

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

**REGULAR MEETINGS
MONDAY, JUNE 8, 1998**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, June 8, 1998, with Councillor SerVaas presiding.

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

ROLL CALL

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

28 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
1 ABSENT: O'Dell

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

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

Journal of the City-County Council

Chambers, on Monday, June 8, 1998, 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/Beurt SerVaas
President, City-County Council

May 19, 1998

TO THE HONORABLE PRESIDENT 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* or the *Indianapolis News* on Friday, May 22, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 306, 309-319, 321, 322, and 339, 1998, said hearing to be held on Monday, June 8, 1998, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

May 22 1998

TO THE HONORABLE PRESIDENT 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 this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 4, 1998 - approves an increase of \$1,745,957 in the 1998 Budget of the Department of Metropolitan Development, Division of Planning (Transportation General Fund--\$500,000 and Federal Grants Fund--\$1,245,957) to pay for the preparation of alternatives for traffic congestion in the Northeast Corridor of Marion County financed by a federal grant and matching funds from members of the Northeast Corridor MIS Task Force

FISCAL ORDINANCE NO. 52, 1998 - approves an increase of \$700,000 in the 1998 Budget of the Office of the Controller (Consolidated County Fund) to fund City Market utilities, Front Porch Alliance, and Data Collection financed by fund balances

FISCAL ORDINANCE NO. 54, 1998 - approves an increase of \$250,000 in the 1998 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to operate a new Weed and Seed program financed by a federal grant

FISCAL ORDINANCE NO. 55, 1998 - approves an increase of \$32,732 in the 1998 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to continue funding the Pretrial Release and Sentencing Project funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 56, 1998 - approves an increase of \$359,560 in the 1998 Budget of the Forensic Services Agency (State and Federal Grants Fund) to continue the DNA STR Conversion Project funded by a grant from the National Institute of Justice

FISCAL ORDINANCE NO. 57, 1998 - approves an increase of \$79,572 in the 1998 Budget of the Metropolitan Emergency Communications Agency (Metropolitan Emergency Communications Agency Fund) to purchase mobile data computer vehicular mounts, pagers, and related maintenance agreements funded by sales of the units to user agencies

GENERAL ORDINANCE NO. 74, 1998 - amends the Revised Code concerning the location of a cemetery

GENERAL ORDINANCE NO. 75, 1998 - authorizes intersection controls for Aspen Ridge Subdivision (Districts 8, 18)

GENERAL ORDINANCE NO. 76, 1998 - authorizes a multi-way stop at Beulah Avenue and Kelly Street (District 17)

GENERAL ORDINANCE NO. 77, 1998 - authorizes intersection controls for "Worthington at West 86th Street Subdivision, Sections 3 & 5" (District 1)

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GENERAL ORDINANCE NO. 78, 1998 - authorizes a multi-way stop at Burkwood Way, Spicebush Drive, and Winterhazel Drive (District 1)

GENERAL ORDINANCE NO. 79, 1998 - authorizes a multi-way stop at 40th Street and Catherwood Avenue (District 14)

GENERAL ORDINANCE NO. 80, 1998 - authorizes a multi-way stop at Inverness Drive and Muirfield Way (District 23)

GENERAL ORDINANCE NO. 81, 1998 - authorizes a multi-way stop at New Jersey Street and 40th Street (District 6)

GENERAL ORDINANCE NO. 82, 1998 - authorizes a multi-way stop at Dorman Street and St. Clair Street (District 22)

GENERAL ORDINANCE NO. 83, 1998 - authorizes a multi-way stop at Tanning Drive and Timber Creek Drive (District 13)

GENERAL ORDINANCE NO. 84, 1998 - authorizes a weight limit restriction on Brookville Road between Emerson Avenue and English Avenue (District 13)

GENERAL RESOLUTION NO. 6, 1998 - designates a section of Walnut Street as the "USS Indianapolis Memorial Way"

SPECIAL RESOLUTION NO. 21, 1998 - remembers the life of Mary Fendrich Hulman

SPECIAL RESOLUTION NO. 22, 1998 - recognizes the Cathedral Irish Class 3A basketball State Champions

SPECIAL RESOLUTION NO. 23, 1998 - commends the Perry Meridian High School Team for winning the "Brain Game" TV quiz show

SPECIAL RESOLUTION NO. 24, 1998 - recognizes Indianapolis' first Black attorney James T. V. Hill

SPECIAL RESOLUTION NO. 25, 1998 - approves the feasible and acceptable redevelopment plan for the redevelopment of Union Station submitted by Station Properties, LLC

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of May 18, 1998. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 378, 1998. The proposal, sponsored by Councillors McClamroch, Borst, Boyd, Gilmer, O'Dell, Shambaugh, and Moores, recognizes Bill Polian, president of the Indianapolis Colts; Jim Mora, head coach of the Indianapolis Colts; and Peyton Manning, new quarterback for the Indianapolis Colts. Councillor McClamroch read the proposal and presented representatives with copies of the document and Council pins. Mr. Polian, Mr. Mora, and Mr. Manning thanked the Council for this recognition and their support, and added that they are excited about the future of the Indianapolis Colts and are glad to be a part of it. Councillor

McClamroch moved, seconded by Councillor Gilmer, for adoption. Proposal No. 378, 1998 was adopted by a unanimous voice vote.

Proposal No. 378, 1998 was retitled SPECIAL RESOLUTION NO. 26, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 1998

A SPECIAL RESOLUTION recognizing Bill Polian, president of the Indianapolis Colts, Jim Mora, head coach of the Indianapolis Colts, and Peyton Manning, new quarterback for the Indianapolis Colts.

WHEREAS, Bill Polian has a distinguished career in the National Football League, having been named Executive of the Year by *The Sporting News* four times, and having demonstrated extraordinary success in his years with the Buffalo Bills and the Carolina Panthers teams; and

WHEREAS, Jim Mora holds the ninth-best career start in the NFL, with 91 victories in his first 10 years, and led the New Orleans Saints to four playoffs in his 10 seasons there; and

WHEREAS, Peyton Manning set 33 school records, eight Southeastern Conference records and two NCAA records and holds SEC records for wins as a starting quarterback (39-6), passing yards (11,201), total offense (22,020) and completion percentage (62.49%), and graduated cum laude from the University of Tennessee in three years; and

WHEREAS, the Indianapolis Colts, under the direction of owner Jim Irsay, are assembling an outstanding roster of players, coaches and front office staff in order to build the best franchise in the NFL; 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 welcomes Bill Polian, Jim Mora and Peyton Manning to Indianapolis and Indiana.

SECTION 2. Bill Polian, Jim Mora and Peyton Manning bring a wealth of experience and talent to our community's professional football team, the Indianapolis Colts.

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. 379, 1998. The proposal, sponsored by Councillors Massie, Borst, and Coughenour, recognizes the public service of Perry Township Fire Chief Bill Click. Councillor Massie read the proposal and presented Chief Click with a copy of the document and a Council pin. Chief Click thanked the Council for this recognition. Councillor Massie moved, seconded by Councillor Coughenour, for adoption. Proposal No. 379, 1998 was adopted by a unanimous voice vote.

Proposal No. 379, 1998 was retitled SPECIAL RESOLUTION NO. 27, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 1998

A SPECIAL RESOLUTION recognizing the public service of Perry Township Fire Chief Bill Click.

WHEREAS, Bill Click served over 29 years as a Perry Township firefighter, capping his career as Perry Township's Fire Chief; and

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WHEREAS, Mr. Click was with the department since before there was an Indianapolis-Marion County unified government; and

WHEREAS, during those three decades Mr. Click has understandably had many unforgettable experiences such as the time on a run when he was disrespectfully greeted at the front door by a man cradling a 12-gauge shotgun; and

WHEREAS, he has seen death, has helped revive people from certain death, has assisted in giving birth, has fought hundreds upon hundreds of fires, has seen his chosen profession demand more hours of training with far more sophisticated equipment, and has experienced the extreme joys and sorrows of working with people in their time of emergency need; 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 outstanding public service of Perry Township Fire Chief Bill Click.

SECTION 2. Under his leadership the department progressed in training, greatly improved its firehouses and equipment, and Mr. Click is especially proud of his department's trim administrative staff that leaves more firefighters on the street.

SECTION 3 The Council thanks Bill Click and wishes him the very best of good health and happiness in his retirement.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 373, 1998. The proposal, sponsored by Councillor Cockrum, recognizes the Decatur Township Civic Council. Councillor Cockrum read the document and stated that he will present copies of the document to the Decatur Council at their next meeting. He moved, seconded by Councillor Massie, for adoption. Proposal No. 373, 1998 was adopted by a unanimous voice vote.

Proposal No. 373, 1998 was retitled SPECIAL RESOLUTION NO. 28, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 1998

A SPECIAL RESOLUTION recognizing the Decatur Township Civic Council.

WHEREAS, The Decatur Township Civic Council was formed in 1953 and is celebrating its 45th Anniversary at the Annual Meeting on June 29, 1998; and

WHEREAS, The Decatur Township Civic Council has demonstrated a sincere concern for the health, safety and welfare of the citizens of Decatur Township and serves as a means by which residents are able to develop a strong and meaningful voice in governmental and civic affairs; and

WHEREAS, The Decatur Township Civic Council has promoted orderly growth and planned development in Decatur Township and has demonstrated the highest level of initiative and involvement concerning civic and developmental issues in Decatur Township; and

WHEREAS, the Decatur Township Civic Council is led by professional and dedicated volunteers who set high standards for community growth and development and project a positive image for the community; and

WHEREAS, the Decatur Township Civic Council has promoted developments and improvements such as the Decatur Library, Ameriplex Industrial Park, White River flood control, airport development,

Airport Authority representation, transportation and parks improvements, and many other orderly and positive developments in the Township; 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 congratulates the Decatur Township Civic Council on their 45th Anniversary.

SECTION 2. The Council recognizes that the Decatur Township Civic Council in many ways has set the example for all neighborhood organizations throughout the City of Indianapolis and the State of Indiana.

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

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

PROPOSAL NO. 303, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 303, 1998 on June 1, 1998. The proposal approves the Mayor's appointment of Eugene Lausch as Director of the Department of Metropolitan Development for a term ending December 31, 1998. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Boyd, for adoption. Proposal No. 303, 1998 was adopted by a unanimous voice vote.

Proposal No. 303, 1998 was retitled COUNCIL RESOLUTION NO. 54, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 54, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Eugene Lausch as Director of the Department of Metropolitan Development for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-3-8 and Section 201-3 of the "Revised Code of the Consolidated City and County, Indiana", a mayoral appointment of the Director of the Department of Metropolitan Development is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Eugene Lausch to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 1998; now, therefore:

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

SECTION 1. Eugene Lausch is approved and confirmed by the City-County Council to serve as Director of the Department of Metropolitan Development at the pleasure of the Mayor for a term ending December 31, 1998.

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

PROPOSAL NO. 341, 1998. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 341, 1998. The proposal approves appointment of Gregory Zoeller as Administrative Hearing Officer. She moved to postpone the proposal until Mr. Zoeller can be present. Councillor McClamroch stated that it is not a requirement that appointees be present at full Council hearings. Councillor Boyd added that it is common to have persons present at the full Council meeting if the position is a more prestigious one than simply a board appointment.

Councillor Black seconded the motion for postponement, and Proposal No. 341, 1998 was postponed by the following roll call vote; viz:

15 YEAS: Black, Boyd, Brents, Cockrum, Coughenour, Curry, Franklin, Golc, Gray, Hinkle, Jones, Moores, Moriarty Adams, Short, Talley
11 NAYS: Borst, Bradford, Coonrod, Dowden, Gilmer, Massie, McClamroch, Schneider, SerVaas, Shambaugh, Tilford
2 NOT VOTING: Smith, Williams
1 ABSENT: O'Dell

Councillor Black stated that he is grateful for all the expressions of sympathy extended by Council and staff at the passing of his wife.

Councillor Boyd recognized Mary Ann Dickason, Executive Director of the Marion County Cooperative Extension, and thanked Extension members for this evening's dinner and presentation.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 359, 1998. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of James J. Glynn as hearing officer to preside over the administrative adjudication of parking citations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 360, 1998. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$106,484 in the 1998 Budget of the Cable Communications Agency (Consolidated County Fund) to replace aging and/or unsupported video production equipment financed by a Public/Educational/Government (PEG) Grant"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 361, 1998. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$21,420 in the 1998 Budget of the Department of Parks and Recreation (Park General Fund) to provide inclusive day camps to youth with disabilities financed by a local grant from United Cerebral Palsy of Central Indiana"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 362, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$12,000 in the 1998 Budget of the Prosecuting Attorney (County Grants Fund) to provide the second year funding for the Children's Waiting Room financed by a grant from the Indianapolis Bar Association"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 363, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 1998 Budget of the Prosecuting Attorney (County Grants Fund) to cover expenses relating to production of a video on how law enforcement can work effectively with neighborhoods to eliminate drug trafficking, such production costs to be financed by grants from three local companies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 364, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,000 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to amend a grant to Breaking Free, Inc. funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 365, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,000 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant to Project Impact financed by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 366, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an increase of \$201,616 in the 1998 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to enhance police personnel in the Weed and Seed site areas in the West District financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 368, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$434,431 in the 1998 Budget of Community Corrections (Home Detention User Fee Fund) to cover salaries, services, home detention equipment, and supplies for fiscal year 1998/1999 financed by Home Detention User Fees"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 369, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,404,815 in the 1998 Budget of Community Corrections (State and Federal Grants Fund) to cover operational expenses for fiscal year 1998/1999 funded by a grant from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 370, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$187,026 in the 1998 Budget for Community Corrections to fund the Juvenile Intensive Probation Services Program funded by a grant from the Department of Corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 371, 1998. Introduced by Councillors O'Dell and Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000,000 in the 1998 Budget of the Marion County Children's Guardian Home (County General Fund) for the development of the Guardian Home 2000 Project, Phase I, renovation activities financed by fund balances"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 372, 1998. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$65,000 to Indiana University for the purpose of purchasing equipment to be used to expand field production and post-production capability of educational access programmers of the franchised cable systems in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 374, 1998. Introduced by Councillors Hinkle, Moriarty Adams, Tilford, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides for a 500 foot distance separation between substance abuse treatment facilities and certain protected districts (98-AO-5)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 375, 1998. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which expresses support of the Indianapolis Housing Agency's HOPE VI applications to the United States Department of Housing and Urban Development"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 376, 1998. Introduced by Councillors Golc, Gray, Jones, O'Dell, Boyd, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Resolution which requests a special meeting concerning a plan for the future of the City's parks, recreation centers, and other Indy Parks facilities"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 377, 1998. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Bernie Paul to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 380 1998, PROPOSAL NOS. 381-395, 1998, and PROPOSAL NOS. 396-409, 1998. Introduced by Councillor Hinkle. Proposal No. 380, 1998, Proposal Nos. 381-395, 1998, and Proposal Nos. 396-409, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on June 5, 1998. 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. 105-134, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 105, 1998.

98-Z-76

4301 EAST 96th STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3

THROGMARTIN REALTY, by Thomas Michael Quinn, requests a rezoning of 19.679(±) acres, being in the C-S (FF)(FW) District, to the C-S (FF)(FW) classification to provide for retail sales, a training center, offices, and warehousing.

REZONING ORDINANCE NO. 106, 1998.

98-Z-51 (Amended)

1234 NORTH CAPITOL AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

STEPHEN HOFFMAN requests a rezoning of 0.996 acre, being in the I-3-U District, to the C-S classification to provide for (4) four dwelling units with associated parking garage, sales office, tool and equipment rental, and warehousing.

REZONING ORDINANCE NO. 107, 1998.

98-Z-61

150-342 VIRGINIA AVENUE /142-332 SOUTH EAST STREET/ 401-450 EAST LOUISIANA STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT, by Joseph D. Calderon, requests a rezoning of 12 acres, being in the I-3-U (RC) and C-3 (RC) Districts, to the CBD-S (RC) classification to provide for an integrated office complex and uses consistent with industrial research and development per the submitted development plan.

REZONING ORDINANCE NO. 108, 1998.

98-Z-63 (98-DP-10)

8002 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

BAY DEVELOPMENT CORPORATION, by Michael D. Keele, requests a rezoning of 184.969 (+/-) acres, being in the D-A and SU-43 Districts, to the D-P classification to provide for residential development of 675 units consisting of single-family residences, multi-family condominium development and/or senior citizen residential; a 17 acre park; and a neighborhood retail commercial area along Southeastern Avenue.

REZONING ORDINANCE NO. 109, 1998.

98-Z-77

2416 EAST NEW YORK STREET

306 AND 308 NORTH FOREST AVENUE, 301 AND 305 NORTH KEYSTONE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.4 acre, being in the C-2 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 110, 1998.

98-Z-78

3120 NORTH MERIDIAN STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

THE CHILDREN'S MUSEUM OF INDIANAPOLIS requests a rezoning of 0.73 acre, being in the D-9 District, to the C-S classification to provide for additional parking area for the Children's Museum.

REZONING ORDINANCE NO. 111, 1998.

98-Z-80

1647-1669 NORTH COLUMBIA AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.65 acre, being in the D-8 District, to the SU-1 classification to provide for religious use.

REZONING ORDINANCE NO. 112, 1998.

98-Z-81 (Amended)

5802 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

DOMINION PROPERTIES, INC., by Philip A. Nicely, requests a rezoning of 2.29 acres, being in the C-3 District, to the C-S classification to provide for office/warehouse/showroom/flex space; and hotel uses and any use permitted in C-3 District except for fast food service restaurants, package liquor stores, gasoline service station, nightclubs, motion picture theaters, arcades, adult entertainment uses.

REZONING ORDINANCE NO. 113, 1998.

98-Z-83 (98-DP-13)

3401 FRANKLIN ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

BAY DEVELOPMENT CORPORATION, by Michael D. Keele, requests a rezoning of 41.86 acres, being in the D-A and SU-43 Districts, to the D-P classification to provide for a single family residential community consisting of 140 residential units.

REZONING ORDINANCE NO. 114, 1998.

98-Z-84

4410 - 4424 EAST MICHIGAN STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.5 acre, being in the C-2 and D-5 Districts, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 115, 1998.

98-Z-86

4501 FLETCHER AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 1.0 acre, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 116, 1998.

98-Z-91

2747 SOUTH SHELBY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.1 acre, being in the C-1 District, to the D-5 classification to provide for a single family residence.

REZONING ORDINANCE NO. 117, 1998.

98-Z-92

2601 EAST NEW YORK STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 0.6 acre, being in the D-8 and D-5 Districts, to the SU-1 classification for religious uses

REZONING ORDINANCE NO. 118, 1998.

98-Z-94 (98-DP-16)

5630 WEST 46th STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

HERMAN ASSOCIATES, INC., by J. Murray Clark, requests a rezoning of 12.35(±) acres, being in the D-A/FP/FW Districts, to the D-P/FP/FW classification to provide for a single family residential development consisting of 60 lots.

REZONING ORDINANCE NO. 119, 1998.

98-CP-14Z (98-DP-8)

8550 SOUTH FIVE POINTS ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

BAY DEVELOPMENT, by David A. Retherford, requests a rezoning of 93.1 acres, being in the D-A District, to the D-P classification to provide for construction of a single-family residential development.

REZONING ORDINANCE NO. 120, 1998.

98-CP-16Z (98-DP-9)

9315 VANDERGRIF ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

JAMES WHITIS, by Thomas Michael Quinn, requests a rezoning of 39.0 acres, being in the D-A/FP District, to the D-P/FP classification to provide for a single-family residential community of 12 lots on private streets.

REZONING ORDINANCE NO. 121, 1998.

98-Z-49

3712 NORTH SHERMAN DRIVE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 11

JOSEPH F. PLUMMER, SR. by Brian J. Tuohy, requests a rezoning of 1.2 acres, being in the D-5 District, to the C-5 classification to permit commercial uses including automobile, lawn equipment and snow removal equipment sales and services.

REZONING ORDINANCE NO. 122, 1998.

98-Z-50

9039 EAST BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

TKC PROPERTIES, by Peter D. Cleveland, requests a rezoning of 1.3 acres, being in the D-A District, to the C-4 classification to provide for commercial uses such as a convenience store with gasoline sales and retail center.

REZONING ORDINANCE NO. 123, 1998.

98-Z-66

6674 CORNELL AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

GARY WEAVER, by Stephen D. Mears, requests a rezoning of 0.78 acre, being in the D-4 (FF) District, to the C-2 (FF) classification to provide for a combination of offices and multi-family residential development.

REZONING ORDINANCE NO. 124, 1998.

98-Z-67

430-450 SOUTH KEYSTONE AVENUE, 2335-2339 SOUTHEASTERN AVENUE,

and 2330 ENGLISH AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

TRINITY FELLOWSHIP CHURCH OF GOD requests a rezoning of 1.1 acre, being in the D-5 District, to the SU-1 classification to provide for the expansion of a church and a church school.

REZONING ORDINANCE NO. 125, 1998.

98-Z-85A (98-DP-14) (Amended)

8601 RACEWAY ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CEDAR RUN LTD., INC., by Philip A. Nicely, requests a rezoning of 15.2 acres, being in the 1-2-S District, to the D-P classification to provide for condominiums at a maximum density of 9.9 units per acre, office use, retail use, light industrial use, an assisted living facility, a retirement center, and/or a nursing home.

REZONING ORDINANCE NO. 126, 1998.

98-Z-85B

8601 RACEWAY ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CEDAR RUN LTD., INC., by Philip A. Nicely, requests a rezoning of 34.7 acres, being in the D-2, D-3, D-6II and 1-2-S Districts, to the D-4 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 127, 1998.

98-Z-85C

8601 RACEWAY ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CEDAR RUN LTD., INC., by Philip A. Nicely, requests a rezoning of 59.6 acres, being in the D-A and D-3 Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 128, 1998.

98-Z-85D

8601 RACEWAY ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

June 8, 1998

CEDAR RUN LTD., INC., by Philip A. Nicely, requests a rezoning of 112.8 acres, being in the D-A and D-3 Districts, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 129, 1998.

98-Z-95

5009-5019 EAST 21st STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

CITY OF INDIANAPOLIS/METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.48 acre, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 130, 1998.

98-Z-97

139, 151-161 SOUTH NEAL AVENUE, 106-160 SOUTH REICHWEIN STREET, and

1725 WEST MARYLAND STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 17

CARTER-LEE LUMBER COMPANY, INC., requests a rezoning of 3.0(±) acres, being in the D-5 and I-4-U Districts, to the C-7 classification to provide for retail commercial uses including a lumber yard and building materials business and a warehouse.

REZONING ORDINANCE NO. 131, 1998.

98-Z-102

4325 NORTH MITTHOEFFER ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

MT. CARMEL BAPTIST CHURCH requests a rezoning of 10.11 acres, being in the SU-2 District, to the SU-1 classification to provide for religious uses including a church, day care, and a school.

REZONING ORDINANCE NO. 132, 1998.

98-Z-105

7135 PURDY STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

CITY OF INDIANAPOLIS/METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.090 acre, being in the C-7 District, to the D-3 classification to provide for residential uses and associated accessory uses.

REZONING ORDINANCE NO. 133, 1998.

98-CP-7Z (98-DP-6)

8401 LAFAYETTE ROAD and 8175 WEST 86th STREET (approximate addresses), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

RUSSELL & CARTER FORTUNE, by William F. LeMond, request a rezoning of 29.97 acres, being in the D-A District, to the D-P classification to provide for single-family residential development.

REZONING ORDINANCE NO. 134, 1998.

98-CP-17Z

301 SOUTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

R and F DEVELOPMENT, by Thomas M. Quinn, requests a rezoning of 19.679 acres, being in the D-A, D-1, and D-2 (FF)(FW) Districts, to the D-2 (FF)(FW) classifications to provide for a single-family residential development.

Councillor Curry asked for consent to move Proposal No. 603, 1996 next on the agenda due to the number of public present with interest in the proposal. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 603, 1996. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 603, 1996 first on October 15, 1996. Since that time, the proposal has been heard on numerous occasions and has been amended several times. The final hearing of the Rules and Public Policy Committee regarding this proposal took place on May 19, 1998. The proposal adopts public policy regulating commercial uses of the public rights-of-way by amending the Revised Code to add Chapter 645 which establishes procedures for the registration and franchising of such uses. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. The President commended the Committee for their perseverance regarding this proposal and thanked Chairman Curry for all his efforts. Councillor Short recognized Clay Whitmire, Department of Public Works, for all of his efforts in reaching a final amended version. Councillor Curry moved, seconded by Councillor Short, for adoption. Proposal No. 603, 1996, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
1 ABSENT: O'Dell

Proposal No. 603, 1996, as amended, was retitled GENERAL ORDINANCE NO. 85, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 1998

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County", to adopt a public policy to restrict and regulate Occupancy of public rights-of-way.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add Articles I and II to Chapter 645 to read as follows:

Chapter 645.

PUBLIC RIGHTS-OF-WAY - OCCUPANCY

ARTICLE I. OCCUPANCY RESTRICTED

DIVISION 1. IN GENERAL

Sec. 645-111. Purpose.

The purpose and intent of this Chapter 645 is to:

- (1) Establish a public policy and procedure concerning and governing the Occupation of the Public Rights-of-Way by any Entity or Person providing utility and other services;
- (2) Establish a public policy for the conservation of the limited physical capacity of the Public Rights-of-Ways held in public trust by the Consolidated City;
- (3) Establish a public policy for the granting and management of reasonable access to the Public Rights-of-Way;

- (4) Establish a public policy to assure that the Consolidated City's current and ongoing costs of granting and regulating private access to and use of the Public Rights-of-Way are fairly assessed to, and equitably recovered from, fully paid by the Person or Entity seeking such access and causing such cost;
- (5) Establish a public policy for enabling the Consolidated City to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development;
- (6) Promote the utilization of the Public Rights-of-Way for the public health, safety and welfare and to promote economic development in the Consolidated City;
- (7) Promote the availability of a wide range of utility, communication and other services, including the rapid deployment of new technologies and innovative services, to the Consolidated City's residents and taxpayers; and
- (8) Promote cooperation among the Registrants and the Consolidated City in the Occupation of the Public Rights-of-Way, and work therein, in order to
 - a. minimize public inconvenience during Public Right-of-Way work,
 - b. lower the Registrant's and the Consolidated City's costs of providing services to the public, and
 - c. minimize street cuts.

Sec. 645-112. Definitions.

(a) The following terms and phrases when used throughout this Article I of Chapter 645 shall have the meanings ascribed to them in this Section:

- (1) *Article* means this Article of the Code.
- (2) *Director of the Department of Capital Asset Management* means such director and any person to whom such director specifically delegates the powers under this Chapter 645.
- (3) *Effective Date* means the date upon which this Article is considered adopted pursuant to Indiana Code 36-3-4-14.
- (4) *Entity* means a corporation, partnership, limited liability company, association, firm, other entity, and any governmental agency, authority, board, agency and department.
- (5) *Facilities* mean, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and providing utility services, cable television, communications, signaling, electricity, water, steam and other services or functions.
- (6) *General Management Costs* means the *Management Costs* for:
 - a. registration and permit administration;
 - b. management of the Public Rights-of-Way, including costs associated with the implementation and administration of the ordinances and policies of the Consolidated City;
 - c. project management, including personnel costs and consulting expenses associated with coordinating utility and Public Right-of-Way projects, design, inspection, testing, construction management, planning, and engineering, as well as restoration or remedial work required for inadequate work of an Occupant to the extent that such inadequate work cannot be identified to a specific Occupant or the Occupant to which such inadequate work can be identified is insolvent;

- d. Public Right-of-Way engineering;
 - e. land acquisition for Public Right-of-Way, including but not limited to appraising, title work, negotiating, costs of litigation, mediation and settlement, consultants, witnesses and attorneys fees;
 - f. mapping the Public Rights-of-Way and coordinating mapping of all Occupants of the Public Rights-of-Way, including the costs of layout, materials and supplies, in order to verify Occupation of the Public Rights-of-Way;
 - g. geographic information system costs incurred after the Effective Date with respect to Facilities installed in the Public Right-of-Way, including the costs of automated mapping, computer and technical services, input of data, coordination and maintenance of the base map, personnel, software and equipment;
 - h. administrative overhead, including allocation of administration, personnel, fiscal and information systems costs;
 - i. application development and data conversion and maintenance, including necessary software development to provide for the integration of utility data into the geographic information system for viewing, querying and report generation;
 - j. legal services to develop, interpret, implement, enforce and defend the ordinances, policies and procedures of the Consolidated City regarding the Public Rights-of-Way; and
 - k. maintenance of a roadway inventory system, including maintenance of a pavement management system and inventory of roadway surface condition ratings to determine maintenance needs and schedules.
- (7) *Management Costs* means "General Management Costs" and "Specific Management Costs" that are direct, actual and reasonably incurred costs of the Consolidated City in managing the Public Rights-of-Way.
- (8) *Municipally-Owned Utility Facilities* means any Facilities owned by the Consolidated City, or any division, department, bureau or agency thereof, including the Utilities Department and the Department of Public Works, Contract Compliance Division, and for which a user fee or charge is made or collected by or on behalf of such owner.
- (9) *Occupant* means any Person or Entity who owns any Facilities Occupying the Public Rights-of-Way. If the owner of any Facilities leases or licenses such Facilities exclusively to another Person or Entity and if the lease or license so provides and a copy of such lease or license is filed with the Department of Capital Asset Management, then the lessee or licensee thereof shall be deemed the "Occupant" of such Facilities for purposes of this Article.
- (10) *Occupy* (and the various forms of such word, such as occupying, occupied, etc.) means to install, construct, maintain, operate or own any Facilities in the Public Rights-of-Way.
- (11) *Person* means an individual or natural person.
- (12) *Public Easement* means any easement owned or controlled by the Consolidated City and established, acquired, dedicated or devoted to public utility purposes, including the area above and below such easements.
- (13) *Public Right-of-Way* means any Travelled Way and/or any Public Easement.
- (14) *Public Utility* shall have the meaning ascribed thereto in Indiana Code 8-1-2-1(a).
- (15) *Registrant* means any Entity or Person who is required by this Chapter to file with the Board of Asset Management and Public Works a Registration Statement.

- (16) *Regulation* is defined in section 102-14 and, as used in this Article, includes any Regulation adopted by the Board of Asset Management and Public Works pursuant to this Article in accordance with Section 645-151, promulgated in accordance with Chapter 141 of the Code, and approved by the City-County Council of the Consolidated City.
- (17) *Specific Management Costs* means the *Management Costs* for:
- a. construction, maintenance, repair and restoration of the Public Rights-of-Way to the extent not included as a General Management Cost above, including, without limitation, the inspection of job sites and restoration projects as well as restoring work inadequately performed after providing notice and an opportunity to correct the work; and
 - b. implementation and administration of this Chapter 645 and any ordinance that ensures that an Occupant adequately restores the Public Right-of-Way to the Public Right-of-Way's original condition and remaining life.
- (18) *Thoroughfare* means that portion of any Public Right-of-Way that is included in the Marion County Thoroughfare Plan.
- (19) *Travelled Way* means any highway, street, alley, sidewalk or other public right of way for motor vehicle or pedestrian travel under the jurisdiction or control of the Consolidated City, including any areas within any public right of way which may be unpaved and the unoccupied area above and below such rights of way.
- (20) *Utilities Department* means the department of public utilities of the Consolidated City created under Indiana Code 8-1-11.1-1.
- (b) The terms Public Easement, Public Rights-of-Way, Travelled Way and Thoroughfare do not include
- (1) any land or interest in land designated as a "green way" by Indy Parks, or
 - (2) the airwaves above same as those airwaves are used for cellular or other nonwire telecommunications or broadcast services.
- (c) Definitions of the following terms used in this Chapter are defined in other provisions of the Code and apply to this Article:
- (1) Code is defined in Sec. 102-7.
 - (2) Regulation is defined in Sec. 102-14.

Sec. 645-113. Scope.

This Chapter 645 applies only to the Consolidated City of Indianapolis and Marion County, Indiana, and not to any of the municipalities that are not a part of the Consolidated City pursuant to Indiana Code 36-3-1-7 (the "Excluded Cities"), unless any of such Excluded Cities shall enter into an inter-local cooperation agreement under Indiana Code 36-1-7-1 *et seq.* with the Consolidated City to permit the Consolidated City to administer the terms and provisions set forth in this Chapter 645 within the jurisdiction of such Excluded City. Notwithstanding the preceding sentence, this Article shall apply to all Thoroughfares located within the Excluded Cities.

Sec. 645-114. Requirement to register and pay fees.

It shall be unlawful for any Occupant to Occupy any Public Right-of-Way unless such Occupant's Facilities are registered with the Consolidated City by filing a Registration Statement if required by Division 2. Notwithstanding the foregoing, the requirements of this Section 645-114 shall not apply to Persons or Entities whose only Facilities in the Public Rights-of-Way are those necessary to extend a connection to or from Municipally-Owned Utility Facilities or Facilities of a Public Utility or a franchisee of the Consolidated City, as the case may be, located in the Public Rights-of-Way to or from property owned or used by such Person or Entity.

DIVISION 2. REGISTRATION

Sec. 645-121. Registration required.

(a) Except for those Facilities exempted by subsection (b), each Occupant shall file a Registration Statement described in Section 645-122.

(b) The registration requirements of this Chapter 645 shall not apply to the following:

- (1) Newspaper stands, to the extent regulated by the Consolidated City under Sec. 645-529 of the Code;
- (2) Temporary signs, to the extent regulated by the Consolidated City under Sec. 536-284 or Part 19 of Appendix D of the Code;
- (3) Public pay telephones to the extent regulated by the Consolidated City under Chapter 936 of the Code;
- (4) Carts, to the extent regulated by the Consolidated City under Secs. 961-101 through 961-604 of the Code;
- (5) Sidewalk cafes, to the extent regulated by the Consolidated City under Chapter 961 of the Code; and
- (6) Facilities of a commercial mobile service provider as defined in 47 U.S.C. Sec. 332(d)(1) to the extent, and only to the extent, that such Facilities are located on sites within Public Rights-of-Way that are specifically leased or licensed, exclusively or non-exclusively, to such provider by the Consolidated City.

(c) Any Entity or Person having Facilities referenced in subsection 645-121(b) above as well as other Facilities within the Public Rights-of-Way shall not be exempt from the registration requirements of this Chapter 645 with respect to such other Facilities.

Sec. 645-122. Registration statement.

The Registration Statement required under Section 645-121 shall be filed with the Department of Capital Asset Management and shall be in the form adopted by the Board of Asset Management and Public Works by Regulation, which shall include the following:

- (1) The identity and legal status of the Registrant, including any affiliates who own or operate any Facilities in the Public Rights-of-Way.
- (2) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the Registration Statement.
- (3) A general description of services that the Registrant provides or intends to offer or provide to Entities or Persons within the Consolidated City through the utilization of Facilities in the Public Rights-of-Way.
- (4) A statement of the authority pursuant to which the Registrant Occupies the Public Rights-of-Way.
- (5) A statement of the method of calculation and amount, if any, of any fee to which the Registrant is subject under any franchise agreement between such Registrant and the Consolidated City and/or under any lease or rental agreement between the Registrant and the Consolidated City.
- (6) Such other information as the Board of Asset Management and Public Works may reasonably require.

Sec. 645-123. Description of facilities.

The Registration Statement of each Entity or Person having any Facility within the Public Rights-of-Way as of the date this Ordinance is adopted by the Consolidated City shall contain a general description of such Registrant's Facilities in the format set forth in Regulations of the Board of Asset Management and Public Works, and shall be updated by Registrant as required by those Regulations.

Sec. 645-124. Term of registration.

A registration made pursuant to this Chapter shall be effective so long as fees due under this Chapter shall be paid or until revoked by the Consolidated City or canceled by the Registrant pursuant to Section 645-128.

Sec. 645-125. Transfer of registration.

Registrations are not transferable without the prior written approval of the Director of the Department of Capital Asset Management, which approval shall not be unreasonably withheld, delayed or denied. Approval of such Director shall not be required in the event that a Registrant notifies such Director in writing that it intends to make an assignment of the Registration to

- (1) another Registrant,
- (2) a subsidiary, affiliate or parent company of the Registrant,
- (3) any Entity or Person which the Registrant controls, is controlled by, or is under common control with, or
- (4) any partnership in which the Registrant has a majority interest, and

such assignee delivers to the Consolidated City an agreement whereby such assignee shall unconditionally and irrevocably assume all obligations and liabilities of its assignor under this Article arising prior to the effective date of such transfer.

Sec. 645-126. Initial registration.

(a) Every Occupant Occupying any Facility within the Public Rights-of-Way as of the Effective Date, which is required to be registered under Section 645-121, shall file an initial Registration Statement for the initial year not later than January 1, 1999. No Occupant, who proposes to Occupy any Facilities within the Public Rights-of-Way for the first time after the Effective Date, shall Occupy any Facilities in the Public Rights-of-Way without first complying with the registration, permitting and other requirements of this Chapter, as applicable.

(b) In the event an Occupant first Occupies within any Public Right-of-Way any Facilities after January 1, 1999, then such Occupant shall, within thirty (30) days after commencing Occupancy of such Facilities, file with the Director of the Department of Capital Asset Management an initial Registration Statement pursuant to Sec. 645-123.

Sec. 645-127. Rejection of Registration Statement.

The Director of the Department of Capital Asset Management shall reject any Registration Statement filed by any Entity or Person who does not possess proper authorization to Occupy the Public Rights-of-Way with Facilities by giving written notice of such rejection to such Entity or Person. If such Director shall determine that a Registration Statement should be rejected because of either condition set forth in the preceding sentence, then such Director shall notify such Entity or Person of such rejection within thirty (30) days after the Registration Statement is filed. If, on the Effective Date, any Facilities of an Entity or Person are located in the Public Rights-of-Way under claim of right or contract, such Facilities' Occupancy of the Public Rights-of-Way shall be deemed to be properly registered under this Chapter 645 upon the timely filing of a Registration Statement, and payment of the Registration Fee (unless exempt therefrom by Section 645-133) and the expiration of the foregoing thirty (30) day period, until such time as such Person or Entity is actually notified of such Director's rejection of such Registration Statement. With respect to any Facilities not located within the Public Rights-of-Way as of the date of the passage of this Chapter 645, any failure of such Director to reject a Registration Statement within the time period set forth above shall not be construed to constitute

authorization by the Consolidated City in favor of such Facilities or Occupant to Occupy the Public Rights-of-Way.

Sec. 645-128. Revocation; cancellation.

(a) The Consolidated City may revoke, in accordance with the procedures set forth in this Article, any Registration in the event any Registrant violates any material provision of this Article.

(b) The Director of the Department of Capital Asset Management shall give a Registrant sixty (60) days prior written notice of an intent to revoke the Registrant's Registration Statement. Such notice shall state the reasons for such action. If the Registrant does not cure such violation, such Director may revoke the Registration Statement.

(c) A Registrant may cancel a Registration Statement at any time by giving written notice thereof to such Director. The Registration Statement shall be deemed terminated effective upon acceptance thereof by such Director after such Director shall have determined that the Registrant shall have ceased Occupying the Public-Right-of-Way. All fees and other obligations of the Registrant which accrued before the effective date of the cancellation shall remain the responsibility of the Registrant.

(d) Subject to Section 645-156 in the event of abandonment of Facilities, unless otherwise permitted by such Director, if a Registration is revoked or canceled, all Facilities located in the Public Rights-of-Way or located on public property which are not Occupied by at least one other Registrant shall be removed at the sole expense of the Registrant.

Sec. 645-129. Appeal of actions of Director of the Department of Capital Asset Management.

Any action or decision of the Director of the Department of Capital Asset Management:

- (1) to accept or reject all or part of a Registration Statement pursuant to Section 645-127;
- (2) to transfer or not to transfer a Registration Statement pursuant to Section 645-125;
- (3) to revoke or not to revoke a Registration Statement pursuant to Section 645-128; or
- (4) to accept or not accept the cancellation of a Registration Statement pursuant to Section 645-128;

may be appealed by any interested Entity or Person to the Board of Asset Management and Public Works by filing, with the Director of the Department of Capital Asset Management, a written request for a hearing, including a statement of such Entity's or Person's interest in the action and such Entity's or Person's objections to such action. Such request must be filed with such Director not later than ten (10) days after notice of such action is given. The appeal hearing shall be scheduled before such Board to occur not later than thirty (30) days after such request is filed. Notice shall be given to the Entity or Person making such request identifying the time, place, and date of the appeal hearing at least ten (10) days prior to the scheduled date of the appeal hearing. At the appeal hearing, such Board may hear any evidence it deems relevant. After the appeal hearing, such Board may confirm, reverse, or modify the action or decision made by such Director and make any other order as it deems necessary or prudent. The order of such Board shall be a final administrative decision, subject to further appeal or review as provided by law. Such Board shall issue its findings of fact and order not later than twenty-one (21) days after the appeal hearing. Said findings of fact and order shall be in writing and shall be delivered to the Entity or Person making the request or the appeal.

DIVISION 3. REGULATIONS AND ENFORCEMENT

Sec. 645-131. Regulations.

The Department of Capital Asset Management shall be responsible for enforcing compliance with this Chapter 645 and any Regulations promulgated by the Board of Asset Management and Public Works under this Chapter 645. Such Board may adopt such Regulations as are necessary to enforce and interpret this Chapter.

Sec. 645-132. Obligations of Registrants; conditions of Occupancy.

(a) In addition to the other requirements set forth herein and in the Regulations each Registrant shall:

- (1) Cooperate with other Registrants and the Consolidated City for the best, most efficient, most aesthetic and least obtrusive use of the Public Rights-of-Way, consistent with safety, and to minimize traffic and other disruptions including street cuts;
- (2) Participate in such joint planning, construction and advance notification of Public Right-of-Way work, including coordination and consolidation of street cut work, excepting such work performed in an emergency or other exigent circumstance as may be more specifically set forth in Regulations promulgated pursuant to this Chapter;
- (3) Cooperate with the Consolidated City and the other Registrants with respect to the location of Facilities in order to achieve the best co-location of Facilities;
- (4) Submit existing data, in the form maintained by the Registrant, on the location of the Registrant's Facilities in the Public Rights-of-Way;
- (5) Submit for Public Right-of-Way projects commenced on or after the Effective Date, and at such time as the Regulations require, project data reasonably necessary to allow the Consolidated City to develop a Public Right-of-Way mapping system, such as a geographical information mapping system, in the form required by the Regulations;
- (6) Perform all work, construction, maintenance or removal of Facilities within the Public Rights-of-Way, including tree trimming, in accordance with good engineering and construction practices, including any appropriate safety codes, and in accordance with the Code, and restore the Public Rights-of-Way in accordance with the Code and in a manner which minimizes any inconvenience to the public, the Consolidated City and other Registrants;
- (7) Register with the appropriate underground reporting service(s) as specified in the Regulations;
- (8) Cooperate with the Consolidated City in any emergencies involving the Public Rights-of-Way in such manner as the Regulations shall require including the maintenance of a twenty-four (24) hour emergency contact;
- (9) Field identify, no earlier than December 31, 1998, all structures and Facilities in the Rights-of-Way in accordance with the Regulations;
- (10) Designate a single point of contact for all purposes hereunder, as well as comply with such other contact and notice protocols as the Regulations require; and
- (11) Warrant that neither Registrant nor any of its subcontractors shall discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status, and Vietnam era veteran status.

(b) Each Registrant shall assure that any subcontractor or other person performing any work or service in the Public Right-of-Way on behalf of said Registrant will comply with all applicable provisions of this Chapter and will identify the Registrant for whom such contractor is working. Said Registrant shall be responsible and liable hereunder for all actions of any such subcontractor or others as if said Registrant had performed or failed to perform any such obligation.

Sec. 645-133. Joint planning and construction.

In order to promote the purposes of this Chapter and the policy set forth in this Chapter, and to facilitate compliance with the Registrant obligations contained in Section 645-152, the Board of Asset Management and Public Works shall adopt Regulations requiring and governing joint planning and

construction for all Registrants, excepting such work performed in an emergency or under other exigent circumstance.

Sec. 645-134. Indemnity; insurance.

(a) Each Registrant shall indemnify, protect and hold harmless the Consolidated City from any claim, loss or damage arising in any way from Registrant's Occupation of the Public Right-of-Way.

(b) Each Registrant shall either

(1) keep in force a policy or policies of liability insurance, having such terms and in such amounts as are set forth in the Regulations, covering such Registrant's Facilities and operations in the Public Right-of-Way, and naming the Consolidated City as an additional insured on such policy, or

(2) meet the reasonable requirements for self-insurance as set forth in the Regulations.

(c) No information, including trade secrets as defined in Indiana Code 24-2-3-1 *et seq.* confidential financial information, records, data or documents, filed or disclosed by a Registrant may be disclosed to the public except in accordance with the provisions of Indiana Code 5-14-3-1 *et seq.* If a Registrant believes certain information to be confidential, the Registrant must clearly identify the information as such prior to its submittal. If release of information so identified is requested under Indiana Code 5-14-3-1 *et seq.* or other applicable law, the Consolidated City may release such information seven (7) days after written notice to the Registrant unless the Registrant agrees to defend and indemnify the Consolidated City for its refusal to comply with such request.

Sec. 645-135. Rearrangement, relocation and removal of facilities.

(a) Nothing in this Article shall be construed to prevent the Consolidated City from constructing, maintaining, repairing or relocating any of its facilities; or grading, paving, maintaining, relocating or repairing any sidewalk or other public work or improvement. To the extent that such work requires temporary or permanent relocation or rearrangement of any Facilities of any Registrant, such relocation or rearrangement of Facilities shall be accomplished at no cost to the Consolidated City, and in such manner as set forth in the regulations. Except in emergencies, the Consolidated City shall give a Registrant at least ninety (90) days notice of a required relocation or rearrangement of its Facilities.

(b) In the event it is necessary to move or remove temporarily any of the Registrant's aerial Facilities in order to lawfully move a large object, vehicle, building or other structure over the streets of the Consolidated City, upon a minimum of fourteen (14) days written notice by the Director of the Department of Capital Asset Management to the Registrant, the Registrant shall, at the expense of the Person or Entity requesting the temporary removal of such Facilities, comply with such Director's request. Requests for temporary movement of aerial Facilities made by the Consolidated City shall be complied with at no cost to the Consolidated City.

(c) Any Registrant that intends to discontinue use and abandon in place any Facilities within the Public Rights-of-Way shall submit a notice to the Director of the Department of Capital Asset Management describing the portion of the Facilities to be abandoned and the date of discontinuance of use, which date shall not be less than thirty (30) days from the date such notice is submitted to such Director. The Registrant may not remove, destroy or permanently disable any such Facilities during said thirty (30) day period without the written approval of such Director. The Registrant shall remove and secure such Facilities as set forth in the notice, as the same may be modified by such Director unless the Registrant requests and such Director approves a plan to abandon such Facilities in place.

(d) Upon such abandonment and acceptance by the Consolidated City in writing, full title and ownership of such abandoned Facilities shall pass to the Consolidated City without the need to pay compensation to the Registrant. The Registrant shall, however, continue to be responsible for all taxes on such Facilities or other liabilities associated therewith, until the date the same was accepted by the Consolidated City.

(e) Should any Registrant fail, after notice, to remove or rearrange Facilities at the request of the Director of the Department of Capital Asset Management as specified in Section 645-152(a)(2) or this Section, the Consolidated City may, at its option and in addition to the imposition of any penalties or other remedies hereunder, undertake or cause to be undertaken, such necessary removal or

rearrangement. The Consolidated City shall have no liability for any damage caused by such removal or rearrangement and the Registrant shall be liable to the Consolidated City for all reasonable costs incurred by the Consolidated City in such removal or rearrangement.

Sec. 645-136. No barrier to entry; nondiscrimination and competitive neutrality.

(a) Nothing in this Article shall be construed to prohibit or have the effect of prohibiting the ability of any Person or Entity to provide any telecommunications service.

(b) As required by law, the Consolidated City shall manage the Public Rights-of-Way with respect to telecommunications providers on a competitively neutral and nondiscriminatory basis.

Sec. 645-137. Foreclosure and receivership.

(a) Upon the foreclosure or other judicial sale of any Registrant's Facilities located within the Public Rights-of-Way, the Registrant shall notify the Director of the Department of Capital Asset Management of such fact and its Registration Statement shall be deemed void and of no further force or effect.

(b) The Consolidated City shall have the right to revoke, pursuant to the provisions of Section 645-128 any Registration Statement, subject to any applicable provisions of law, one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Registrant, whether in receivership, reorganization bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of the one hundred twenty (120) day period, or unless, within one hundred twenty (120) days after election or appointment, such receiver or trustee shall have fully complied with all of the provisions of this Article and remedied any violations hereof.

ARTICLE II - FRANCHISES

DIVISION 1. GENERAL

Sec. 645-211. Franchise required.

Except as provided in Section 645-212, no Person or Entity shall indefinitely or permanently Occupy a Public Right-of-Way, or use Facilities within the Public Rights-of-Way owned by others under lease or other arrangement with such owner, without first obtaining a Public Right-of-Way User Franchise granted by the Consolidated City as provided in this Article II of this chapter. A Person or Entity shall be deemed to "indefinitely and permanently" Occupy a Public Right-of-Way if such Person or Entity leases or otherwise arranges to use Facilities in the Public Rights-of-Way for a term of one (1) year or more.

Sec. 645-212. Exemptions.

No Public Right-of-Way User Franchise shall be required of the following:

(a) Any Public Utility (as described in Indiana Code 8-1-2-1(a)) or Department of Public Utilities under Indiana Code 8-1-11.1-1.;

(b) The State of Indiana, including any division, bureau, department, or agency thereof;

(c) The Consolidated City of Indianapolis and Marion County, and any division, department, bureau, or agency thereof;

(d) Any Person or Entity with authorization from the Consolidated City to Occupy or use the Public Rights-of-Way under any of the following provisions of the Revised Code:

- (1) Chapter 851 - Cable Television Franchises,
- (2) Chapter 866 - District Cooling System Franchises,
- (3) Chapter 936 - Pay Telephone, or

(4) Chapter 961 - Sidewalk Carts and Cafes; and

(e) Any Person or Entity with a certification from the Federal Communications Commission to provide an open video system.

**DIVISION 2. PROCEDURES FOR GRANT OF A
PUBLIC RIGHTS-OF-WAY USER FRANCHISE**

Sec. 645-221. Authority to grant franchises.

The city-county council is hereby authorized to grant one or more nonexclusive franchising contracts conveying the right to construct, operate, and maintain privately-owned Facilities Occupying the Public Rights-of-Way.

Sec. 645-222. Application for franchise.

Unless exempt under Section 645-212, any Person or Entity interested in obtaining a Public Rights-of-Way User Franchise shall file an application with the Department of Capital Asset Management. An application shall contain, at a minimum, the following information:

- (1) Name, address, and telephone number of the Person or Entity applying for a franchise (Applicant) and identification of the Applicant's ownership and control, including the names and address of all Persons or Entities with twenty (20) percent or more ownership interest in Applicant.
- (2) A description of the physical Facilities Applicant proposes to place in the Public Rights-of-Way, including their location, a proposed construction schedule, the services Applicant proposes to provide using such Facilities, and information, including cost estimates, concerning any rearrangement or relocation of existing Facilities.
- (3) A demonstration of Applicant's legal, financial, and technical ability to construct and maintain the Facilities to be located in the Public Rights-of-Way.
- (4) Information that the Department of Capital Asset Management may request of Applicant that is relevant to such Department's consideration of the application.
- (5) An agreement by Applicant to reimburse the Consolidated City its reasonable out-of-pocket expenses in considering the application.
- (6) An affidavit or declaration of Applicant or an authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying the application meets all federal and state law requirements.
- (7) An application fee of \$10,000.00.

Sec. 645-223. Department of Capital Asset Management review of and recommendation concerning the application.

(a) Upon receipt of an application under Section 645-222, the Department of Capital Asset Management shall review the application for franchise and prepare a recommendation as to whether Applicant should be granted a franchise.

(b) In preparing its recommendation such Department may conduct such investigations as it deems appropriate.

(c) Such Department's recommendation, including the reasons therefor, shall be in writing and filed with the clerk of the council within sixty (60) days of the date such Department receives the application.

(d) Such Department shall provide a copy of its recommendation to the Applicant.

Sec. 645-224. Council hearing on the application.

(a) The clerk shall refer the recommendation of the Department of Capital Asset Management to the council committee assigned to review such franchise applications. Within forty-five (45) days of receipt of such Department's recommendation, the council committee shall hold a public hearing to take evidence and hear argument on whether to grant a franchise to Applicant, either in the form proposed in the application or otherwise, and, if so, the nature and extent thereof. The council committee shall base its determination on the criteria listed in Section 645-225. The clerk shall give notice of such hearing in accordance with Indiana Code 5-3-1.

(b) At the time set for such hearing, or an adjournment thereof, the council committee shall hear all written protests and other submissions and arguments and evidence from any interested Persons or Entities in addition to Applicant. A record shall be kept of such hearing and the evidence presented therein.

(c) The council or its committee may propound Regulations to govern the conduct of such hearings so as to allow for the orderly and efficient presentation of evidence and argument, and to prevent unnecessary duplication or delay.

Sec. 645-225. Factors governing the council's determination.

(a) In making any determination hereunder, the council committee shall base its decision on the following factors:

- (1) Whether the issuance of a franchise is warranted in the public interest considering both the immediate and future effect on the Public Rights-of-Way, including the extent to which installation or maintenance as planned would require relocation or replacement of property or involve disruption of property, public services, or use of the Public Rights-of-Way.
- (2) The effect on existing franchisees to perform their obligations under their franchise contracts.
- (3) The Applicant's demonstrated legal, financial and technical ability to construct and maintain the Facilities to be located in the Public Rights-of-Way and to provide services using such Facilities.
- (4) The Applicant's prior experience in constructing and maintaining Facilities in the Public Rights-of-Way and in providing similar services in other communities.
- (5) The Applicant's demonstrated willingness and ability to meet construction and physical requirements and to abide by policies and limitations imposed by law or franchise agreements.
- (6) Any other considerations deemed pertinent by the Department of Capital Asset Management to its task of safeguarding the public health, safety, and welfare, and Facilitating and encouraging the orderly and responsible use of the Public Rights-of-Way.

(b) The council committee shall make its determination based on the record and with a written statement of its findings and conclusions, and the reasons thereof.

Sec. 645-226. Council action on application.

(a) If the council committee shall determine after the hearing that any application should be denied, such determination shall be final, subject to the appeal provisions of Section 645-227.

(b) If the council committee shall determine after the hearing that a franchise should be granted to the Applicant, it shall direct its general counsel or his designee to negotiate a proposed form of franchise contract for the committee's review and approval.

(c) The Applicant shall pay the Consolidated City a sum of money sufficient to reimburse all of the Consolidated City's publication and other expenses (including, but not limited to, consultant and legal expenses) incurred in connection with the granting of a franchise pursuant to the terms of this article.

(d) No provision of this article shall be construed to require the Consolidated City to grant any franchise contract, and the council may reject any and all applications.

Sec. 645-227. Council review of rejections.

Any Person or Entity whose application is rejected by the committee may, within ten (10) days of such action, petition the council for a review of that decision by filing notice thereof with the clerk of the council. If the council determines that the rejection is improper under this division, it may by resolution direct its committee to reconsider its action. In making its determination hereunder the council shall consider as evidence, and give due weight to, the findings and conclusions of its committee and shall consider the criteria contained in Section 645-225.

Sec. 645-228. Council action on recommended contracts.

(a) Within thirty (30) days of the council committee's recommendation of a franchise and contract, the council shall introduce an ordinance approving and confirming the contract as accepted by its committee. The council shall act upon the ordinance within sixty (60) days of its introduction, except that such time may be extended by the council for good cause. The council may:

- (1) Adopt the ordinance, subject to the veto of the mayor, in which case the Director of the Department of Capital Asset Management and the mayor will be directed to execute the franchise contract; or
- (2) Defeat the ordinance, in which case the application shall be denied; or
- (3) By resolution direct its committee to consider certain modifications or amendments for the franchise contract, in which case its committee shall reconsider the application.

(b) In making its determination hereunder, or under Section 645-227, the council shall review the record of proceedings before its committee, and it may, in its discretion, consider new evidence. In making its determination hereunder, the council shall consider as evidence, and give due weight to, the findings and conclusions of its committee, and shall consider the criteria contained in Section 645-225. Under no circumstances shall the council by ordinance approve or confirm any franchise contract unless the precise language has been accepted by its committee prior to the council's action.

DIVISION 3. MINIMUM TERMS AND CONDITIONS
FOR A PUBLIC RIGHTS-OF-WAY USER FRANCHISE

Sec. 645-231. Minimum terms and conditions.

A Public Rights-of-Way User Franchise agreement shall be negotiated to contain, at a minimum, the following terms and conditions:

- (1) The duration of the franchise;
- (2) The method and means for renewal;
- (3) The terms of termination of the franchise, including:
 - a. Criteria under which the city-county council may terminate the franchise prior to the end of the franchise term; and
 - b. Rights and obligations of both parties with regard to abandonment of the franchise prior to the end of the franchise term;
- (4) The rights and obligations of both parties upon the desire of the franchise holder or its successor to sell or transfer the franchise to another Person or Entity;
- (5) The specific geographic area covered by the franchise;
- (6) The terms and conditions under which the area covered by the franchise may be extended;

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- (7) The schedule of rates and charges for services provided using the Facilities Occupying the Public Rights-of-Way;
- (8) A description of any services or Facilities proposed for Consolidated City's use;
- (9) The method and means of valuation of such Facilities upon sale, right of first refusal, on refusal to renew or other termination;
- (10) The methods and means, standards, and requirements for construction within the Public Rights-of-Way;
- (11) The rights and obligations of the parties upon the determination of a need to relocate the franchise holder's Facilities in the Public Rights-of-Way;
- (12) The risk allocation between the Consolidated City and the franchise holder, including rights to indemnification; and
- (13) The franchise fee, both the amount and the method of payment.

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 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 provision of this Ordinance are severable.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 263, 1998. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 263, 1998 on May 13, 1998 and again on May 20, 1998. The proposal approves an increase of \$24,000 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant for Big Sisters funded by a grant from the Indiana Criminal Justice Institute. Councillor Dowden moved, seconded by Councillor Schneider, to postpone Proposal No. 263, 1998 until June 22, 1998. Proposal No. 263, 1998 was postponed by a unanimous voice vote.

PROPOSAL NO. 306, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 306, 1998 on May 27, 1998. The proposal approves an increase of \$100,106 in the 1998 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) for the Pike Aquatic Center Project funded with a grant from the Indianapolis Parks Foundation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:58 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Gilmer, for adoption. Proposal No. 306, 1998 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Bradford, Brens, Cockrum, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

7 NOT VOTING: Boyd, Coonrod, Coughenour, Curry, Golc, Moriarty Adams, Williams

1 ABSENT: O'Dell

Proposal No. 306, 1998 was retitled FISCAL ORDINANCE NO. 58, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Hundred Thousand One Hundred Six Dollars (\$100,106) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development 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 1.01(n) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for the Pike Aquatic Center Project.

SECTION 2. The sum of One Hundred Thousand One Hundred Six Dollars (\$100,106) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
3. Other Services and Charges	44,634
4. Capital Outlay	<u>55,472</u>
TOTAL INCREASE	100,106

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered	
City Cumulative Capital Development Fund	<u>100,106</u>
TOTAL REDUCTION	100,106

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 309-315, 1998 on May 20, 1998. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 309, 1998. The proposal approves an increase of \$16,500 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant to Reach for Youth for the Adolescent Sexual Adjustment Program funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 310, 1998. The proposal approves an increase of \$48,000 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant to Child Advocates, Inc. funded by a

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grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 311, 1998. The proposal approves an increase of \$54,740 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant to Reach for Youth for Teen Court funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 312, 1998. The proposal approves an increase of \$57,300 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide third-year funding for a deputy prosecutor and partial salary for a victim witness advocate working with the Metro Gang Task Force through the Johnson County Prosecutor's Office funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 313, 1998. The proposal approves an increase of \$2,589 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to extend the Adult Protective Services Supplemental Grant for an additional three months through September 30, 1998 funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 314, 1998. The proposal approves an increase of \$23,895 in the 1998 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to support half the salary of a deputy prosecutor for a Safe Neighborhood Grant targeting the Meadows area funded by a grant from the U. S. Department of Housing and Urban Development. PROPOSAL NO. 315, 1998. The proposal approves an increase of \$445,100 in the 1998 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities funded by a grant from the Indiana Criminal Justice Institute. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Talley asked for consent to explain his vote. Consent was given. Councillor Talley stated that he will vote to support these proposals, but that he has reservations regarding police overtime.

The President called for public testimony at 8:14 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor McClamroch, for adoption. Proposal Nos. 309-315, 1998 were adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

3 NOT VOTING: Cockrum, Franklin, Schneider

1 ABSENT: O'Dell

Proposal No. 309, 1998 was retitled FISCAL ORDINANCE NO. 59, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Sixteen Thousand Five Hundred Dollars (\$16,500) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division 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 1.02(cc) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court,

Juvenile Division to fund a grant to Reach for Youth to fund an Adolescent Sexual Adjustment Program funded by a grant from the Indiana Criminal Justice Institute

SECTION 2. The sum of Sixteen Thousand Five Hundred Dollars (\$16,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>16,500</u>
TOTAL INCREASE	16,500

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>16,500</u>
TOTAL REDUCTION	16,500

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

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

Proposal No. 310, 1998 was retitled FISCAL ORDINANCE NO. 60, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 60, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Forty-eight Thousand Dollars (\$48,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division 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 1.02(cc) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division to fund a grant for Child Advocates, Inc. funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Forty-eight Thousand Dollars (\$48,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>48,000</u>
TOTAL INCREASE	48,000

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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>48,000</u>
TOTAL REDUCTION	48,000

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

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

Proposal No. 311, 1998 was retitled FISCAL ORDINANCE NO. 61, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 61, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Fifty-four Thousand Seven Hundred Forty Dollars (\$54,740) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division 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 1.02(cc) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division to fund a grant to Reach for Youth for Teen Court funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Fifty-four Thousand Seven Hundred Forty Dollars (\$54,740) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>54,740</u>
TOTAL INCREASE	54,740

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>54,740</u>
TOTAL REDUCTION	54,740

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

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

Proposal No. 312, 1998 was retitled FISCAL ORDINANCE NO. 62, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 62, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Fifty-seven Thousand Three Hundred Dollars (\$57,300) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor 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 1.02(b,v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney and County Auditor to provide third year funding for a deputy prosecutor and partial salary for a victim witness advocate working with the Metro Gang Task Force through the Johnson County Prosecutor's Office funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Fifty-seven Thousand Three Hundred Dollars (\$57,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services - Fringes	11,460
 <u>PROSECUTING ATTORNEY</u>	
I. Personal Services	<u>45,840</u>
TOTAL INCREASE	57,300

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>57,300</u>
TOTAL REDUCTION	57,300

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

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

Proposal No. 313, 1998 was retitled FISCAL ORDINANCE NO. 63, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 63, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Two Thousand Five Hundred Eighty-nine Dollars (\$2,589) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor 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:

June 8, 1998

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney and County Auditor to extend the Adult Protective Services Supplemental Grant for an additional three months to September 30, 1998, funded by a grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Two Thousand Five Hundred Eighty-nine Dollars (\$2,589) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services - Fringes	518
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>2,071</u>
TOTAL INCREASE	2,589

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>2,589</u>
TOTAL REDUCTION	2,589

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

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

Proposal No. 314, 1998 was retitled FISCAL ORDINANCE NO. 64, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Twenty-three Thousand Eight Hundred Ninety-five Dollars (\$23,895) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor 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 1.02(b,v) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney and County Auditor to support half the salary of a deputy prosecutor for a Safe Neighborhood Grant targeting the Meadows area funded by a grant from the U. S. Department of Housing and Urban Development.

SECTION 2. The sum of Twenty-three Thousand Eight Hundred Ninety-five Dollars (\$23,895) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	4,779
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>19,116</u>
TOTAL INCREASE	23,895

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>23,895</u>
TOTAL REDUCTION	23,895

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

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

Proposal No. 315, 1998 was retitled FISCAL ORDINANCE NO. 65, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice 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 1.02(b,bb) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities funded by a grant from the Indiana Criminal Justice Institute

SECTION 2. The sum of Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	42,922
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	237,738
3. Other Services and Charges	<u>164,440</u>
TOTAL INCREASE	445,100

June 8, 1998

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>445,100</u>
TOTAL REDUCTION	445,100

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

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

Councillor McClamroch stated that the ordinance passed last month regarding voting concerns stipulates that Councillors should explain their votes after the voting has occurred.

PROPOSAL NO. 319, 1998. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 319, 1998 on May 28, 1998. The proposal approves an increase of \$110,000 in the 1998 Budget of the Department of Public Works, Environmental Resources Management Division (Sanitation Liquid Waste Fund) to fund Northside Landfill closure remediation financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 319, 1998 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
1 NAY: Schneider
1 NOT VOTING: Dowden
1 ABSENT: O'Dell

Proposal No. 319, 1998 was retitled FISCAL ORDINANCE NO. 66, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Hundred Ten Thousand Dollars (\$110,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Environmental Resources Management Division and reducing the unappropriated and unencumbered balance in the Sanitation Liquid Waste Fund.

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

SECTION I. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.01(k) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Environmental Resources Management Division for Northside Landfill closure remediation.

SECTION 2. The sum of One Hundred Ten Thousand Dollars (\$110,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	<u>SANITATION LIQUID</u>
	<u>WASTE FUND</u>
3. Other Services and Charges	<u>110,000</u>
TOTAL INCREASE	110,000

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

	<u>SANITATION LIQUID</u>
	<u>WASTE FUND</u>
Unappropriated and Unencumbered	
Sanitation Liquid Waste Fund	<u>110,000</u>
TOTAL REDUCTION	110,000

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

PROPOSAL NO. 321, 1998. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 321, 1998 on May 27, 1998. The proposal approves an increase of \$454,081 in the 1998 Budget of the Department of Capital Asset Management, Finance and Administration Division (State Grants Fund) to fund additional public mass transit services financed by a state grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal No. 321, 1998 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
1 NOT VOTING: Golc
1 ABSENT: O'Dell

Proposal No. 321, 1998 was retitled FISCAL ORDINANCE NO. 67, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Four Hundred Fifty-four Thousand Eighty-one Dollars (\$454,081) in the State Grant Fund for purposes of the Department of Capital Management, Finance and Administration Division and reducing the unappropriated and unencumbered balance in the State Grant 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 (l) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of additional state grant funds for public mass transit.

June 8, 1998

SECTION 2. The sum of Four Hundred Fifty-four Thousand Eighty-one Dollars (\$454,081) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF CAPITAL MANAGEMENT	
FINANCE AND ADMINISTRATION DIVISION	
3. Other Services and Charges	<u>STATE GRANT FUND</u>
TOTAL INCREASE	<u>454,081</u> 454,081

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

Unappropriated and Unencumbered	
State Grant Fund	<u>STATE GRANT FUND</u>
TOTAL REDUCTION	<u>454,081</u> 454,081

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

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

PROPOSAL NO. 322, 1998. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 322, 1998 on May 27, 1998. The proposal approves an increase of \$1,000,000 and a transfer of \$765,000 in the 1998 Budget of the Department of Capital Asset Management, Asset Management Division, to fund the summer street resurfacing program financed by an appropriation of \$1,000,000 from the Transportation General Fund, a transfer of \$432,932 in the Transportation General Fund, a transfer of \$332,069 in the Sanitation Liquid Waste Fund, and internal transfers within the Transportation General Fund and Sanitation Liquid Waste Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 322, 1998 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
2 NOT VOTING: Brents, Golc
1 ABSENT: O'Dell

Proposal No. 322, 1998 was retitled FISCAL ORDINANCE NO. 68, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional One Million Seven Hundred Sixty-five Thousand Dollars (\$1,765,000) in the Transportation General Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the

unappropriated and unencumbered balance in the Transportation General Fund and reducing certain other appropriations in the Transportation General Fund and the Sanitation Liquid Waste Fund 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 I.01(1) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to fund the summer street resurfacing program.

SECTION 2. The sum of One Million Seven Hundred Sixty-five Thousand Dollars (\$1,765,000) 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 increased appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	<u>1,765,000</u>
TOTAL INCREASE	1,765,000

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

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	250,000
2. Supplies	32,500
3. Other Services and Charges	73,800
4. Capital Outlay	7,100
5. Internal Charges	<u>-363,400</u>
TOTAL DECREASE	0

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
1. Personal Services	125,000
2. Supplies 3,500	
3. Other Services and Charges	41,000
5. Internal Charges	<u>263,431</u>
TOTAL DECREASE	432,931

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION</u>	<u>SANITATION LIQUID WASTE FUND</u>
1. Personal Services	125,000
2. Supplies	7,500
3. Other Services and Charges	47,100
4. Capital Outlay	52,500
5. Internal Charges	<u>99,969</u>
TOTAL DECREASE	332,069

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>1,000,000</u>
TOTAL REDUCTION	1,000,000

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

Councillor Talley asked for consent to explain his vote. Consent was given. He stated that he supported this proposal even though only four blocks of his district will benefit. He asked that more of his district be considered next time.

PROPOSAL NO. 339, 1998. Councillor Franklin reported that the Community Affairs Committee heard Proposal No. 339, 1998 on May 27, 1998. The proposal approves an increase of \$37,500 in the 1998 Budget of the Cooperative Extension Service (County Grants Fund) to fund supplemental agency programs funded by grants from the Indianapolis Zoo, Indianapolis Parks Department, and Marion County Extension Programs, Inc. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:27 p.m. There being no one present to testify, Councillor Franklin moved, seconded by Councillor Black, for adoption. Proposal No. 339, 1998, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
0 NAYS:
1 NOT VOTING: Coonrod
1 ABSENT: O'Dell

Proposal No. 339, 1998, as amended, was retitled FISCAL ORDINANCE NO. 69, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Thirty-seven Thousand Five Hundred Dollars (\$37,500) in the County Grants Fund for purposes of the Cooperative Extension Service and County Auditor and reducing the unappropriated and unencumbered balance in the County 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 1.02(b,dd) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Cooperative Extension Service and County Auditor to fund supplemental agency programs funded by grants from the Indianapolis Zoo, Indianapolis Parks Department, and Marion County Extension Programs, Inc.

SECTION 2. The sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services - fringes	5,195
<u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	27,035
2. Supplies	2,500
3. Other Services and Charges	<u>2,770</u>
TOTAL INCREASE	37,500

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>37,500</u>
TOTAL REDUCTION	37,500

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 212, 1998. The proposal appoints Al Polin to the Marion County Community Corrections Advisory Board. Councillor McClamroch moved to table Proposal No. 212, 1998 because of another pending proposal appointing Mr. Polin to the Citizens Police Complaint Board. He added that if Mr. Polin is appointed to the Complaint Board, he will be ineligible to serve on the Community Corrections Advisory Board. Councillor Talley seconded the motion to table, and Proposal No. 212, 1998 was tabled by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 164, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 164, 1998 on April 13, May 11, and again on June 1, 1998. The proposal concerns the new Wireless Communications Zoning Ordinance (98-AO-1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Hinkle made the following motion:

Mr. President:

I move to amend Proposal No. 164, 1998, as reported by the Metropolitan Development Committee, specifically the second paragraph in Section 3.90 B by deleting the stricken-through text and inserting the underlined text, to read as follows:

The Department of Metropolitan Development may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit; an escrow agreement; or other equivalent surety ~~in an amount equal to the amount of the required surety bond~~ if the city controller, in writing, approves the letter of credit; escrow agreement or other surety as affording ~~the same~~ equal or greater protections to the Department of Metropolitan Development.

Councillor Coughenour seconded the motion.

Councillor Moores stated that she has serious problems with the provision of bond sureties. She stated that the Federal Communications Commission (FCC) has provisions which prohibit this type of unreasonable discrimination against those companies wishing to enter the market. She stated that by allowing for bond sureties, the City is inviting lawsuits.

Councillor Schneider stated that mandating bond sureties is setting a dangerous precedent, and that he is opposed to the proposal as amended.

Councillor Coughenour stated that the bond surety provision was added to eliminate abandoned cell towers while placing the burden of the cost for removal on the user, instead of the landowner or taxpayer.

Councillor Bradford stated that he is against the proposal due to environmental reasons.

Councillor Williams stated that the cost of litigation would amount to more than the bond surety, and therefore would deter any lawsuits of the nature to which Councillor Moores referred. She stated that she supports the proposal as amended.

Councillor Boyd moved to return Proposal No. 164, 1998 to Committee for additional discussion and exploration of the legal ramifications.

Councillor Moores moved that the proposal be postponed until the July meeting so that she will be able to vote on the matter. She stated that she feels strongly about this proposal and will be out of town on National Reserves duty and would like it to be postponed to a later date so that she will have an opportunity to vote on it. Councillor Hinkle stated that returning the proposal to Committee would not be a problem but postponing the proposal until July may be.

Councillor McClamroch seconded the motion to return Proposal No. 164, 1998 to the Committee. He stated that by returning it to the Committee, instead of postponing it to a time certain, the Chairman is allowed to schedule the proposal according to time constraints.

General Counsel Robert Elrod stated that postponing the proposal may cause legal ramifications because of the 90-day rule. If 90 days pass from the certification date of the Metropolitan Development Commission before the Council acts on the proposal, any action is null and void, as the proposal will take effect by default.

Councillor Hinkle asked for consent to suspend action on Proposal No. 164, 1998 until later in the agenda to allow Mr. Elrod to research the 90-day guidelines. Consent was given. Councillor Hinkle asked for consent to vote on Proposal No. 302, 1998 next due to its connection to Proposal No. 164, 1998. Consent was given.

PROPOSAL NO. 302, 1998. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 302, 1998 on June 1, 1998. The proposal adopts minor/technical amendments regarding wireless communication facilities to five zoning ordinances (Dwelling Districts, Commercial, Central Business District, Special Districts, and Industrial) (98-AO-4). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hinkle moved, seconded by Councillor Gilmer, to postpone Proposal No. 302, 1998 until action can be taken on Proposal No. 164, 1998, as this proposal is contingent on the passage of Proposal No. 164, 1998. Proposal No. 302, 1998 was postponed by a unanimous voice vote.

PROPOSAL NO. 246, 1998. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 246, 1998 on April 14, 1998 and again on May 19, 1998. The proposal, sponsored by Councillor Boyd, amends Secs. 151-28 and 151-31 of the Revised Code concerning the standing committees. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden stated that this proposal is directed toward his choosing not to televise his Committee meetings. He added that the public has never been denied access to his meetings. It is not always possible for Channel 16 to televise every meeting due to multiple meetings, lack of equipment, and personnel. There is no assurance that all Committee meetings will be televised. He stated that many constituents do not have or cannot afford to have cable installed, and televising meetings is not the only way to make them available to the public.

Councillor Massie asked if passage of this proposal will deny the chairmen the prerogative of having their committee meetings televised. The President stated that discretion of which meetings are televised will be left to Channel 16 to decide. Councillor Massie stated that this is an elected body, and the decision of what the public can and cannot view is being passed along to a bureaucratic body. He stated that he opposes this proposal for that reason.

Councillor Curry stated that the budget requests for Channel 16 this year will allow for more coverage, if approved.

Councillor Curry moved, seconded by Councillor Boyd, for adoption. Proposal No. 246, 1998, as amended, was adopted on the following roll call vote; viz:

18 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Jones, McClamroch, Moriarty Adams, SerVaas, Short, Talley, Tilford, Williams
8 NAYS: Bradford, Cockrum, Coonrod, Dowden, Massie, Schneider, Shambaugh, Smith
2 NOT VOTING: Hinkle, Moores
1 ABSENT: O'Dell

Proposal No. 246, 1998, as amended, was retitled GENERAL ORDINANCE NO. 86, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 1998

A GENERAL ORDINANCE amending Secs. 151-28 and 151-31 of the Revised Code concerning the standing committees.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically Sec. 151-28 and Sec. 151-31, be and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 151-28. Functions of standing committees.

It shall be the duty of all standing committees of the council to consider all proposals referred to it as provided in these rules. A standing committee may consider any other matter properly concerning departments or subject matter indicated by the name of the standing committee. ~~Meetings of the standing committees shall be open to the public.~~ A standing committee may hear such testimony or public comment as the committee deems proper. In lieu of separate hearings, standing committees may meet with the boards of corresponding city departments.

Sec. 151-31. Meetings of standing committees; quorum.

(a) Standing committees of the council shall establish at least one (1) regular meeting time and date each month. Other meetings of standing committees shall be held at the call of the committee chairperson upon not less than twenty-four (24) hours' actual notice to each member of the committee;

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provided public notice is given as required by law at least forty-eight (48) hours excluding Saturdays, Sundays and legal holidays before the meeting.

(b) If facilities and personnel are available, no meeting of council or council committees shall be denied public broadcast.

(c) At any regular meeting of a committee any proposal, which has been referred to the committee but has not been reported back to the council, shall be a proper item of business.

(d) At any regular meeting of a committee, a quorum for purposes of taking official action on any proposal assigned to the committee shall be a majority of the committee. If the committee on committees determines that a member's medical condition prevents attendance for an indefinite period, that person shall not be considered a member of the committee for purposes of determining a quorum.

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

PROPOSAL NO. 305, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 305, 1998 on May 27, 1998. The proposal, sponsored by Councillor Williams, approves a public purpose grant in the amount of \$25,000 to the Riley Area Development Corporation for a public art sculpture that identifies the Massachusetts Avenue Arts District. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford asked if this is the second sculpture funded by such a grant on Massachusetts Avenue. Councillor Williams stated that it is. Councillor Bradford asked who designated Massachusetts Avenue as an arts district. Councillor Williams stated that the Mayor made the designation.

Councillor Shambaugh moved, seconded by Councillor Williams, for adoption. Proposal No. 305, 1998 was adopted on the following roll call vote; viz:

20 YEAS: Black, Borst, Brents, Cockrum, Coughenour, Franklin, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
5 NAYS: Bradford, Coonrod, Curry, Gilmer, Schneider
3 NOT VOTING: Boyd, Dowden, Hinkle
1 ABSENT: O'Dell

Proposal No. 305, 1998 was retitled GENERAL RESOLUTION NO. 7, 1998, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 7, 1998

A GENERAL RESOLUTION approving a public purpose grant for support of the arts.

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

SECTION 1. The following grant totaling Twenty-five Thousand Dollars (\$25,000) approved by General Resolution No. 10, 1998 of the Board of Parks and Recreation for support of the arts is approved for the following organization:

<u>1998 Public Purpose Local Arts Grant</u>	<u>Amount</u>
Riley Area Development Corporation	\$25,000

SECTION 2. This resolution is adopted in satisfaction of the requirements of Sec. 4.01(c) of the Annual Budget for 1998 (Fiscal Ordinance No. 90, 1997).

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

PROPOSAL NO. 307, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 307, 1998 on May 27, 1998. The proposal approves a transfer of \$378,000 in the 1998 Budget of the Department of Parks and Recreation (Park General Fund) to fund the design of Fall Creek Greenways Trail which links the Monon to Fort Harrison State Park and materials for construction of a nature trail from the Canal Towpath to the Indianapolis Museum of Art lake. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Shambaugh moved, seconded by Councillor Massie, for adoption. Proposal No. 307, 1998, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Franklin, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, Shambaugh, Short, Smith, Talley, Tilford, Williams
2 NAYS: Coonrod, Gilmer
3 NOT VOTING: Dowden, Hinkle, SerVaas
1 ABSENT: O'Dell

Proposal No. 307, 1998, as amended, was retitled FISCAL ORDINANCE NO. 70, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Three Hundred Seventy-eight Thousand Dollars (\$378,000) in the Park General Fund for purposes of the Department of Parks and Recreation 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 1.01(n) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the design of the Fall Creek Greenways Trail which links the Monon to Fort Harrison State Park and materials for construction of a nature trail from the Canal Towpath to the Indianapolis Museum of Art lake.

SECTION 2. The sum of Three Hundred Seventy-eight Thousand Dollars (\$378,000) be, and the same is hereby, 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Supplies	73,000
3. Other Services and Charges	305,000
TOTAL INCREASE	378,000

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
4. Capital Outlay	<u>378,000</u>
TOTAL DECREASE	378,000

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

PROPOSAL NO. 340, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 340, 1998 on May 27, 1998. The proposal approves a transfer of \$250,250 in the 1998 Budget of the Department of Parks and Recreation (Park General Fund) to fund supervised playground activities in neighborhood parks and additional park maintenance. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that he supports this proposal because of the efforts of the Parks department to reduce supervisory positions. Councillor Gray stated that the positions reduced were held by lower-income people and not supervisors.

Councillor Shambaugh moved, seconded by Councillor Cockrum, for adoption. Proposal No. 340, 1998 was adopted on the following roll call vote; viz:

- 25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams
- 1 NAY: Coonrod
- 2 NOT VOTING: Coughenour, Franklin
- 1 ABSENT: O'Dell

Proposal No. 340, 1998 was retitled FISCAL ORDINANCE NO. 71, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) transferring and appropriating an additional Two Hundred Fifty Thousand Two Hundred Fifty Dollars (\$250,250) in the Park General Fund for purposes of the Department of Parks and Recreation 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 1.01(n) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund supervised playground activities in neighborhood parks and additional park maintenance.

SECTION 2. The sum of Two Hundred Fifty Thousand Two Hundred Fifty Dollars (\$250,250) be, and the same is hereby, 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>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>250,250</u>
TOTAL INCREASE	250,250

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	<u>250,250</u>
TOTAL DECREASE	250,250

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

Councillor Hinkle reported that Proposal No. 164, 1998 was certified by the Metropolitan Development Commission on March 5, 1998. Therefore, Proposal No. 164, 1998 went into effect as an ordinance five days prior to this meeting because the Council failed to act on it within 90 days. He stated that no action will be taken on this proposal at this time, but that he will take amendments regarding the Parks language and technical changes to the Commission for inclusion.

Councillor Gilmer asked if the bond surety amendment will not be included. Councillor Hinkle stated that it will not. He added that if the Commission approves the Parks amendments, the ordinance will come before the Committee and Council again, and further amendments may be offered at that time.

Proposal No. 164, 1998, as originally introduced, became effective without Council approval pursuant to IC 36-7-4-607. Proposal No. 164, 1998 was retitled GENERAL ORDINANCE NO. 98, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1998

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 98-AO-01

THE WIRELESS COMMUNICATION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wireless Communication Zoning Ordinance, as amended, and fixing a time then the same shall take effect.

WHEREAS, IC 36-7-4 established the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana, ordinances for the zoning or districting of all lands within the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger, lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values and securing responsible development and growth; and,

WHEREAS, the wireless communications industry has produced new and changing technology not anticipated by the current zoning ordinances, but which requires regulation to protect land uses within the County; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; now, therefore:

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

SECTION 1. The Wireless Communications Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, be created to read as follows:

CHAPTER 1.00 PURPOSE AND APPLICATION

Sec. 1.10. Statement of purpose.

This ordinance creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner which provides comprehensive service to the community, which protects the community from clutter and design, which is incompatible with existing and future land use, and which reinforces the need for an urban landscape which contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes to the industry which were not anticipated, will be considered in future amendments to this Ordinance.

The purpose of the wireless communications regulations set forth in this document shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors which are compatible with the adjacent land uses, to retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to non-residents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

Sec. 1.20. Application of regulations.

The regulations of this Ordinance shall apply to the location, erection, and maintenance of all wireless communications facilities (WCF) within Marion County, Indiana.

CHAPTER 2.00 GENERAL REGULATIONS

The provisions of this section shall apply to all wireless communications facilities in Marion County.

Sec. 2.10. Wall-mounted and roof-mounted WCF.

A. When permitted in D-A, D-S, D-1, D-2, D-3, D-4 and D-5 Districts, wall-mounted and roof-mounted WCF shall be in compliance with the following requirements:

1. WCF shall be no greater than 3 square feet in area, and no more than 6 inches deep (excluding antennae).
2. Antennae may extend no more than 24 inches from the WCF.
3. WCF shall be compatible with the color(s) of the wall on which they are located.
4. WCF shall be located in a place least obtrusive to public view.
5. Administrator's approval is required for all wall-mounted and roof-mounted WCF.

B. In all other districts, where permitted by this Ordinance, wall-mounted WCF shall be in compliance with the following requirements:

1. Wall-mounted WCF may extend a maximum 24 inches from the facade on which the WCF is located. The distance shall be measured from the point on the wall where the WCF is attached, at right-angles from the wall, to the furthestmost extension of the WCF.

2. Wall-mounted WCF shall be compatible with the color(s) of the wall on which they are located.
3. Wall-mounted WCF shall be designed to be compatible with the design and materials of the building on which the WCF will be attached, and located in a place least obtrusive to public view.
4. The total area of all wall-mounted WCF located on a facade shall not exceed 2% of the area of the facade on which the structure is located.
5. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.
6. Administrator's approval is required for all wall-mounted WCF.

Sec. 2.20. Landscaping.

A landscape yard shall be provided around the entire perimeter of a tower site to screen the fence and the equipment structure, exclusive of vehicular or pedestrian entrances. This yard shall be planted to provide a continuous landscape screen around the site. This may be done by one of the following methods:

A. *Shrubs.* Shrubs must have a minimum height of four feet and shall be planted at a maximum of four feet on center. The shrubs must be either evergreen shrubs or densely twigged deciduous shrubs.

B. *Deciduous ornamental trees or multi-stemmed trees.* Deciduous ornamental trees or multi-stemmed trees must have a dense branching pattern that extends to the ground and shall be a minimum size of 1 1/2 caliper inches at time of planting and shall be planted at a maximum of 10 feet on center.

C. *Evergreen trees.* Evergreen trees must have a dense branching pattern and shall be planted at a maximum of 12.5 feet on center.

D. *Existing trees and shrubs.* Existing trees and shrubs may be used to screen the site. If the existing vegetation does not form a continuous screen around the site or does not extend from the ground to a height of six feet, it must be supplemented with additional vegetation.

E. *Combination.* A combination of the above methods may be used, provided that the vegetation forms a continuous screen around the site or extends from the ground to a height of six feet.

F. *Maintenance.* Where multiple users of a site are involved, the owner of the site shall be responsible for the installation and maintenance of all landscaping.

The landscape yard shall be a minimum of 10 feet in width. If using method C., the yard shall be 20 feet in width to accommodate the larger width of the vegetation.

The minimum size of all required landscape plant materials, at the time of planting, including replacement trees and shrubs, shall be as required in Section 2.13, G., 1., g. of the Commercial Zoning Ordinance.

The required landscaping must be maintained at all times and replaced if it dies, for as long as the use remains.

Sec. 2.30. Guy anchorages.

Any guy anchorages shall not be located within any front, side or rear transitional yard, and in any event, shall be set back at least 30 feet from any lot line.

Sec. 2.40. Provisions for more than one user.

A. Sufficient land shall be secured by the initial WCF tower provider, to reserve adequate area for more than one equipment structure.

B. All towers shall be designed and constructed so that more than one wireless communications company may attach equipment to the tower. When applying for an Improvement Location Permit, the owner of the tower shall provide assurance that the tower is available for use by other wireless communications providers.

Sec. 2.50. More than one tower in a half-mile.

If any tower is proposed within 1/2 mile radius of another tower, prior to obtaining an Improvement Location Permit, the entity requesting the new tower must:

- A. Identify all towers within 1/2 mile radius of the proposed tower; and
- B. Provide information to the Administrator outlining the reason(s) those towers cannot be used for additional WCF.

If there is space available for additional WCF on any of those towers, as required by Section 2.40 of this Ordinance, or by previous variance condition or commitment, or if the reason(s) are found by the Administrator not to be justified, the Improvement Location Permit for the new tower shall not be granted.

Sec. 2.60. Existing towers.

Any tower which is legally established on the effective date of this Ordinance, may be used for wireless communication facilities, as long as the height is not increased, nor the location of the tower changed.

Sec. 2.70. Signs prohibited.

No lettering, symbols, images, trademarks, signs or advertising of any kind shall be placed on, or affixed to, any part of a tower or structure, other than as required by the Federal Aviation Administration, by Federal Communications Commission or other agency regulations, or as required to protect public health and safety.

CHAPTER 3.00 SPECIFIC REGULATIONS

Sec. 3.10. Where permitted.

Wireless Communication facilities may be located in the zoning districts indicated on the following chart, subject to the standards referenced on the chart. Sites located within a locally-designated historic district are also subject to the requirements of Indiana Code Section 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of Indiana Code Section 36-7-11.2, and this Ordinance is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana Statutes.

Wireless Communications facilities may also be located:

- A. On signs as regulated by Section 3.50 of this Ordinance;
- B. In highpower electric transmission line easements or rights-of-way as regulated by Section 3.40 A of this Ordinance; and
- C. In public rights-of-way, as regulated by Section 3.40 B of this Ordinance.

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
D-A	Yes	Yes	No	No	5
D-S	Yes	Yes	No	No	5
D-1	Yes	Yes	No	No	5
D-2	Yes	Yes	No	No	5
D-3	Yes	Yes	No	No	5

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
D-4	Yes	Yes	No	No	5
D-5	Yes	Yes	No	No	5
D-6	Yes	Yes	No	No	4
D-6II	Yes	Yes	No	No	4
D-7	Yes	Yes	No	No	4
D-8	Yes	Yes	No	No	4
D-9	Yes	Yes	No	No	4
D-10	Yes	Yes	No	No	4
D-P	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
C-1	Yes	Yes	No	No	4
C-2	Yes	Yes	No	No	4
C-3	Yes	Yes	No	No	4
C-3C	Yes	Yes	No	No	4
C-4	Yes	Yes	Yes	No	3
C-5	Yes	Yes	Yes	No	3
C-6	Yes	Yes	Yes	No	2
C-7	Yes	Yes	Yes	No	2
C-ID	Yes	Yes	Yes	No	2
C-S	Yes	Yes	(Note 2)	(Note 2)	(Note 2)
CBD-1	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-2	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-3	Yes (Note 3)	Yes (Note 3)	No	No	4
CBD-S	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
I-1 (U/S)	Yes	Yes	No	No	4
I-2 (U/S)	Yes	Yes	Yes	No	2
I-3 (U/S)	Yes	Yes	Yes	Yes	2
I-4 (U/S)	Yes	Yes	Yes	Yes	2
HD (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
UQ (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
PK-1	Yes (Note 8)	Yes (Note 8)	Yes (Note 8)	No	(Note 8)
PK-2	Yes (Note 5)	Yes (Note 5)	(Note 9)	(Note 9)	(Note 9)
SU-1	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-2	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-3	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-5	Yes	Yes	Yes	Yes	1
SU-9	Yes (Note 5)	Yes (Note 5)	(Note 10)	(Note 10)	(Note 10)
SU-10	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-13	Yes	Yes	Yes	Yes	1
SU-18	Yes	Yes	Yes	Yes	1
SU-23	Yes	Yes	Yes	Yes	1
SU-28	Yes	Yes	Yes	Yes	1
SU-35	Yes	Yes	Yes	Yes	1
SU(all other)	Yes	Yes	No	No	4 (Note 7)

- Note 1: Provisions for wireless communications must be provided in the D-P development statement.
- Note 2: Provisions for wireless communications must be provided in the C-S rezoning ordinance. If no specific provisions were listed, wall and roof-mounted WCF are subject to height Category 4.
- Note 3: The appropriateness of the request will be evaluated in the Regional Center review process.
- Note 4: Provisions for wireless communications must be provided in the CBD-S rezoning ordinance.
- Note 5: The appropriateness of the request will be evaluated in the Special Districts review process.

- Note 6: Requires Special Exception.
Note 7: Requires Administrator's Approval.
Note 8: All towers and WCF must be camouflaged to fit in with the surrounding environment. The appropriateness of the request will be evaluated in the Special Districts review process.
Note 9: If proposed tower is within 500 feet of a dwelling, it requires special exception, where height will be determined. The height of wall and roof-mounted WCF, and towers will be determined in the Special Districts review process.
Note 10: If proposed tower is within 500 feet of a Dwelling District, requires special exception, where height will be determined. Wall and roof-mounted WCF subject to height Category 4. Towers over 500 feet from a Dwelling District subject to height Category 1.

Sec. 3.20. Height regulations.

A. Category 1 (CBD-1, CBD-2, SU-5, SU-13, SU-18, SU-23, SU-28, SU-35, SU-9 limited). No height restrictions.

B. Category 2 (C-6, C-7, C-ID, I-2, I-3, I-4).

1. No height restrictions for free-standing WCF located 500 feet or more from a Protected District.
2. Within 500 feet of a protected District, in the C-6, C-7, and C-ID Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

Within 300 feet of a protected District, in the I-2, I-3 and I-4 Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the maximum building height permitted by the District where the WCF is located.

Height may be increased to 20 feet greater than the maximum building height permitted by the District where the WCF is located, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

C. Category 3 (C-4, C-5).

1. Maximum height of 90 feet allowed for free-standing WCF located 500 feet or more from a Protected District.
2. Within 500 feet of a Protected District, the height for a free-standing WCF is limited to a maximum of 5 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the maximum building height permitted by the District where the WCF is located.

Height may be increased to 20 feet greater than the maximum building height permitted by the District where the WCF is located, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

- D. Category 4 (D-6, D-6II, D-7, D-8, D-9, D-10, C-1, C-2, C-3, C-3C, C-S, CBD-3, I-1, SU limited).

Roof mounted WCF subject to the following:

Height may be 10 feet greater than the maximum building height permitted by the District where the WCF is located.

Height may be increased to 20 feet greater than the maximum building height permitted by the District where the WCF is located, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

- E. Category 5 (D-A, D-S, D-1, D-2, D-3, D-4, D-5).

Wall-mounted and roof-mounted WCF antennae may extend a maximum of 2 feet above the wall or roof on which they are located.

Sec. 3.30. Equipment structures for WCF.

- A. Commercial, Industrial, and Dwelling Districts

Equipment structures shall be located in compliance with the specific accessory structure requirements for the district in which the site is located.

- B. Central Business Districts.

Equipment structures are subject to the Regional Center approval process requirements.

- C. Hospital Districts, University Quarter Districts, and Park Districts

Equipment structures are subject to the Special District approval process requirements.

- D. Special Use Districts.

1. Equipment structures shall not exceed 300 square feet in area, with a maximum height of 15 feet.
2. The location of equipment structures shall be subject to Administrator's Approval.

Sec. 3.40. Highpower electric transmission line easements or rights-of-way and public rights-of-way.

Wireless communications facilities may be located in highpower electric utility transmission line and substation easements or rights-of-way and public rights-of-way, under the following circumstances:

- A. Highpower Electric Transmission Line Easements or Rights-of-way.

1. Existing Utility Structures - WCF may be located on existing utility structures, as long as the height of the WCF and the structure together is not more than 110% of the height of the existing structure.
2. New WCF Structures - New WCF structures shall only be located within the footprint of an existing utility structure. WCF may be located on new structures, as long as the height of the WCF and the new structure together is not more than 110% of the height of the existing utility structure.
3. Design - Each WCF provider shall obtain written consent of the owner of the electric transmission line structure and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility structures.

4. Equipment structures for WCF - Equipment structures shall not exceed 300 square feet in area for each structure, with a maximum height of 15 feet.
- B. Public Rights-of-way.
1. Local and Collector Streets (Any streets not indicated in the Official Thoroughfare Plan for Marion County, Indiana.)
 - a. Wireless communications facilities may be located on utility poles, as long as the pole is not increased in height.
 - b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.
 - c. Equipment structures for WCF- Equipment structures shall not exceed 8 square feet in area, with a maximum project of 2 feet from the utility pole, and shall be attached to the same utility pole as the WCF.
 - d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.
 2. All other Streets (All streets indicated in the Official Thoroughfare Plan for Marion County, Indiana.)
 - a. WCF may be located on utility poles, as long as the height of the WCF and the pole together is not more than 110% of the height of the existing pole.
 - b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.
 - c. Equipment structures for WCF-
 - I. Interstate Highways - Equipment structures in rights-of-way of Interstate Highways shall not exceed 300 square feet in area, with a maximum height of 15 feet.
 - II. All other streets - Equipment structures shall not exceed 8 square feet in area.
 - d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

Sec. 3.50. Signs.

Wireless communications facilities may be located on legally established signs under the following circumstances:

A. WCF may be incorporated into a sign face, or located on a sign structure, as long as the sign face and structure are in compliance with all aspects of the Sign Regulations, for Marion County, Indiana, (71-AO-4, as amended). If the WCF is located on the outside of the sign face and structure, and is visible, the area of the antenna shall be included in the measurement of the sign area permitted by the Sign Regulations.

B. Administrator's approval is required prior to installation of WCF on any sign or sign structure.

C. Equipment structures for WCF shall not exceed 200 square feet in area, with a maximum height of 10 feet. Equipment structures shall be in compliance with Section 3.30 of this Ordinance.

D. Where signs have been approved by variance, WCF may be integrated into the sign or sign structure, only if all parameters and conditions of the variance are met.

Sec. 3.60. Special exception.

Where wireless communications facilities are permitted by special exception, an application for a wireless communication facility must be filed with the Board of Zoning Appeals having jurisdiction. A public hearing and notice to adjoining property owners and registered neighborhood organizations is required in accordance with the Rules of Procedure of the Board of Zoning Appeals.

If the Board determines that:

A. The grant will not be injurious to the public health, safety, morals, convenience or general welfare, and

B. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property and the surrounding community,

C. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution, and

D. The grant is consistent with the 1996 Telecommunications Act,

the special exception shall be granted. Written findings shall be adopted by the Board, after its decision has been rendered.

Sec. 3.70. Tower removal.

Towers which have not been used for a period of one year shall be removed. Within 30 days after use of a tower has been abandoned, the last provider to use the tower shall notify the Administrator of the discontinued use.

Sec. 3.80. Improvement location permit. An Improvement Location Permit application for a WCF shall include the following:

A. Site and landscape plans, drawn to scale.

B. A description of the WCF and its design.

C. Documentation, establishing the structural integrity of the WCF.

D. A statement that the WCF meets the standards of the American National Standards Institute.

E. A statement regarding the availability of another WCF provider to use a tower, as required in Section 2.40.

F. Proof of ownership of the proposed site, or property owner's consent to use the site for WCF.

G. Copies or other evidence of any necessary easements.

H. A map indicating the existing topography of the site.

I. For a variance or special exception, a graphic or photographic representation shall be submitted, which shows the height of the WCF, in relation to its surroundings.

CHAPTER 4.00 DEFINITIONS

The words in the text or illustrations of this Ordinance shall be interpreted in accordance with the following definitions.

1. *Accessory.* A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use to the primary structure and use, and is located on the same lot as the primary structure or use.

2. *Administrator.* Administrator of the Division of Neighborhood Services, of the Department of Metropolitan Development, or his/her appointed representative.
3. *Antenna.* A device used to collect or broadcast electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as satellite dishes.
4. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
5. *Building height.* The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
 - a. the elevation of the highest adjoining sidewalk or ground surface within a 10 foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than 10 feet above lowest grade;
 - b. an elevation 10 feet higher than the lowest grade when said sidewalk or ground surface is more than 10 feet above the lowest grade.
6. *Camouflage.* A structural design or treatment, including colors, intended to conceal and make a WCF visibly compatible with the surrounding area.
7. *Equipment structure.* Any structure needed to house apparatus needed for the operation and maintenance of a wireless communication antenna, and located on the same site as the wireless communication antenna.
8. *Highpower electric transmission line.* A line segment in an electric utility system having an operating voltage of 69,000 volts or greater.
9. *Protected district.* Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For purposes of this Ordinance, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District, or SU-2 (School District).
10. *Right-of-way.* Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
11. *Structure.* A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
12. *Sign.* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
13. *Sign structure.* Any structure, including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
14. *Tower.* A structure designed and intended to support one or more antennae. This term includes lattice-type structures, either guyed or self supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennae.

15. *Utility pole.* Any pole or structure utilized for electric, telephone, telegraph, cable television, radio, microwave, television services, street lights, other lighting standards, or comparable purposes.
16. *Wireless communications facility (WCF).* Any facility used by a licensed commercial wireless telecommunications provider to provide service, including, but not limited to cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the general public.
17. *WCF design package.* Information used to portray all visual aspects of wireless communications facilities, and the apparatus needed to attach it to a structure, including, but not limited to, dimensions, colors, and materials.

CHAPTER 5.00 STANDARDS OF ADMINISTRATOR'S APPROVAL

Where the Administrator has been given the authority to review and approve certain aspects of WCF, the following standards shall be considered:

1. The visual impact of the proposed WCF on the adjacent properties, and the community, as a whole.
2. The recommendations of the Comprehensive Plan or the most recently adopted Neighborhood Plan for the site in question.
3. Current trends in the WCF industry and their potential impact on the community.
4. Consistency with other designs approved in other areas of the City.
5. Compliance with the Telecommunications Act of 1996.
6. Necessary or desirable infrastructure requirements of the community.

The Administrator's decision may be appealed in accordance with the provisions of the Rules of Procedure of the Board of Zoning Appeals.

CHAPTER 6.00 EXCLUDED CITIES

Prior to applying for an Improvement Location Permit (ILP) for a WCF in an excluded city, the WCF provider shall provide a written letter to the excluded city, indicating their intent. The letter shall be mailed at least 5 days prior to applying for the ILP, and shall include the proposed location, type, and design of the WCF, and a contact person for the WCF provider. The WCF provider shall submit a copy of the letter, and proof of mailing with the application for the ILP.

CHAPTER 7.00

Sec. 7.10. Severability. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Sec. 7.20. Compliance. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 323-330 and 332-334, 1998 on May 27, 1998.

PROPOSAL NO. 323, 1998. The proposal, sponsored by Councillor Gilmer, authorizes a traffic signal at 56th Street and Reed Road (District 1). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 323, 1998 was adopted on the following roll call vote; viz:

June 8, 1998

22 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, SerVaas, Short, Talley, Tilford, Williams

0 NAYS:

6 NOT VOTING: Bradford, Dowden, Hinkle, Schneider, Shambaugh, Smith

1 ABSENT: O'Dell

Proposal No. 323, 1998 was retitled GENERAL ORDINANCE NO. 87, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12	56th St, Reed Rd	56th St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
12	56th St, Reed Rd	None	Signal

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

PROPOSAL NO. 324, 1998. The proposal, sponsored by Councillor Hinkle, authorizes a traffic signal at 34th Street and Eagle Creek Parkway (District 18). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 324, 1998 was adopted on the following roll call vote; viz:

17 YEAS: Borst, Boyd, Bradford, Cockrum, Coonrod, Curry, Dowden, Hinkle, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

11 NOT VOTING: Black, Brents, Coughenour, Franklin, Gilmer, Golc, Gray, Jones, Moriarty Adams, Shambaugh, Williams

1 ABSENT: O'Dell

Proposal No. 324, 1998 was retitled GENERAL ORDINANCE NO. 88, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15	34th St, Eagle Creek Pkwy	34th ST	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15	34th St, Eagle Creek Pkwy	None	Signal

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

Councillor Gilmer asked for consent to hear Proposal Nos. 325-330, 1998 together. Consent was given.

PROPOSAL NO. 325, 1998. The proposal, sponsored by Councillor O'Dell, authorizes multi-way stops for Creekside Woods subdivision (District 13). PROPOSAL NO. 326, 1998. The proposal, sponsored by Councillor Talley, authorizes a multi-way stop at 40th Street and Sheridan Avenue (District 14). PROPOSAL NO. 327, 1998. The proposal, sponsored by Councillor Talley, authorizes a multi-way stop at 42nd Street and Sheridan Avenue (District 14). PROPOSAL NO. 328, 1998. The proposal, sponsored by Councillor Hinkle, authorizes a multi-way stop at Aberdeen Drive and Westdrum Road (District 18). PROPOSAL NO. 329, 1998. The proposal, sponsored by Councillor Moriarty Adams, authorizes a stop sign at Kingsbridge Street and Pleasant Run Parkway South Drive (District 15). PROPOSAL NO. 330, 1998. The proposal, sponsored by Councillor Short, authorizes a stop sign at Georgia Street and Olive Street (District 21). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Talley, for adoption. Proposal Nos. 325-330, 1998 were adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Short, Smith, Talley, Tilford
 0 NAYS:
 4 NOT VOTING: Black, Hinkle, Shambaugh, Williams
 1 ABSENT: O'Dell

Proposal No. 325, 1998 was retitled GENERAL ORDINANCE NO. 89, 1998, and reads as follows:

June 8, 1998

CITY-COUNTY GENERAL ORDINANCE NO. 89, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35	Creekside Woods Dr, Palmyra Dr	Creekside Woods Dr	Stop
35	Creekside Woods Dr, Tanning Dr	Tanning Dr	Stop
35	Palmyra Dr, Stillcreek Dr	Palmyra Dr.	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35	Creekside Woods Dr, Palmyra Dr	None	All Way Stop
35	Creekside Woods Dr, Tanning Dr	None	All Way Stop
35	Palmyra Dr, Stillcreek Dr	None	All Way Stop

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

Proposal No. 326, 1998 was retitled GENERAL ORDINANCE NO. 90, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	40th St, Sheridan Av	Sheridan Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	40th St, Sheridan Av	None	All Way Stop

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

Proposal No. 327, 1998 was retitled GENERAL ORDINANCE NO. 91, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	42nd St, Sheridan Av	42nd St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	42nd St, Sheridan Av	None	All Way Stop

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

Proposal No. 328, 1998 was retitled GENERAL ORDINANCE NO. 92, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Aberdeen Dr, Westdrum Rd	Westdrum Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
29	Aberdeen Dr, Westdrum Rd	None	All Way Stop

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

Proposal No. 329, 1998 was retitled GENERAL ORDINANCE NO. 93, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Kingsbridge St, Pleasant Run Pkwy SDR	Pleasant Run Pkwy SDR	Stop

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

Proposal No. 330, 1998 was retitled GENERAL ORDINANCE NO. 94, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 1998

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Georgia St, Olive St	Georgia St	Stop

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

PROPOSAL NO. 332, 1998. The proposal, sponsored by Councillor Brents, authorizes a one-way restriction for "40 & 8" Avenue, from Fort Wayne Avenue to Pennsylvania Street (Districts 1, 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 332, 1998 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Hinkle

1 ABSENT: O'Dell

Proposal No. 332, 1998 was retitled GENERAL ORDINANCE NO. 95, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 1998

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

"40 & 8" Avenue, from
Fort Wayne Avenue to Pennsylvania Street

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

PROPOSAL NO. 333, 1998. The proposal, sponsored by Councillor Brents, authorizes street parking control changes for 300 West Walnut Street (USS Indianapolis Memorial Way) (District 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 333, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

4 NOT VOTING: Black, Borst, Hinkle, Smith

1 ABSENT: O'Dell

Proposal No. 333, 1998 was retitled GENERAL ORDINANCE NO. 96, 1998, and reads as follows:

June 8, 1998

CITY-COUNTY GENERAL ORDINANCE NO. 96, 1998

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets. Sec 621-126, Parking time restricted on designated days.

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

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

Walnut Street, on the north side,
from Senate Avenue to a point 149 feet west of Senate Avenue

Walnut Street, on the south side,
from Senate Avenue to Ellsworth Street

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

**ON ANY DAY
ONE HOUR
7:00 a.m. to 6:00 p.m.**

Walnut Street, on the north side,
from 149 feet west of Senate Avenue to Ellsworth Street

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

PROPOSAL NO. 334, 1998. The proposal, sponsored by Councillor Golc, authorizes the removal of parking restrictions on Mount Street and Ohio Street (District 17). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal No. 334, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Talley, Tilford, Williams

0 NAYS:

4 NOT VOTING: Boyd, Cockrum, Hinkle, Smith

1 ABSENT: O'Dell

Proposal No. 334, 1998 was retitled GENERAL ORDINANCE NO. 97, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1998

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY
EXCEPT SATURDAY, SUNDAY, AND HOLIDAYS
from 8:00 a.m. to 9:30 a.m. and
from 3:00 p.m. to 4:30 p.m.**

Mount Street, on the west side,
from Ohio Street to a point 215 feet south of Ohio Street

Ohio Street, on the south side,
from Bellview Place to Mount Street

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

The President convened the Police Special Service District Council.

SPECIAL SERVICE DISTRICT COUNCILS

POLICE SPECIAL SERVICE DISTRICT SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 316-318, 1998 on May 20, 1998. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 316, 1998. The proposal approves an increase of \$212,555 in the 1998 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to continue the Weed and Seed Program financed by a U.S. Department of Justice grant. PROPOSAL NO. 317, 1998. The proposal approves an increase of \$60,000 in the 1998 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay for juvenile programs sponsored by the Police Athletic League financed by federal grants. PROPOSAL NO. 318, 1998. The proposal approves an increase of \$70,000 in the 1998 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay for overtime related to a Safe Neighborhood Grant for the Meadows Area financed by federal grants. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 316-318, 1998 were adopted on the following roll call vote; viz:

24 YEAS: Black, Borst, Boyd, Bradford, Brents, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Jones, Massie, McClamroch, Moores, Moriarty Adams, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

0 NAYS:

4 NOT VOTING: Cockrum, Franklin, Gray, Hinkle

1 ABSENT: O'Dell

Proposal No. 316, 1998 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1998, and reads as follows:

June 8, 1998

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1998

A FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1998 (Police Special Service District Fiscal Ordinance No. 2, 1997) appropriating an additional Two Hundred Twelve Thousand Five Hundred Fifty-five Dollars (\$212,555) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT 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, Police Special Service District Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division for the continuing of the Weed and Seed Program.

SECTION 2. The sum of Two Hundred Twelve Thousand Five Hundred Fifty-five Dollars (\$212,555) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>POLICE SERVICE DISTRICT FUND</u>
3. Other Services and Charges	212,555
TOTAL INCREASE	212,555

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	212,555
TOTAL REDUCTION	212,555

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

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

Proposal No. 317, 1998 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1998, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1998

A FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1998 (Police Special Service District Fiscal Ordinance No. 2, 1997) appropriating an additional Sixty Thousand Dollars (\$60,000) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION I. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Police Special Service District Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division for juvenile programs sponsored by the Police Athletic League.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISON</u>	<u>POLICE SERVICE DISTRICT FUND</u>
1. Personal Services	1,015
3. Other Services and Charges	<u>58,985</u>
TOTAL INCREASE	60,000

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	<u>60,000</u>
TOTAL REDUCTION	60,000

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

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

Proposal No. 318, 1998 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1998, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1998

A FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1998 (Police Special Service District Fiscal Ordinance No. 2, 1997) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Police Service District Fund for purposes of the Department of Public Safety, Police Division and reducing the unappropriated and unencumbered balance in the Police Service District Fund.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT 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, Police Special Service District Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division for overtime related to a Safe Neighborhood Grant.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISON</u>	<u>POLICE SERVICE DISTRICT FUND</u>
1. Personal Services	<u>70,000</u>
TOTAL INCREASE	70,000

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

	<u>POLICE SERVICE DISTRICT FUND</u>
Unappropriated and Unencumbered	
Police Service District Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

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

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

NEW BUSINESS

Councillor Talley read a letter from a constituent thanking him for helping to research a project, and commended the staff for their assistance in the project, especially Research Director, Max Moser.

Councillor McClamroch moved that David Kelly, Michael Clayton, and Joseph Staehler be appointed to serve on the newly created Marion County Salary Recommendations Panel. Councillor Talley seconded the motion, and Mr. Kelly, Mr. Clayton, and Mr. Staehler were appointed by a unanimous voice vote. Councillor Boyd stated that these appointments are pending the appointees' acceptance of their nominations.

Councillor Williams asked if a report can be made to the Council from the Controller's Office regarding the recent layoffs at the Hughes Air Warfare Center as this situation impacts payments on the United Airline debt service. The President asked Ann Lathrop, City Controller, to provide the Council with a briefing on this issue.

ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillor Smith in memory of William Thomas Janes, Jr. ; and
- (2) Councillor Jones in memory of Don Day ; and
- (3) Councillor O'Dell in memory of Charles Miller ; and
- (4) Councillors Hinkle and McClamroch in memory of Robert M. Messick ; and
- (5) Councillor Borst in memory of George M. Bixler, Jr. and Roxie Ray.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of William Thomas Janes, Jr., Don Day, Charles Miller, Robert M. Messick, George M. Bixler, Jr., and Roxie Ray. 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 10:05 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 June, 1998.

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)