

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

**REGULAR MEETINGS
MONDAY, OCTOBER 27, 2003**

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 7:14 p.m. on Monday, October 27, 2003, with President Borst presiding.

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

ROLL CALL

President Borst 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: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
1 ABSENT: Massie

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Coonrod recognized City-County Council candidate Ginny Cain. Councillor McWhirter recognized Council candidate Roger Bowser. Councillor Bainbridge introduced his wife of 49 years, Betty. Councillor Horseman recognized officer Judy Clifton and other Indianapolis Police Department (IPD) representatives. Councillor Gray recognized Captain Aletha Quarrels, Indianapolis Fire Department (IFD). Councillor Bradford introduced Roberta Ross, president of the Meridian-Kessler Neighborhood Association. Councillor Gibson recognized Cornell Burris, neighborhood activist. Councillor Borst recognized a former director of the Department of Metropolitan Development, Mike Higby, and introduced Alderman Patrick Needham from Waukegan, Illinois.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 27, 2003, 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/Philip C. Borst, D.V.M.
President, City-County Council

October 7, 2003

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 10, 2003, a copy of a Notice of Public Hearing on Proposal Nos. 558-561, 564-566, 569, 573, and 574, 2003, said hearing to be held on Monday, October 27, 2003, at 7:00 p.m. in the City-County Building.

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

October 15, 2003

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 17, 2003, a copy of a Legal Notice of General Ordinance No. 87, 2003.

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

October 21, 2003

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

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 121, 2003 - approves an increase of \$20,000 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to appropriate a state grant for salaries, fringes, and supplies for IUPUI (Indiana University Purdue University Indianapolis) employees, who will be conducting research for an evaluation of the Marion County's Cite and Release and Emergency Jail Release Policies (The local match of \$10,100 is funded by existing appropriation in the Marion County Justice Agency's Budget.)

FISCAL ORDINANCE NO. 125, 2003 - approves an increase of \$147,155 in the 2003 Budget of the County Auditor and the Forensic Services Agency (State and Federal Grants Fund) to fund the DNA analysis of "No Suspect" cases, funded by a grant from the Indiana State Police

FISCAL ORDINANCE NO. 126, 2003 - approves an increase of \$24,028 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to help fund the Julian Center's Family Growth and Development Project, funded by a state grant

FISCAL ORDINANCE NO. 127, 2003 - approves an increase of \$20,044 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to allocate the Pathway to Recovery grant which will fund the partial salaries and fringes of five employees

FISCAL ORDINANCE NO. 128, 2003 - approves an increase of \$249,314 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to allocate the U.S. Department of Justice grant for the Community Prosecution and Project Safe Neighborhoods

FISCAL ORDINANCE NO. 133, 2003 - approves an increase of \$1,815,000 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for land acquisition, preliminary design work, construction documents, and inspections necessary for the Pennsy Rail-Trail, financed by federal funds administered by the Indiana Department of Transportation

FISCAL ORDINANCE NO. 134, 2003 - approves an increase of \$285,250 in the 2003 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for the restoration of Marott Park, located in Washington Township, financed by a grant from the Department of Interior

FISCAL ORDINANCE NO. 136, 2003 - approves a transfer of \$973,536 from the 2003 Budgets of the County Sheriff and the Marion County Justice Agency (County General Fund) to the 2003 Budgets of the County Auditor, Marion Superior Court, County Prosecutor, Marion County Public Defender, Clerk of the Circuit Court, County Sheriff, and the Marion County Justice Agency to pay the expenses for the Arrestee Processing Center

GENERAL ORDINANCE NO. 86, 2003 - amends the Revised Code concerning rate signs required at commercial parking facilities

GENERAL ORDINANCE NO. 87, 2003 - clarifies the provisions that govern the licensure of adult entertainment businesses, and makes certain definitions consistent with those in the city's zoning ordinances

SPECIAL RESOLUTION NO. 59, 2003 - congratulates IPS School 27 for earning the U.S. Department of Education's Blue Ribbon Schools Award

SPECIAL RESOLUTION NO. 60, 2003 - recognizes the trailblazing career of Indianapolis Fire Department Chief Nancy Rasmussen

SPECIAL RESOLUTION NO. 61, 2003 - recognizes the Department of Public Works co-ed softball team

SPECIAL RESOLUTION NO. 62, 2003 - recognizes Garfield Park, and the 100th Anniversary of its unique Pagoda

SPECIAL RESOLUTION NO. 63, 2003 - recognizes the Cottage Home Neighborhood Association's 17th Annual Block Party on October 11

SPECIAL RESOLUTION NO. 64, 2003 - welcomes and honors Real Admiral Barry C. Black of the Chaplain Corps of the United States Navy

SPECIAL RESOLUTION NO. 65, 2003 - approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County

SPECIAL RESOLUTION NO. 66, 2003 - approves a public purpose grant to Indiana University in the amount of \$100,000 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County

SPECIAL RESOLUTION NO. 67, 2003 - determines the need to lease approximately 17,000 square feet of office space at 3806 S. Madison Avenue for the Southside Community Office of the Marion Superior Court Probation Department, Adult Services Division

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2003 - approves a transfer totaling \$426,514 in the 2003 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund, Police General Fund, and Federal Grants Fund) to fund various projects (officer overtime for highway safety projects, customs overtime for airport drug security, PAL/Youth supplies, cultural and sporting events fees, Domestic Violence supplies, training, and computer equipment, Weed and Seed program supplies, training, equipment, a contractual research analyst, equipment, and South District terrorist training)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Talley asked that Proposal No. 563, 2003, which is under Pending Proposals, be moved under Public Hearing this evening. He said that the proposal passed out of committee and he does not understand why it is not slated for adoption this evening. General Counsel Robert Elrod said that the proposal was advertised for a public hearing on November 17, 2003. He said that all appropriations from the County General Fund may not be scheduled for a public hearing until 30 days after introduction without a suspension of the Rules of the Council. He said that since the Rules were not suspended at the proposal's introduction, it cannot be acted on before November 17, 2003.

Councillor Boyd asked that Proposal No. 647, 2003 be removed from this evening's agenda. Mr. Elrod said that the Rules call for this item to be introduced under its normal order of business, and when the proposal comes up in the agenda it can be tabled or stricken. Councillor Talley said that the draft agendas indicate that agendas are only final when approved by the entire body. Mr. Elrod said that this is true, but one Councillor cannot prevent another Councillor from introducing a proposal for consideration. Councillor Coonrod said that he asked the President's permission to add this proposal after the deadline, and consent was given.

Without further objection, the agenda was adopted.

Councillor Bainbridge said that he neglected to introduce neighbors and constituents Randy and Kelly Williams during the Introduction of Visitors.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of October 6, 2003. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 642, 2003. The proposal, sponsored by Councillor Bainbridge, congratulates Margaret Arthur for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community. Councillor Bainbridge read the proposal and presented Ms. Arthur with a copy of the document and a Council pin. Ms. Arthur thanked the Council for the recognition. Councillor Bainbridge moved, seconded by Councillor McWhirter, for adoption. Proposal No. 642, 2003 was adopted by a unanimous voice vote.

Proposal No. 642, 2003 was retitled SPECIAL RESOLUTION NO. 68, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 2003

A SPECIAL RESOLUTION congratulating Margaret Arthur for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community.

WHEREAS, as a young lady growing up in Iowa, Margaret Arthur learned the need and value of reaching out to help others; and

WHEREAS, since 1993, the Indianapolis Mayor has recognized with annual Mayor's Community Service Awards a number of citizens who are unselfishly committed to improving the lives of others, and this year Margaret Arthur was honored with the Mayor's Award; and

WHEREAS, Margaret is active in her St. Gabriel Church serving in family support for those who have experienced deaths and serious illnesses, she is active in St. Vincent de Paul Charities, is on the Board of the Eagledale Neighborhood Association, helps with Prison Ministries by corresponding with prisoners, gathering Christmas baskets, collecting clothing, and helps female prisoners when they are released, she is also a Crime Watch Block Captain, and has boarded mentally challenged people for the past 30 years; now; therefore:

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

SECTION 1. The Indianapolis City-County Council, in behalf of the citizens of Indianapolis, recognizes and commends Margaret Arthur for her many years of volunteer community service, which has been acknowledged by the Mayor's Community Service Award.

SECTION 2. Margaret Arthur is a role model for others, and the Council thanks her.

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. 643, 2003. The proposal, sponsored by Councillor Bainbridge, congratulates Pat Zarse for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community. Councillor Bainbridge read the proposal and presented Ms. Zarse with a copy of the document and a Council pin. Ms. Zarse thanked the Council for the recognition. Councillor Bainbridge moved, seconded by Councillor McWhirter, for adoption. Proposal No. 643, 2003 was adopted by a unanimous voice vote.

Proposal No. 643, 2003 was retitled SPECIAL RESOLUTION NO. 69, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 69, 2003

A SPECIAL RESOLUTION congratulating Pat Zarse for earning the 2003 Mayor's Community Service Award for her many years of volunteer activities in the community.

WHEREAS, volunteer work for the community is a very high calling, with rewards that others could not fully understand; and

WHEREAS, since 1993, the Indianapolis Mayor has recognized with annual Mayor's Community Service Awards a number of citizens who are unselfishly committed to improving the lives of others, and this year Pat Zarse was honored with the Mayor's Award; and

WHEREAS, Since 1993, Pat Zarse has volunteered for the USO helping military people and their families, she has been active with the Speedway American Legion Auxiliary Unit 500 overseeing the donation of over 4,000 teddy bears to local police departments, has coordinated the collection of more than 275,000 beverage can tabs for the Ronald McDonald House, organized a blood drive as well as a

book drive for local schools, has been a volunteer with the United States Auto Club's Golf Tournament for the USAC's Benevolent Foundation, and helps at the VA Hospital and at the Wheeler Mission; 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, in behalf of the citizens of Indianapolis, recognizes and commends Pat Zarse for her many years of volunteer community service, which has been acknowledged by the Mayor's Community Service Award.

SECTION 2. Pat Zarse is a role model for others, and the Council thanks her.

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. 644, 2003. The proposal, sponsored by Councillor Horseman, recognizes the work of the Nationalities Council and its International Festival. Councillor Horseman said that representatives are not here this evening, but she will be presenting the resolution to them at a later date. She read the proposal and moved for its adoption. Councillor Talley seconded the motion, and Proposal No. 644, 2003 was adopted by a unanimous voice vote.

Proposal No. 644, 2003 was retitled SPECIAL RESOLUTION NO. 70, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 2003

A SPECIAL RESOLUTION recognizing the work of the Nationalities Council and its International Festival.

WHEREAS, each year since 1976 the Nationalities Council of Indiana, a non-profit volunteer organization now representing over 50 ethnic and cultural organizations, hosts an annual International Festival; and

WHEREAS, this year's 2003 International Festival, presented by Key Bank, will be a spectacular around-the-world bazaar at the Indiana State Fairgrounds on November 6th - 9th; and

WHEREAS, Festival highlights will include nationality booths tended by volunteers in traditional attire, artisans and crafts, a naturalization ceremony of new U.S. citizens, an international marketplace with unique apparel and gifts available for sale, and continuous ethnic music and dance; and

WHEREAS, special entertainment will be The German Heritage Folkdancers, Japanese Minyo Dancers, Irish Celtic Motion, India Association of Folkdancers, Middle Eastern Chataaraban Dance Group, the Gordon Pipers, and Chinese Panda Dancers, along with a steel drum band, Drums of West Africa, Mexican Folkdancers, and African Stiltwalkers; 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 dedication and hard work of the 2,000 volunteers with heritage roots from around the globe focusing through the International Council in this year's International Festival on November 6 - 9, 2003.

SECTION 2. Indianapolis residents are encouraged to experience this adventure which will display and interact with all of the human senses some of the finest cultural heritage examples from around the world.

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. 645, 2003. The proposal, sponsored by Councillor Frick, recognizes Theology on Tap, an organization dedicated to promoting traditional values in young adults. Councillor Frick read the proposal and presented representatives with copies of the document and Council pins.

Councillor Talley moved, seconded by Councillor Black, to amend Proposal No. 645, 2003 by deleting the words "and German beer" from the first Whereas statement and anywhere else it appears within this proposal. The motion failed by a voice vote.

Councillor Frick moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 645, 2003 was adopted by a unanimous voice vote.

Proposal No. 645, 2003 was retitled SPECIAL RESOLUTION NO. 71, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 2003

A SPECIAL RESOLUTION recognizing Theology on Tap, an organization dedicated to promoting traditional values in young adults.

WHEREAS, they arrive at the Athenaeum's Rathskeller on East Michigan Street on Wednesday evenings in all sorts of attire from dressy office clothes to jeans and sweaters, they are drinking bottled water, soft drinks, and German beers, and all 100 to 200 young adults from age 21 to 40 or so meet in a group called Theology on Tap; and

WHEREAS, importing a successful idea from Chicago, Theology on Tap is a Catholic group that started at the Rathskeller last year for the Church to reach out and minister to young adults wherever they are; and

WHEREAS, each week's program includes a guest speaker and a question-and-answer session, with a popular theme being the successful relationship between spiritual life and relationships, family, occupation and career; and

WHEREAS, past speakers and discussion leaders have included Anne Ryder, Archbishop Buechlein, Marian College President Dan Eisener, Vicar General and Moderator of the Curia Monsignor Schaedel, and Lucious Newsom; and

WHEREAS, audiences socialize, learn about the Church, and are challenged to grow in their faith in a comfortable setting; 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 organizers and all of the participants of Theology on Tap for their introspection on religion and priorities in life.

SECTION 2. The Council wishes these young people well, and commends others to consider this concept of unconventional locations for young people, or for groups of any age, to find fellowship, grow in their faith, and practice traditional values.

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. 646, 2003. The proposal, sponsored by Councillor Massie, welcomes and honors United States Postmaster General John "Jack" E. Potter. President Borst stated that Councillor Massie has been delayed by a funeral over which he is presiding, and he wishes to present this resolution to Postmaster Potter during his visit. Councillor Short moved, seconded

by Councillor Talley, for adoption. Proposal No. 646, 2003 was adopted by a unanimous voice vote.

Proposal No. 646, 2003 was retitled SPECIAL RESOLUTION NO. 72, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 2003

A SPECIAL RESOLUTION welcoming and honoring United States Postmaster General John "Jack" E. Potter.

WHEREAS, Postmaster General and Chief Executive Officer of the United States Postal Service John "Jack" E. Potter has an interesting and demanding job: His weekly payroll including fringes would fund Indianapolis' annual budget for the next four years, three of his six Postal Service divisions would qualify as Fortune 500 companies, his postal police force arrest 11,000 criminal suspects a year, and each morning he has to fuel up his fleet of 215,000 vehicles; and

WHEREAS, Postmaster General Potter assumed office on June 1, 2001, only a few months before the nightmare 911 Attack upon America, followed by the challenge of people using mail for bioterrorism acts; and

WHEREAS, Mr. Potter is the 72nd American to hold that office, with Benjamin Franklin being the first, he is a 25 year Post Office veteran who started as a distribution clerk, worked his way up through the ranks, moved his Washington, D.C. area district from the worst to the best performance rank, and was recognized for leading the postal union and management to a contract agreement; and

WHEREAS, as Postmaster General, Mr. Potter has emphasized automation and technology, barcoding, optical readers, and thinking about new ways to support the 225-year-old Post Office goal of growing America's commerce and ensuring the free flow of ideas and information; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and welcomes Postmaster General John "Jack" E. Potter to Indianapolis on the occasion of the October 28, 2003 Fall Workshop of the Indianapolis Postal Customer Council.

SECTION 2. The Council hopes that Mr. Potter's schedule allows him to see some Indianapolis attractions, as well as to observe first hand the capable operations of the USPS here at the Crossroads of America.

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. 647, 2003. The proposal, sponsored by Councillors Coonrod, Dowden, Black, and Schneider, concerns property taxes and the County Option Income Tax. Councillor Coonrod read the proposal and asked Council candidates Greg Dixon and Brad Klopfenstein to join as unofficial sponsors.

Councillor Boyd moved, seconded by Councillor Talley, to refer Proposal No. 647, 2003 to the Rules and Public Policy Committee. Proposal No. 647, 2003 was referred to Committee by a voice vote.

PROPOSAL NO. 657, 2003. The proposal, sponsored by Councillor Coughenour, congratulates Roncalli High School for earning the U.S. Department of Education's Blue Ribbon Schools Award for the third time. Councillor Coughenour read the proposal and presented Teresa Davis, Roncalli High School, with a copy of the document and a Council pin. Ms. Davis thanked the

Council for the honor. Councillor Coughenour moved, seconded by Councillor Black, for adoption. Proposal No. 657, 2003 was adopted by a unanimous voice vote.

Proposal No. 657, 2003 was retitled SPECIAL RESOLUTION NO. 73, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 2003

A SPECIAL RESOLUTION congratulating Roncalli High School for earning the U.S. Department of Education's Blue Ribbon Schools Award for the third time.

WHEREAS, each year the U.S. Department of Education grants its "No Child Left Behind Blue Ribbon School Award" upon nomination by the state departments of education to exceptional schools around America; and

WHEREAS, schools are selected on either of two criteria: Those with a high concentration of disadvantaged students that make significant progress in closing the achievement gap, or schools whose students achieve at very high levels; and

WHEREAS, Roncalli, a Catholic high school on Indianapolis' south side, has earned the national Blue Ribbon Award for high achievement three times, in 1993, 1998, and now 2003 – the only triple winning school in the state of Indiana; and

WHEREAS, Eighty-five percent of Roncalli's graduates go on to a four year college, and headed by Principal Chuck Weisenbach, the school is noted for both academics and for sports; 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 three time Blue Ribbon Schools Award winner Roncalli High School.

SECTION 2. The staff, parents, and most importantly the students, are to be commended for this outstanding achievement.

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. 570, 2003. President Borst reported that the Public Safety and Criminal Justice Committee heard Proposal No. 570, 2003 on October 8, 2003. The proposal, sponsored by Councillor Dowden, appoints Michael P. Greene to the Citizens Police Complaint Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 570, 2003 was adopted by a unanimous voice vote.

Proposal No. 570, 2003 was retitled COUNCIL RESOLUTION NO. 86, 2003, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 86, 2003

A COUNCIL RESOLUTION appointing Michael P. Greene to the Citizens Police Complaint Board.

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

SECTION 1. As an ex officio, non-voting member of the Citizens Police Complaint Board, the Council appoints:

Michael P. Greene

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2004. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 607, 2003. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes Robert J. Clifford to accept pension liability"; and the President referred it to the Administration and Finance Committee.

Councillor Boyd moved, seconded by Councillor Talley, to suspend the Rules and vote on Proposal No. 607, 2003 this evening. Councillor Boyd said that this is a very routine authorization, but due to the former City Controller accepting the Lieutenant Governor's position, the interim Controller needs authorization in order for his signature to be valid, and this is a very time-sensitive issue. The Rules were suspended by a unanimous voice vote. Councillor Boyd moved, seconded by Councillor Gray for adoption. Proposal No. 607, 2003 was adopted by a unanimous voice vote.

Proposal No. 607, 2003 was retitled SPECIAL RESOLUTION NO. 74, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 2003

PROPOSAL FOR A SPECIAL RESOLUTION to authorize an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana.

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

SECTION 1. The City-County Council as the governing body of the City of Indianapolis, or its agent, is required to accept pension liability and to certify, execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby authorizes Robert J. Clifford, as the Controller of the City of Indianapolis, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1, to execute, certify and deliver documents related to the Public Employees' Retirement Fund of Indiana, and certifies any such actions taken on or after October 20, 2003, and prior to the adoption of this resolution.

SECTION 3. The authority granted by Special Resolution No. 17, 2000, hereby is rescinded.

SECTION 4. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund of Indiana.

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

PROPOSAL NO. 608, 2003. Introduced by Councillors McWhirter, Moriarty Adams, Talley, Tilford, and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which continues the early retirement program for city employees who are in positions covered by the master agreement between the City and AFSCME"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 609, 2003. Introduced by Councillors Moriarty Adams, Talley, and Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 148 East Market Street for use by the Department of Public Safety's

citizens police complaint office and weights and measures division"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 610, 2003. Introduced by Councillors Moriarty Adams, Talley, and Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 25 West 9th Street as the site of the IPD Downtown District office"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 611, 2003. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Michael J. Rogers 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. 612, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000,000 in the 2003 Budget of the County Auditor (County General Fund) to fund the increase in the cost of health insurance due to increased enrollment and higher policy rates, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

Councillor McWhirter moved, seconded by Councillor Talley, to suspend the Rules and schedule a public hearing on Proposal No. 612, 2003 for November 17, 2003. The Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 613, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,715,233 in the 2003 Budget of the County Auditor (Property Reassessment Fund) to restore the Property Reassessment Fund Budget that was reduced by the Department of Local Government Finance (DLGF), financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 614, 2003. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$183,000 in the 2003 Budget of the Information Services Agency (Internal Services Fund) to cover expenditures for Light Detection and Ranging (laser aerial photography) and Ortho Projects for the IMAGIS Consortium, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 615, 2003. Introduced by Councillors Talley and Tilford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$199,750 in the 2003 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover an expected shortfall in funds for vehicle maintenance repairs"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 616, 2003. Introduced by Councillors Sanders and Tilford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$70,000 in the 2003 Budget of the Department of Administration, Fleet Services Division (Non-Lapsing Federal Grants Fund) to install a 10,000 gallon above ground fuel tank, with canopy, to dispense ethanol (E85) fuel, financed by a federal grant (Great Lakes Regional Biomass Energy Program)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 617, 2003. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,529 in the 2003 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to provide for a salary shortfall and an increase in fringe benefit allowance"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 618, 2003. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$39,967 in the 2003 Budgets of the County Auditor and Cooperative Extension Agency (County Grants Fund) for funding the salary for one year for a Commercial Horticulture Program Assistant, funded by a county grant (Indiana Professional Lawn and Landscape Association)"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 619, 2003. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$26,000 in the 2003 Budget of the County Surveyor (Corner Perpetuation Fund) to pay IMAGIS fees, financed by fund balances"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 620, 2003. Introduced by Councillors Langsford and Horseman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which pertains to off-premises outdoor advertising signs within Marion County (03-AO-04) (Certified October 20, 2003)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 621, 2003. Introduced by Councillors Langsford and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations, and programmatic operation for certain projects to be funded from the Community Development Grant Funds for 2004"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 622, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$46,863 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) to pay unexpected expenses covered by law enforcement block grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 623, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund (1) a salary for a supervisor and a partial salary for an administrator for community outreach projects, and (2) computer upgrades and training for the Community Prosecution Division, funded by a federal grant (Community Prosecution Leadership Award by the U.S. Department of Justice)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 624, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$195,577 in the 2003 Budget of the County Prosecutor (State and Federal Grants Fund) to provide funding for Centers of Hope in all Marion County hospitals which provide comprehensive care to victims of sexual assault, funded by a state grant (Indiana Criminal Justice Institute)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 625, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$56,000 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to fund (1) a Conflict Resolution Coordinator and to pay rent, training, and supplies at Community Court; (2) Nuisance Abatement Paralegals; and (3) a portion of the Tidemark database, funded by grants through the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 626, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$270,205 in the 2003 Budgets of the County Auditor and the County Prosecutor (State and Federal Grants Fund) to provide funding for eight victim advocate positions for various divisions in the County Prosecutor's Office, funded by a state grant (Victims of Crime Act Victim Assistance Grant) (The local match of \$67,552 is funded by the existing appropriations in the Prosecutor's Office budget.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 627, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$684,364 in the 2003 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide salaries, fringes, supplies, equipment, travel, and contractual services for a Project Safe Neighborhood project, funded by a federal grant (Project Safe Neighborhoods Grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 628, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$128,507 in the 2003 Budget of the Department of Public Safety, Fire Division (Fire General Fund) to cover the purchase price of phase one of the Defibrillator replacement plan, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 629, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves a transfer of \$110,215 in the 2003 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants and Federal Grants Funds) to cover the salary and benefits of the Indiana Task Force One Coordinator, to purchase personal equipment and supplies, and to pay for architectural design and preparatory tasks in support of renovating the current storage/warehouse facility"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 630, 2003. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$46,840 in the 2003 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to fund vehicle lease and outfitting costs, to move six tornado warning sirens to new locations, and to cover fleet charges for the remainder of the year, financed by a grant from the American Red Cross and fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 631, 2003. Introduced by Councillors Bainbridge, Conley, McWhirter, and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$220,000 in the 2003 Budget of the Department of Public Works, Operations Division (Transportation General Fund) to restore 2003 budgeted dollars expended for

overtime as a result of emergency response to floods in July and September and to purchase a sandbag filling machine, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 632, 2003. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$179,000 in the 2003 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to appropriate funds to facilitate a strategic planning committee for public safety, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$75,509 is funded by the existing appropriations in the 2003 budgets of the Marion County Justice Agency and Marion Superior Court.)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 633, 2003. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the code of ethics to provide inflationary adjustments to disclosure requirements"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 634, 2003. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$100,000 in the 2003 Budget of the Clerk of the Circuit Court (County General Fund) to pay legal services related to federal and state reimbursement for the purchase of voting machines, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 635, 2003. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Lawrence Lake Subdivision, Sections 1 and 2 (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 636, 2003. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Tidewater Court and Tidewater Drive (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 637, 2003. Introduced by Councillors Coonrod and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Aristocrat Lane and Pepperidge Drive (Districts 5, 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 638, 2003. Introduced by Councillor Frick. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 66th Street and Cornell Avenue (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 639, 2003. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Country Club Boulevard and Kayla Drive (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 640, 2003. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Bazil Avenue from McGaughey Road to Dead End (District 23) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 641, 2003. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns the parking meters around the federal buildings (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 655, 2003. Introduced by Councillor Frick. The Clerk read the proposal entitled: "A Proposal for a General Resolution which voting in favor of proposed consolidated ordinances of the Marion County Income Tax Council to provide a one hundred percent (100%) deduction applied to the assessed value of inventory in Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 656, 2003. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which amends City-County Fiscal Ordinance Nos. 113, 114, and 115, 2003, to correct errors in the 2004 budgets of the County Sheriff, County Auditor, and Marion Superior Court"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 648, 2003, PROPOSAL NOS. 649-650, 2003, and PROPOSAL NOS. 651-654, 2003. Introduced by Councillor Langsford. Proposal No. 648, 2003, Proposal Nos. 649-650, 2003, and Proposal Nos. 651-654, 2003 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 20 and 22, 2003. 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. 157-163, 2003, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 157, 2003.

2003-ZON-081

127-129 EAST ST. JOSEPH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

VOLUNTEERS OF AMERICA, requests a rezoning of 0.3 acre, being in the CBD-2 District, to the SU-7 classification.

REZONING ORDINANCE NO. 158, 2003.

2003-ZON-079 (2003-DP-011)

5104 BLUFF ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP COUNCILMANIC DISTRICT #25

BRINKMAN DEVELOPMENT, LLC., by Michael J. Kias, requests a rezoning of 16.77 acres, being in the D-6 (FF) (FW) (W-5) District, to the D-P (FF) (FW) (W-5) classification to provide for residential development at a density of 4.05 units per acre.

REZONING ORDINANCE NO. 159, 2003.

2003-ZON-123

11000 EAST 25TH STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT #5

INDIANA ASSOCIATION OF SCHOOL PRINCIPALS, by Joseph D. Calderon, requests a rezoning of 6.42 acres, being in the D-A District, to the C-1 classification to provide for the construction of a 9,000 square foot office building.

REZONING ORDINANCE NO. 160, 2003.

2003-ZON-105

4206 NORTH COLLEGE AVENUE and 664 EAST 42nd STREET (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #6
MEMBERS OF THE BODY OF CHRIST, INCORPORATED request a rezoning of 0.380 acre,
being in the C-3 District, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 161, 2003.

2003-ZON-116

3017 and 3019 SOUTH HARDING STREET and 3011, 3013, 3015, and 3024 CHASE STREET
(approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #25

WILSON WATER AND SEWER SERVICE, by Theodore L. Giesecking, requests a rezoning of
1.20 acres, being in the D-4 (FF) (FW) District, to the I-2-U (FF) (FW) classification to legally
establish and provide for the expansion of a water well drilling and sewer construction contractor's
office.

REZONING ORDINANCE NO. 162, 2003.

2003-ZON-117

1501 WEST 16TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16

DEPARTMENT OF PUBLIC WORKS requests a rezoning of 0.23 acre, being in the D-S (W-1)
District, to the SU-9 (W-1) classification to legally establish a storm water pumping facility and
provide for environmental clean-up, storm water control and other governmental uses.

REZONING ORDINANCE NO. 163, 2003.

2003-ZON-118

3999 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #23

SOUTHEASTERN HOLINESS CHURCH, requests a rezoning of 0.96 acre, being in the D-3, C-7
and SU-1 Districts, to the SU-1 classification to provide for religious uses.

PROPOSAL NO. 605, 2003. Councillor Langsford reported that the Metropolitan Development
Committee heard Proposal No. 605, 2003 on October 20, 2003. The proposal, sponsored by
Councillor Langsford, is an inducement resolution for Keystone Towers, LLC in an amount not to
exceed \$6,000,000 which consists of the acquisition and substantial rehabilitation of the existing
vacant 254-unit Keystone Towers Apartments located at 2855 East 45th Street and 4475
Allisonville Road (Districts 6, 11). By a 7-2 vote, the Committee reported the proposal to the
Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting to avoid the appearance of a
conflict of interest.

Councillor Bradford said that he voted against the proposal in the Committee and will do so again
this evening, because he believes the units are too small and cramped for the purposes the
developer has in mind.

Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 605,
2003 was adopted on the following roll call vote; viz:

*23 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas,
Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Nytes, Sanders, Short, Smith,
Soards, Talley, Tilford*

4 NAYS: Bradford, Coonrod, Dowden, Schneider

1 NOT VOTING: Moriarty Adams

1 ABSENT: Massie

Proposal No. 605, 2003 was retitled SPECIAL RESOLUTION NO. 75, 2003, and reads as
follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 2003

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, Keystone Towers, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 254-unit Keystone Towers located on an approximately 6.10 acre parcel of land at 4475 Allisonville Road/2855 East 45th Street, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$6,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on July 31, 2004, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no

priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

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

PROPOSAL NO. 606, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 606, 2003 on October 20, 2003. The proposal, sponsored by Councillor Langsford, is an inducement resolution for TR Associates, LLC in an amount not to exceed \$6,600,000 which consists of the acquisition and substantial rehabilitation of the existing 284-unit Timber Ridge Apartments located at 4005 Meadows Drive (District 11). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting to avoid the appearance of a conflict of interest.

Councillor Langsford moved, seconded by Councillor Smith, for adoption. Proposal No. 606, 2003 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Coonrod, Moriarty Adams

1 ABSENT: Massie

Proposal No. 606, 2003 was retitled SPECIAL RESOLUTION NO. 76, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 76, 2003

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, TR Associates, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 284-unit Timber Ridge Apartments located on an approximately 9.43 acre parcel of land at 4005 Meadows Drive, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$6,600,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on July 31, 2004, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year

will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

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

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 533, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 533, 2003 on September 25, 2003, but were unable to take action due to lack of a quorum. The Committee again heard the proposal on October 16, 2003. The proposal, sponsored by Councillors Bainbridge and Moriarty Adams, approves an increase of \$125,000 in the 2003 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund) to complete a scoping report for a proposed Downtown Cultural Trail, financed by a Federal Highway Administration Transportation Enhancement grant. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:12 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 533, 2003 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Massie

Proposal No. 533, 2003 was retitled FISCAL ORDINANCE NO. 137, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance 99, 2002) appropriating One Hundred Twenty-five Thousand Dollars (\$125,000) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Works, Engineering Division and reducing certain other appropriations.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division to complete a scoping report for a proposed Downtown Cultural Trail, financed by a Federal Highway Administration Transportation Enhancement grant.

SECTION 2. The sum of One Hundred Twenty-five Thousand Dollars (\$125,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENGINEERING DIVISION</u>	
3. Other Services and Charges	<u>125,000</u>
TOTAL INCREASE	125,000

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

<u>NON-LAPSING FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>125,000</u>
TOTAL DECREASE	125,000

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.

SECTION 7. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the project described in section 1 above.

PROPOSAL NO. 558, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 558, 2003 on October 20, 2003. The proposal, sponsored by Councillors Langsford, Nytes, and Talley, approves an increase of \$581,000 and a transfer of \$185,000 in the 2003 Budget of the Department of Metropolitan Development (Federal Grants Fund) to support the Amber Woods Cooperative rehabilitation project, to offer down-payment assistance to new homebuyers in Fall Creek Place, and to remove debris from the Fall Creek

Place project area, financed by a transfer and federal grants. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Smith said that in light of an article in this morning's newspaper, he is concerned about the financial stability of developers in the Fall Creek project. Maury Plambeck, director of the Department of Metropolitan Development (DMD), said that the paper printed a letter to the editor from a former buyer. He said that the department is currently in a lawsuit with that particular builder and this situation will affect less than 10 homeowners, and they are working through it. He said that overall, the project is going extremely well.

Councillor Talley said that the Amber Woods property is in desperate need of rehabilitation, and he supports the proposal.

Councillor Black asked if there is a level of income that must be met for these homeowners to receive downpayment assistance. Beth White, deputy director of DMD, said that there is an income level, and this assistance will go to low-to-moderate income buyers.

President Borst called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 558, 2003 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Soards, Talley, Tilford
1 NAY: Schneider
1 ABSENT: Massie

Proposal No. 558, 2003 was retitled FISCAL ORDINANCE NO. 138, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring and appropriating an additional Seven Hundred Sixty-six Thousand Dollars (\$766,000) in the Federal Grants Fund for purposes of the Department of Metropolitan Development, Division of Community Development and reducing the unappropriated and unencumbered balance in the Federal Grants Fund and reducing certain other appropriations for that division.

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(i) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Community Development, to support the Amber Woods Cooperative (AWC) rehabilitation project, to offer down-payment assistance to new homebuyers in Fall Creek Place, and to remove debris from the Fall Creek Place project area, financed by a transfer between characters and Federal grants.

SECTION 2. The sum of Seven Hundred Sixty-six Thousand Dollars (\$766,000) be, and the same is hereby, appropriated and transferred for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>DIVISION OF COMMUNITY DEVELOPMENT</u>	
3. Other Services and Charges	<u>FEDERAL GRANTS FUND</u>
TOTAL INCREASE	766,000
	766,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>581,000</u>
TOTAL REDUCTION	581,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>DIVISION OF COMMUNITY DEVELOPMENT</u>	<u>FEDERAL GRANTS FUND</u>
4. Capital Outlay	<u>185,000</u>
TOTAL DECREASE	185,000

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.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 559-561 and 564-566, 2003 on October 8, 2003. He asked for consent to vote on Proposal No. 560, 2003 first because of one dissenting vote in Committee and on the other proposals together. Consent was given.

PROPOSAL NO. 560, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$1,500 in the 2003 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to continue a car seat Permanent Fitting Station project at IFD Station #30, financed by a federal grant. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said he voted against the proposal in Committee because he questions if this is a proper use of taxpayer funds.

President Borst called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 560, 2003 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Sanders, Short, Smith, Soards, Talley, Tilford
1 NAY: Schneider
1 NOT VOTING: Nytes
1 ABSENT: Massie

Proposal No. 560, 2003 was retitled FISCAL ORDINANCE NO. 139, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Fifteen Hundred Dollars (\$1,500) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing 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(k) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to continue a car seat Permanent Fitting Station (PFS) project at IFD Station #30, which provides education and training in the proper installation and use of car seats, financed by a federal grant.

SECTION 2. The sum of Fifteen Hundred Dollars (\$1,500) 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>DEPARTMENT OF PUBLIC SAFETY</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
<u>FIRE DIVISION</u>	
2. Supplies	1,245
3. Other Services and Charges	255
TOTAL INCREASE	1,500

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	1,500
TOTAL REDUCTION	1,500

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 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 appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

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

PROPOSAL NO. 559, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$596,100 in the 2003 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund) for technology upgrades, financed by a federal grant. PROPOSAL NO. 561, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$2,799 in the 2003 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-Lapsing Federal Grants Fund) to support the Community Emergency Response Team program, financed by a federal grant. PROPOSAL NO. 564, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$84,032 in the 2003 Budgets of the County Auditor and the County Sheriff (State and Federal Grants Fund) for Victim Assistance salaries and fringes, funded by a state grant (Indiana Criminal Justice Institute) (The local match of \$21,008 is funded by the existing appropriations in the County Sheriff's budget.). PROPOSAL NO. 565, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an increase of \$31,927 in the 2003 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a federal grant. PROPOSAL NO. 566, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$22,148 and an increase of \$1,030,449 in the 2003 Budgets of the County Auditor and the Marion Superior Court, Juvenile Division (State and Federal Grants Fund) to cover expenses for Block Grants #3 and #4 and to appropriate Juvenile Accountability Block Grant #5 (The local match of \$80,089 is

funded by the existing appropriations in the Marion Superior Court, Juvenile Division's budget.). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 559, 561, and 564-566, 2003 were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Massie

Proposal No. 559, 2003 was retitled FISCAL ORDINANCE NO. 140, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Five Hundred Ninety-six Thousand One Hundred Dollars (\$596,100) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing 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(k) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to upgrade wiring in police buildings that house wireless hubs/access points, purchase and install 32 new wireless hubs, purchase/upgrade 70 laptops, purchase 65 laptop mounts and 35 Vehicle Radio Modems (VRMs), financed by a federal grant.

SECTION 2. The sum of Five Hundred Ninety-six Thousand One Hundred Dollars (\$596,100) 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>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	121,787
4. Capital Outlay	<u>474,313</u>
TOTAL INCREASE	596,100

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Non-Lapsing Federal Grants Fund	<u>596,100</u>
TOTAL REDUCTION	596,100

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 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 appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

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

Proposal No. 561, 2003 was retitled FISCAL ORDINANCE NO. 141, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Two Thousand Seven Hundred Ninety-nine Dollars (\$2,799) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Emergency Management and Planning Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing 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(k) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Planning Division, to support the Community Emergency Response Team (CERT) program, which provides training to selected local citizens who will respond to emergency situation in their communities, financed by a federal grant.

SECTION 2. The sum of Two Thousand Seven Hundred Ninety-nine Dollars (\$2,799) 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>EMERGENCY MGMT AND PLANNING DIV.</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Supplies	1,300
3. Other Services and Charges	<u>1,499</u>
TOTAL INCREASE	2,799

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>2,799</u>
TOTAL REDUCTION	2,799

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 appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

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

Proposal No. 564, 2003 was retitled FISCAL ORDINANCE NO. 142, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97 2002) appropriating an additional Eighty-four Thousand Thirty-two Dollars (\$84,032) in the State and Federal Grants Fund for purposes of the County Sheriff 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 I (f) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the County Sheriff for a one time reimbursement for one (1) officer assigned to the Drug Enforcement Administration.

SECTION 2. The sum of Eighty-four Thousand Thirty-two Dollars (\$84,032) 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	19,282
 <u>COUNTY SHERIFF</u>	
I. Personal Services	64,750
TOTAL INCREASE	84,032

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	84,032
TOTAL REDUCTION	84,032

SECTION 5. The local match of \$21,008 is funded by the following existing appropriations in the County Sheriff's budget:

Existing appropriation for the County Sheriff	<u>COUNTY GENERAL FUND</u>
I. Personal Services	21,008
TOTAL MATCH	21,008

SECTION 6. Except to the extent of matching funds 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 565, 2003 was retitled FISCAL ORDINANCE NO. 143, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) appropriating an additional Thirty-one Thousand Nine Hundred Twenty-seven Dollars (\$31,927) in the State and Federal Grants Fund for purposes of the County Sheriff 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 (g) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to be reimbursed for prior expenses related to housing of illegal aliens.

SECTION 2. The sum of additional Thirty-one Thousand Nine Hundred Twenty-seven Dollars (\$31,927) 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 SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	31,927
TOTAL INCREASE	31,927

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	31,927
TOTAL REDUCTION	31,927

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. 566, 2003 was retitled FISCAL ORDINANCE NO. 144, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) transferring and appropriating an additional One Million Fifty-two Thousand Five Hundred Ninety-seven Dollars (\$1,052,597) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division and reducing certain other appropriations from that court 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 (j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division cover expenses in the Juvenile Accountability Block Grants #3 and #4 and to appropriate Juvenile Accountability Block Grant #5.

SECTION 2. The sum of One Million Fifty-two Thousand Five Hundred Ninety-seven Dollars (\$1,052,597) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services – fringes	88,525

MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION

1. Personal Services	352,334
2. Supplies	27,697
3. Other Services and Charges	533,267
4. Capital Outlay	50,774
TOTAL INCREASE	1,052,597

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

COUNTY AUDITOR

1. Personal Services - fringes

5,000

STATE AND FEDERAL GRANTS FUND

MARION SUPERIOR COURT, JUVENILE DIVISION

1. Personal Services	17,120
2. Supplies	28
TOTAL DECREASE	22,148

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered

State and Federal Grants Fund

1,030,449

TOTAL REDUCTION

1,030,449

SECTION 5. The local match of \$80,089 is funded by the following existing appropriations in the Marion Superior Court, Juvenile Division:

Existing appropriation for the Superior Court

3. Other Services and Charges

80,089

TOTAL MATCH

80,089

COUNTY GENERAL FUND

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

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

PROPOSAL NO. 569, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 569, 2003 on October 20, 2003. The proposal, sponsored by Councillors Langsford and Nytes, approves an increase of \$490,000 in the 2003 Budget of the Department of Metropolitan Development, Division of Administrative Services (Non-Lapsing State Grants and City Cumulative Capital Improvement Funds) to pay for the environmental assessment of two brownfield properties (1402 Dr. Martin Luther King Jr. Street and 838 N. Delaware) and to perform additional earthwork at the Keystone Enterprise Park project (located at I70 and Keystone Avenue), financed by a state grant and fund balances. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that he is opposed to the proposal, because the City is over-paying for these properties due to bad financial choices made by current homeowners.

President Borst called for public testimony at 8:28 p.m. There being no one present to testify, Councillor Langsford moved, seconded by Councillor Nytes, for adoption. Proposal No. 569, 2003 was adopted on the following roll call vote; viz:

- 25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Smith, Soards, Talley, Tilford
 3 NAYS: Bradford, Dowden, Schneider
 1 ABSENT: Massie

Proposal No. 569, 2003 was retitled FISCAL ORDINANCE NO. 145, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) appropriating an additional Four Hundred and Ninety Thousand Dollars (\$490,000) in the Non-Lapsing State Grants and City Cumulative Capital Improvement Funds for purposes of the Department of Metropolitan Development, Division of Administrative Services, and reducing the unappropriated and unencumbered balance in the Non-Lapsing State Grants and City Cumulative Capital Improvement Funds.

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(i) of the City-County Annual Budget for 2003 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Administrative Services, to pay for the environmental assessment of two brownfield properties, 1402 Dr. Martin Luther King Jr. Street and 838 N. Delaware, and to perform additional earthwork at the Keystone Enterprise Park project, located at I70 and Keystone Ave on the near eastside, financed by a state grant and fund balance.

SECTION 2. The sum of Four Hundred and Ninety Thousand Dollars (\$490,000) 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 METROPOLITAN DEVELOPMENT</u> <u>DIVISION OF ADMINISTRATIVE SERVICES</u>	<u>CITY CUMULATIVE</u> <u>CAPITAL IMPROVEMENT FUND</u>
4. Capital Outlay	<u>450,000</u>
TOTAL INCREASE	450,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>DIVISION OF ADMINISTRATIVE SERVICES</u>	<u>NON-LAPSING STATE GRANTS FUND</u>
3. Other Services and Charges	<u>40,000</u>
TOTAL INCREASE	40,000

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

	<u>CITY CUMULATIVE</u> <u>CAPITAL IMPROVEMENT FUND</u>
Unappropriated and Unencumbered City Cumulative Capital Improvement Fund	<u>450,000</u>
TOTAL REDUCTION	450,000

	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered Non-Lapsing State Grants Fund	<u>40,000</u>
TOTAL REDUCTION	40,000

SECTION 5. The projected December 31, 2003, fund balance for the City Cumulative Capital Improvement Fund is as follows:

Cash balance as of June 30, 2003	7,188,786
Balance of 2003	<u>12,520,699</u>
Projected funds available	19,709,485

June 30 balance of appropriations, including prior year carryover encumbrances	11,870,787
Proposed appropriation (Proposal No. 569, 2003)	450,000
Additional appropriations this year	<u>210,000</u>
Total Requirements	12,530,787
 Projected fund balance December 31, 2003	 7,178,698

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

SECTION 7. The Non-Lapsing State Grants portion of this appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the environmental assessment program described in section 1 above.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 573, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 573, 2003. The proposal, sponsored by Councillors Bainbridge, Moriarty Adams, Conley Coughenour, and Langsford, approves the issuance of proceeds of sale of transportation revenue bonds of the City of Indianapolis in an original aggregate amount not to exceed Twenty Million Dollars. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked if it is common practice to borrow money to pay for normal street repairs. Councillor Bainbridge said that it is not what is normally done. Councillor Schneider said that the interest would then be an additional burden on the taxpayer. Bob Clifford, interim controller, said that the City did issue transportation bonds in the 1980s. Barbara Lawrence, director of the Department of Public Works (DPW), said that this borrowing will have no impact on tax rates, as those rates are set by the State. Councillor Schneider said that he wants to see these projects move forward but is concerned about borrowing money for standard projects. Councillor Coughenour said that the best thing about these bonds is being able to access this money at such low interest rates. She said that it will be cheaper to do it now when interest rates are low, than to wait until they get worse, and the cost to replace is much higher than the cost to maintain.

Greg Earnest, 38th and Shadeland Community Improvement Association, said that this will help stimulate growth in their neighborhood. The neighbors have been asking for the widening of a bridge for 20 years, and are excited to finally see it on this list of projects.

President Borst called for public testimony at 8:41 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption. Proposal No. 573, 2003 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 ABSENT: Massie

Proposal No. 573, 2003 was retitled SPECIAL ORDINANCE NO. 6, 2003, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 2003

A PROPOSAL FOR A SPECIAL ORDINANCE authorizing the City of Indianapolis, Indiana (the "City") to finance certain street, road, curb and sidewalk improvements and to issue up to Twenty Million Dollars (\$20,000,000) City of Indianapolis, Indiana IndyRoads Revenue Bonds, Series 2003 and approving and authorizing other actions in respect thereto.

WHEREAS, the City has issued its Transportation Refunding and Improvement Revenue Bonds, Series 2001 in the original amount of \$34,680,000 pursuant to a Trust Indenture between the City and Fifth Third Bank, Indiana as Trustee dated as of May 1, 2001 (the "Original Indenture"); and

WHEREAS, the Original Indenture allows for the issuance of additional bonds, pursuant to a supplement to the Original Indenture (a "Supplemental Indenture") to pay for additional projects which can be financed with the Pledged Revenues (as hereinafter defined); and

WHEREAS, the City desires to provide for additional construction, reconstruction and repair of streets, roads, curbs and sidewalks identified in the Metropolitan Thoroughfare Plan and certain highways, arterial streets and local streets within the City's jurisdiction (the "Project") by issuing bonds pursuant to IC 36-3-4-21; and

WHEREAS, the City desires to issue its bonds, pursuant to IC 36-3-4-21, in an amount not to exceed Twenty Million Dollars (\$20,000,000) City of Indianapolis, Indiana IndyRoads Bonds, Series 2003 (the "Bonds") to pay for the Project, pay for costs of issuance and, if necessary, fund a debt service reserve; and

WHEREAS, IC 6-3.5-4 permits the City-County Council to appropriate money derived from the annual license excise surtax to a department of transportation and pursuant to IC 36-3-4-23, the City is authorized to appropriate these monies to its Department of Public Works; and

WHEREAS, IC 6-3.5-5 permits the City-County Council to appropriate money derived from the wheel tax to a department of transportation and pursuant to IC 36-3-4-23, the City is authorized to appropriate these monies to its Department of Public Works; and

WHEREAS, IC 5-1-14 as amended and in effect on the date of issuance of the Bonds, authorizes the City to pledge certain revenues, including the taxes under IC 6-3.5-4 and IC 6-3.5-5, to pay debt service on or secure any obligations of the City if (i) the City has the necessary statutory authority to issue the obligations for any project or purpose for which the pledge is made; (ii) the revenues, money or property is legally available, under federal, state and local laws, to pay or secure debt service, and (iii) the pledge does not purport to create an obligation in violation of any statutory or constitutional limitation to which the City is subject; and

WHEREAS, IC 8-14-1 and 8-14-2, as amended and in effect on the date of issue of the Bonds, authorize the City to pledge certain motor vehicle and highway revenues to pay principal and interest on bonds sold primarily to finance road, street or thoroughfare projects (funds pledged pursuant to IC 5-1-14, IC 6-3.5-4, IC 6-3.5-5, IC 8-14-1 and IC 8-14-2 are collectively referred to herein as the "Pledged Revenues"); and

WHEREAS, the City desires to pledge the Pledged Revenues to secure the Bonds; and

WHEREAS, the total indebtedness of the City including the amount of the Bonds, assuming all such indebtedness constitutes debt in the constitutional sense under the Indiana Constitution, does not exceed any constitutional or statutory limitations on indebtedness and the adjusted value of taxable property in the City, as shown by the last complete and final assessment for state and county taxes, is \$9,660,705,666; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the City, may issue and sell its bonds to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that it will be in the best interest of the City to sell the Bonds to the Bond Bank in a negotiated sale; now, therefore:

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

SECTION 1. The City shall issue its Bonds in one or more series and in the principal amounts not to exceed Twenty Million Dollars (\$20,000,000) to pay for the Project to pay costs of issuance and, if necessary, fund a debt service reserve.

SECTION 2. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Bond Bank pursuant to IC 5-1.4 at a price not less than ninety eight percent (98%) nor more than one hundred and four percent (104%) of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate or rates of interest not to exceed six and one half percent (6.5%) per annum. The Bonds will mature no later than twenty (20) years from their date of issuance.

SECTION 3. Interest and principal payments on the Bonds shall be made either annually or semiannually and the Bonds shall be subject to redemption no sooner than eight (8) years from their date of issuance at a premium not to exceed one percent (1%).

SECTION 4. The Bonds shall be secured by a Supplemental Indenture between the City and the Trustee and the pledge of the Pledged Revenues shall be contained therein.

SECTION 5. The City-County Council hereby finds that the total indebtedness of the City, including the amount of the Bonds, assuming all such indebtedness constitutes debt in the constitutional sense under the Indiana Constitution, does not exceed any constitutional or statutory limitations on indebtedness and the adjusted value of taxable property in the City, as shown by the last complete and final assessment for state and county taxes, is \$9,660,705,666.

SECTION 6. The Mayor and City Clerk are authorized to execute a purchase agreement with the Bond Bank upon successful negotiation of the terms of the sale of the Bonds, provided that such terms fit within the parameters set forth above.

SECTION 7. The Mayor and City Clerk are authorized and directed, upon advice of counsel, to execute the Supplemental Indenture and any other documents necessary to accomplish the financing of the Project and the issuance of the Bonds.

SECTION 8. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 574, 2003. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 574, 2003 on October 16, 2003. The proposal, sponsored by Councillors Bainbridge, Moriarty Adams, Conley Coughenour, and Langsford, approves the appropriation of proceeds of sale of transportation revenue bonds of the City of Indianapolis in an original aggregate amount not to exceed Twenty Million Dollars. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Langsford, for adoption. Proposal No. 574, 2003 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Tilford

0 NAYS:

2 NOT VOTING: Short, Talley

1 ABSENT: Massie

Proposal No. 574, 2003 was retitled FISCAL ORDINANCE NO. 146, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2003

A PROPOSAL FOR A FISCAL ORDINANCE appropriating the proceeds of the City of Indianapolis ("City") IndyRoads Bonds, Series 2003 ("Bonds").

WHEREAS, the City-County Council of Indianapolis, Indiana and of Marion County, Indiana ("Council") has determined to issue bonds to provide for the cost of certain street, road, curb and sidewalk projects and the incidental expenses in connection therewith and on account of the issuance of the Bonds; and

WHEREAS, a notice of a public hearing on the appropriation of the proceeds of the Bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000), plus any original issue premium and investment earnings, to be issued for the purpose of procuring funds to be applied on the costs of certain street, road, curb and sidewalk projects and the incidental expenses to be incurred in connection therewith and with the issuance and sale of the Bonds was properly published in two newspapers published in the City and the proofs of publication were presented to the Council and placed in the Council's records; now, therefore:

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

SECTION 1. An appropriation in an amount not to exceed Twenty Million Dollars (\$20,000,000) plus any original issue premium and investment earnings is hereby made to be applied on the costs of certain street, road, curb and sidewalk projects and the incidental expenses incurred in connection therewith and on account of the issuance of Bonds therefore, and that the funds to meet this appropriation be provided out of the proceeds of the Bonds (to include any original issue premium) and investment earnings; that this appropriation be in addition to all other appropriations provided for in the existing budget and tax levy for the current year.

SECTION 2. The Controller is hereby authorized and directed to report and certify the additional appropriation to the State Department of Local Government Finance.

SECTION 3. Any proceeds of the Bonds in excess of the funds needed to pay the costs of the projects and pay the issuance costs of the Bonds shall be subject to appropriation by the City-County Council of the City of Indianapolis.

SECTION 4. 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. 514, 2003. The proposal, sponsored by Councillor Boyd, urges the Marion County Election Board to provide training on the County's new voting machines for polling place officials, political parties and voters prior to the 2003 General Election. President Borst stated that Proposal No. 514, 2003 was tabled at the meeting on October 6, 2003. He said that the proposal will remain tabled unless anyone wishes it to be pulled off the table for discussion. Hearing no such motion, Proposal No. 514, 2003 remains tabled.

SPECIAL ORDERS - FINAL ADOPTION

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 485, 532, 562, and 567, 2003 on October 8, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 485, 2003. The proposal, sponsored by Councillors Dowden, Douglas, Moriarty Adams, and Talley, provides 40 hours of paid leave for public safety officers who sustain an on-duty injury that causes him or her to be absent from work for more than 40 consecutive hours. PROPOSAL NO. 532, 2003. The proposal, sponsored by Councillor Dowden, approves a transfer of \$1,100,000 in the 2003 Budget of the Marion Superior Court (County General Fund) to fund rent-related expenses for probation satellites. PROPOSAL NO. 562, 2003. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves a transfer of \$6,736 in the 2003 Budget of the Department of Public Safety, Animal

Care and Control Division (Consolidated County Fund) to purchase additional animal supplies and equipment. PROPOSAL NO. 567, 2003. The proposal, sponsored by Councillor Moriarty Adams, seeks authorization to pay legal expenses incurred with the jail-overcrowding litigation from the jail commissary fund. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 485, 532, 562, and 567, 2003 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Short

1 ABSENT: Massie

Proposal No. 485, 2003 was retitled GENERAL ORDINANCE NO. 88, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to provide forty (40) hours of paid leave for public safety officers who sustain an on-duty injury that causes him or her to be absent from work for more than forty (40) consecutive hours.

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

SECTION 1. Article II of Chapter 291 of the "Revised Code of the Consolidated City and County," regarding personnel leaves and holidays, hereby is amended by the addition of a NEW Section 291-216, to read as follows:

Sec. 291-216. Public safety officer on-duty injury leave.

A public safety officer employed full-time by the Indianapolis Police Department who sustains an on-duty injury which causes the public safety officer to be absent from work for more than forty (40) consecutive hours, shall receive forty (40) hours of on-duty sick leave, to be used during the qualifying period for short term disability leave as provided in Sec. 291-204 of the Code, and/or workers' compensation benefits as provided by state law; however, in no event shall the public safety officer be entitled to receive more than his or her regular rate of pay. In order to qualify for this leave, the public safety officer must provide appropriate medical documentation. The leave taken pursuant to this provision shall not be deducted from the public safety officer's accrued benefit leave or short term disability leave.

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

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

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

Proposal No. 532, 2003 was retitled FISCAL ORDINANCE NO. 147, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 147, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 97, 2002) transferring and appropriating an additional One Million One Hundred Thousand Dollars (\$1,100,000) in the County General Fund for purposes of the Marion Superior Court and reducing certain other appropriations from 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(j) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to transfer monies to fund rent related expenses for Probation Satellites.

SECTION 2. The sum of One Million One Hundred Thousand Dollars (\$1,100,000) 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>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	100,000
3. Other Services and Charges	<u>1,000,000</u>
TOTAL INCREASE	1,100,000

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

<u>MARION SUPERIOR COURT</u>	<u>COUNTY GENERAL FUND</u>
I. Personal Services	<u>1,100,000</u>
TOTAL DECREASE	1,100,000

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

Proposal No. 562, 2003 was retitled FISCAL ORDINANCE NO. 148, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring and appropriating an additional Six Thousand Seven Hundred Thirty-six Dollars (\$6,736) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing certain other appropriations for that division.

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(k) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division to purchase additional animal supplies and equipment, including vaccines, medication, micro-chips, syringes, and cleaning supplies, financed by a transfer of funds.

SECTION 2. The sum of Six Thousand Seven Hundred Thirty-six Dollars (\$6,736) 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 PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	<u>6,736</u>
TOTAL INCREASE	6,736

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

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	6,736
TOTAL DECREASE	6,736

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

Proposal No. 567, 2003 was retitled SPECIAL RESOLUTION NO. 77, 2003, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 2003

A SPECIAL RESOLUTION authorizing the payment of legal fees by the Marion County Sheriff's Department from the Jail Commissary Fund.

WHEREAS, the Marion County Sheriff has been the named defendant in litigation pending since 1972 concerning jail overcrowding and other alleged unconstitutional conditions, under the cause currently captioned as Marion County Jail Inmates v. Sheriff Frank J. Anderson, et al., Cause IP-72-04240-C-B/S, U.S. District Court, Southern District of Indiana, Indianapolis Division ("the Litigation"); and

WHEREAS, the Marion County Sheriff has incurred, and will continue to incur, legal expenses in connection with the Litigation which are not and will not be covered by the Department's regular appropriation; and

WHEREAS, the Marion County Sheriff's Department maintains a jail commissary fund pursuant to IC 36-8-10-21; and

WHEREAS, IC 36-8-10-21(d)(9) authorizes expenditures from the commissary fund for any "purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff"; and

WHEREAS, the legal expenses incurred in connection with the Litigation are a purpose for which expenditures are authorized from the jail commissary fund; and

WHEREAS, as is required by IC 36-8-10-21(d), the expenditure of such funds are supplemental or in addition to, rather than a replacement for, regular appropriations previously made.

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

SECTION 1. The City-County Council, pursuant to IC 36-8-10-21, hereby agrees to the expenditure of funds from the jail commissary fund to pay the legal expenses incurred by the Marion County Sheriff in connection with the Litigation.

SECTION 2. The Marion County Sheriff shall maintain a record of the fund's receipts and disbursements, and shall semiannually continue to provide a copy of this record of receipts and disbursements to the City-County Council on July 1 and December 31, as is required by IC 36-8-10-21(e).

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

Councillor McWhirter reported that the Administration and Finance Committee heard Proposal Nos. 511, 568, and 571, 2003 on October 14, 2003. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 511, 2003. The proposal, sponsored by Councillor McWhirter, authorizes the auditor to collect an endorsement fee of \$5 for each legal description of each parcel contained in a deed. PROPOSAL NO. 568, 2003. The proposal, sponsored by Councillor Frick, approves a

transfer of \$35,345 in the 2003 Budget of the County Treasurer (County General Fund) to cover the postage expense for the mailing of tax bills. PROPOSAL NO. 571, 2003. The proposal, sponsored by Councillor Borst, approves a transfer of \$52,900 in the 2003 Budget of the City-County Council (Consolidated County Fund) to upgrade council office computer data base and ordinance tracking system. By 7-0 votes, the Committee reported Proposal No. 511, 2003 to the Council with the recommendation that it do pass as amended and Proposal Nos. 568 and 571, 2003 to the Council with the recommendation that they do pass. Councillor McWhirter moved, seconded by Councillor Frick, for adoption. Proposal No. 511, 2003, as amended, and Proposal Nos. 568 and 571, 2003 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Dowden

1 ABSENT: Massie

Proposal No. 511, 2003, as amended, was retitled GENERAL ORDINANCE NO. 89, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 2003

A GENERAL ORDINANCE amending Section 131-242 of the Revised Code of the Consolidated City of Indianapolis and Marion County, Indiana to authorize the Marion County Auditor to collect an endorsement fee on a document conveying an interest in real property.

WHEREAS, IC 36-2-11-14(a) requires the Marion County Auditor to endorse on each document that partitions or conveys real property "duly entered for taxation subject to final acceptance for transfer," "not taxable," or "duly entered for taxation;" and

WHEREAS, IC 36-2-9-18(d) was recently amended by the Indiana General Assembly to provide that the City-County Council may authorize the endorsement fee to be collected for each legal description of each parcel contained in a deed; and

WHEREAS, the Auditor seeks authorization to charge the endorsement fee for each legal description of each parcel contained in a deed; now therefore:

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

SECTION 1. Section 131-242 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding the underlined text and deleting the text stricken through to read as follows:

Sec. 131-242. Auditor's endorsement fee.

(a) Pursuant to IC 36-2-9-18(d), the city-county council hereby authorizes the Auditor to charge a fee in the amount of Five Dollars (\$5.00) for each endorsement made by the Auditor for each legal description of each parcel in ~~on~~ a document that partitions or conveys real property.

(b) This endorsement fee is to be paid at the time the endorsement is made by the Auditor, and this endorsement fee is in addition to other fees provided by law to be charged by the Auditor.

(c) The Auditor shall deposit all fees received under this section in a dedicated fund for use in maintaining ~~property records~~ plat books.

SECTION 2. This ordinance shall be in full force and on and after November 1, 2003.

Proposal No. 568, 2003 was retitled FISCAL ORDINANCE NO. 149, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 149, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 96, 2002) transferring and appropriating an additional Thirty-five Thousand Three Hundred Forty-five Dollars (\$35,345) in the County General Fund for purposes of the County Treasurer and reducing certain other appropriations from 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.(e) of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Treasurer to cover the postage for the mailing of tax bills.

SECTION 2. The sum of Thirty-five Thousand Three Hundred Forty-five Dollars (\$35,345) 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>COUNTY TREASURER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>35,345</u>
TOTAL INCREASE	35,345

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

<u>COUNTY TREASURER</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>35,345</u>
TOTAL DECREASE	35,345

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

Proposal No. 571, 2003 was retitled FISCAL ORDINANCE NO. 150, 2003, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 150, 2003

A FISCAL ORDINANCE amending the City-County Annual Budget for 2003 (City-County Fiscal Ordinance No. 99, 2002) transferring and appropriating an additional Fifty-two Thousand Nine Hundred Dollars (\$52,900) in the Consolidated County Fund for purposes of the City-County Council 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 of the City-County Annual Budget for 2003 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the City-County Council to upgrade council office computer data base and ordinance tracking system.

SECTION 2. The sum of Fifty-two Thousand Nine Hundred Dollars (\$52,900) 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>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>52,900</u>
TOTAL INCREASE	52,900

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

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>52,900</u>
TOTAL DECREASE	52,900

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

PROPOSAL NO. 515, 2003. Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 515, 2003 on October 20, 2003. The proposal, sponsored by Councillors Langsford and Horseman, amends the definitions of "adult cabaret" and "adult motel" in the commercial zoning districts ordinances to make the definitions consistent with those in the city's adult entertainment businesses ordinances (03-AO-02) (Certified September 5, 2003). By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Horseman, for adoption. Proposal No. 515, 2003 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Soards, Talley, Tilford
0 NAYS:
4 NOT VOTING: Coonrod, Dowden, Schneider, Smith
1 ABSENT: Massie

Proposal No. 515, 2003 was retitled GENERAL ORDINANCE NO. 90 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify certain definitions in the commercial zoning districts ordinances and to make the definitions consistent with those in the city's adult entertainment businesses ordinances.

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

SECTION 1. Section 732-217 of the "Revised Code of the Consolidated City and County," regarding the construction of language and definitions for the commercial zoning districts ordinances, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 732-217. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.

- (6) The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

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

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram A).

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

Administrator. Administrator of the division of planning of the department of metropolitan development or his/her appointed representative.

Adult bookstore. An establishment having at least twenty-five percent (25%) of its:

- (1) Retail floor space used for the display of adult products; or
- (2) Stock in trade consisting of adult products; or
- (3) Weekly revenue derived from adult products.

For purposes of this definition, the phrase *adult products* means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase *adult products* also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sado-masochistic abuse.

Adult cabaret. A nightclub, bar, theatre, restaurant or similar establishment ~~which frequently~~ regularly features:

- (1) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas;
- (2) ~~or which regularly feature~~ films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;

- (3) Persons who appear in a state of nudity or semi-nudity as defined in Chapter 807, Article I of this Code; or
- (4) Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

Adult drive-in theatre. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment.

Adult live entertainment arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult mini motion picture theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration which that offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours, and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theatre. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment. Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Amusement arcade. A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Amusement machine. An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Amusement/recreational establishment, commercial. See (indoor/outdoor) commercial amusement/recreational establishment.

Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - For purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - For purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Attached multifamily dwelling. See dwelling, attached multifamily.

Automated teller machine (ATM). A mechanized apparatus which performs limited banking functions for customers such as deposits, withdrawals and transfers of funds upon insertion of a customer identification card, password, or similar device.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Basement. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half (1/2) or more of its interior vertical height clearance below grade level.

Bed and breakfast. The commercial leasing of no more than four (4) bedrooms(s) for no more than eight (8) guest(s) within a private dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee.

Boardinghouse. A building, other than hotels, motels, bed and breakfasts or multifamily dwelling, containing accommodation facilities in common for up to ten (10) persons where lodging, typically with meals, reserved solely for the occupants thereof, is provided for a fee.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram B).

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.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram B).

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commercial garage. See garage, commercial.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

Community center. A building used for recreational, social, educational and cultural activities of a neighborhood or community.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Convenience market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the centerline, of a street cross-section of the street pavement between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram A).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram A).

Customer service window. Opening on the exterior of a building through which customers receive goods or services in exchange for monetary compensation.

Dance studio. An establishment primarily engaged in operating and providing training, instruction, and demonstrations or recitals in various forms of dance to individuals or groups.

Day care center. Any institution or place operated for the purpose of providing:

- (1) Care;
- (2) Maintenance; or
- (3) Supervision and instruction;

to children who are less than six (6) years old and are separated from their parent(s), guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays, where tuition, fees or other forms of compensation are charged, and which is licensed by, and approved to operate as a day care center in accordance with the requirements of the State of Indiana. This definition shall not include a "day care home" of children.

Day care home. Defined in IC 12-3-2-3 as follows: A residential structure where an individual provides child care:

- (1) For compensation;
- (2) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding holidays; and

- (3) To more than five (5) children at a time who:
 - a. Are less than eleven (11) years of age; and
 - b. Are not attended by:
 1. A parent;
 2. A stepparent;
 3. A guardian;
 4. A custodian; or
 5. A relative who is at least eighteen (18) years of age.

Day nursery. Same as day care center.

Display, outdoor. An outdoor area where merchandise is displayed for sale, and which is freely accessible to the public except that automobile retail sales areas shall be considered outdoor display areas whether freely accessible or not. Outdoor display may be the principal use of a lot or may be accessory to a commercial use (as allowed by the zoning district) when the sales transactions occur within a structure.

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive-in. A business establishment so developed that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

Drive-through. A feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

Drive-through customer window. See customer service window.

Drive-through restaurant. See restaurant, drive-through.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram A).

Dry cleaning plant. A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning dropoff establishments.

Dwelling, attached multifamily. A building or buildings for residential purposes with three (3) or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

Dwelling unit. One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Educational services. An establishment providing academic or technical instruction or primarily engaged in offering educational courses and services, including libraries, student exchange programs and curriculum development.

Enlargement (pertaining to adult entertainment only). An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Establishing an adult entertainment business. Shall mean and include any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
- (3) The relocation of any such business.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Family. One (1) or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary noncompensating guests; or not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Fast food restaurant. See restaurant, fast food.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Garage, commercial. Any building designed and intended for the storage or repair of motor vehicles for compensation.

Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Grocery store. A commercial establishment, commonly known as a supermarket, food or grocery store, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the centerlines of walls separating two (2) abutting buildings.

Gross leasable area. The total floor area which is designed for the tenant's occupancy and exclusive use.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Ground floor. That story which contains finished floor area closest to, but not below, grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hardware store. A commercial establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health care facility. A facility or institution, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.

Health services. Medical, surgical or other similar services provided to individuals, including services provided by physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities or blood banks.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. 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:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Home improvement store/center. A facility for the sale of home, lawn, and garden materials and supplies, brick, lumber, hardware items and other similar materials.

Hotel. Any building or group of buildings containing five (5) or more rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.

Indoor commercial amusement/recreation establishment. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades.

Inoperable vehicle. A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable, or any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, nonrelated and separately operated uses in one (1) building sharing common-site facilities; or
- (2) One (1) or more buildings containing nonrelated and separately operated uses occupying a common-site, which utilize one (1) or a combination of common-site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or

- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram A).

Job printer. A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Landscaping, interior. Landscaping areas consisting of a combination of trees, shrubs and ground cover located in the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define areas for pedestrians and vehicular circulation.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Loading area. An off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. An off-street space or berth used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram C).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram C).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram C).

Lot line. The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram B).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the recorder of Marion County, Indiana.

Main floor area. The area of a horizontal plane, fully bound by the exterior walls of the primary building or structure, of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Minor emergency repairs. Those maintenance repairs necessitating an immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure (see alteration).

Motel. Any building or group of buildings containing five (5) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the traveling public.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where individuals bring household recycling materials to either drop off without compensation, or to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Night club. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live and recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this chapter, an establishment of a similar nature which caters to, or markets itself

predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather a commercial amusement/recreation establishment.

Nonconforming adult entertainment business. Shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of General Ordinance 44, 1984, adopted on July 9, 1984, or amendments thereto, which does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

Nursery, day. See day care center.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

On-center. Distance at grade from the center of one (1) plant to the center of the next plant.

Outdoor commercial amusement/recreation establishment. An open area offering entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as golf courses, swimming pools, and baseball/softball fields.

Outdoor display. See display, outdoor.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram A).

Parking bay. The parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces (see Diagram A).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram A).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Personal service. Services provided involving the care of a person or his/her apparel.

Personal service establishment. A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureaus or similar facilities.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Printer, job. See job printer.

Proposed right-of-way. See right-of-way, proposed.

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 the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District.

Rear yard. See yard, rear.

Reconstruction (pertaining to adult entertainment only). The rebuilding or restoration of any nonconforming adult entertainment business which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds two-thirds ($\frac{2}{3}$) of the value of the structure or the facilities affected.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling station. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. These businesses usually occupy existing freestanding sites, such as former gasoline stations, or occupy parts of an integrated center parking lot.

Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Restaurant, drive-in or drive-through. Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

Restaurant, family. An establishment where food and drink are prepared, served and consumed primarily within the principal building to the general public. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in: 1) square feet; or 2) sales.

Restaurant, fast food. An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premises or off-premises.

Resumption (pertaining to adult entertainment only). Shall mean the reuse or reoccupation of a nonconforming adult entertainment business which has been discontinued for a period of six (6) or more consecutive months.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Required yard. See yard, required.

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.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Roofline. The uppermost edge of the water-carrying surface of a building or structure.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Seasonal retail sales use, temporary. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.

Semi-public use. See use, semi-public.

Service bay. Individual area within an automobile repair or service facility where services, including but not limited to car washes, oil changes and repairs, are performed on a motor vehicle.

Services involving specified sexual activity or display of specified anatomical areas. Any combination of two (2) or more of the following activities:

- (1) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
- (2) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (4) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (5) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Chapter 911 of this Code.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access and often with protection from the elements.

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

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.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: Topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, and dimensions.

Specified anatomical areas. Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in (1) through (6) above.

Stacking space, off-street. An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Storage room. An enclosed area integrated into and sharing a common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.

Story. That part of a building, with an open height of not less than seven (7) feet six (6) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram D).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram D).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram D).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram D).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structural alteration. Shall mean any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

Structure. A combining 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.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Substance abuse treatment facility. A facility, the primary function of which is to administer or dispense a schedule II controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment.

Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary seasonal retail sales use. See seasonal use, temporary.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theatre, drive-in. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theatre, motion picture. A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.

Theatre, legitimate. A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides that is designed to screen and protect waste receptacles from view and to prevent waste debris from dispersing outside the enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of dense tree stands that exceed six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface, the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper may be substituted for a detailed inventory.

Use, semi-public. A service offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Variety store. Commercial establishments primarily engaged in the retail sale of a variety of merchandise in the low price range. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and generally do not deliver merchandise.

Vending machine. An automatic device which dispenses goods or services to the customer upon receipt of monetary compensation.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, rear. An open space unobstructed to the sky, extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.

Yard, side. An open space unobstructed to the sky, extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram B).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity (see Diagram B).

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

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

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

PROPOSAL NO. 572, 2003 Councillor Langsford reported that the Metropolitan Development Committee heard Proposal No. 572, 2003 on October 20, 2003. The proposal, sponsored by Councillors Langsford and Horseman, clarifies the roles of the Department of Public Works, the Board of Public Works, the Department of Metropolitan Development, and the Metropolitan Development Commission in the administration of the Wellfield Protection Zoning Ordinance (03-AO-03) (Certified September 16, 2003). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Langsford moved, seconded by Councillor Horseman, for adoption. Proposal No. 572, 2003 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Frick, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Dowden

1 ABSENT: Massie

Proposal No. 572, 2003 was retitled GENERAL ORDINANCE NO. 91, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2003

PROPOSAL FOR A GENERAL ORDINANCE to amend the Wellfield Protection Districts portion of the zoning ordinance to clarify the roles of the Department of Public Works, the Board of Public Works, the Department of Metropolitan Development and the Metropolitan Development Commission in the administration of the Wellfield Protection Zoning Ordinance.

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

SECTION 1. Sections 735-800, 735-801, and 735-802 of the "Revised Code of the Consolidated City and County," regarding wellfield protection, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-800. Establishment of official zoning map; establishment of wellfield protection districts.

(a) *Establishment of the official zoning map.*

(1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion county, Indiana.

- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of wellfield protection districts.* The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the official zoning map.

Wellfield Protection Zoning Districts	Zoning District Symbols
One Year Time-of-Travel Protection Area	W-1
(secondary) Five Year Time-of-Travel Protection Area	W-5

(c) *Studies and evaluations of the W-1 and W-5 districts.* The W-1 and W-5 districts shall be reevaluated by the OES, with input from a Committee including representatives from OES, the Department of Metropolitan Development ("DMD"), Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five (5) years to determine scientific reasonableness of the districts' maps. ~~The first of these reevaluations shall be completed by OES on or before December 31, 1998.~~

(d) *Reports.*

- (1) The OES shall provide progress reports on the studies and evaluations as required in subsection ~~(a)~~ (c) above to the chairman of the Metropolitan Development Committee of the city-county council, the Board of Public Works and to the Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in subsection ~~(a)(2)~~ (c) above, and thereafter such reports shall be provided on a quarterly basis.
- (2) Every water utility having a wellfield within a W-1 or W-5 district shall on or before January 15, 1998, prepare and file with the chairman of the Metropolitan Development Committee of the city-county council, the Board of Public Works, the Commission and the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the chairman of the Metropolitan Development Committee of the city-county council, the Board of Public Works, the Commission, and the Health and Hospital Corporation of Marion County.

Sec. 735-801. General regulations.

The following regulations shall apply to all land within the Wellfield Protection Zoning Districts. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

(a) *Applicability of regulations.* The following regulations shall apply to all land within the Wellfield Protection Zoning Districts, with the exceptions of single- and multi-family residential land uses. After the effective date of this article: No building, structure, premises or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan has been filed with and approved on behalf of the Metropolitan Development Commission by a technically qualified person. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of section, 730-300 et seq. of this Code and shall contain the information specified in section 735-802(c)(1) through (12).

(b) *Development plans required.*

- (1) In the W-1 district or the W-5 district, a site and development plan is required to be filed with and approved on behalf of the Metropolitan Development Commission by the technically qualified person in the Department of Public Works OES for any of the land uses listed in subsection (b)(2) below when an Improvement Location Permit is required. However, those listed land uses in the W-1 district that, in their ordinary course of business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 district that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this site and development plan requirement. In determining thresholds, the following substances shall be exempted:
- a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility.
 - b. Liquids required for normal operation of a motor vehicle in use in that vehicle.
 - c. Substances contained within vehicles for bulk deliveries to the site.
 - d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.
 - e. Uncontaminated public water supply water, groundwater and/or surface water.
 - f. Substances, which are packaged in pre-sealed containers, sold at retail establishments.
 - g. Substances utilized for the production and treatment of public water supply.
 - h. Substances which, because of their inherent properties, are determined from time to time by the technically qualified person to pose no significant threat to groundwater.
- (2) Land uses requiring a site and development plan approval. (Development associated with the land uses listed below, but used exclusively for offices, does not require a site and development plan.)

Primary land uses:

- Agricultural chemical storage
- Animal feedlots or stockyards
- Asphalt or tar production
- Automotive supplies distribution
- Blast furnaces, steel works, rolling or finishing mills
- Building cleaning or maintenance services company
- Building materials production
- Car or truck wash
- Chemical or petroleum storage or sales
- Chemical, blending or distribution
- Clay, ceramic or refractory minerals mining or quarrying
- Construction contractors' equipment or materials storage
- Creosote manufacturing or treatment
- Dry cleaning plants or commercial laundries

Educational, engineering or vocational shops or laboratories

Electroplating operations or metal finishers

Equipment repair

Fat rendering

Food or beverage production (excluding restaurants, catering and other retail food establishments)

Furniture or wood strippers, refinishers

Fuel dispensing facilities

Golf courses or driving ranges

Hazardous waste treatment, storage or disposal

Hospitals

Laboratories: medical, biological, bacteriological, chemical

Landscape or lawn installation or maintenance service (commercial)

Large institutional uses: convalescent or nursing homes, correctional or penal institutions, schools, colleges or universities

Leather tanning or finishing

Limestone, sand or gravel mining or quarrying

Machine, tool or die shop

Manufacture of:

- Autos or trucks
- Cement
- Chemicals or gases
- Colors, dye, paint or other coatings
- Communication equipment
- Detergents or soaps
- Explosives, matches, or fireworks
- Glass or glass products
- Light portable household appliances; electric hand tools; electrical components or subassemblies; electric motors; electric or neon signs
- Machinery, including electrical or electronic machinery; or equipment or supplies (circuits or batteries).
- Major electric or gas household appliances
- Marine equipment
- Musical instruments
- Office machinery, electrical or mechanical

- Paper, paper box or paper products
- Recording instruments
- Tools or implements, machinery or machinery components
- Wood products
- Materials transport or transfer operations (truck terminals)
- Metal mining
- Mortuary or other embalming services
- Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle
- Municipal waste landfill or transfer station
- Oil or gas production wells
- Oil or liquid materials pipelines
- Painting or coating shops (utilizing liquids or water soluble solids)
- Pesticide or fertilizer application services
- Petroleum refining
- Photographic processing facilities
- Printing industries (utilizing liquid inks)
- Radioactive waste handling or storage
- Road salt storage
- Rubber or plastics processing or production
- Scrap or junk yards
- Slaughterhouse or meat packing
- Sludge treatment or disposal
- Solid waste treatment, storage or disposal (involving potential groundwater contaminants)
- Stamping or fabricating metal shops using press, brakes, or rolls
- Textile production
- Warehousing of potential groundwater contaminants
- Wastewater treatment facilities
- Wood preservers or treaters
- Accessory land uses:
 - Car or truck wash (if an underground storage tank is used)
 - Dry cleaning plants (if forty (40) gallons or more of petroleum or chlorinated solvents are used or stored in a single container on-site)

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle (if fifty-five (55) gallons or more in aggregate of petroleum or chlorinated solvents are used or stored on-site)

Fuel dispensing facilities

Outdoor road salt storage (if over one (1) ton in bulk)

(3) Where an existing use is being expanded, the site and development plan shall generally describe the entire site but only the expansion development is subject to review. Only those chemicals to be used, stored, or handled in the expanded area shall be calculated in determining threshold amounts.

(c) *Commitments.* The Commission may permit or require commitments.

(d) *State statutory basis.* The applicable Indiana Planning and Zoning Laws pertaining to this article are the 1) 1400 Series - Development Plans of IC 36-7-4 and; 2) 600 Series - Zoning Ordinance (IC 36-7-4-600. Regulations contained in, and revisions to, this article reflect the provisions of the 1400 Series - Development Plans, and the 600 Series - Zoning Ordinance.

Sec. 735-802. Wellfield Protection District regulations.

Statement of purpose. Because of the risk that certain chemicals pose to groundwater quality, it is recognized that the further regulation of the use and storage of such chemicals related to land use activities is essential in order to preserve public health and economic vitality within Marion County.

(a) *Permitted Wellfield Protection District uses.* All land uses permitted in the applicable underlying zoning districts shall be those allowed in the W-1 and W-5 Overlay Districts.

(b) *Site and development plan consideration.* Upon the application for an Improvement Location Permit the technically qualified person, on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments, or commitments, the proposed site and development plan. Comments from the Health and Hospital Corporation of Marion County and applicable water utilities shall be solicited by the technically qualified person prior to approval of a site and development plan, and if such comments are provided timely by the Health and Hospital Corporation or applicable water utilities, the technically qualified person shall consider them and may give them such weight as he or she shall determine to be appropriate.

(c) *Plan documentation and supporting information.* The site and development plan shall include:

- (1) Any existing uses*
- (2) Setbacks*
- (3) Landscaping, screens, walls, fences*
- (4) Sewage disposal facilities*
- (5) Vicinity map (U.S.G.S. quadrangle preferred)
- (6) Brief history of site of new building or addition (usage, historical environmental concerns, abandoned wells, underground storage tanks, septic tanks)
- (7) Site map (drawn to scale) including:
 - All existing and proposed structures*
 - Paved and nonpaved areas*
 - Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing)
 - Floor drain locations and outlets
 - Chemical/product storage locations
 - Waste storage locations

- Liquid transfer areas
 - Site surface water bodies (streams, rivers, ponds)*
 - Underground storage tanks
 - Aboveground storage tanks
- (8) Proposed containment area detail drawings--area, heights, materials, specifications, if applicable
 - (9) Description of proposed operations including chemicals/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures, heating source (oil/gas), liquid transfer/loading areas.
 - (10) Methods and locations of receiving, handling, storing, and shipping chemicals/products and wastes.
 - (11) Response measures and reporting.
 - (12) Description of slopes near containment vessels and waste storage areas*

Such site and development plan shall be provided to the Health and Hospital Corporation of Marion County and applicable water utilities when sent to the technically qualified person.

* Information required by Chapter 730, Article III, Improvement Location Permits.

(d) *Site and development requirements.* Land in the W-1 and W-5 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the technically qualified person shall assess whether the site and development plan:

- (1) Is consistent with the Comprehensive Plan of Marion County, Indiana.
- (2) Will prevent potential groundwater contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal primary drinking water standards after undergoing conventional groundwater treatment.
- (3) Will not pose an unreasonable risk to groundwater within a designated wellfield protection area.
- (4) Complies with subsection (h) of this section.

The technically qualified person shall consider and act upon any such proposed site and development plan; and may approve the same in whole or in part, or impose additional conditions, or commitments thereon. (It is the intent of this article that review of site and development plans be done in an expeditious manner. Generally this review would occur within fourteen (14) days from receipt of plan documentation and supporting information required in subsection (c) of this section.

(e) *Public notice.* Public notice of the filing of an application under this section and public notice of the decision by the Administrator of the Division of Compliance relative to such application shall not be required because this application is being treated as an Improvement Location Permit application.

(f) *Staff approval.*

- (1) *Standards for review and disposition.* The technically qualified person shall be required to use the standards of subsections (d) and (h) of this section in the review and disposition of such plans.
- (2) *Appeal of staff approval.* Any party of interest or aggrieved person shall have the right to appeal action by the technically qualified person before the Metropolitan Development Commission to approve or disapprove a site and development plan. Such appeal shall be filed as an approval petition within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission.

- (3) *Commission findings.* The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this subsection (d) above. The president or secretary of the Commission shall be responsible for signing the written findings.
- (4) *Public information.* The decision of the technically qualified person to approve or disapprove a site and development plan and the file on which the decision is based are public records and are available for examination by any person. The Department of Metropolitan Development shall, within two (2) business days of the decision, send by fax a summary of the decision (including the docket number of the case, the address, a summary of the request, any waivers granted, and a summary of the action taken by the technically qualified person) to:
 - a. Members of the city-county council;
 - b. The president of the Marion County Alliance of Neighborhood Associations, Inc.
 - c. Indianapolis Chamber of Commerce.
 - d. Health and Hospital Corporation of Marion County.
 - e. Applicable water utilities.

The validity of the decision of the technically qualified person shall not be affected by any failure to comply in all respects with this public information provision.

(g) *Improvement Location Permit requirements.* No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in the Wellfield Protection Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and such permit shall not be issued until the proposed site and development plan, if required in section 735-801(b) has been approved in accordance with this section.

(h) *Development standards.* In addition to the site and development requirements of subsection (d) of this section, all development within the W-1 and W-5 Districts shall be reviewed by the technically qualified person for conformity with the following requirements:

- (1) Prior to approving a site and development plan, a technically qualified person may:
 - a. Impose conditions or require commitments to protect the groundwater supply in addition to the requirements stated in subsection (h)(2) of this section.
 - b. Substitute conditions or commitments that protect the groundwater supply for one (1) or more of the requirements in subsection (h)(2) of this section.
 - c. Waive one (1) or more of the requirements in subsection (h)(2) of this section (notice of the proposed issuance or granting of any such waiver shall be provided to the Health and Hospital Corporation of Marion County and the applicable water utilities).

In determining whether conditions or commitments should be made applicable, in determining whether conditions and commitments should be substituted for requirements, and in determining whether requirements should be waived, the risk to the groundwater supply posed by the development and the costs of various methods of protecting the groundwater supply shall be considered. The technically qualified person shall make findings supporting the substitution of conditions or commitments for requirements or the waiver of requirements.

- (2) Land in the W-1 and W-5 Districts is subject to the following requirements:
 - a. All known abandoned wells shall be identified and sealed in accordance with applicable law.
 - b. No surface impoundments, ponds, or lagoons shall be established except for:
 1. Stormwater detention and retention ponds; and
 2. Recreation or landscaping purposes.

- c. In the W-1 District, detention and retention ponds shall meet one (1) of the following criteria:
 - 1. They are constructed in a manner that provides an effective barrier to the migration of potential groundwater contaminants into the groundwater.
 - 2. There are existing developed site features, including the location of the proposed pond, to prevent the migration of potential groundwater contaminants into the groundwater.
- d. The development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.
- e. All trash dumpsters shall be located on hardsurfaced areas that drain to storm sewers or combined sewers.
- f. All areas that may be used for the storage of potential groundwater contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the groundwater.
- g. All vehicle or equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of material which forms an effective barrier to prevent the migration of fluids or other materials into the groundwater.
- h. The following restrictions apply to new, outdoor storage areas only in the W-1 District:
 - 1. No aboveground storage tank of liquid (for underground storage tanks see requirement m.) of greater than one thousand (1,000) gallons is allowed.
 - 2. No storage of water soluble solids of more than six thousand (6,000) pounds per container is allowed in any one (1) containment area.
 - 3. Restrictions of 1. and 2. above may be waived by the technically qualified person if the tanks or other storage container is at least two hundred (200) feet from a public water supply system (PWSS) well, is above ground, and is located where at least twenty-five (25) feet or a suitable thickness of naturally occurring or compacted low permeability fine grained materials overlie the aquifer used by the PWSS.
- i. Except for fuel stored in accordance with subsection (h)(2)n. at a fuel dispensing facility, all tanks holding more than forty (40) gallons of liquids for more than twenty-four (24) hours must be in a location or containment area capable of preventing any release from the tank from reaching the groundwater table. A containment area capable of containing one hundred ten (110) percent of the largest such tank in that location would satisfy this requirement.
 - 1. The containment area shall be constructed to meet at least one (1) of the following requirements:
 - (a) A secondary containment structure designed to prevent and control the escape or movement of potential groundwater contaminants into groundwater for a minimum period of seventy-two (72) hours before removal; or
 - (b) A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes interstitial monitoring.
 - 2. Where practical, the secondary containment structure shall be designed to allow drainage or pumping into a holding area designed to contain the discharge until it can be properly removed.
 - 3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 - 4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.

- j. While being stored, water soluble solids must be kept dry at all times.
- k. Sludges which could release liquids or water soluble solids must be contained so that neither could enter the groundwater.
- l. The transfer area for the bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
 - 1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the groundwater.
 - 2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.
- m. In the W-1 District, existing underground storage tanks (USTs) may be replaced or upgraded only in accordance with requirement n. Replacements and upgrades to existing USTs at fuel dispensing facilities are not subject to the volume limitations. No other new USTs are permitted in the W-1 District.
- n. In the W-1, the following requirements apply only to fuel dispensing facilities, or replacement or upgraded USTs as referenced in requirement m. For all other tanks, see requirement i.
 - 1. Approved USTs shall be double walled.
 - 2. Approved USTs shall include the following three (3) methods of release detection:
 - (a) Inventory control as defined in 40 CFR 280.43(a);
 - (b) Monthly 0.2 in tank leak test as defined in 40 CFR 280.43(d); and
 - (c) Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).
 - 3. Connected piping must include the following three (3) methods of release detection:
 - (a) Inventory control;
 - (b) Continuous detection for three-gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shutoff is required at ninety-five (95) percent tank capacity; and
 - (c) Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 280.43g.
- o. In the W-5 District, the requirements of 40 CFR Part 280 apply to existing, registered USTs which are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, applicable to nonpetroleum USTs, shall be applicable to the following in the W-5 District:
 - 1. Such a tank that is covered by state or federal hazardous waste regulations;
 - 2. Heating oil tanks for on-site use;
- p. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
 - 1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be accomplished by way of a dragline, floating dredge, or an alternative "wet" excavation method.
 - 2. There shall be no dewatering of sites utilized for sand and gravel extraction.

3. No form of solid waste, sludge, or any other form of waste material of any kind, including, but not limited to, construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products or other similar materials on site shall be secondarily contained.
- q. Dewatering of sites shall be permitted only for the following purposes:
1. To prevent water damage to structures; and
 2. To protect groundwater quality; and
 3. The temporary dewatering for the construction of sewers and other underground facilities, including foundation structures.
- r. Class V injection wells (as defined in 40 CFR 146) shall be prohibited with the exception of the following:
1. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if noncontact; and
 2. Cooling water return flow wells used to inject water previously used for cooling, if noncontact; and
 3. Barrier recharge wells used to replenish the water in an aquifer or to improve groundwater quality, provided the injected fluid does not contain potential groundwater contaminants; and
 4. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if noncontact.

SECTION 2. Section 735-804 of the "Revised Code of the Consolidated City and County," regarding groundwater protection, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 735-804. Groundwater protection.

(a) *Groundwater protection fund.* There is created a groundwater protection fund, funds from which shall be used only for those specific activities identified in subsection (c) below.

(b) *Groundwater protection fee.* Each public water supply system that pumps groundwater from one (1) or more wells located within a W-1 or W-5 District shall pay into the groundwater protection fund a percentage of the annual fee assessed by the ~~Commission~~ Board of Public Works, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one (1) or more wells within a W-1 or W-5 District. The annual fee assessed by the ~~Commission~~ Board of Public Works for any calendar year shall be based on the ~~Commission's~~ Board of Public Works' approved budget for the specific activities identified in subsection (c) below, but shall not exceed two hundred thousand dollars (\$200,000.00). Within thirty (30) days following the approval of the ~~Commission's~~ Board of Public Works' budget for the specific activities described in subsection (c) below during the following year, the ~~Commission~~ Board of Public Works shall notify the public water supply systems that pump groundwater from one (1) or more wells located within a W-1 or W-5 District as to the amount of the annual fee to be assessed all such systems for the following year. Each public water supply system subject to this article that pumps groundwater from one (1) or more wells within a W-1 or W-5 District shall report, in writing, to the ~~Commission~~ Board of Public Works on or before January 31 of each year, the number of customers served at the end of the prior calendar year. On or before March 1 of each year, the ~~Commission~~ Board of Public Works shall determine the amount of the annual fee to be assessed and notify each of the water supply systems that pumps groundwater from one (1) or more wells within a W-1 or W-5 District as to the portion of such annual fee to be paid by such public water supply system. The public water supply system shall pay the full amount of its portion of the annual fee assessed by the ~~Commission~~ Board of Public Works on or before March 15 of each year.

(c) *Groundwater protection costs.* The funds in the groundwater protection fund shall be used solely to pay for:

- (1) Administrative costs incurred by the Commission and the Department of Metropolitan Development in the implementation of this article;
- (2) Study costs incurred in accordance with the provisions of section 735-800(a); and
- (3) Costs incurred in establishing and maintaining a wellfield education and registration program.

SECTION 3. 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 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

Councillor Bainbridge reported that the Public Works Committee heard Proposal Nos. 534-538, and 575-587, 2003 on October 16, 2003. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 534, 2003. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at Allegheny Street and Cleveland Street (District 22). PROPOSAL NO. 535, 2003. The proposal, sponsored by Councillor Borst, authorizes a change in intersection controls at East Street and Narcissus Drive (District 25). PROPOSAL NO. 536, 2003. The proposal, sponsored by Councillor Knox, authorizes a change in intersection controls at Ohio Street and Reisner Street (District 17). PROPOSAL NO. 537, 2003. The proposal, sponsored by Councillors Soards and Gray, authorizes intersection control changes and parking control changes in the Three Fountains West, Colonial Square, and Mayfield Green Apartment complexes (Districts 1, 9). PROPOSAL NO. 538, 2003. The proposal, sponsored by Councillor Bainbridge, authorizes parking restrictions on Norfolk Street from Patricia Street to the dead end (District 8). PROPOSAL NO. 575, 2003. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 3308 North Mitthoefer Road (District 5). PROPOSAL NO. 576, 2003. The proposal, sponsored by Councillor Langsford, authorizes a traffic signal at I-74 and Southeastern Avenue (District 13). PROPOSAL NO. 577, 2003. The proposal, sponsored by Councillor Cockrum, authorizes a multi-way stop at Chelsea Road and Worth Avenue (District 19). PROPOSAL NO. 578, 2003. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 9th Street and Centennial Street (District 16). PROPOSAL NO. 579, 2003. The proposal, sponsored by Councillor Moriarty Adams, authorizes a change in the intersection controls at 20th Street and Linwood Avenue (District 15). PROPOSAL NO. 580, 2003. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at Bradley Avenue and Walnut Street (District 15). PROPOSAL NO. 581, 2003. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at 20th Street Hawthorne Lane (District 15). PROPOSAL NO. 582, 2003. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Berwick Avenue and Gimber Street (District 17). PROPOSAL NO. 583, 2003. The proposal, sponsored by Councillor Knox, authorizes a change in intersection controls for Pershing Avenue and Ray Street (District 17). PROPOSAL NO. 584, 2003. The proposal, sponsored by Councillors Knox and Borst, authorizes multi-way stops at Kappes Street and Lambert Street, and

at Lambert Street and Reisner Street (Districts 17, 25). PROPOSAL NO. 585, 2003. The proposal, sponsored by Councillor Bainbridge, authorizes a multi-way stop at Breton Street and Falcon Drive (District 8). PROPOSAL NO. 586, 2003. The proposal, sponsored by Councillor Bainbridge, authorizes a change in intersection controls for Beauport Road and Fredonia Road (District 8). PROPOSAL NO. 587, 2003. The proposal, sponsored by Councillor Brents, authorizes shuttle stops for the Indy Go Blue Line Circulator (District 16). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Bainbridge moved, seconded by Councillor Brents, for adoption. Proposal Nos. 534-538 and 575-587, 2003 were adopted on the following roll call vote; viz:

26 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Talley, Tilford*
 0 NAYS:
 2 NOT VOTING: *Gray, Smith*
 1 ABSENT: *Massie*

Proposal No. 534, 2003 was retitled GENERAL ORDINANCE NO. 92, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 2003

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	Allegheny St Cleveland St	None	All Way Stop

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

Proposal No. 535, 2003 was retitled GENERAL ORDINANCE NO. 93, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2003

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>
46	East St Narcissus Dr	Narcissus 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>
46	East St Narcissus Dr	East St	Stop

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

Proposal No. 536, 2003 was retitled GENERAL ORDINANCE NO. 94, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 2003

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>
17	Ohio St Reisner St	Ohio St	Yield

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>
17	Ohio St Reisner St	Ohio St	Stop

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

Proposal No. 537, 2003 was retitled GENERAL ORDINANCE NO. 95, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls, and Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 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>
16	Woodland Dr NB Woodland Dr SB 43 rd St	Woodland Dr SB	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

42nd Street, on both sides, from Woodland Drive to Moller Road

43rd Street, on the north side, from Woodland Drive to Moller Road

Renn Lane, on the south side, from Woodland Drive to Moller Road

Woodland Drive, on both sides, from 42nd Street to Renn Lane

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

Proposal No. 538, 2003 was retitled GENERAL ORDINANCE NO. 96, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 2003

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

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

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

Norfolk Street, on both sides, from Patricia Street south to the dead end

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

Proposal No. 575, 2003 was retitled GENERAL ORDINANCE NO. 97, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 2003

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>
21	3308 N Mitthoefer Rd (Conveyor Drive)	None	Signal

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

Proposal No. 576, 2003 was retitled GENERAL ORDINANCE NO. 98, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 2003

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>
33	I-74 Southeastern Av	I-74	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>
33	I-74 Southeastern Av	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. 577, 2003 was retitled GENERAL ORDINANCE NO. 99, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 2003

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>
30	Chelsea Rd Worth Av	Chelsea 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>
30	Chelsea Rd Worth 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. 578, 2003 was retitled GENERAL ORDINANCE NO. 100, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2003

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>
24	9 th St Centennial St	Centennial 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>
24	9 th St Centennial St	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. 579, 2003 was retitled GENERAL ORDINANCE NO. 101, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 2003

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	20 th St Linwood Av	Linwood 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:

October 27, 2003

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	20 th St Linwood Av	20 th St	Stop

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

Proposal No. 580, 2003 was retitled GENERAL ORDINANCE NO. 102, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2003

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>
26	Bradley Av Walnut St	Bradley 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>
26	Bradley Av Walnut St	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. 581, 2003 was retitled GENERAL ORDINANCE NO. 103, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 2003

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>
26	20 th St Hawthorne Ln	20 th 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>
26	20 th St Hawthorne Ln	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. 582, 2003 was retitled GENERAL ORDINANCE NO. 104, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2003

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>
31	Berwick Av Gimber St	Berwick 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>
31	Berwick Av Gimber St	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. 583, 2003 was retitled GENERAL ORDINANCE NO. 105, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2003

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>
17	Pershing Av Ray St	Ray 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>
17	Pershing Av Ray St	Pershing Av	Stop

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

Proposal No. 584, 2003 was retitled GENERAL ORDINANCE NO. 106, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2003

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>
31	Kappes St Lambert St	Lambert St	Stop
31	Lambert St Reisner St	Lambert 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>
31	Kappes St Lambert St	None	All Way Stop
31	Lambert St Reisner St	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. 585, 2003 was retitled GENERAL ORDINANCE NO. 107, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2003

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>
16	Breton St Falcon Dr	Falcon Dr	Yield

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>
16	Breton St Falcon 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. 586, 2003 was retitled GENERAL ORDINANCE NO. 108, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2003

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>
16	Beauport Rd Fredonia Rd	Fredonia 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>
16	Beauport Rd Fredonia Rd	Beauport Rd	Stop

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

Proposal No. 587, 2003 was retitled GENERAL ORDINANCE NO. 109, 2003, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 2003

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets; Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets; Sec. 621-202, Parking meter zones designated; and Sec. 621-402, Bus stop and trolley stop zones.

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. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Georgia Street, on the north side, from West Street to a point 342 feet east of West Street

SECTION 2. 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 deletion of the following, to wit:

Georgia Street, on the south side from Capitol Avenue to a point 130 feet east of Capitol Avenue

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

TWO HOUR

Georgia Street, on the south side, from 130 feet east of Capitol Avenue to Pennsylvania Street

SECTION 4. 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:

Georgia Street, on the south side, from Capitol Avenue to a point 90 feet east of Capitol Avenue

Georgia Street, on the south side, from a point 390 feet east of Capitol Avenue to Illinois Street

SECTION 5. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOUR

Georgia Street, on the south side, from a point 90 feet east of Capitol Avenue to Pennsylvania Street

SECTION 6. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Georgia Street, on the south side, from a point 349 feet east of Georgia Street
to a point 390 feet east of Georgia Street

Meridian Street, on the east side from a point 26 feet north of Maryland Street
to a point 66 feet north of Maryland Street

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

NEW BUSINESS

President Borst wished all Council members-elect luck in the upcoming elections on November 4, 2003.

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 Councillor Langsford in memory of Grant Elrod. 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 Grant Elrod. 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 family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:59 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 27th day of October, 2003.

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)