the 2007 Budget of the Marion County Community Corrections (State and Federal Grants Fund) to cover the costs of 100 work release beds in the Duvall Residential Work Release Center, financed by grant funds from the Indiana Department of Corrections. PROPOSAL NO. 399, 2007. The proposal, sponsored by

Councillors Franklin, Plowman, Sanders, Conley, Gray and Brown, appropriates \$151,020 in the 2007 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to make improvements within the Marion County Crime Lab by upgrading computer software and adding equipment for the Biology Unit, financed by a U.S. Department of Justice grant administered by the National Institute of Justice. PROPOSAL NO. 401, 2007. The proposal, sponsored by Councillors Moriarty Adams, Borst, Sanders, Conley, Gray and Brown, appropriates \$63,400 in the 2007 Budget of the Marion Superior Court (State and Federal Grants Fund) to fund contractual services and supplies for technology, a Family Court project, foreign language interpretation, and Traffic Court, funded by grants from the Indiana Criminal Justice Institute, Indiana Supreme Court and Indianapolis Bar Foundation. PROPOSAL NO. 403, 2007. The proposal, sponsored by Councillors Moriarty Adams, Borst, Sanders, Conley, Gray and Brown, appropriates \$53,858 in the 2007 Budget of the Marion Superior Court (Drug Treatment Diversion Program Fund) for the Drug Treatment Diversion Program. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:51 p.m.

Larry Vaughn, citizen, stated that he has issues with federal grant spending. When the grant money runs out, the City taxpayers then have to pick up the cost for the programs the grant funding has initiated. He said that there needs to be language included that eliminates or abolishes programs when such grant funding runs out.

Councillor Schneider stated that he agrees that grant funding sometimes poses a huge risk and is why he often votes against grant dollar programs. He stated that a “patterson amendment” was added a few years ago, to insure that City dollars are not used without further approval from the Council on such grant-funded programs. He asked if all these proposals had that “patterson amendment” wording included. Councillor Moriarty Adams stated that they all have that wording included.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal Nos. 395, 396, 399, 401 and 403, 2007 were adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 395, 2007 was retitled FISCAL ORDINANCE NO. 81, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Forty-five Thousand Two Hundred Seventeen Dollars (\$45,217) in the State and Federal Grants fund for purposes of the Marion County Community Corrections Agency and reducing certain other accounts for that agency.

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 (c) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections

October 8, 2007

Agency for the purpose of a substance abuse treatment program that will be provided to offenders in the Community Corrections Center, financed by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Forty-five Thousand Two Hundred Seventeen Dollars (\$45,217) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	45,217
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	45,217

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>45,217</u>
TOTAL REDUCTION	45,217

SECTION 5. There is a local match requirement of \$30,144 (40% of the total project). Match will come from the 2007 Home Detention Budget of the Community Corrections.

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

Proposal No. 396, 2007 was retitled FISCAL ORDINANCE NO. 82, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Seven Hundred Sixty-Two Thousand Five Hundred Dollars (\$762,500) in the State and Federal Grants fund for purposes of the Marion County Community Corrections Agency and reducing certain other accounts for that agency.

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 (c) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections Agency, to cover the costs of 100 work release beds in the Duvall Residential Work Release Center, financed by grant funds from the Indiana Department of Corrections. .

SECTION 2. The sum of Seven Hundred Sixty-Two Thousand Five Hundred Dollars (\$762,500) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	762,500
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	762,500

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	762,500
TOTAL REDUCTION	762,500

SECTION 5. No local match required.

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

Proposal No. 399, 2007 was retitled FISCAL ORDINANCE NO. 83, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating One Hundred Fifty-One Thousand Twenty Dollars (\$151,020) in the State and Federal Grants Fund for purposes of the Marion County Forensic Services Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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 (a) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to make improvements within the Marion County Crime Lab by upgrading computer software and adding equipment for the Biology Unit, financed by a U.S. Department of Justice, administered by the National Institute of Justice.

SECTION 2. The sum of One Hundred Fifty-One Thousand Twenty Dollars (\$151,020) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	62,020
4. Capital Outlay	<u>89,000</u>
TOTAL INCREASE	151,020

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>151,020</u>
TOTAL REDUCTION	151,020

SECTION 5. There is no local match required.

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

Proposal No. 401, 2007 was retitled FISCAL ORDINANCE NO. 84, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by appropriating Sixty-Three Thousand Four Hundred Dollars (\$63,400) for purposes of the Marion County 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 1.05(f) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund contractual services and supplies for technology, a Family Court project, foreign language interpretation, and Traffic Court, funded by grants from the Indiana Criminal Justice Institute, the Indiana Supreme Court and the Indianapolis Bar Foundation.

SECTION 2. The sum of Sixty-Three Thousand Four Hundred Dollars (\$63,400) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	2,400
3. Other Services and Charges	61,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	63,400

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>63,400</u>
TOTAL REDUCTION	63,400

SECTION 5. Funding received for a JAG Technology grant requires a 10% local match requirement that is being met by the Marion Superior Court. There are no local match requirements for the Family Court Project, Foreign Language Interpreter Grant or the Traffic Court Grant. There are no FTEs associated with any of the grant funding.

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

Proposal No. 403, 2007 was retitled FISCAL ORDINANCE NO. 85, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by appropriating Fifty-Three Thousand Eight Hundred Fifty Eight Dollars (\$53,858) for purposes of the Marion County 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 1.05(f) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the Drug Treatment Diversion Program, financed by fund balance.

SECTION 2. The sum of Fifty-Three Thousand Eight Hundred Fifty Eight Dollars (\$53,858) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DRUG TREATMENT DIVERSION PROGRAM FUND</u>
1. Personal Services	53,858
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	53,858

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

	<u>DRUG TREATMENT DIVERSION PROGRAM FUND</u>
Unappropriated and Unencumbered	
Drug Treatment Diversion Program Fund	<u>53,858</u>
TOTAL REDUCTION	53,858

SECTION 5. There is no matching funds requirement associated with this grant.

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 284, 2007. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 284, 2007 on August 7 and September 18, 2007. The proposal, sponsored by Councillors Nytes, Mansfield, Keller and Sanders, amends the Code to add a section regarding the use of vehicles that are owned or leased by the city and county. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Pfisterer stated that she will support this proposal, however she believes this should be a policy decision at the department head or elected official level instead of making a blanket change to the Code.

Councillor Nytes said that with a change like this, there will be a wave of reaction through the ranks of employees and this offers the Council a way to support the City and County officials who deal with the implementation of this type of change.

Councillor Schneider said that this proposal supposedly will save \$6 million over time. He asked what amount of time is expected to realize that \$6 million in savings. Robert Clifford, City Controller, stated that the savings will be realized over the next couple of years. He said that the passage of the proposal will mean that they will not replace approximately 400 vehicles, and it will take about a year and a half to two years to finalize the criteria. Councillor Schneider agreed with Councillor Pfisterer that this could have been done with a stroke of the pen by executive order, and he feels it is a political play in an election year.

Councillor McWhirter asked since employees who now drive city cars are going to in the future be receiving mileage costs, if this will take away from the savings. Councillor Boyd said that it will a little, but it has been figured into the calculation of estimated savings.

Councillor Boyd moved, seconded by Councillor Sanders, for adoption. Proposal No. 284, 2007 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 284, 2007 was retitled GENERAL ORDINANCE NO. 45, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to add section regarding the use of vehicles that are owned or leased by the city and county.

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

SECTION 1. Chapter 181 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of Section 181-105, to read as follows:

Sec. 181-105. Vehicle Use; Restrictions.

(1) Public safety officers notwithstanding, no employee shall use vehicles owned or leased by the city or county for personal purposes, and use of such vehicles shall be in accordance with the policies established in the "City of Indianapolis – Marion County Fleet Policies and Procedures" manual or its equivalent.

(2) With the permission of the appropriate department director or elected official, employees who are on call outside of regular work hours may be allowed to receive take-home vehicles. The use of take-home vehicles shall be strictly limited to commuting to and from work. In order to receive a take-home vehicle, it must be contemplated that an employee will drive a minimum of ten thousand (10,000) business miles annually.

(3) Each city department and county agency shall file a list of employees authorized to receive take-home vehicles in the Office of the Director of the Department of Public Works, and each city department and county agency shall maintain and file updated lists as changes are made. The list of authorized employees shall include the employee's name, the make and model of the take-home vehicle assigned to the employee, and the take-home vehicle's odometer reading (taken at the last vehicle transaction activity on or before May 31st). The Director of the Department of Public Works shall file with the Council a copy of the list of authorized employees with take-home vehicles on or before May 31st of each year.

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

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

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

PROPOSAL NO. 387, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 387, 2007 on September 25, 2007. The proposal, sponsored by Councillors Sanders, Conley and Gray, amends the Code regarding early retirement of employees covered by the AFSCME master agreement. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 387, 2007 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Oliver
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 387, 2007 was retitled GENERAL ORDINANCE NO. 46, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code regarding early retirement of employees covered by the AFSCME master agreement.

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

SECTION 1. Section 291-111 of the "Revised Code of the Consolidated City and County," regarding early retirement for employees covered by the AFSCME master agreement, 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. 291-111. Early retirement.

(a) Effective as of November 15, 2003 the city may make an early retirement program available to city employees who are in positions covered by the master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62 as follows:

- (1) The program shall be available to covered employees who are eligible for retirement benefits under the public employees' retirement fund.
- (2) The following schedule of benefits shall apply to employees who elect to take early retirement:
 - a. For employees who have completed ten (10) years but less than fifteen (15) years of continuous service with the city: three thousand six hundred dollars (\$3,600.00).

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- b. For employees who have completed at least fifteen (15) years but less than twenty (20) years of continuous service with the city: ~~four hundred thousand~~ eight hundred dollars (\$4,800.00).
 - c. For employees who have completed at least twenty (20) but less than twenty-five (25) years of continuous service with the city: six thousand dollars (\$6,000.00).
 - d. For employees who have completed twenty-five (25) or more years of continuous service with the city: seven thousand two hundred dollars (\$7,200.00).
- (3) Employees who elect to participate in the program may choose to have the benefit paid in a lump sum upon retirement, or may have the amount of the benefit applied to the purchase of continued health insurance under the city's health insurance plan, pursuant to state and federal law. The selection between these options must be made at least thirty (30) calendar days prior to retirement.
- (4) Employees who choose to apply the benefit to the purchase of health insurance may do so under rules established by the office of ~~the controller~~ finance and management.
- (5) The city may, at its option, elect to make this program available from time to time. However, the city shall make the program available at least once in calendar years ~~2003, 2004, 2005 and 2006~~ 2007, 2008, 2009, and 2010. The program may be made available on an unlimited basis or for a limited number of covered employees. The program may be made available citywide or on a departmental basis.
- (b) The program authorized by this section shall expire upon the expiration of the ~~2003-2006 2007-2008-2010~~ master agreement between the City of Indianapolis and the American Federation of State, County and Municipal Employees, Indiana Council 62.

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

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

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

PROPOSAL NO. 388, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 388, 2007 on September 25, 2007. The proposal, sponsored by Councillors Gray, Sanders, Nytes, Boyd, Bateman, Borst, Keller, Langsford, Pfisterer, Vaughn, Conley and Pryor, establishes the High Performance Government team for the purpose of promoting efficiency in the operations of all taxing units in Marion County. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Plowman stated that he voted against the proposal in Committee. Even though it is not a bad idea, he is concerned that it is being used to promote pre-conceived ideas. He stated that the team should consist of six members from each party in order to force people to work together and come up with good ideas and be more bi-partisan. He moved, seconded by Councillor Schneider, to amend Proposal No. 388, 2007 to change the members to an even 12 members instead of 13, with no more than six of the same political party.

Councillor Sanders said that she is concerned about bringing an amendment to the Council floor on a matter where no public testimony is allowed. She said that she asked for amendments in the Committee process, and none were offered. She said that to offer an amendment here on the

Council floor without testimony and with limited discussion concerns her. She said that this amendment creates a partisan situation in a proposal that is already bi-partisan.

Councillor Plowman said that he had no ulterior motives in offering the amendment here on the Council floor instead of in committee, but he simply had not had time to review and write it yet. He said that the way the proposal is written is not bi-partisan, and he would be happy to return the proposal to committee for further in-depth discussion.

Councillor Schneider said that the content of this amendment seems to be well-thought out and effective. He said that timing has nothing to do with amendments and this amended version simply forces both sides to work together.

Councillor Borst agreed that the way the proposal is currently written, it is not bi-partisan. He said that the Water Company is a good example of a board that works well and is truly bi-partisan. He said that even if the make-up changes in November, this amendment would help to insure that the team remains truly bi-partisan.

Councillor Cockrum asked if the findings of this team are binding. Councillor Sanders said that the team will offer recommendations.

Councillor Keller said that since a representative of the Chamber of Commerce is present and they initiated this proposal, he would like to hear their view on the proposed amendment. Mark Fisher, Chamber of Commerce, asked that the Council not take away a member, but instead add one if they wish to make the party affiliations equal. He said that he likes the idea of the Mayor and Council having equal appointments to the board. He said that this is a non-binding commission and should be a non-partisan working group to be most effective.

Councillor Speedy asked if school taxing units will also be included in the discussions. Mr. Fisher said that the work of the commission will be driven by the council and the Mayor, and all taxing units will be considered. Councillor Speedy said that he has some concerns about the involvement of the Chamber of Commerce, and how that might be perceived.

Councillor Borst said that there may be challenges in getting corporate leaders appointed to this commission up to speed on local government. He asked if the commission will be considering both overall running of government or structural changes. Mr. Fisher said that they would look at both. Councillor Borst said that they have had commissions in the past without much luck, but more efficiency is definitely needed. Councillor Sanders said that the Council can make recommendations, but they do not have the authority to actually consolidate some taxing districts, and that decision will still have to come from the State House.

Councillor Schneider said that he also has concerns about the Chamber of Commerce's involvement and holding them more at an arm's length in this process.

Councillor Plowman said that he would be agreeable to changing the make-up of the commission from 12 members to 14, with no more than seven from each party if that would make the Chamber of Commerce more comfortable. He said that his intent is to make the commission a truly bi-partisan effort.

Councillor Boyd said that he is concerned about having this discussion on the Council floor, where time is limited. He said that non-partisan and total equality are not the same thing, and he believes the representation is reasonable as originally presented.

Councillor Nytes said that the business community is not nearly as partisan as more political appointments might.

Councillor Plowman's motion to amend failed on the following roll call vote; viz:

12 YEAS: Borst, Cain, Cockrum, Day, Lutz, McWhirter, Pfisterer, Plowman, Randolph, Schneider, Speedy, Vaughn
14 NAYS: Bateman, Boyd, Brown, Carson, Conley, Gibson, Gray, Keller, Mahern, Moriarty Adams, Nytes, Oliver, Pryor, Sanders
3 ABSENT: Franklin, Langsford, Mansfield

Councillor Borst asked who will staff this commission. Suzannah Wilson-Overholt, Transition Director for the Mayor's Office, stated that someone from the executive branch of the city and other volunteers will be used to staff. Councillor Borst asked if this will then be staffed by members of the Mayor's Office. Ms. Wilson-Overholt stated that unless there are other volunteers who come forward, this is correct.

Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 388, 2007 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Borst, Boyd, Brown, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, Moriarty Adams, Nytes, Oliver, Pfisterer, Pryor, Randolph, Sanders, Speedy, Vaughn
4 NAYS: Cain, McWhirter, Plowman, Schneider
3 ABSENT: Franklin, Langsford, Mansfield

Councillor McWhirter asked for consent to explain her vote. Consent was given. Councillor McWhirter said that although such a commission could do away with her personal employment, she thinks it is a good idea. However, she is not in favor of the political make-up of the commission as the proposal is currently written.

Proposal No. 388, 2007 was retitled GENERAL ORDINANCE NO. 47, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to establish the City of Indianapolis and Marion County High Performance Government team;

WITNESSETH THAT:

WHEREAS, the City of Indianapolis and Marion County are committed to reducing local government's reliance on property taxes to fund day to day operations; and

WHEREAS, maximizing the effectiveness of local government should decrease costs and save taxpayer dollars; and

WHEREAS, the city-county council hereby determines that more effective service may be provided to the taxpayers of Marion County through the creation of a High Performance Government team for the purpose of reviewing the operations of all taxing units in the City of Indianapolis and Marion County, to assist those units in finding ways to operate more efficiently and effectively, and to make recommendations to the mayor, city-county council, relevant elected officials and the taxing units regarding how to implement the team's findings; now, therefore:

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

SECTION 1. Chapter 285 of the “Revised Code of the Consolidated City and County” regarding special agencies hereby is amended by the addition of a NEW Article VIII to read as follows:

ARTICLE VIII. HIGH PERFORMANCE GOVERNMENT TEAM

Sec. 285-801. High performance government team established.

- (a) The high performance government team is established.
- (b) The purpose of the high performance government teams is to review the operations of all taxing units in the City of Indianapolis and Marion County, to assist those units in finding ways to operate more efficiently and effectively, and to make recommendations to the mayor, city-county council, relevant elected officials and the taxing units regarding how to implement the team’s findings.
- (c) The team consists of the following thirteen (13) members:
 - (1) Two (2) co-chairpersons, with one appointed by the mayor and one appointed by the city-county council;
 - (2) Eleven (11) members appointed by the co-chairpersons; in collaboration with the mayor, city-county council and Greater Indianapolis Chamber of Commerce and no more than six (6) of whom shall be of the same political party;
 - (3) The city controller or his/her designee as a non-voting, ex-officio member; and
 - (4) Two (2) city-county councilors of different political parties appointed by the council as non-voting, ex-officio members.
- (d) All members shall serve at the pleasure of the appointing authority, in person and not by proxy, and without compensation.
- (e) Members must be residents of Marion County, Indiana.
- (f) Voting members shall not be elected officials or employees of elected officials.
- (g) Voting members shall have significant experience in the corporate sector, preferably with significant experience in Total Quality Management, which is a management strategy aimed at embedding awareness of quality in all organizational processes. Total Quality provides an umbrella under which everyone in the organization can strive and create customer satisfaction at continually lower real costs.
- (h) The initial appointment of each team member shall be for a term ending on December 31, 2009, or until his or her successor is appointed and qualified. At the end of 2009, the city-county council shall assess the effectiveness of this effort. If appropriate, the city-county council will re-authorize continuation of the team. If the team is re-authorized, ~~a~~All subsequent appointments shall be for a term of two (2) calendar years and until his or her successor is appointed and qualified. If a vacancy occurs, the appointment of a successor shall be for the unexpired portion of the term. Each member may be appointed to successive terms.
- (i) A quorum of the team for official action shall be ~~six (6)~~ seven (7) voting members.
- (j) The team shall meet as often as necessary, at such place and time as may be set by the co-chairpersons. All official action of the team shall be executed by the co-chairpersons upon being authorized by a motion passed by a simple majority of voting members present.
- (k) The team shall adopt rules for the conduct and procedures of the team’s meetings that are consistent with the Indiana Open Door Law and the Access to Public Records Act.
- (l) The team is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.
- (m) The team shall hold regular meetings at least once a month as necessary to transact the business of the team.

Sec. 285-802. Powers and duties of the team.

The team has the following powers and duties:

- (1) To create project groups to examine services provided by units of local government in the city and county, including but not limited to, the following:
 - a. Schools;
 - b. Fire service;
 - c. Law enforcement;
 - d. Poor relief and human services;
 - e. Child welfare;
 - f. Public works and infrastructure;
 - g. Libraries;
 - h. Public transportation;
 - i. Assessment of property;
 - k. Criminal justice system; and
 - l. planning and development.
- (2) To assign members to act as leaders for each project group.
- (3) To require project leaders to report on their progress at regular meetings of the team including information about non-participating entities.
- (4) To issue an initial report to the mayor, council and service providers upon the project leaders accomplishing the initial objective of identifying areas for improvement on their teams.
- (5) To issue follow-up reports to the mayor, council and service providers from the project groups regarding their actions and progress.
- (6) To exercise all powers necessary, convenient, or appropriate to perform the duties listed in this section.
- (7) To adopt written rules and guidelines that are necessary or beneficial to the exercise of its powers and duties.

Sec. 285-803. Powers and duties of project groups.

- (a) The project group leaders have the following powers and duties:
 - (1) To invite the service providers in each service area to designate representatives to the appropriate project group; such service providers shall include but not be limited to all taxing units in Marion County; and
 - (2) To identify additional subject matter experts to assist the project group with its work.
- (b) The project groups have the following powers and duties:
 - (1) To examine service providers even if the service provider fails to designate a representative to participate on the project group;
 - (2) To identify immediate efficiencies to be gained at the outset and then target longer range projects for ongoing evaluation;

- (3) To evaluate the processes within each service area in terms of the manner of execution and the level of performance, identifying areas for improvement and implementing the improved processes within each participating taxing unit;
- (4) To identify processes that are shared across service areas and make recommendations regarding collaboration in those areas;
- (5) To obtain information about service providers through public records requests and make recommendations based on that information; and
- (6) To report on their progress at regular meetings of the team including information about non-participating entities.

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

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

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

PROPOSAL NO. 389, 2007. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 389, 2007 on September 25, 2007. The proposal, sponsored by Councillors Conley and Sanders, amends Chapter 881 of the Code regarding dance permits and licenses. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 389, 2007 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 389, 2007 was retitled GENERAL ORDINANCE NO. 48, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to revise Chapter 881 Dance Permits and Licenses.

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

SECTION 1. Sections 881-1 through 881-7 of the "Revised Code of the Consolidated City and County," regarding dance hall permits and licenses, 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. 881-1. Permit or license required.

It shall be unlawful for any person to hold any dance, or to own, operate or allow the operation of any building or premises in the city ~~open generally to the public~~, where dancing is indulged in or permitted, and where music ~~therefor~~ is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a dance permit or annual dance license therefor from the controller. Whenever a

dance requiring a permit or annual license is held on premises not owned or leased for a term of one (1) year or more by the person holding the dance, the owner or lessee of the property and the person holding the dance must each first obtain a permit or annual license.

Sec. 881-2. Activities exempted from this chapter.

The permit or annual license required by this chapter shall not be required under the following circumstances:

(1) For a dance held by a fraternal, educational, governmental, charitable or religious organization or a bona fide club, as long as the dance is not open to the general public and admission to the dance is limited to members and invited guests and as long as the club or organization is not merely a subterfuge to avoid the requirements of this chapter, and the dance is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club, and provided that, after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools. For the purpose of this exemption, the terms fraternal organization and bona fide club shall mean an association with more than fifty (50) members. The association shall own, maintain, or operate club quarters within the city and be authorized and incorporated to operate as a nonprofit club under the laws of the state and have been continuously incorporated and operating for a period of not less than one year. The association shall have had during such period of one year a membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the association. Membership dues shall be payable monthly, quarterly, or annually, and shall be recorded by the secretary of the association. It is the intent of this definition that any exemption from this chapter shall apply only to an association that has not been primarily formed or activated to evade the provisions of this chapter;

(2) For a dance which is not advertised in any manner and not open to the general public, and for which there is no admission fee or cover charge;

(3) For a person who holds a one year or two year permit for the sale of alcoholic beverages and who holds a dance which is located on the licensed premises which are licensed (as defined in IC 7.1-1-3-20) for the sale of alcoholic beverages and where entry is limited to persons who are eighteen twenty-one (18 21) years of age or older;

(4) For dances which are performed as an exhibition or theatrical production, or part thereof, for the entertainment or benefit of an audience which is not expected or encouraged to participate in the dance;

(5) For any school or class, the purpose of which is to teach dancing; or

(6) For every person who holds a hotel license issued pursuant to Chapter 901, and who holds a dance on the licensed premises.

Sec. 881-3. Application for permit or license.

All applications for a permit or annual license required by this chapter shall be in writing on a form designated by the controller, and shall ~~contain~~ include the following ~~information~~ and be signed by the applicant:

(1) The name, mailing address and telephone number of the applicant, and the names and addresses of all partners if a partnership, all officers if a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the dance and who will be responsible for managing the dance;

(2) The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises is licensed for the sale of alcoholic beverages;

~~(23)~~ On dance permit applications, the date and hours when, and address where, each dance will be held, and if a single application is for more than one (1) dance permit, it shall state the date, location and hours of each dance;

~~(34)~~ On annual dance license applications, the location, hours, and maximum number of days per week that dances will be held;

(45) Whether the dance or dances will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

(6) Whether the premises on which the dance will be held is owned or leased for a term of one (1) year or more by the applicant;

(57) Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the dance, have has ever been convicted of a felony or misdemeanor; and

(68) Any other information required by the Code or deemed appropriate by the controller.

Sec. 881-4. Liability insurance.

(a) The applicant shall procure, and maintain throughout the term of the permit or license, a policy of general premises liability insurance which names the City of Indianapolis as an "additional insured" party, and which would protect the permittee or licensee and the city from any claims which may arise out of or result from the operation of the dance or dances. The applicant shall file a certificate of insurance with the controller before a permit or license can be issued.

(b) The limits of liability upon any insurance required by this section shall in no instance be less than ~~five hundred thousand dollars (\$500,000.00)~~ one million dollars (\$1,000,000) per occurrence.

Sec. 881-5. Denial; grounds.

(a) The controller shall not issue a dance permit or annual dance license to any person who has not reached the age of twenty-one (21) years, or who has been convicted of a felony.

(b) The controller shall not issue a dance permit or annual dance license to any person who does not provide the controller with the name, date of birth, mailing address, and telephone number of a person who has reached the age of twenty-one (21) years who will be present for the duration of the dance and who will be responsible for managing the dance;

(bc) In addition to any other reasons stated in this Code, the controller may refuse to issue a permit or license required by this chapter for any of the following reasons:

- (1) The application was not made at least three (3) business days prior to the time of commencement of the dance;
- (2) The applicant or a person named on the application has been convicted of a misdemeanor or found in violation of any law relating to alcoholic beverages, narcotics, or disorderly or immoral conduct; ~~or~~
- (3) The applicant or a person named on the application permitted violations of law to occur at a prior dance held or managed by him, without stopping the violations or reporting them to the police;
- (4) Persons under the age of twenty-one (21) years will be admitted to the dance, and the dance is to be held on premises licensed for the sale of alcoholic beverages or within five hundred (500) feet, measured in any direction, of a premises licensed for the sale of alcoholic beverages; or
- (5) The applicant has failed to provide all information required by this chapter or chapter 801 or has falsely provided such information.

Sec. 881-6. Scope of permit and license; hours of operation.

(a) Each permit issued pursuant to this chapter shall allow the permittee to hold one (1) dance at one (1) location for a continuous period, and a separate permit shall be required for each dance.

(b) In lieu of obtaining separate dance permits pursuant to this chapter, a license with a term of one (1) year may be obtained from the controller. Annual dance licenses shall be issued for specific numbers of dance days per week at one (1) location, and separate dance permits shall be required only in the event that an annual licensee desires to hold more dance days in any given week than are allowed by the license.

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(c) Under no circumstances may any part of a permitted or licensed dance be held between the hours of 2:00 a.m. and 6:00 a.m., or between the hours of midnight and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

Sec. 881-7. Fees.

(a) A separate fee of ~~seventeen dollars (\$17.00)~~ seventy-five dollars (\$75.00) shall be paid for each permit issued pursuant to this chapter.

(b) The fee for an annual license obtained pursuant to this chapter shall be ~~twenty-three dollars (\$23.00)~~ eighty dollars (\$80.00).

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

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

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

PROPOSAL NO. 392, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 392, 2007 on September 26, 2007. The proposal, sponsored by Councillor Moriarty Adams, considers Greystoke 5902, LLC's "Petition for Waiver or Reduction of Property Taxes Against A Brownfield", relating to real estate located at 5902 East 34th Street. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked if they are granting any abatement for back taxes or if they are simply paying taxes from 2004 and forward. Councillor Nytes said that they will pay any taxes that have accrued since they took title to the property, but are not granting tax relief.

Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 392, 2007 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn
0 NAYS:
3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 392, 2007 was retitled GENERAL RESOLUTION NO. 20, 2007, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 20, 2007

A PROPOSAL FOR A GENERAL RESOLUTION pursuant to I.C. 6-1-1-45.5 *et seq.*, to determine whether Greystoke 5902, LLC's Petition For Waiver Or Reduction Of Property Taxes Against A Brownfield, relating to real estate located at 5902 E. 34th Street, should be granted.

WHEREAS, Greystoke 5902, LLC ("Greystoke") filed its Petition For Waiver Or Reduction Of Property Taxes Against A Brownfield ("Petition") with the Marion County Auditor on September 18, 2006 pursuant to I.C. 6-1.1-45.2, *et seq.*, which requires the Council to review the recommendation of the

Marion County Property Tax Assessment Board Of Appeals that the Petition be granted in the full amount of the delinquent property tax liability against the said property; and

WHEREAS, the Marion County Property Tax Assessment Board Of Appeals considered the petition at a duly called meeting of the Board on April 27, 2007 and entered its recommendation that the Petition be granted on June 22, 2007; and

WHEREAS, the City County Council, as the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion, pursuant to I.C. 6-1.2-45.5-6, must determine on review of the Petition whether to deny it, recommend that the Department of Local Government Finance ("DLGF") waive the delinquent tax, subject to I.C. 6-1.2-45.5-8(g), or recommend that DLGF reduce the delinquent tax liability by a specific amount, subject to I.C. 6-1.2-45.5-8(g); and

WHEREAS, the City County Council, as the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion recognize the need for the remediation of brownfields and return of such properties to productive use that includes the ability to pay future taxes and assessments against the property, as well as to provide jobs in the City and County; and

WHEREAS, the City County Council, as the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion, at a regularly scheduled meeting, has reviewed the Petition and all other materials submitted by the Board to it; and

WHEREAS, the City County Council, as the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion, finds that the subject property is a brownfield, that the Petition is in proper form and has reviewed the Petition and all materials on which the Board's recommendation is premised, 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, as the legislative and fiscal body of both the Consolidated City of Indianapolis and the County of Marion, hereby approves the Petition and recommends to the Department Of Local Government Finance that the delinquent tax liability be waived, for those taxes assessed prior to 2004 and subject to I.C. 6-1.2-45.5-8(g).

SECTION 2. Greystoke is directed and urged to participate in the reporting program maintained by the Metropolitan Development Commission which tracks jobs created in Indianapolis and Marion County by persons and entities granted tax abatements or waivers of delinquent property taxes.

SECTION ~~23~~: The Clerk of City County Council is directed to forward a copy of this resolution to the Department Of Local Government Finance.

SECTION ~~34~~: This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 393, 394, 397, 398, 400 and 402, 2007 on September 19, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 393, 2007. The proposal, sponsored by Councillors Pryor, Conley and Gray, transfers \$310,000 in the 2007 Budget of the Marion County Coroner (County General Fund) to fund the salaries and benefits of seven employees who work in the Coroner's Office in support of the forensic pathologists. PROPOSAL NO. 394, 2007. The proposal, sponsored by Councillors Moriarty Adams, Sanders, Conley, Gray and Brown, transfers \$17,567 in the 2007 Budget of the Marion County Justice Agency (Drug Free Community Fund) to the Marion Superior Court (Drug Free Community Fund) to fund drug screening and other services provided by the Marion County Drug Court and to partially fund the salary of a Community Court Resource Coordinator. PROPOSAL NO. 397, 2007. The proposal, sponsored by Councillors Gray, Conley, Brown and Sanders, amends Chapter 281 of the Code, Sec. 281-323, County Officials, Boards and Commissions, Division II, Court Services, to provide for payment of parking fees incurred by jurors pursuant to IC 33-37-10-1. PROPOSAL NO. 398, 2007. The proposal, sponsored by

Councillors Franklin, Plowman, Conley, Gray, Brown and Sanders, transfers \$45,000 in the 2007 Budget of the Marion County Forensic Services Agency (County General Fund) to purchase laboratory supplies. PROPOSAL NO. 400, 2007. The proposal, sponsored by Councillors Franklin, Plowman, Sanders, Conley, Gray and Brown, transfers \$25,000 in the 2007 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to allow the outsourcing of casework to approved/accredited private labs. PROPOSAL NO. 402, 2007. The proposal, sponsored by Councillors Moriarty Adams, Borst, Sanders, Conley, Gray and Brown, transfers \$61,058 in the 2007 Budget of the Marion Superior Court (Diversion Fund) to cover expenses for salaries which were incorrectly placed in the wrong character during budget preparation. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor McWhirter asked if Section 1 of Proposal No. 394, 2007 should also be amended if they are now no longer funding salaries. Councillor Moriarty Adams said that there are adequate funds in Character 01 to fund the position, so she would imagine that language could be taken out. Robert Clifford, City Controller, stated that this is correct.

Councillor Cockrum said that Section 3 should be reversed and should be listed as a decrease instead of an increase. Mr. Clifford said that he will need more time to review this amended version and he asked that the Council return the proposal to committee for further discussion.

Councillor Moriarty Adams moved, seconded by Councillor McWhirter, to return Proposal No. 394, 2007 to Committee. Proposal No. 394, 2007 was returned to committee by a unanimous voice vote.

Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption of the remaining proposals. Proposal Nos. 393, 397, 398, 400 and 402, 2007 were adopted on the following roll call vote; viz:

26 YEAS: Bateman, Borst, Boyd, Brown, Cain, Carson, Cockrum, Conley, Day, Gibson, Gray, Keller, Lutz, Mahern, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn

0 NAYS:

3 ABSENT: Franklin, Langsford, Mansfield

Proposal No. 393, 2007 was retitled FISCAL ORDINANCE NO. 86, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Three Hundred Ten Thousand Dollars (\$310,000) in the County General Fund for purposes of the Marion County Coroner and reducing certain other accounts for that agency.

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 1.03 (d) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner to fund the salaries and benefits of seven employees who work in the Coroner's Office in support of the forensic pathologists.

SECTION 2. The sum of Three Hundred Ten Thousand Dollars (\$310,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	310,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	310,000

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

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	310,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	310,000

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

Proposal No. 397, 2007 was retitled GENERAL ORDINANCE NO. 49, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2007

A PROPOSAL FOR A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 281-323, Chapter 281, County Officials, Boards and Commissions, Division II, Court Services to provide for payment of parking fees incurred by jurors of Circuit and Superior Courts and members of grand juries.

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

SECTION 1. Chapter 281 of the "Revised Code of the Consolidated City and County," is hereby amended, at Sec. 281-323, Costs of Juries and Witnesses, by adding the words and figures that are underlined and by striking the language that is stricken through, as follows:

Sec. 281-323. Costs of juries and witnesses.

For the municipal court, county superior court and circuit court, the following expenses of county government shall be paid by the court services division:

- (1) Juror per diem ~~parking fees~~;
- (2) Jurors' meals and lodging expense;
- (3) Witness fees.
- (4) Parking fees or mileage pursuant to I.C. 33-37-10-1.

The expenses borne by the court services division shall be defrayed from appropriations from the county general fund and shall not exceed the appropriations therefore.

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

Proposal No. 398, 2007 was retitled FISCAL ORDINANCE NO. 87, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by transferring and appropriating Forty-five Thousand Dollars (\$45,000) in the Marion County General Fund for purposes of the Marion County Board Forensic Services Agency and reducing certain other appropriations for that agency.

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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(a) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to purchase laboratory supplies.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	45,000
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	45,000

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

<u>MARION COUNTY FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	25,000
2. Supplies	0
3. Other Services and Charges	20,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	45,000

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

Proposal No. 400, 2007 was retitled FISCAL ORDINANCE NO. 88, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by transferring and appropriating Twenty-five Thousand Dollars (\$25,000) in the States and Federal Grants Fund for purposes of the Marion County Forensic Services Agency and reducing certain other appropriations for that agency.

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(a) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Forensic Services Agency to allow the outsourcing of casework to approved/accredited private labs.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby transferred, as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	25,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	25,000

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

<u>MARION COUNTY FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	25,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	25,000

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

Proposal No. 402, 2007 was retitled FISCAL ORDINANCE NO. 89, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) by transferring Sixty-One Thousand Fifty-Eight Dollars (\$61,058) between characters for purposes of the Marion County 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 1.05(f) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to cover expenses for salaries, financed by a transfer between characters.

SECTION 2. The sum of Sixty-One Thousand Fifty-Eight Dollars (\$61,058) be, and the same is hereby transferred from Character 3 to character 1 for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DIVERSION FUND</u>
1. Personal Services	61,058
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	61,058

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

<u>MARION SUPERIOR COURT</u>	<u>DIVERSION FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	61,058
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	61,058

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

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.

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

- (1) All Councillors in memory of Elwood C. Black, Sr.; and
- (2) All Councillors in memory of Eleanor "Nonie" Krauss; and
- (3) Councillor Mahern in memory of Richard T. "Gus" Cravens; and
- (4) Councillor Sanders in memory of Karen Williams, Joseph Gallagher, and Robert Bridwell.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Elwood C. Black, Sr., Eleanor "Nonie" Krauss, Richard T. "Gus" Cravens, Karen Williams, Joseph Gallagher, and Robert Bridwell. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:00 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 8th day of October, 2007.

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)