

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

**REGULAR MEETINGS  
MONDAY, FEBRUARY 23, 1998**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, February 23, 1998, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Black recognized Leroy Munger, representative of the Keystone Neighborhood Association. Councillor Moriarty Adams recognized NESCO (Near East Side Community Organization) representatives. Councillor Jones asked members of the Concerned Clergy to stand and be recognized. Councillor McClamroch recognized Cub Scout Pack 171, Den 3. Councillor Talley introduced Reverend McDowell, associate minister of Greater St. Mark Baptist Church. Councillor Gilmer introduced George and Jean Wiley, residents of his district. Councillor Franklin recognized Reverend and Mrs. Sherman Allen, Light of the World Christian Church.

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, February 23, 1998, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Beurt SerVaas  
President, City-County Council

February 10, 1998

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, February 11, 1998, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, February 12, 1998, a copy of a Notice of Public Hearing on Proposal Nos. 4, 5, 7, 91, 93, 94, and 95, said hearing to be held on Monday, February 23, 1998, at 7:00 p.m. in the City-County Building.

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

February 13, 1998

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 3, 1998 - approves an increase of \$26,165 in the 1998 Budget of the County Sheriff (State and Federal Grants Fund) to reimburse the salary expense of three officers assigned to the FBI Task Force Program financed by an FBI Task Force Grant

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

GENERAL ORDINANCE NO. 28, 1998 - concerns voting limitations by Councillors

SPECIAL ORDINANCE NO. 1, 1998 - determines that a health hazard exists in the groundwater of the South Emerson, Mars Hill, and Richland (Frog Hollow) areas of Marion County, and that the appropriate remedy is the extension of water service by the Indianapolis Water Company to these areas

SPECIAL RESOLUTION NO. 5, 1998 - recognizes Indianapolis Weed & Seed IPD Appreciation Day

SPECIAL RESOLUTION NO. 6, 1998 - approves the disbursement of \$2,382,870 in Community Development Block Grant Funds

SPECIAL RESOLUTION NO. 7, 1998 - authorizes the newly appointed City Controller to sign Public Employees' Retirement Fund (PERF) documents on behalf of the City

SPECIAL RESOLUTION NO. 8, 1998 - approves the sale of the real estate formerly used as the Marion County Healthcare Center at 11850 Brookville Road to the Institute in Basic Life Principles, Inc. of Oak Brook, Illinois

Respectfully,  
s/Stephen Goldsmith, Mayor

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the February 9, 1998. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 146, 1998. The proposal, sponsored by Councillors O'Dell and Franklin, recognizes the public service of William A. J. Peddie, Jr., Assistant Superintendent of the Children's Guardian Home. Councillor O'Dell read the proposal and presented Mr. Peddie with a copy of the document and a Council pin. Councillor Franklin thanked Mr. Peddie for his service. Paul Browne, executive director of the Children's Guardian Home, congratulated Mr. Peddie, and thanked him for his dedication and hard work. Mr. Peddie thanked the Council for the honor and stated that he believes strongly in the Guardian Home. Councillor O'Dell moved, seconded by Councillor Franklin, for adoption. Proposal No. 146, 1998 was adopted by a unanimous voice vote.

Proposal No. 146, 1998 was retitled SPECIAL RESOLUTION NO. 9, 1998, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 9, 1998**

A SPECIAL RESOLUTION recognizing the public service of William A.J. Peddie, Jr., Assistant Superintendent of the Children's Guardian Home.

WHEREAS, William A.J. Peddie, Jr. has worked arduously for the past quarter century as Assistant Superintendent of the Marion County Children's Guardian Home; and

WHEREAS, he is a distinguished veteran who served in the United States Air Force during the Viet Nam war, is a graduate of Indiana University, and has acted to improve his job skills by earning a Master's Degree in Business Administration in night school at the University of Indianapolis; and

WHEREAS, by virtue of his position and personality Bill Peddie has day after day touched the lives of literally thousands of abused and neglected children of Marion County during the past 25 years; and

WHEREAS, he has voluntarily served on the Marion County Job Classification and Compensation Board since its inception, and is affectionately known by the children and staff of the Guardian Home as "the whistler"; 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 publicly recognizes the outstanding public service of William A.J. Peddie, Jr., and congratulates him upon his milestone 25<sup>th</sup> Anniversary year of dedicated work at the Children's Guardian Home.

SECTION 2. Bill Peddie represents the very best in the public service profession, and he serves as an inspiration and role model for all who care about children.

SECTION 3 Indianapolis and Marion County is blessed to have so many dedicated men and women like Bill who radiate a positive influence upon the children in our classrooms, institutions, religious classes, Scout meetings and in our homes.

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

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

Councillor Massie stated that he had submitted a special resolution for introduction this evening that must not have been submitted in the correct process. He asked for consent to make a brief presentation in the resolution's stead. Consent was given. Councillor Massie introduced the Manual High School basketball team who were crowned City champions in the High School basketball tournament. Councillor Gray introduced Coach Pat Craig, who introduced the team members. Councillor Massie presented team members and Coach Craig with Council pins. Coach Craig thanked the Council for the recognition.

Councillor Curry asked for consent to move Proposal No. 657, 1998 next on the agenda following the Council resolutions due to the large number in attendance with interest in the proposal. Consent was given.

Councillor McClamroch stated that Proposal Nos. 355, 801, and 802, 1997; Proposal Nos. 18, 19, 37, 73, and 125, 1998, and Proposal No. 104, 1998, as amended, are all board appointments or mayoral appointment approvals and passed out of Committee with unanimous votes. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 355, 1997. The proposal reappoints David Stirman to the Indianapolis Public Transportation Corporation Board. PROPOSAL NO. 801, 1997. The proposal reappoints Eli Bloom to the Indianapolis Greenways Development Board. PROPOSAL NO. 802, 1997. The proposal reappoints Sondra Gunnell to the Indianapolis Greenways Development Board. PROPOSAL NO. 18, 1998. The proposal approves the Mayor's appointment of Susan W. Brooks as Deputy Mayor for a term ending December 31, 1998. PROPOSAL NO. 19, 1998. The proposal approves the Mayor's appointment of John R. Hall as Deputy Mayor for Neighborhoods for a term ending December 31, 1998. PROPOSAL NO. 37, 1998. The proposal reappoints Ken Giffin to the Board of Public Safety. PROPOSAL NO. 73, 1998. The proposal appoints Scott Fitzgerald to the Board of Parks and Recreation. PROPOSAL NO. 104, 1998. The proposal reappoints Dave McClure to the Animal Control Board. PROPOSAL NO. 125, 1998. The proposal appoints George L. Wiley to the Board of Asset Management and Public Works.

Councillor Talley asked Ms. Brooks what efforts she will focus on in decreasing crime through her appointment as Deputy Mayor. Ms. Brooks stated that the war against narcotics seems to be

the best starting place for fighting crime, and added that she will focus on drugs and crime together as Deputy Mayor.

Councillor McClamroch moved, seconded by Councillor Gilmer, for adoption. Proposal Nos. 355, 801, and 802, 1997; Proposal Nos. 18, 19, 37, 73, and 125, 1998, and Proposal No. 104, 1998, as amended, were adopted by a unanimous voice vote.

Proposal No. 355, 1997 was retitled COUNCIL RESOLUTION NO. 30, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 30, 1998

A COUNCIL RESOLUTION reappointing David Stirsman to the Indianapolis Public Transportation Corporation Board.

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

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board, the Council appoints:

David Stirsman

SECTION 2. The appointment made by this resolution is for a term ending April 9, 2000. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 801, 1997 was retitled COUNCIL RESOLUTION NO. 31, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 31, 1998

A COUNCIL RESOLUTION reappointing Eli Bloom to the Indianapolis Greenways Development Board.

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

SECTION 1. As a member of the Indianapolis Greenways Development Board, the Council appoints:

Eli Bloom

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 802, 1997 was retitled COUNCIL RESOLUTION NO. 32, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 32, 1998

A COUNCIL RESOLUTION reappointing Sondra Gunnell to the Indianapolis Greenways Development Board.

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

SECTION 1. As a member of the Indianapolis Greenways Development Board, the Council appoints:

Sondra Gunnell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2001. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 18, 1998 was retitled COUNCIL RESOLUTION NO. 38, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of Susan W. Brooks as Deputy Mayor for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Susan W. Brooks to serve as Deputy Mayor at the pleasure of the Mayor for a term ending December 31, 1998; now, therefore:

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

SECTION 1. Susan W. Brooks is approved and confirmed by the City-County Council to serve as Deputy Mayor at the pleasure of the Mayor for a term ending December 31, 1998.

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

Proposal No. 19, 1998 was retitled COUNCIL RESOLUTION NO. 33, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 33, 1998

A COUNCIL RESOLUTION approving the Mayor's appointment of John R. Hall as Deputy Mayor for Neighborhoods for a term ending December 31, 1998.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a Deputy Mayor for Neighborhoods is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John R. Hall to serve as Deputy Mayor for Neighborhoods at the pleasure of the Mayor for a term ending December 31, 1998; now, therefore:

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

SECTION 1. John R. Hall is approved and confirmed by the City-County Council to serve as Deputy Mayor for Neighborhoods at the pleasure of the Mayor for a term ending December 31, 1998.

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

Proposal No. 37, 1998 was retitled COUNCIL RESOLUTION NO. 34, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 1998

A COUNCIL RESOLUTION reappointing Ken Giffin to the Board of Public Safety.

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

SECTION 1. As a member of the Board of Public Safety, the Council appoints:

Ken Giffin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 73, 1998 was retitled COUNCIL RESOLUTION NO. 35, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1998

A COUNCIL RESOLUTION appointing Scott Fitzgerald to the Board of Parks and Recreation.

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

SECTION 1. As a member of the Board of Parks and Recreation, the Council appoints:

Scott Fitzgerald

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 104, 1998, as amended, was retitled COUNCIL RESOLUTION NO. 36, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 1998

A COUNCIL RESOLUTION reappointing Dave McClure to the Animal Control Board.

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

SECTION 1. As a member of the Animal Control Board, the Council appoints:

Dave McClure

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 125, 1998 was retitled COUNCIL RESOLUTION NO. 37, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 1998

A COUNCIL RESOLUTION appointing George L. Wiley to the Board of Asset Management and Public Works.

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

SECTION 1. As a member of the Board of Asset Management and Public Works; the Council appoints:

George L. Wiley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1998. 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.

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 657, 1997. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 657, 1997 numerous times beginning on October 16, 1997. She stated that the proposal had been postponed several times both in Council and Committee. The proposal creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works. Councillor Coughenour stated that the latest development with the administration agreeing to finance the master plan has delayed the urgency for the initiation of a user fee. She moved, seconded by Councillor Gilmer, to return Proposal No. 657, 1997 to Committee for further review. Proposal No. 657, 1997 was returned to Committee by a unanimous voice vote.

Councillor Cockrum stated that he recently attended a meeting of the Soil and Water Conservation where Councillor Coughenour was recognized for her work on storm water management.

Councillor Gilmer recognized Eric Miller, Citizens Concerned for the Constitution, who had organized several citizens to voice input into the proposal.

Councillor Curry thanked all the constituents who called his home. He stated that those citizens calling regarding this matter were unfailingly polite.

Councillor Franklin asked the President to explain to the public what returning the proposal to the Committee will accomplish. The President stated that the proposal will be returned to Committee for further review and input. The master plan will begin and \$10 million will be spent over the next two years to fund storm water projects. Once the master plan is completed, the proposal will then be reconsidered along with accurate costs and priorities.

Councillor Gilmer asked the time frame for this process. The President stated that the plan will take approximately 18 months to complete.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 126, 1998. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Resolution which amends the Guaranteed Energy Savings Contract with Johnson Controls, Inc.;" and the President referred it to the Parks and Recreation Committee.



PROPOSAL NO. 127, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$118,985 in the 1998 Budget of the Prosecuting Attorney (Deferral Program Fee Fund) to appropriate unspent deferral funds from 1997 to cover the loss of Weed and Seed funding, pay employee buy-outs, and fund a summer intern program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 128, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$45,200 in the 1998 Budgets of the County Sheriff and Prosecuting Attorney (Deferral Program Fee Fund) to allocate overtime funds from the Prosecutor's Traffic Safety Partnership to the Marion County Sheriff's Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 129, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$79,129 in the 1998 Budget of the Prosecuting Attorney (Deferral Program Fee Fund) from the Traffic Safety Partnership to replace expenses previously funded by a grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 130, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$34,215 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (County General Fund--\$28,597 and Guardian Ad Litem Fund--\$5,618) to fund the increase in the 1998 Guardian Ad Litem Grant from the State of Indiana and local matching funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 131, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$23,108 in the 1998 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to continue a program to conduct drug tests and interviews with defendants held in lockup funded by a grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 132, 1998. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which authorizes the submission of the grant application to the State Department of Corrections in order to renew the Community Corrections Program for the 1998-99 fiscal year"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 133, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves an interlocal agreement between the City of Indianapolis and the Town of Speedway"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 134, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves an interlocal agreement between the City of Indianapolis, City of Lawrence, and Fort Harrison Reuse Authority"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 135, 1998. Introduced by Councillors Borst and Gilmer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,500,000 in the 1998 Budget of the Department of Capital Asset Management, Asset Management Division (State Grants Fund) to pay for the widening of Harding Street between I-465 and Hanna Avenue financed by a Build Indiana Fund Grant"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 136, 1998. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 57th Street and Georgetown Road (Districts 1, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 137, 1998. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at the intersection of Airport Expressway Ramp and Lynhurst Drive (Districts 17, 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 138, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 72nd Street and New Augusta Road and a weight limit restriction on various streets in the New Augusta area (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 139, 1998. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Clayburn Drive and Oil Creek Drive (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 140, 1998. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 11th Street and Oakland Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 141, 1998. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 32nd Street and Forest Manor Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 142, 1998. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Gladstone Avenue and Nowland Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 143, 1998. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Thrush Drive and Welch Drive (District 8)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 144, 1998. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 44th Street

and Evanston Avenue (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 145, 1998. Introduced by Councillors McClamroch and SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charles P. Mason to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 150, 1998. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Rules of the Council by establishing administrative procedures for assignment and use of portable computers"; and the President referred it to the Rules and Public Policy Committee.

### SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Borst reported that the Economic Development Committee heard Proposal Nos. 147, 148, and 149, 1998 on February 19, 1998.

PROPOSAL NO. 147, 1998. The proposal is a special ordinance for Visiting Nurse Service, Inc. authorizing the issuance of \$3,600,000 City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1998 (Visiting Nurse Service Foundation, Inc. Project) (District 6). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Massie, for adoption. Proposal No. 147, 1998 was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Gilmer, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Smith, Talley, Tilford*

*0 NAYS:*

*7 NOT VOTING: Black, Coughenour, Franklin, Golc, Jones, SerVaas, Williams*

*1 ABSENT: Boyd*

Proposal No. 147, 1998 was retitled SPECIAL ORDINANCE NO. 2, 1998, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 2, 1998

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$3,600,000 City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1998 (Visiting Nurse Service Foundation, Inc. Project) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Visiting Nurse Service Foundation, Inc. (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof

to the Company in order to enable the Company to undertake and complete the acquisition of an existing 80,000 square foot building and the acquisition of machinery, equipment and/or other fixtures on approximately a 10 acre parcel of land for maintenance of its corporate base of operation for its home health agency to be located at 4701 North Keystone Avenue, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition of the Project by issuing up to \$3,600,000 City of Indianapolis, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 1998 (Visiting Nurse Service Foundation, Inc. Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on this date pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Trust Indenture (the "Indenture") dated as of March 1, 1998 by and between the Issuer and First of America Bank, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of March 1, 1998, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Loan Agreement, Indenture (including the form of the bonds), Bond Purchase Agreement among the Issuer, the Company and John Nuveen & Co. Incorporated, the Remarketing Agreement between the Company and John Nuveen & Co. Incorporated, Reimbursement Agreement between the Company and First of America, N.A., Mortgage, Security Agreement and Assignment of Rents and Leases between the Company and First of America Bank, N.A., Subordination, Attornment and Non-Disturbance Agreement between the Company and First of America Bank, N.A., Security Agreement between the Company and First of America Bank, N.A., and the Preliminary Official Statement (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the principal amount not to exceed \$3,600,000 for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to John Nuveen & Co. Incorporated (the "Underwriter") that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a rate of interest not to exceed 15% percent per annum. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 148, 1998. The proposal is an inducement resolution for Falcon Creek Place L.P. (General Partner of Housing Today, LLC) in an amount not to exceed \$6,144,600 to be used for the construction of a 131-unit multi family residential facility and the acquisition of machinery, equipment or other fixtures located at 4300 Moeller Road (Falcon Creek Place Apartments Project) (District 9). By a 5-0 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 on Proposal No. 148, 1998 due to a potential conflict of interest with her employer.

Councillor Bradford asked if neighborhood associations are notified of these economic development bond projects. Mike Lucas, bond counsel for the Economic Development Commission, stated that the appropriate neighborhood groups are notified, as well as the district Councillors. He stated that only those groups in the immediate area of the project are notified, not the surrounding areas.

Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 149, 1998 was adopted on the following roll call vote; viz:

*20 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, SerVaas, Short, Smith, Talley, Tilford*

*0 NAYS:*

*8 NOT VOTING: Coughenour, Franklin, Golc, Gray, Moriarty Adams, Schneider, Shambaugh, Williams*

*1 ABSENT: Boyd*

Proposal No. 148, 1998 was retitled SPECIAL RESOLUTION NO. 10, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 1998

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, renovation, 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;

WHEREAS, Falcon Creek Place L.P. (the "Applicant"), has advised the Indianapolis Economic Development 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 referred to as the construction and equipping of 131 multi-family residential housing units on approximately nine acres of land located in the 4300 block of Moeller Road, Indianapolis, Indiana (the "Project");

WHEREAS, the diversification of industry and the retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the construction and substantial renovation 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, the construction and substantial renovation 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 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 \$6,144,600 under the Act to be privately placed or

publicly offered with credit enhancement for the construction and substantial renovation 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 construction and substantial renovation 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 construction and substantial renovation 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 August 31, 1998, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer 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 an 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 construction, renovation and equipping 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 same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. 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 resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 149, 1998. The proposal is an inducement resolution for Indianapolis IV, LLP in an amount not to exceed \$7,000,000 to be used for the acquisition and rehabilitation of the existing 248-unit Greystone Village Apartment complex located at 5505A Scarlett Drive (Northeast and Northwest quadrants of Moeller Road and 34th Streets) (Greystone Village Apartments Project) (District 8). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Cockrum, for adoption. Proposal No. 149, 1998 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, Shambaugh, Short, Smith, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Gray, SerVaas, Williams

1 ABSENT: Boyd

Proposal No. 149, 1998 was retitled SPECIAL RESOLUTION NO. 11, 1998, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 1998

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development revenue 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 and rehabilitation, renovation, 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;

WHEREAS, Indianapolis IV, LLP, a to-be-formed Indiana limited liability partnership (the "Applicant"), has advised the Indianapolis Economic Development 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 referred to as the acquisition and rehabilitation of the existing 248-unit Greystone Village Apartment complex situated on an 11.293 parcel of land located at 5505A Scarlett Drive, Indianapolis, Indiana (the "Project");

WHEREAS, the diversification of industry and the 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, 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 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 \$7,000,000 under the Act to be privately placed or publicly offered with credit enhancement 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 August 31, 1998, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer 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 an 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 same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. 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 resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 151-153, 1998 and PROPOSAL NOS. 154-163, 1998. Introduced by Councillor Hinkle. Proposal Nos. 151-153, 1998 and Proposal Nos. 154-163, 1998 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 20, 1998. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 44-56, 1998, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 44, 1998.

97-Z-240

8330 CRAWFORDSVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

THOMAS E. TOBIN, by Joseph D. Calderon, requests a rezoning of 0.06 acre, being in the C-3 and D-2 Districts, to the D-2 classification to provide for residential use.

REZONING ORDINANCE NO. 45, 1998.

97-Z-241

8330 CRAWFORDSVILLE ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18

THOMAS E. TOBIN, by Joseph D. Calderon, requests a rezoning of 0.09 acre, being in the C-3 and D-2 Districts, to the C-3 classification to provide for the development of a retail drug store.

REZONING ORDINANCE NO. 46, 1998.

98-Z-6

7651 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

FIVE POINTS DEVELOPMENT COMPANY, LLC, by Stephen D. Mears, requests a rezoning of 40 acres, being in the D-3 District, to the SU-2 classification to provide for the development of a school and related uses.

REZONING ORDINANCE NO. 47, 1998.

96-Z-169 (96-DP-16)

8901 FALL CREEK ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

C.P. MORGAN COMMUNITIES, L.P., by Brian J. Tuohy, requests a rezoning of 75 acres, being in the SU-1 District, to the D-P classification to provide for religious use and residential development.

REZONING ORDINANCE NO. 48, 1998.

97-Z-224

2403-2435 NORTH SHERMAN DRIVE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 7.3 acres, being in the I-2-U District, to the C-4 classification to provide for community-regional commercial uses as well as the existing commercial service uses.

REZONING ORDINANCE NO. 49, 1998.

97-Z-228 (Amended)

1001 EUGENE STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

CHRIST MISSIONARY BAPTIST CHURCH requests a rezoning of 0.347 acre, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 50, 1998.

97-Z-233

6002 MANN ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CROSSMANN COMMUNITIES PARTNERSHIP, by Stephen D. Mears, requests a rezoning of 25.33 acres, being in the D-6II (FF) District, to the D-5II(FF) classification to provide for residential development.

REZONING ORDINANCE NO. 51, 1998.

97-Z-236 (Amended)

6023 EAST 26<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

ROBERT C. CLANCY requests a rezoning of 1.24 acres, being in the D-A District, to the I-2-S classification to provide for light industrial uses including a bookbinding operation.

REZONING ORDINANCE NO. 52, 1998.

97-Z-238 (97-DP-15)

4401 MOLLER ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 9

C.P. MORGAN COMMUNITIES, L.P., by Brian J. Tuohy, requests a rezoning of 17.26 acres, being in the C-S(FF)(FW) District, to the D-P(FF)(FW) classification to provide for the construction of a 65 lot single-family residential development with a common area and a pond.

REZONING ORDINANCE NO. 53, 1998.

98-Z-15

5550 BRADBURY STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

MIDWEST INNS, INC., by Philip C. Thrasher, requests a rezoning of 3.414 acres, being in the C-S District, to the C-S classification to provide for a hotel consisting of 135 lodging rooms, a 132 person meeting room, and an outdoor swimming pool; and a restaurant.

REZONING ORDINANCE NO. 54, 1998.

98-Z-19 (98-DP-2)

4010 EAST 56<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

MARK E. DOWNHAM requests a rezoning of 0.83 acre, being in the D-P District, to the D-P classification to provide for two 2-story two-family residences.

REZONING ORDINANCE NO. 55, 1998.

98-Z-20

4958 EAST 56<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #4

STEPHEN J. SERGI requests a rezoning of 0.45 acre, being in the D-2 District, to the C-3 classification to provide for neighborhood commercial uses and a real estate office.

REZONING ORDINANCE NO. 56, 1998.

98-Z-21

9170 WEST RAYMOND STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #19

INDIANAPOLIS WATER COMPANY, by David A. Retherford, requests a rezoning of 0.53 acre, being in the D-A District, to the SU-39 classification to provide for a water pumping station.

### **SPECIAL ORDERS - PUBLIC HEARING**

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 4 and 5, 1998 on January 14, 1998. Proposal No. 7, 1998 was postponed in Committee on January 14, 1998 and postponed in Council on January 26, 1998 and again on February 9, 1998. Councillor Dowden asked for consent to vote on Proposal Nos. 4, 5, and 7, 1998 together. Consent was given.

PROPOSAL NO. 4, 1998. The proposal approves an increase of \$74,417 in the 1998 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to pay salaries of employees previously paid contractually by another agency funded in part by a reimbursement from the Marion County Office of Family and Children. PROPOSAL NO. 5, 1998. The proposal approves an increase of \$649,500 in the 1998 Budget of the Prosecutor's Child Support IV-D Agency (County General Fund) to expand the Job or Jail Program to increase child support collections and other activities funded by increases in Title IV-D reimbursements. PROPOSAL NO. 7, 1998. The proposal approves an increase of \$100,000 in the 1998 Budget of the County Auditor (Enhanced Access Fund) to pay the expenses of providing enhanced access services funded by enhanced access fees. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass as amended.

The President called for public testimony at 8:01 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 4, 5, and 7, 1998, as amended, were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Franklin

1 ABSENT: Boyd

Proposal No. 4, 1998, as amended, was retitled FISCAL ORDINANCE NO. 5, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Seventy-four Thousand Four Hundred Seventeen Dollars (\$74,417) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division and County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, cc) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division and County Auditor to pay salaries of employees previously paid contractually.

SECTION 2. The sum of Seventy-four Thousand Four Hundred Seventeen Dollars (\$74,417) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - Fringes	14,884
 <u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	<u>59,533</u>
TOTAL INCREASE	74,417

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>74,417</u>
TOTAL REDUCTION	74,417

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

Proposal No. 5, 1998, as amended, was retitled FISCAL ORDINANCE NO. 6, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 6, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Six Hundred Forty-nine Thousand Five Hundred Dollars (\$649,500) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency, Circuit Court, and County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, w) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecutor's Child Support IV-D Agency, Circuit Court, and County Auditor to expand the Job or Jail Program to increase child support collections and other activities funded by increases in Title IV-D reimbursements.

SECTION 2. The sum of Six Hundred Forty-nine Thousand Five Hundred Dollars (\$649,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - Fringes	27,500
 <u>PROSECUTOR'S CHILD SUPPORT IV-D AGENCY</u>	
1. Personal Services	79,000
3. Other Services and Charges	510,000
 <u>CIRCUIT COURT</u>	
1. Personal Services	31,000
2. Supplies	1,000
3. Other Services and Charges	<u>1,000</u>
TOTAL INCREASE	649,500

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>649,500</u>
TOTAL REDUCTION	649,500

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

Proposal No. 7, 1998, as amended, was retitled FISCAL ORDINANCE NO. 7, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 7, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional One Hundred Thousand Dollars (\$100,000) in the Enhanced Access Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the Enhanced Access Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor to pay the expenses of providing enhanced access services.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) 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>COUNTY AUDITOR</u>	<u>ENHANCED ACCESS FUND</u>
3. Other Services and Charges	<u>100,000</u>
TOTAL INCREASE	100,000

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

	<u>ENHANCED ACCESS FUND</u>
Unappropriated and Unencumbered	
Enhanced Access Fund	<u>100,000</u>
TOTAL REDUCTION	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. 65, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 65, 1998 on February 18, 1998. The proposal approves an increase of \$4,188,000 in the 1998 Budget of the Department of Parks and Recreation (Parks General Fund) to fund various capital projects financed by a grant from Lilly Endowment. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Williams asked if the Greenways is officially considered Parks Department land. Deb Norman, Acting Parks Department Director, stated that the Greenways land is not necessarily owned by the Parks Department, but the department is empowered to maintain most of the land. Councillor Williams stated that this needs to be reviewed as to how this land is managed.

Councillor Black asked if any of these dollars will be used to fund the parking area on Fall Creek Parkway. Ms. Norman stated that the project to which Councillor Black is referring has to be funded with Cumulative Fund monies, and Lilly Endowment grant monies cannot be used for that project. She added that she will follow-up with Councillor Black on this particular project.

The President called for public testimony at 8:08 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Massie, for adoption. Proposal No. 65, 1998, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 65, 1998, as amended, was retitled FISCAL ORDINANCE NO. 8, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Four Million One Hundred Eighty-eight Thousand Dollars (\$4,188,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(n) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for capital projects at various parks.

SECTION 2. The sum of Four Million One Hundred Eighty-eight Thousand Dollars (\$4,188,000) 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 PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Supplies	88,170
3. Other Services and Charges	337,500
4. Capital Outlay	<u>3,762,330</u>
TOTAL INCREASE	4,188,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	
Park General Fund	<u>4,188,000</u>
TOTAL REDUCTION	4,188,000

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

PROPOSAL NO. 91, 1998. Councillor Shambaugh reported that the Parks and Recreation Committee heard Proposal No. 91, 1998 on February 18, 1998. The proposal, sponsored by Councillors Shambaugh and Talley, approves an increase of \$249,000 in the 1998 Budget of the Department of Parks and Recreation (Federal Grants Fund) to pay for an additional four park rangers financed by a Community Development Block Grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:10 p.m. There being no one present to testify, Councillor Shambaugh moved, seconded by Councillor Talley, for adoption. Proposal No. 91, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 91, 1998 was retitled FISCAL ORDINANCE NO. 9, 1998, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 1998

A FISCAL ORDINANCE amending the City-County Annual Budget for 1998 (City-County Fiscal Ordinance No. 90, 1997) appropriating an additional Two Hundred Forty-nine Thousand Dollars (\$249,000) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the 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 1.01(n) of the City-County Annual Budget for 1998 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to increase park rangers by four officers.

SECTION 2. The sum of Two Hundred Forty-nine Thousand Dollars (\$249,000) 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 PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	138,440
2. Supplies	13,060
3. Other Services and Charges	16,800
4. Capital Outlay	69,700
5. Internal Charges	<u>11,000</u>
TOTAL INCREASE	249,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Funds	<u>249,000</u>
TOTAL REDUCTION	249,000

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

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

PROPOSAL NO. 93, 1998. Councillor McClamroch, reporting on behalf of Chairman Dowden, stated that the Public Safety and Criminal Justice Committee heard Proposal No. 93, 1998 on February 11, 1998. The proposal approves an increase of \$1,202,456 in the 1998 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for design and modeling of the Integrated Law Enforcement System (ILES) and upgrade of mobile data terminals (MDTs) financed by federal grants. Councillor McClamroch moved, seconded by Councillor Curry, to return Proposal No. 93, 1998 to Committee. Proposal No. 93, 1998 was returned to Committee by a unanimous voice vote.

PROPOSAL NO. 94, 1998. The proposal approves an increase of \$250,000 in the 1998 Budget of the Department of Public Works, Contract Compliance Division (Sanitation General Fund) and an increase of \$50,000 in the 1998 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund) to pay for the customer services portion of the sewer collection system contract funded by a transfer of \$300,000 from the Department of Public Works, Maintenance Operations Division (Maintenance General Fund). Councillor Coughenour moved, seconded by Councillor Bradford, to postpone Proposal No. 94, 1998 until March 16, 1998. Proposal No. 94, 1998 was postponed by a unanimous voice vote.



PROPOSAL NO. 95, 1998. The proposal, sponsored by Councillor Curry, approves an increase of \$22,000 in the 1998 Budget of the Cable Communications Agency (Consolidated County Fund) to pay for a replacement van for Channel 16 financed by fund balances. Councillor Schneider moved, seconded by Councillor Curry, to postpone Proposal No. 95, 1998 until March 16, 1998. Proposal No. 95, 1998 was postponed by a unanimous voice vote.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 701, 1997. Councillor Schneider, reporting on behalf of Chairman Dowden, stated that the Public Safety and Criminal Justice Committee heard Proposal No. 701, 1997 on November 12, 1997. On November 24, 1997, the Council returned the proposal to Committee. The proposal was again postponed in Council on February 9, 1998. The proposal creates an application fee to be paid by applicants for sworn positions in the Indianapolis police and fire departments. Councillor Schneider moved, seconded by Councillor Curry, to return Proposal No. 701, 1997 to Committee. Proposal No. 701, 1997 was returned to Committee by a unanimous voice vote.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 524, 1997. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 524, 1997 on August 27, 1997 and again on September 10, 1997. On September 15, 1997, the proposal was returned to Committee. The Committee again heard the proposal on December 10, 1997 and on February 18, 1998. The proposal, sponsored by Councillor Williams, concerns school zones. Councillor Gilmer moved, seconded by Councillor Hinkle, to return Proposal No. 524, 1997 to Committee. Proposal No. 524, 1997 was returned to Committee by a unanimous voice vote.

Councillor Schneider, reporting on behalf of Chairman Dowden, stated that the Public Safety and Criminal Justice Committee heard Proposal Nos. 738 and 770, 1997 on February 11, 1998.

PROPOSAL NO. 738, 1997. The proposal, sponsored by Councillors Dowden and Talley, establishes a Marion Superior Court Equipment Fund as a nonreverting fund to be used for court equipment acquisition, replacement, and maintenance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Talley, for adoption. Proposal No. 738, 1997, as amended, was adopted on the following roll call vote; viz:

*24 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Gilmer, Gray, Hinkle, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*4 NOT VOTING: Dowden, Franklin, Golc, Jones*

*1 ABSENT: Boyd*

Proposal No. 738, 1997, as amended, was retitled GENERAL ORDINANCE NO. 29, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 1998

PROPOSAL FOR A GENERAL ORDINANCE to amend Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" by the addition of a new Division 10 to establish the Marion Superior Court Equipment Fund.

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

SECTION 1. Article II of Chapter 135 of the "Revised Code of the Consolidated City and County," regarding nonreverting county funds, is hereby amended by the addition of a NEW Section 135-295, to read as follows:

DIVISION 10. MARION SUPERIOR COURT EQUIPMENT FUND

**Sec. 135-295. Marion superior court equipment fund.**

(a) There is hereby created a special fund to be designated as the "Marion Superior Court Equipment Fund," in the office of the Court Services Agency. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees and moneys generated by the use of teleconference programs or revenue derived from grants, specified for teleconference programs for the Marion Superior Court, shall be deposited in the Marion Superior Court Equipment Fund.

(c) The fund shall be administered by the Marion Superior Court, and all funds deposited therein shall be appropriated and used solely for equipment acquisition, replacement and maintenance.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

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 the adoption of 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 IC 36-3-4-14.

PROPOSAL NO. 770, 1997. The proposal, sponsored by Councillor Schneider, adds provisions regarding permanent identification of dogs and cats, registration of wild or dangerous animals, and the illegal use of dogs; deletes the requirement of dog licenses, and makes certain other technical changes. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coughenour stated that she does not understand the deletion of dog licenses simply because people do not get them. Lieutenant Spencer Moore, Animal Control, stated that this new method is more reliable because people get the identification through their veterinarian. Studies have shown that pet owners are more likely to have their pets vaccinated than licensed.

Councillor O'Dell asked if the Board of Health is ever involved in animal control situations. Lt. Moore stated that when warranted, as in an epidemic of rabies, they are. Councillor O'Dell asked when this new policy will go into effect. General Counsel Robert Elrod stated that once passed by the Council, the Mayor has 10 days to sign the proposal. After obtaining the proper signatures, the ordinance must then be advertised, which could take up to five days after receipt from the Mayor's office. Mr. Elrod stated that the ordinance goes into effect on the publication date.

Councillor Gilmer moved to return Proposal No. 770, 1997 to Committee. There being no second, the motion failed.

Councillor Schneider read the following:

Proposed Sec. 531-302 should be amended to delete the requirement that veterinarians send to the animal control division the names and addresses of owners of vaccinated dogs and cats, and the dates of vaccinations, and in its place require veterinarians merely to send the number of vaccinations, as follows. In subsection (a)(2) delete the words "names and addresses of each owner whose dog or cat", insert in their place the words "number of dogs, cats, and other animals", and delete all language after the word "rabies."

He moved, seconded by Councillor Talley, for amendment. Proposal No. 770, 1997 was amended by a unanimous voice vote.

Councillor Schneider read the following:

Proposed Sec. 531-633 should be amended to clarify that the authority of the Indianapolis Humane Society to impound animals is limited to diseased, sick or injured animals which are at large, and to allow the Humane Society to make arrangements for the vaccination of animals they adopt out, as follows: in subsection (a) after the phrase "diseased, sick or injured animal" insert the words "which is at large", and in subsection (c) after the word "has" insert the words "or will receive."

These amendments (1) clarify that the Humane Society does not have authority to remove an animal from private property without the owner's permission, and (2) allow the Humane Society to enter into agreements to have the animals vaccinated by the persons who adopt them. Both amendments reflect the current policy and practice of the Humane Society.

He moved, seconded by Councillor Talley, for amendment. Proposal No. 770, 1997 was amended by a unanimous voice vote.

Councillor Coughenour stated that she does not understand the need for these changes and feels that the process should remain as it is. Lt. Moore stated that this proposal does not change the process for who to call when a person is bit by a stray animal. He added that fines are attached if pets are not vaccinated. Councillor Coughenour asked what fines will be associated. Lt. Moore stated that fines used to be \$50, and will now be \$100.

Councillor Schneider moved, seconded by Councillor Taley, for adoption. Proposal No. 770, 1997, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Black, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams

1 NAY: Gilmer

2 NOT VOTING: Dowden, Franklin

1 ABSENT: Boyd

Proposal No. 770, 1997, as amended, was retitled GENERAL ORDINANCE NO. 30, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 1998

PROPOSAL FOR A GENERAL ORDINANCE to amend and recodify Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," regarding animals, as Chapter 531 of the "Revised Code of the Consolidated City and County," and to make appropriate technical amendments to other sections of the "Revised Code of the Consolidated City and County."

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

SECTION 1. Title III of the "Revised Code of the Consolidated City and County" is hereby amended by the addition of a new Chapter 531 regarding animals, to read as follows:

Chapter 531

ANIMALS

ARTICLE I. GENERAL PROVISIONS

**Sec. 531-101. Definitions.**

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

*Animal* means any living, nonhuman vertebrate creature.

*Animal control division* means the animal control division of the city department of public safety.

*At large* means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

*Domestic animals* means cattle, horses, ponies, mules, swine, sheep, goats, dogs, cats and poultry.

*Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonable suspected to have been infected with rabies.

*Kennel* means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, *kennel* shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

*Non-bite exposure* means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

*Own* means to keep, harbor or have custody, charge or control of an animal, and *owner* means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of the Code, who temporarily keep animals

owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals.

*Person* means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following:

- (1) Policemen, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and,
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

*Public safety board* means the board of public safety of the city department of public safety.

*Quarantining authority* means the city department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

*Veterinarian* means a person licensed to practice veterinarian medicine in the state.

**Sec. 531-102. Animals at large prohibited.**

(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.

(b) The first violation in any twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau as provided in Article III of Chapter 103 of the Code. All second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

**Sec. 531-103. Confinement of female animals in heat.**

The owner or keeper of any female animal in heat kept in the city shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance.

**Sec. 531-104. Keeping swine.**

It shall be unlawful for a person to keep swine on premises in the police special service district of the city, unless such premises are stockyards, slaughterhouses, or other premises where the keeping or raising of livestock is permitted by county zoning ordinances.

**Sec. 531-105. Keeping horses, ponies, mules, donkeys and jackasses.**

It shall be unlawful for a person to own, keep, or breed a horse, pony, mule, donkey or jackass in the city on premises which measure less than eight thousand (8,000) square feet in a lot area per animal, unless such premises are registered as a stable under Chapter 836 of the Code.

**Sec. 531-106. Report of vehicular collision with domestic animal.**

A person whose vehicle strikes a domestic animal in the city shall promptly report the occurrence to the animal's owner, if known, or to the city department of public safety, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the license tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

**Sec. 531-107. Custody and disposal of dead animals.**

It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held, or disposed of in violation of this section:

- (1) No public or private carrier shall either transport any dead animal through or into the city, or allow it to remain in or on any of its cars, vehicles, tracks or places controlled by it, in either instance longer than five (5) hours;
- (2) No person who operates a slaughterhouse, butcher shop or other place in the city shall permit any parts of offal of dead animals that are not fit and intended for use as food to accumulate or be kept on such premises for over twenty-four (24) hours after being received, or after the death of such animal;
- (3) No person shall skin, dismember, dissect, cut up or dispose of the body of a dead animal, or any parts thereof in the city, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, and is so authorized by law, or does so for the person's own use; and,
- (4) No person shall possess, keep, use or dispose of anywhere in the city, a dead animal or parts thereof, or offal of a live animal in any manner that creates offensive odors or sights, or constitutes a public nuisance which affects health and comfort in any respect.

**Sec. 531-108. Disposal of dead animals by the city.**

The city department of public works upon request may provide to persons or entities the service of picking up dead animal bodies and body parts and the lawful disposal of them. When the city department of public works picks up dead animal bodies or parts from places other than the city streets, it shall charge a fee of six dollars (\$6.00) per separate body part for this service.

**ARTICLE II. DOGS AND CATS**

**Sec. 531-201. Application of article.**

The provisions of this article shall be supplemental to the other provisions of this chapter which pertain to dogs or cats.

**Sec. 531-202. Permanent identification of dogs and cats required.**

(a) A person who owns a dog or cat in the city shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

(b) The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision of this Code, and shall include either:

- (1) A microchip implanted in the dog or cat which bears a registered identification number, and which can be read by a standard microchip scanner; or,
- (2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(c) Each veterinarian or other person in the city who implants microchips as contemplated in this section shall, at an interval of not less than once each month, send to the animal control division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older which is kept in the city, and which does not bear a permanent means of identification as provided in this section. A violation of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

**Sec. 531-203. Dog and cat curbing requirements.**

(a) No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private

property, in the city without the prior permission of the owner of such property; however, if an animal defecates on property described in this subsection, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities.

(b) Notwithstanding the provisions of Subsection (a) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

(c) No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street or byway, or any municipally owned or public land or building, or upon private property.

(d) A person who violates any provision of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than twenty-five dollars (\$25.00).

**Sec. 531-204. Dogs causing nuisance prohibited.**

It shall be unlawful for a person to own or keep any dog which by frequent or habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons in the vicinity. It shall be the duty of any person having authority to impound a dog, forthwith to impound such dogs.

**Sec. 531-205. Vicious, fierce or dangerous dogs; confinement required.**

(a) For purposes of this section, the words *vicious, fierce or dangerous dog* mean and include a dog which has:

- (1) Attacked a person without having been provoked by that person;
- (2) Attacked, at some place other than its owner's or keeper's property, another animal; or,
- (3) Chased or approached a person at some place other than its owner's or keeper's property, in a menacing fashion or apparent attitude of attack.

(b) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to cause, suffer, or allow it to go unconfined and unrestrained on the owner's or keeper's premises, or to run at large, in the city.

(c) It shall be unlawful in the city for an owner or keeper of a vicious, fierce or dangerous dog to walk any such dog or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or municipally owned or public land or building, or upon private property without permission of the owner thereof.

(d) It shall be the duty of any person with the authority to impound a dog forthwith to impound any vicious, fierce or dangerous dog found unconfined or running at large in violation of this section.

(e) A person who violates any provision of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the dog causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

**Sec. 531-206. Unlawful use of a dog.**

(a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(b) A person who violates this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00). Further, upon a finding of violation, the court upon request shall order the dog forfeited and/or destroyed.

**ARTICLE III. RABIES CONTROL**

**Sec. 531-301. Antirabies vaccinations required for dogs and cats.**

(a) Each dog and cat over the age of three (3) months which is kept in the city shall have been vaccinated against rabies by a veterinarian within the preceding three hundred and sixty-five (365) days.

(b) It shall be unlawful for a person to own a dog or cat not in compliance with this section, and a violation shall be punishable as provided in Section 103-3 of the Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

**Sec. 531-302. Record of antirabies vaccinations; tag required.**

(a) A veterinarian who administers an antirabies vaccination in the city shall:

(1) At the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, and the year and identification number of the vaccination; and,

(2) At an interval of not less than once each month, send to the animal control division a list of the number of dogs, cats, and other animals the veterinarian has vaccinated against rabies.

(b) For the purpose of identification, each owner of a dog or cat which is kept in the city shall cause the antirabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in Section 103-3 of the Code.

**Sec. 531-303. Precautionary measures, and individual animal quarantine.**

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through non-bite exposure in the city shall be quarantined for a period of not less than ten (10) days. In the sole discretion of the quarantining authority, the quarantine may be on the premises of the owner, at the city animal shelter or those of its contractors, if any, or at the owner's expense in a kennel or veterinary hospital.

**Sec. 531-304. Surrender of suspected animal by owner.**

Whenever the quarantining authority suspects that an animal in the city has been exposed to rabies, or bitten or exposed through non-bite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority.

**Sec. 531-305. Finding of rabies; general quarantine.**

(a) When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(b) When a rabies report is made under Subsection (a) of this section, the quarantining authority shall recommend to the director of the city department of public safety a general quarantine in the city for a period of thirty (30) days. Upon invocation of the general quarantine by the director, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through non-bite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

(c) During a general quarantine declared by the director under this section, an animal's owner or keeper who resists the quarantining authority acting under this chapter, or who permits an animal owned or kept by that person to be at large in the city, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.



**Sec. 531-306. Disposal of rabid animals.**

The quarantining authority shall dispose of any animal suspected by it of being infected with rabies in the city in accordance with the rules and regulations of the state board of animal health.

**Sec. 531-307. Reports by veterinarians.**

Each veterinarian in the city shall report to the quarantining authority animals suspected by the veterinarian of being rabid.

**ARTICLE IV. CARE AND TREATMENT**

**Sec. 531-401. General requirements.**

- (a) Every owner of an animal kept in the city shall see that such animal:
  - (1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;
  - (2) Has proper and adequate food, water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
  - (3) Shall not be tethered by use of a choke collar or on a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
  - (4) Is protected against abuse or mistreatment;
  - (5) If diseased or injured, receives proper care and, if diseased, is segregated from other animals so as to prevent transmittal of the disease; and,
  - (6) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city department of public safety and in effect from time to time.
- (b) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of Subsection (a) of this section.
- (c) In the discretion of the enforcement authority, as that term is defined in Section 531-601 of the Code, a person who violates any provision of this section may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority may suggest remedies to such person where appropriate.
- (d) A person who violates any provision of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, the fines imposed for any such violations shall be as follows:
  - (1) For the first violation, not less than twenty-five dollars (\$25.00); and,
  - (2) For the second or subsequent violations, not less than two hundred dollars (\$200.00), and the court upon request shall order forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the city or any third party shall include as a part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

**Sec. 531-402. Abandonment of animal.**

It shall be unlawful for a person to abandon any animal on public or private property in the city, and a violation of this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than two hundred dollars (\$200.00).

**Sec. 531-403. Attempts to poison animal.**

It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, market-place or public place, or on any private premises, in the city for the purpose of destroying any animal.

**Sec. 531-404. Animal fights.**

It shall be unlawful for a person to incite or set any animal to fighting another animal in the city.

**Sec. 531-405. Enticement of another person's animal.**

(a) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the city to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

(b) Except as expressly authorized in this chapter, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the city, or to entice an animal from a street, alley or public place in the city with the intent to deprive the owner of the animal's possession.

(c) It shall be unlawful for a person to bring into the city an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

**Sec. 531-406. Interference with another person's animal.**

It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the city without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control. A person who violates this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

**Sec. 531-407. Animal traps; requirements and prohibitions.**

(a) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the city.

(b) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device which causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the city.

(c) Subsections (a) and (b) of this section shall not apply to a trap placed on private property, where the trap is placed and maintained by the owner, the owner's guest or agent.

(d) It shall be unlawful for a person, having placed a lawful trap, snare or similar device in the city, to fail to inspect and empty it at least once during every twenty-four (24) hour period.

(e) It shall be unlawful for a person to remove an animal in the city from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

**Sec. 531-408. Offensive use of animal.**

It shall be unlawful in the city for a person willfully to deposit a live or dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

**Sec. 531-409. Sales of young fowl and rabbits.**

(a) As used in this section, *fowl* means and includes, but is not limited to, baby chickens, ducklings or goslings.

(b) It shall be unlawful for a person to sell, offer for sale, barter or give away in the city a fowl under three (3) weeks of age, or a rabbit under two (2) months of age, whether as pets, toys, premiums or novelties.

(c) It shall be unlawful for a person to transport into the city a fowl or rabbit for any purposes prohibited by Subsection (b) of this section.

(d) Nothing contained in this section shall be construed to prohibit or limit the sale or display of fowl or rabbits by a person engaged exclusively in the sale of fowl and rabbits for commercial breeding and raising, if such outlets and stores are adequately equipped for the care and feeding of such fowl and rabbits.

**Sec. 531-410. Protection of birds; exception.**

(a) It shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the city; provided, however, this section shall not apply to nonmigratory pigeons, starlings or any birds declared or defined by any state law or city ordinance as a public nuisance.

(b) Whenever it appears, on complaint of residents, merchants, persons in business, owners or operators of structures or buildings, or citizens generally, or otherwise, that nonmigratory pigeons, starlings, or other birds constitute a public nuisance in any part of the city, the public safety board shall be authorized to use all necessary means to destroy the birds creating such nuisance, as follows:

- (1) The public safety board is authorized to eradicate pests under Subsection (a) of this section with firearms and otherwise; where firearms are used for such purpose, it shall not constitute a violation of the Code which pertains to the discharge of firearms in the city or county; and,
- (2) The public safety board is authorized to issue permits to persons in such instances and under such terms and conditions as it finds necessary for the public safety to dispose of any nonmigratory pigeons, starlings or other birds declared or defined by state law as a public nuisance, upon the payment of one dollar (\$1.00) by each person to the city controller, and any permit so issued shall be revocable at the will of the public safety board.

**Sec. 531-411. Feeding birds.**

It shall be unlawful for a person, except an employee of the city department of parks and recreation in the course of his or her employment, or with his or her express permission, to feed, scatter food or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards and streets of the city for any birds or fowl.

**Sec. 531-412. Coloring of animals; prohibited actions.**

It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any of the following in the city:

- (1) A baby chick or chicken, fowl, bird, duck, goose, turkey, guinea hen or other feathered biped;  
or,
- (2) A dog, cat, pup, kitten, rabbit or guinea pig;

which has been artificially colored, sprayed or painted.

**ARTICLE V. WILD OR DANGEROUS ANIMALS; CRIME PREVENTION DOGS**

**Sec. 531-501. Definitions.**

For purposes of this article, the following terms shall have the meanings ascribed to them in this section.

*Crime prevention dog* means and includes a dog which is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

*Wild or dangerous animal* means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8; and,
- (2) A venomous snake, poisonous amphibian, or other large reptile.

**Sec. 531-502. Wild and dangerous animal; registration required.**

It shall be unlawful for a person to own a wild or dangerous animal in the city without first having registered the animal with the animal control division under this article; however, this section shall not apply to zoological parks, or bona fide circuses or carnivals.

**Sec. 531-503. Crime prevention dog; registration required.**

(a) It shall be unlawful for a person to own a crime prevention dog in the city without first having registered the animal with the animal control division under this article.

(b) Notwithstanding the provisions of Section 531-202 of the Code, each crime prevention dog shall be implanted with a microchip which bears a registered identification number.

**Sec. 531-504. Registration information required; notification of change.**

(a) A registration required by this article shall be made on forms provided by the animal control division, and shall include the following:

- (1) The owner's name, address, and telephone number where the owner can be reached in the event of an emergency;
- (2) The address and type of premises where the animal is kept;
- (3) A detailed description of each animal registered; and,
- (4) Any other information deemed necessary and appropriate by the animal control division.

(b) During the term of the registration, the owner of an animal registered under this article shall notify the animal control division in writing of any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

**Sec. 531-505. Registration fee, term and revocation.**

(a) There is no fee for the registration of an animal under this article.

(b) The term of the registration shall expire on the last day of December of the year in which the registration is made, and shall be renewable upon application therefore.

(c) The animal control division may revoke a registration issued under this article for any violation of this article committed by the owner of the animal.

**Sec. 531-506. Warning signs required.**

(a) The owner or occupant of premises where a wild or dangerous animal is kept shall post, at each entrance to such premises, conspicuous signs which state, "WARNING: WILD OR DANGEROUS ANIMAL. FOR FURTHER INFORMATION CALL (the telephone number of the owner or occupant of the premises).

(b) The owner or occupant of premises where a crime prevention dog is kept shall post, at each door of the premises accessible to the dog, conspicuous signs which state, "WARNING: A CRIME PREVENTION DOG IS GUARDING THIS PROPERTY. FOR FURTHER INFORMATION CALL (the telephone number of a person able to control the dog).

**Sec. 531-507. Penalties.**

A person who violates any provision of this article shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

**ARTICLE VI. ENFORCEMENT AUTHORITY**

**DIVISION 1. IN GENERAL**

**Sec. 531-601. Enforcement authority defined.**

For the purposes of this article, the enforcement authority shall consist of the city department of public safety, its animal control division and other divisions, contractors, agents, employees and designees.

**Sec. 531-602. Animal control division; organization and powers.**

(a) The animal control division shall consist of an administrator appointed by the director of the city department of public safety, and such other persons as the director deems necessary to appoint or employ.

(b) Whenever under this chapter the city department of public safety is directed or authorized to act, it shall be deemed to be acting by and through the animal control division.

(c) The animal control division shall have the power to employ any person to render such services as are necessary and desirable in the operation of the animal control division; however, contracts for such services shall be entered into by the city or the public safety board on behalf of the animal control division.

**Sec. 531-603. Enforcement authority's rights and responsibilities.**

(a) Persons who are individually charged with the enforcement of this chapter shall be designated *animal control officers*, and prior to the performance of any act in connection therewith, shall be deputized as such by the city police department and the county sheriff.

(b) It shall be the duty of the city police department and the county sheriff to assist in the enforcement of all provisions of this chapter and other ordinances in relation to animals, and it shall be the duty of all policemen and county sheriff's deputies to report at once all violations thereof to police or sheriff's headquarters.

(c) Such officers are authorized to enforce all provisions of this chapter and Section 836-5 of the Code, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this chapter.

(d) Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food or water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an animal control officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant's behalf responds to such notice within twenty-four (24) hours after the notice is affixed, an animal control officer may enter the premises to determine if the provisions of this chapter or Section 836-5 of the Code have been violated.

**Sec. 531-604. Interference with enforcement authority.**

It shall be unlawful for a person to interfere with an animal control officer or other enforcement authority officer in the performance of the officer's duties. A person who violates this section shall be punishable as provided in Section 103-3 of the Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

DIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS

**Sec. 531-621. Grounds for impoundment.**

- (a) An animal found at large in violation of this chapter shall be captured and impounded.
- (b) An animal found confined or abandoned on private property in violation of this chapter or Section 836-5 of the Code shall be impounded.

**Sec. 531-622. Notice to owner.**

- (a) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.
- (b) Such attempt shall include, but not necessarily be limited to, the following:
  - (1) In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;
  - (2) In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag; and,
  - (3) Cooperation of effort with other governmental and private agencies, such as the Humane Society of Indianapolis.

**Sec. 531-623. Report of impoundment.**

A person who confines an animal found by that person to be at large in the city shall notify the city department of public safety or one of its agents within forty-eight (48) hours thereafter.

**Sec. 531-624. Return of captured animal without impoundment.**

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the animal control officer, the return would not present a danger to the public or otherwise result in a violation of this chapter.

**Sec. 531-625. Return of impounded animal to its owner.**

- (a) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this division.
- (b) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the public safety board may impose, and the payment of the appropriate impoundment and kennel fees, and any other applicable fees and fines.
- (c) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by Section 531-202 of the Code, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such service shall be ten dollars (\$10.00).

**Sec. 531-626. Impoundment and kennel fees; disposition.**

- (a) Impoundment and kennel fees for animals impounded under this article shall be as follows:
  - (1) For each small animal other than a dog, ten dollars (\$10.00), and three dollars (\$3.00) for each day of impoundment or fraction thereof;
  - (2) For each dog, twenty dollars (\$20.00), and five dollars (\$5.00) for each day of impoundment or fraction thereof; and,
  - (3) For any large animal other than a dog, thirty dollars (\$30.00), and ten dollars (\$10.00) for each day of impoundment or fraction thereof.

(b) Impoundment and kennel fees shall be collected by and paid to the enforcement authority, which shall remit such funds to the division of finance of the city department of administration; however, if the enforcement authority in a particular case is a person contracting with the city to render services, the fees may be retained by and as the property of such person as part of all of that person's charges for rendering such services, if the contract so provides.

**Sec. 531-627. Disposition of impounded animals not claimed by owner; adoption.**

(a) An animal impounded under this division and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than six (6) days. An animal not claimed within the six-day impoundment period may be kept or otherwise humanely disposed of, in the discretion of the enforcement authority, but consistent with such provisions as the public safety board shall make regarding the capture, impoundment, sale and destruction of animals.

(b) Following the six-day impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, shall pay to the city an adoption fee of twenty-five dollars (\$25.00) to cover the enforcement authority's expenses; however, with respect to a dog or cat which does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be thirty-five dollars (\$35.00).

(c) A person who wishes to adopt a dog or cat which has been impounded under this division first shall agree in writing:

- (1) To immunize the animal against rabies as required by law;
- (2) To abide by Sections 531-102 and 531-401 of this chapter; and,
- (3) To have the animal spayed or neutered at that person's expense.

Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of the Code.

**Sec. 531-628. Use of impounded animal for research prohibited.**

No animal impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

**Sec. 531-629. Restrictions on return of certain animals.**

(a) Notwithstanding any other provision of this chapter, an animal which has been impounded under this article for a violation of Section 531-204, 531-205, 531-305, or 531-401 of this chapter, or which has been impounded on two (2) or more prior occasions, shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of these sections.

(b) If such a determination cannot be made, the enforcement authority then shall apply to a court of competent jurisdiction for an order to dispose of the animal under the provisions of Section 531-627 of this article.

**Sec. 531-630. Injured or diseased animals.**

Notwithstanding any provision of this article to the contrary, an injured or diseased animal need not be retained six (6) days, but may be disposed of at any time in the discretion of the enforcement authority.

**Sec. 531-631. Contracts for the disposition of impounded animals.**

The city may contract for the disposal of an animal impounded and unclaimed for longer than six (6) days, and an animal transferred to a person so contracting with the city shall thereafter be the property solely of the contractor. The contract may provide for the retention by the contractor of any

funds received in payment for animals sold to other persons, in order to help cover such contractor's expenses of rendering its services.

**Sec. 531-632. Gifts to animal control division; disposition.**

Gifts or donations to the animal control division may be accepted by the city controller or the mayor, for and on behalf of the animal control division. All moneys received by donations, sale or otherwise, shall be paid to the city controller on the first day of the week succeeding the week during which such moneys were received; provided, however, all purchase moneys received for animals sold to nonresidents of the city, exclusive of impoundment fee, and all gifts and donations of moneys shall constitute a special fund to be known as the "emergency animal shelter fund," to be used by public safety board to defray the maintenance expenses of the city animal shelter, including any veterinary and sale expenses. The city controller shall make due settlement with the city treasurer for all moneys received under this section.

**Sec. 531-633. Capture, holding and maintenance, and disposal of animals by the Humane Society.**

(a) The Indianapolis Humane Society, by its duly authorized agents, employees or other personnel, shall have the authority to proceed to the scene or location of a diseased, sick or injured animal which is at large in the county after being requested to do so by any member of the general public for the purposes of capturing and transporting such animal to its duly established humane shelter, and to hold and properly maintain the animal until it is either claimed by its owner, or in the discretion of the Humane Society, otherwise properly disposed of. The Humane Society may also receive an animal brought to its shelter by members of the general public or proper governmental personnel and either keep, or in the discretion of the Humane Society, otherwise humanely dispose of such animal.

(b) Upon the capture of any diseased, sick or injured animal or taking of an animal brought to its shelter by a person or any local governmental personnel, the Humane Society personnel shall make a reasonable attempt to notify and inform the owner of the animal of the requirements and procedures for claiming ownership and regaining custody thereof.

(c) When the owner of a captured or held animal is discovered or known, the animal shall be returned to the owner upon the payment of any applicable fees or upon the compliance with all other applicable procedures of the Humane Society. If the owner does not claim an animal or desires not to claim it, the Humane Society, within its discretion, may return the animal to any person desiring to assume ownership, custody and care thereof in conformance with the established requirements of the Humane Society after a six-day holding period, as long as the animal has or will receive a current antirabies vaccination under the provisions of Article III of this chapter.

(d) Upon the capture of any diseased, sick or injured animal or the taking of an animal brought to its shelter by any person or any local governmental personnel, the Humane Society shall, subject to the provisions of Subsection (e) of this section, confine the animal in a humane manner for a period of not less than six (6) days. Thereafter, the Humane Society in its discretion may keep, release or otherwise humanely dispose of the animal consistent with the established procedures of the Humane Society as they may be amended from time to time.

(e) Notwithstanding any provision of this section to the contrary, diseased or injured animals need not be retained six (6) days, but may be humanely disposed of at any time if in the discretion of the proper Humane Society personnel or authorized veterinarian such disposal is necessary and proper for such animals.

(f) This section does not authorize the Humane Society to assume any of the impoundment and disposal functions of the animal control division as elsewhere specified in this chapter or state law.

(g) Nothing in this section shall inhibit the animal control division in any way from carrying out its functions in accordance with applicable law and whatever provisions or regulations the city board of public safety shall make in carrying out its mandate to make provisions to maintain an animal control division, to regulate the capture, impoundment, sale and destruction of animals in accordance with applicable law, and for the operation of the animal control division.



ARTICLE VII. ANIMAL CONTROL BOARD

**Sec. 531-701. Definitions.**

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

*Administrator* means the administrator of the animal control division.

*Board* means the city animal control board.

*Director* means the director of the city department of public safety.

**Sec. 531-702. Establishment.**

The animal control board is hereby established to help identify the problems and needs of animal care and control in the city, to suggest answers and to recommend solutions to these needs and problems, and to educate the public regarding the care and ownership of animals.

**Sec. 531-703. Board membership.**

(a) The board shall be composed of six (6) members who are residents of the city and have an interest in and knowledge of the care and control of animals, and who are chosen as follows:

- (1) A veterinarian engaged in private veterinarian practice in the city, appointed by the mayor;
- (2) A representative from the Humane Society of Indianapolis, appointed by the mayor;
- (3) Two (2) members from the community, one (1) of whom shall be appointed by the mayor, and one (1) of whom shall be appointed by the council, and neither of whom shall derive income from the use or sale of animals;
- (4) A representative from the Health and Hospital Corporation of Marion County, appointed by the council; and,
- (5) The administrator, who shall be an ex officio, nonvoting member.

An appointing authority shall not make all of its appointments from the same political party.

(b) Each board member shall serve at the pleasure of the appointing authority for a term ending December 31 of the year the appointment was effective, and until a successor is appointed and qualified. A member may be reappointed for successive terms. If a vacancy occurs on the board, the appointing authority shall appoint a replacement member for the remainder of the unexpired term.

(c) Any board member who fails to attend three (3) consecutive regular meetings of the board shall be treated as if he or she had resigned, unless written justification is submitted to and approved by the appointing authority.

**Sec. 531-704. Officers; meetings; quorum.**

(a) The voting members of the board shall select a chairman, vice-chairman, and secretary who shall keep official minutes of the meetings.

(b) The board shall meet from time to time as necessary, and at such place and time as may be set by the chairman. Three (3) voting members shall constitute a quorum, and any action taken by the board shall be approved in writing by a simple majority of members present in person and not by representatives.

**Sec. 531-705. Powers and duties.**

The board has the following powers and duties:

- (1) To suggest and review rules and regulations for the efficient implementation of its policies and procedures;
- (2) To allow any person who feels aggrieved at a decision of a public entity concerning animals, or who wishes to express a concern involving animals, to file a written request for consideration of such grievance or concern with the chairman of the board, who shall place such request on the agenda of a meeting of the board. At the meeting the board shall hear the request and take appropriate action;
- (3) To make recommendations to the director regarding ordinances establishing standards for the care, disposal, treatment, and control of all animals in the city, including but not limited to licensing for the ownership of animals, increasing the adoption of animals, and establishing a lost-and-found service for animal owners; and,
- (4) To submit to the council, the mayor, and the director an annual report of its activities and operations.

SECTION 2. Section 836-5 of the "Revised Code of the Consolidated City and County" is hereby 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. 836-5. Requirements for kennels, pet shops and stables; enforcement.**

(a) In addition to the registration required by this chapter, all kennels, pet shops and stables in the city shall:

- (1) Be operated in such a manner as not to constitute a nuisance;
- (2) Provide an isolation ward for boarded animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;
- (3) Keep all boarded animals caged or under the control of the owner or operator of the kennel, pet shop or stable;
- (4) With respect to all animals in the kennel, pet shop or stable, comply with all the requirements of the Code for the general care of animals; and,
- (5) Comply with all applicable federal, state and local laws, and all applicable regulations adopted by the city department of public safety.

(b) The owner or operator of all kennels and pet shops in the city shall:

- ~~(1) File a monthly notice of sale with the city controller within ten (10) days of the last day of any month in which the kennel or pet shop has sold one (1) or more dogs or cats; the notice of sale shall include the name, address and telephone number of the purchaser, as well as the age, sex and breed of the dog or cat sold;~~
- ~~(2) At the time of purchase, notify the purchaser of all state and local laws which require an animal kept in the city to be vaccinated or licensed;~~
- ~~(3) Supply the purchaser with an application for animal license, the form of which is prescribed by the controller;~~
- (42) Retain the name, address and telephone number of the owner and the license number of each dog or cat boarded, and retain the name and address of each person selling, trading or giving any animal to the kennel or pet shop; and,
- (53) Not sell animals which are unweaned or so young or weak that their sale would be injurious to the animals.

(c) The provisions of this section shall be enforced by the controller, and by the animal control division as provided in Article ~~V~~ VI of Chapter 6 531 of the Code.

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County" is hereby 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. 103-52. Schedule of Code provisions and penalties.**

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

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
4-71	Open burning	50.00
<del>6-4</del>	<del>Animal at large - 1st offense in calendar year</del>	<del>50.00</del>
<del>6-71</del>	<del>Unlicensed dog - 1st offense in calendar year</del>	<del>50.00</del>
<del>6-150</del>	<del>Unvaccinated dog or cat - 1st offense in calendar year</del>	<del>50.00</del>
7-20	Swimming in unguarded waters - 1st offense in calendar year	50.00
17½-8	Littering on premises of another	45.00
17½-17	Vehicle losing its load - 1st offense in calendar year	50.00
18-2	Unlawful noise - 1st offense in calendar year	50.00
20-9	Loitering - 1st offense in calendar year	50.00
20-46	Noisy house - 1st offense in calendar year	50.00
22-2	In park after hours - 1st offense in calendar year	50.00
22-9	Alcohol in park - 1st offense in calendar year	50.00
28-16	Parking prohibited for street repairs and cleaning	12.50
28-210	Skateboard or similar play device - 1st offense in calendar year	50.00
28-311	Premises address violation - 2nd offense in calendar year	25.00
29-8	Pedestrian violations	12.50
29-27	Parking when temporarily prohibited	12.50
29-97	Display of unauthorized traffic controls	12.50
29-98	Interference with traffic control devices	12.50
29-123	Unlawful use of horn or sounding device	15.00
29-223	Unlawfully parked trailer	12.50
29-252	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
29-253	Unlawful parking in certain school areas	12.50
29-254	Unlawful manner of parking	12.50
29-255	No required lights on certain parked vehicles	12.50
29-256.1	Violation of handicapped parking restrictions	45.00
29-256.2	Unlawful parking in handicapped parking meter zone	45.00
29-257	Unloading perpendicular to curb without permit	12.50
29-258	Unlawful use of bus stops and taxicab stand	12.50
29-259	Unlawful use of passenger and loading zones	12.50
29-260	Unlawful parking adjacent to certain buildings	12.50
29-262	Unlawful parking for display for sale or advertising	12.50
29-263	Unlawful parking for more than 6 hours	12.50
29-264	Unlawful parking of commercial vehicles at night	12.50
29-265	Unlawful parking in alleys or on certain narrow streets	12.50
29-266	Unlawful parking in designated special parking areas	12.50
29-267	Parking on certain streets where prohibited at all times	12.50
29-268	Stopping, standing or parking on streets where prohibited at all times	12.50
29-269	Parking on certain streets where prohibited at all times on certain days	12.50
29-270	Parking on certain streets when prohibited at certain times on certain days	12.50
29-271	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m. - 9:00 a.m., 7:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:00 p.m., 4:00 p.m. - 6:00 p.m.	25.00
29-272	Parking longer than permitted on certain streets at certain times on certain days	12.50
29-284	Parking in excess of time permitted in parking meter zone	12.50
29-291	Parking in meter zone when temporarily prohibited	12.50
29-297	Overtime parking in metered parking space	12.50
29-321	Unlawful parking during snow emergency	25.00

29-335	Leaving taxicab unattended	12.50
29-336	Unlawful parking of bus or taxicab	12.50
29-337	Unlawful parking in certain mailbox zones	12.50
29-341	Unlawful stopping, standing or parking near fire hydrant	45.00
29-342	Unlawful obstruction of fire lane	25.00
29-398	Unlawful loading or unloading of private bus	12.50
29-400	Unlawfully stopping of food vendor vehicle	12.50
29-401	Violation of noise restriction on food vendors	12.50
29-403	Failure of food vending vehicle to display required warnings	12.50
29-403.2	Unlawful vending for other than curb side of vending vehicle	12.50
29-406	Operation of bicycle without required equipment	12.50
29-407	Unlawful operation of bicycle	12.50
29-424	Operation of unregistered bicycle	7.50
29-440	Consumption or possession by operator of motor vehicle	
	1st offense in calendar year	50.00
29-441	Operating motor vehicle containing open alcoholic beverages	
	1st offense in calendar year	50.00
Appendix D. Part 26, Sec. 6 Civil zoning violations - 1st offense in calendar year		
<u>531-102</u>	<u>Animal at large - first offense in twelve month period</u>	<u>50.00</u>
811-401	2nd False alarm in twelve month period	25.00
811-401	3rd False alarm in twelve month period	35.00
811-401	4th False alarm in twelve month period	50.00
895-4	Unlawful stopping, standing or parking in horse-drawn carriage holding area	25.00

SECTION 4. Chapter 6 of the "Code of Indianapolis and Marion County, Indiana," regarding animals and fowl, is hereby REPEALED as of the effective date of this ordinance.

SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, and shall have an expiration date of July 1, 2005.

PROPOSAL NO. 10, 1998. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 10, 1998 on February 10, 1998. The proposal concerns cable franchise fees. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Borst, for adoption. Proposal No. 10, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 10, 1998 was retitled GENERAL ORDINANCE NO. 31, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 1998

A GENERAL ORDINANCE amending Sec. 851-601 of the Revised Code concerning cable franchise fees.

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

SECTION 1. Section 851-601 of Article VI of Chapter 851 of the Revised Code of the Consolidated City and County be and is hereby amended by deleting the stricken-through text and inserting the underlined text as follows:

**Sec. 851-601. Franchise fee.**

(a) General requirement. Unless otherwise provided by its franchise agreement or this chapter, the operator of a cable system for which a franchise is required under this chapter shall pay to the city as compensation for use of the public rights-of-way franchise fees in aggregate amounts equal to five (5) percent of its gross revenues derived annually from its operations of the cable system to provide cable services within the city.

(b) Previously granted franchise. As to franchises granted prior to August 1, 1995, the operator shall pay the franchise fee specified in the respective franchise agreements, as amended.

(c) Direct payments. A franchise granted or renewed after August 1, 1995, shall require the operator to make direct payments to the city as franchise fees an amount equal to five (5) percent of its gross revenues reduced by (1) any and all taxes or fees or services furnished by the grantee imposed directly on any subscriber or user by any city, county, state or other governmental unit, and collected by the grantee for such entity; (2) any and all interest income from any source attributed to such cable system operations; (3) any and all income derived by the grantee from the sale and transfer of cable system assets; ~~and~~ (4) any and all amounts of bad debts from such cable system operations that are written off by the grantee; and (5) advertising agency commissions if grantee does not receive such amounts and such amounts are not reflected in grantee's financial statements as revenues.

(d) Credits. If the franchise requires the operator to pay other amounts which are deemed franchise fees under federal law and the sum of those payments and those required by subsection (c) exceeds the maximum franchise fees permitted by federal law, the payments under subsection (c) shall be reduced by such amount so that the total franchise fees shall not exceed the maximum permitted by federal law.

(e) The operator shall be prohibited from prepaying franchise fees on estimated annual revenues at the time of bidding for a new or renewal franchise.

(f) The city reserves the right to conduct periodic audits of the operator's records to determine compliance with this provision. The city's acceptance of the operator's franchise fee payments does not constitute an accord and satisfaction nor are such payments in lieu of any other fees, taxes, or payments owed by the operator.

(g) The operator shall pay simple interest at the rate of ten (10) percent per annum on all franchise fees which remain unpaid after the date they are due until the fees are paid.

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

PROPOSAL NO. 57, 1998. Councillor O'Dell reported that the Municipal Corporations Committee heard Proposal No. 57, 1998 on February 19, 1998. The proposal, sponsored by Councillor Williams, concerns the Indianapolis International Airport. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coonrod stated that he voted against the proposal because he does not feel there is a need for it. He added that the Airport Authority has sound reasoning for how they use their fees, and he sees no need to caution them as to how they regulate fees in the future.

Councillor O'Dell stated that this is a simple resolution commending the Airport Authority and urging them to continue their good work.

Councillor O'Dell moved, seconded by Councillor Williams, for adoption. Proposal No. 57, 1998, as amended, was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Brents, Cockrum, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Short, Smith, Talley, Tilford, Williams*

*3 NAYS: Bradford, Coonrod, Shambaugh*

*3 NOT VOTING: Dowden, Schneider, SerVaas*

*1 ABSENT: Boyd*

Proposal No. 57, 1998, as amended, was retitled COUNCIL RESOLUTION NO. 39, 1998, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 1998

A COUNCIL RESOLUTION concerning the Indianapolis International Airport.

WHEREAS, according to media reports, in the year and a half since BAA Indianapolis LLC was granted the franchise to manage the Indianapolis International Airport, the 14 airlines that regularly operate at the airport saved \$7 million from lower fees; and

WHEREAS, airline costs for doing business at the airport have decreased from \$6.50 per passenger to less than \$4.00 now; and

WHEREAS, BAA also appears to be accomplishing its goal of adding retail stores in an airport mall style atmosphere, with the retailers offering their goods to the traveling public at competitive prices to stores outside the airport; and

WHEREAS, one of the early actions of the airport privatization was to significantly raise the airport parking charges which directly and visibly impact local citizens and airport customers; 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 generally supports and applauds the dynamic new initiatives being taken at the Indianapolis International Airport.

SECTION 2. However, the Council asks BAA Indianapolis LLC and the Indianapolis Airport Authority municipal corporation whose Mission Statement's Point #1 is "Being responsive to the needs of our customers and communities" to continue to be mindful of their customers and encourage that parking fees reflect the efficiencies that have been created.

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

PROPOSAL NO. 92, 1998. Councillor Schneider, reporting on behalf of Chairman Dowden, stated that the Public Safety and Criminal Justice Committee heard Proposal No. 92, 1998 on February 11, 1998. The proposal amends Sec. 2-358 of the Code to allow Marion County to participate in the County Corrections Fund. By a 7-0 vote, the Committee reported the proposal

to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Borst, for adoption. Proposal No. 92, 1998 was adopted on the following roll call vote; viz:

*24 YEAS: Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*4 NOT VOTING: Black, Dowden, Franklin, Gray*

*1 ABSENT: Boyd*

Proposal No. 92, 1998 was retitled GENERAL ORDINANCE NO. 32, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 1998

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Section 2-358, of Article IX, Chapter 2.

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

SECTION 1. Sec. 2-358 of Article IX, Chapter 2 of the Code of Indianapolis and Marion County is hereby amended by inserting the words or symbols underlined and deleting the words or symbols stricken-through as follows:

**Sec. 2-358. County corrections fund.**

(a) The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.

(b) The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to \$3,500 times 84 (Marion County base integer) or \$294,000 for the year ending April 30, ~~1998~~ 1999.

(c) There is hereby created a "county corrections fund", to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(d) The county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions can, without the invalid provision or provision, 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 full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 3, and 96-101, 1998 on February 18, 1998.

PROPOSAL NO. 3, 1998. The proposal, sponsored by Councillor Talley, authorizes a weight limit restriction on Franklin Road, from Pendleton Pike to 38th Street (District 14). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Gilmer moved, seconded by Councillor Talley, to strike. Proposal No. 3, 1998 was stricken by a unanimous voice vote.

PROPOSAL NO. 96, 1998. The proposal, sponsored by Councillor Gilmer, authorizes a traffic signal at the intersection of Moller Road, Old Barn Drive and 62nd Street (District 1). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 96, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 96, 1998 was retitled GENERAL ORDINANCE NO. 33, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
09	Moller Rd, Old Barn Dr, 62nd St	62nd St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
09	Moller Rd, Old Barn Dr, 62nd St	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. 97, 1998. The proposal, sponsored by Councillor Borst, authorizes intersection controls for Brill Road, Hi-Vu Drive, Ransdell Street, Tulip Drive, and Venoy Drive (District 25). By an 8-0 vote, the Committee reported the proposal to the Council with the



recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 97, 1998 was adopted on the following roll call vote; viz:

23 YEAS: Black, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams

0 NAYS:

5 NOT VOTING: Borst, Dowden, Golc, Gray, Shambaugh

1 ABSENT: Boyd

Proposal No. 97, 1998 was retitled GENERAL ORDINANCE NO. 34, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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	Brill Rd, Venoy Dr. EB	Brill Rd	Stop
46	Brill Rd, Venoy Dr. WB	Brill Rd	Stop
46	Hi-Vu Dr, Tulip Dr. EB	Hi-Vu Dr	Stop
46	Hi-Vu Dr, Tulip Dr. WB	Hi-Vu Dr	Stop
46	Ransdell St, Tulip Dr	Ransdell St	Stop
46	Ransdell St, Venoy Dr	Ransdell St	Stop

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

PROPOSAL NO. 98, 1998. The proposal, sponsored by Councillor Gray, authorizes a multi-way stop at Industrial Boulevard and Park 65 Drive (District 9). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Gray, for adoption. Proposal No. 98, 1998 was adopted on the following roll call vote; viz:

21 YEAS: Black, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, Short, Smith, Talley, Tilford, Williams

0 NAYS:

7 NOT VOTING: Borst, Bradford, Dowden, Golc, Moriarty Adams, SerVaas, Shambaugh

1 ABSENT: Boyd

Proposal No. 98, 1998 was retitled GENERAL ORDINANCE NO. 35, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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	Industrial Blvd, Park 65 Dr	Industrial Blvd	Yield

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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	Industrial Blvd, Park 65 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. 99, 1998. The proposal, sponsored by Councillor Schneider, authorizes a multi-way stop at Masters Road and 91st Street (District 3). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Schneider, for adoption. Proposal No. 99, 1998 was adopted on the following roll call vote; viz:

20 YEAS: Black, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Short, Smith, Talley, Tilford, Williams

0 NAYS:

8 NOT VOTING: Borst, Bradford, Dowden, Golc, Moriarty Adams, Schneider, SerVaas, Shambaugh

1 ABSENT: Boyd

Proposal No. 99, 1998 was retitled GENERAL ORDINANCE NO. 36, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
06	Masters Rd, 91st St	Masters Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
06	Masters Rd, 91st 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. 100, 1998. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Castle Avenue, on the south side, from Bowman Avenue to Matthews Avenue (District 20). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Massie, for adoption. Proposal No. 100, 1998 was adopted on the following roll call vote; viz:

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

Proposal No. 100, 1998 was retitled GENERAL ORDINANCE NO. 37, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, 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:

Castle Avenue, on the south side,  
from Bowman Avenue to Matthews Avenue

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

PROPOSAL NO. 101, 1998. The proposal, sponsored by Councillor Talley, authorizes parking restrictions on 42nd Street, on the north side, from Wittfield Street to Stouffer Lane (District 14). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Talley, for adoption. Proposal No. 101, 1998 was adopted on the following roll call vote; viz:

*21 YEAS: Black, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Gray, Hinkle, Jones, Massie, McClamroch, Moores, Moriarty Adams, O'Dell, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*7 NOT VOTING: Borst, Bradford, Dowden, Golc, Schneider, SerVaas, Shambaugh*

*1 ABSENT: Boyd*

Proposal No. 101, 1998 was retitled GENERAL ORDINANCE NO. 38, 1998, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 1998

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, 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:

Forty-second Street, on the north side,  
from Wittfield Street to Stouffer Lane

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

**NEW BUSINESS**

Councillor O'Dell stated that Michael Yoder will be leaving the City as the Mayor's Chief of Staff on March 6, 1998. He thanked Mr. Yoder for all his hard work and stated that he is one of the most honest men he has ever had the pleasure to work with. Mr. Yoder thanked the Council for all their support and stated that he has mixed feelings about leaving, as he was not seeking another career opportunity.

The President stated that there is a bill before State legislation dealing with infant mortality and asked Dr. Martin Kleiman, Ryan White Professor of Pediatrics and Director of Pediatrics and Infectious Diseases, Riley Children's Hospital, to say a few words about this legislation. Dr. Kleiman stated that this bill would mandate the screening of mothers during pregnancy to identify those infected with the AIDS virus and keep them from breast feeding and passing the virus along to their babies. He urged Council members to voice their support to their State Representatives. Councillor Coughenour added that New York passed the same legislation and have saved several infant lives as a result of it.

**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 Talley stated that he had been asked to offer the following motion for adjournment by Councillor Jones in memory of Phillip R. Mosley.

Councillor Talley moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Phillip R. Mosley. 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 9:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of February, 1998.

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



President

ATTEST:



Clerk of the Council

(SEAL)