

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

**REGULAR MEETINGS  
MONDAY, NOVEMBER 13, 2000**

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 7:10 p.m. on Monday, November 13, 2000, with Councillor SerVaas presiding.

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Langsford introduced Lindsey Mustard of Scecina High School and Reggie Coleman of Arsenal Technical High School. Councillor Horseman recognized Tony Lente, the director of the Indianapolis Coalition for Neighborhood Development, who will be taking another position in Michigan and will be leaving the City. Councillor Conley recognized Jerome and Patricia Payne. He stated that Ms. Payne is the head of multi-cultural affairs at Crispus Attucks High School.

## 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, November 13, 2000, 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

October 31, 2000

TO PRESIDENT SERVAAS 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, November 1, 2000, and in the *Indianapolis Star* on Thursday, November 2, 2000, a copy of a Notice of Public Hearing on Proposal Nos. 695, 697, 699-701, and 704, 2000, said hearing to be held on Monday, November 13, 2000, at 7:00 p.m. in the City-County Building.

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

November 6, 2000

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

FISCAL ORDINANCE NO. 119, 2000 - approves an increase of \$45,000 in the 2000 Budget of the Office of the City Controller (City Cumulative Capital Development Fund) to make electrical repairs at the Indianapolis City Market and to conduct an engineering study of the effects of the Market Square Arena demolition on the Indianapolis City Market, financed by a reduction in fund balances

FISCAL ORDINANCE NO. 121, 2000 - approves an increase of \$3,100,000 in the 2000 Budget of the Information Services Agency (Information Services Internal Services Fund) to cover technology based pass-through costs from City and County agencies that were not included in the 2000 budget, but have since been identified as needed before the end of 2000, funded by the revenues collected from the appropriate City and County agencies

FISCAL ORDINANCE NO. 128, 2000 - approves an increase of \$305,000 in the 2000 Budget of the Marion County Public Defender Agency (Pre-Trial Release Program Fund) to cover a budget shortfall resulting from a 24% increase in appeals and increased costs associated with depositions of death penalty cases, financed by fund balances

FISCAL ORDINANCE NO. 129, 2000 - approves an increase of \$18,259 in the 2000 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program, funded by a federal grant

FISCAL ORDINANCE NO. 130, 2000 - approves an increase of \$59,725 in the 2000 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to implement a full-scale, community-wide public awareness campaign of intolerance to violence, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 135, 2000 - approves a transfer of \$480,000 in the 2000 Budget of the Department of Administration, Indianapolis Fleet Services Division (Consolidated County Fund) to cover increased maintenance costs for vehicles owned by various city departments and other municipal agencies

FISCAL ORDINANCE NO. 137, 2000 - approves a transfer of \$111,000 in the 2000 Budgets of the County Auditor and the Marion County Public Defender Agency (County General Fund) to cover a short fall in Character 03 resulting from a 24% increase in appeals and increased death penalty costs

FISCAL ORDINANCE NO. 138, 2000 - approves a transfer of \$245,000 in the 2000 Budgets of the County Auditor and Marion County Justice Agency (Law Enforcement Fund) to fund the salaries of deputy prosecutors and paralegals who are prosecuting drug related cases

GENERAL ORDINANCE NO. 106, 2000 - authorizes intersection controls for the Smithfield Subdivision (District 23)

GENERAL ORDINANCE NO. 107, 2000 - authorizes intersection controls for Misty Ridge Subdivision (District 23)

GENERAL ORDINANCE NO. 108, 2000 - authorizes a multi-way stop at 54th Street and Channing Road, and at 54th Street and Roxbury Road (District 11)

GENERAL ORDINANCE NO. 109, 2000 - authorizes a multi-way stop at Behner Circle and Castle Knoll Boulevard (Castle Knoll Farms Subdivision) (District 3)

GENERAL ORDINANCE NO. 110, 2000 - authorizes a multi-way stop at 13th Street and Grant Avenue (District 10)

GENERAL ORDINANCE NO. 111, 2000 - authorizes a multi-way stop at 25th Street and Highland Place, and at 28th Street and Highland Place (District 22)

GENERAL ORDINANCE NO. 112, 2000 - authorizes a multi-way stop at 43rd Street and Sunset Avenue (District 6)

GENERAL ORDINANCE NO. 113, 2000 - authorizes a multi-way stop at Forest Manor and Winding Way (District 4)

GENERAL ORDINANCE NO. 114, 2000 - authorizes a multi-way stop at 61st Street and Park Avenue (District 7)

GENERAL ORDINANCE NO. 115, 2000 - authorizes intersection controls for the railroad crossing on Rochester Avenue between North Street and Garden Avenue (District 17)

GENERAL ORDINANCE NO. 116, 2000 - authorizes intersection controls for Kopetsky Park Subdivision (District 25)

GENERAL ORDINANCE NO. 117, 2000 - authorizes intersection controls for Perry Commons Subdivision, Sections 1 and 2 (District 25)

GENERAL ORDINANCE NO. 118, 2000 - authorizes a multi-way stop at Hawthorne Avenue and St. Joseph Street (District 13)

GENERAL ORDINANCE NO. 119, 2000 - authorizes a multi-way stop at Bayswater Boulevard and Redan Drive, and at Bayswater Boulevard and Stanhope Way (District 1)

GENERAL ORDINANCE NO. 120, 2000 - authorizes intersection controls for the Ameriplex Business Park (District 19)

GENERAL ORDINANCE NO. 121, 2000 - authorizes intersection controls at 59th Street and Grandiose Drive (District 2)

GENERAL ORDINANCE NO. 122, 2000 - authorizes a multi-way stop at 81st Street and Claffey Drive (District 2)

GENERAL ORDINANCE NO. 123, 2000 - authorizes a one-way traffic flow and angled parking on Barth Avenue from Orange Street to Anders Street (District 21)

GENERAL ORDINANCE NO. 124, 2000 - authorizes parking restrictions on Meridian Street near 34th Street (Districts 6, 9)

GENERAL ORDINANCE NO. 125, 2000 - authorizes parking restrictions on 32nd Street near Pennsylvania Avenue (Districts 6, 22)

GENERAL ORDINANCE NO. 126, 2000 - authorizes parking restrictions on 46th Street at various locations (District 6)

GENERAL ORDINANCE NO. 127, 2000 - authorizes parking restrictions on Meridian Street near 32nd Street, and authorizes a traffic signal at 32nd Street and Meridian Street (Districts 6, 9, 22)

GENERAL ORDINANCE NO. 128, 2000 - authorizes parking restrictions in the Harvard Square Cooperative (District 24)

GENERAL ORDINANCE NO. 129, 2000 - authorizes parking restrictions on State Avenue between Hanna Avenue and National Avenue (Districts 20, 24)

SPECIAL RESOLUTION NO. 69, 2000 - recognizes the annual Heartland Film Festival in Indianapolis

SPECIAL RESOLUTION NO. 74, 2000 - recognizes the Indianapolis Motor Speedway Corporation and the Hulman-George family

SPECIAL RESOLUTION NO. 75, 2000 - recognizes the Indianapolis Ice

SPECIAL RESOLUTION NO. 76, 2000 - designates a one block long section of North Street from Pennsylvania Street to Meridian Street as the "38th Infantry Division Memorial Way"

P.S.S.D.F.O. NO. 4, 2000 - approves an increase of \$484,965 in the 2000 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to implement a Community Oriented Policing Services (COPS) After-School Initiative, to continue the Indianapolis Partnership to Combat Domestic Violence; and to purchase computers, radio equipment, and law enforcement vehicles, financed by federal funds

F.S.S.D.F.O. NO. 3, 2000 - approves an increase of \$150,000 in the 2000 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the Federal Emergency Management Agency's (FEMA) Urban Search and Rescue Task Force-1, financed with federal funds

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Hinkle moved, seconded by Councillor Talley, to suspend the rules of the Council to allow action on Proposal No. 726, 2000, which is being introduced this evening. He stated that the proposal confirms the Mayor's appointment of the executive director of the Indianapolis Housing Agency (IHA). He said that the Committee has already held a hearing on this proposal and he would like it to be heard after Proposal No. 753, 2000. The rules were suspended by a unanimous voice vote and consent was given to place the proposal on the agenda for action.

Without further objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of October 30, 2000. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 753, 2000. The proposal, sponsored by Councillor Coughenour, recognizes the Council service of Phillip Hinkle. Councillor Coughenour read the proposal and presented Councillor Hinkle and his family with a copy of the document and Council pins. Councillor Hinkle stated that he would like to publicly thank his wife Barbara, son Tony, daughter Jennifer, and son-in-law Eric for their support and for sharing him with the public. He thanked Libby's Delicatessen for providing the Council with fresh popcorn for their meetings. He added that he has appreciated the opportunity to work with each Council member to help make Indianapolis a better city.

Councillor Borst stated that Councillor Hinkle has been a public servant who does things for the right reason and he really cares about the people he represents.

President SerVaas stated that before he became a Councillor, Councillor Hinkle served as a high school teacher and debate coach, a township assessor, and the research director for the Council office. He added that Councillor Hinkle has been a stellar Council member, and if this same kind of service continues in the House of Representatives, the State will be well-served by Councillor Hinkle's election.

Councillor Boyd congratulated Councillor Hinkle on his significant victory and stated that he has known Councillor Hinkle to be a genuine, committed, dedicated, and fair person who has been open to differing opinions and making very balanced decisions. He wished Councillor Hinkle well in his new position.

Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 753, 2000 was adopted on the following roll call vote; viz:

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

Proposal No. 753, 2000 was retitled SPECIAL RESOLUTION NO. 77, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 77, 2000

A SPECIAL RESOLUTION recognizing the Council service of Phillip Hinkle.

WHEREAS, a free nation rests upon the willingness of responsible citizens who actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with all of its attendant commitments of self, time and commitment represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Phillip Hinkle has, with integrity, energy and sincerity, served his constituents and the people of Indianapolis well on the Council in 1975, and from 1992 to 2000; and

WHEREAS, Councillor Hinkle, a Republican from Wayne Township served as Chairman of the important Metropolitan Development Committee, and in this capacity was instrumental in developing a Wellfield Protection Program insuring the protection of our drinking water, and in many other significant roles; 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 recognized the more than eight years of dedicated service given by Councillor Phillip Hinkle as a member of this Council.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, extends its appreciation and gratitude to Councillor Hinkle, and wishes him well as he transfers his talents and energy to the Indiana General Assembly.

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

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

PROPOSAL NO. 726, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 726, 2000 on November 6, 2000. The proposal, sponsored by Councillors Hinkle and Horseman, approves the Mayor's appointment of Rufus "Bud" Myers as Executive Director of the Indianapolis Housing Agency. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Mr. Myers introduced himself to the full Council and said that he is a native of Indianapolis. He stated that he is looking forward to the opportunity of serving the Indianapolis community in this capacity and being the guardian of a segment of tax dollars. He introduced relatives Patricia and Jerome Payne and brother-in-law Nick Rush, who have come tonight to support his appointment. He recognized members of the Indianapolis Housing Agency (IHA) staff, and stated that there are some very good employees serving at IHA, and there has been good interim management of the agency by Deputy Mayor Bill Shrewsbury.

Councillor Hinkle said that the IHA has gotten off the troubled housing list in the last few years, and he recognized Rob Wilkes, former Council budget director, who is now chief financial officer for IHA. He added that there is a lot of expertise and experience working for the City in this agency.

Councillor Gray welcomed Mr. Myers back to the City, and stated that he is a long-time high school friend. He added that he does not think the Mayor could have chosen a better person for the job.

Councillor Hinkle moved, seconded by Councillor Horseman, for adoption. Proposal No. 726, 2000 was adopted by a unanimous voice vote.

Proposal No. 726, 2000 was retitled COUNCIL RESOLUTION NO. 78, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2000

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's appointment of Rufus "Bud" Myers as Executive Director of the Indianapolis Housing Agency.

WHEREAS, pursuant to Section 285-421 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Executive Director of the Indianapolis Housing Agency is subject to confirmation by the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has appointed and submitted to this Council the name of Rufus "Bud" Myers to serve as Executive Director of the Indianapolis Housing Agency; now, therefore:

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

SECTION 1. Rufus "Bud" Myers is confirmed by the City-County Council to serve as Executive Director of the Indianapolis Housing Agency.

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

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 724, 2000. Introduced by Councillors Coonrod and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation

borrowing for the City for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, and the Firemen's Pension Fund during the period from January 1, 2001, through December 31, 2001"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 725, 2000. Introduced by Councillors Coonrod and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes tax anticipation borrowing for the County for the County General Fund and the County Family and Children Fund during the period from January 1, 2001, through December 31, 2001"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 727, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$750,000 to various organizations and entities for calendar year 2001 from the Marion County Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 728, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a Conditional Release Fee and Fund that would replace the existing Pre-Trial Release Fee and Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 729, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$550,000 and a transfer of \$203,660 in the 2000 Budget of the County Sheriff (County General Fund) to cover the increased rise in fuel costs for this year, financed by a transfer and a reduction in fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 730, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$170,000 in the 2000 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funds for a comprehensive traffic safety program focusing on aggressive drivers in Marion County, funded by a grant from the National Highway Traffic Safety Administration"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 731, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$22,000 in the 2000 Budget of the Marion County Superior Court (County General Fund) to pay for programming in the JUSTIS System for probation bookkeeping and other enhancements"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 732, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$55,000 in the 2000 Budget of the Marion County Superior Court (Supplemental Adult Probation Fees Fund) to pay for programming in the JUSTIS System for probation bookkeeping and other enhancements"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 733, 2000. Introduced by Councillors Talley and Dowden. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an increase of \$126,143 in the 2000 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to purchase computers, radio equipment, and law enforcement

vehicles, funded by federal grants”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 734, 2000. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a traffic signal at 71st Street and Rodebaugh Road (District 2)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 735, 2000. Introduced by Councillor Talley. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a traffic signal at 42nd Street and Mitthoefer Road (District 14)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 736, 2000. Introduced by Councillors Coonrod and Talley. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a traffic signal at 38th Street and German Church Road (Districts 5, 14)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 737, 2000. Introduced by Councillor Schneider. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a traffic signal at Real Street and Westfield Boulevard (District 3)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 738, 2000. Introduced by Councillor Brents. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a traffic signal at Blackford Street and Indiana Avenue (District 16)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 739, 2000. Introduced by Councillor Brents. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a multi-way stop at 14th Street and Montcalm Street (District 16)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 740, 2000. Introduced by Councillor Massie. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes intersection controls for the Homestead Neighborhood (District 20)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 741, 2000. Introduced by Councillor Schneider. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a multi-way stop at Broadway Street and 95th Street (District 3)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 742, 2000. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a change in the speed limit from 35 mph to 40 mph on Fox Road from Sunnyside Road to Oaklandon Road (District 5)””; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 743, 2000. Introduced by Councillor Nytes. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes parking restrictions on Park



Avenue from Massachusetts Avenue to St. Clair Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 744, 2000.** Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Massachusetts Avenue from College Avenue to Edison Avenue; and authorizes angled parking on Massachusetts Avenue from Edison Avenue to Bellefontaine Street (District 22)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 745, 2000.** Introduced by Councillors Black and Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 52nd Street near Meridian Street (Districts 6, 7)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 746, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on various segments of Virginia Avenue and Alabama Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 747, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Jackson Place between McCrea Street and Meridian Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 748, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Meridian Street, on the west side, from Merrill Street to a point 92 feet north of Henry Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 749, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Capitol Avenue from Ray Street to Morris Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 750, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in bus stop zones on Capitol Street and Ohio Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 751, 2000.** Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in bus stop zones on Maryland Street near Scioto Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

**PROPOSAL NO. 752, 2000.** Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves a schedule of regular council meetings for the year 2001"; and the President referred it to the Committee of the Whole Council.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 754, 2000 and PROPOSAL NOS. 755-759, 2000. Introduced by Councillor Hinkle. Proposal No. 754, 2000 and Proposal Nos. 755-759, 2000 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 8, 2000. 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. 195-200, 2000, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 195, 2000.  
2000-ZON-094

3802 RUCKLE STREET (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6  
CLARK BROTHERS, LLP, by Paul G. Roland, requests a rezoning of 0.137 acre, being in the D-9 (W-5) District, to the C-3 (W-5) classification to provide for commercial uses.

REZONING ORDINANCE NO. 196, 2000.  
2000-ZON-090

5546 VICTORY DRIVE (approximate address), INDIANAPOLIS.  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICTS # 23  
DB MANN DEVELOPMENT, INC., by David A. Retherford, requests a rezoning of 5 acres, being in the D-A District, to the C-S classification to provide for commercial retail and office uses and industrial uses.

REZONING ORDINANCE NO. 197, 2000.  
2000-ZON-134

6937 EAST 42<sup>nd</sup> STREET (approximate address), INDIANAPOLIS.  
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14  
KORTE BROS., INC. requests a rezoning of 1.034 acres, being in the D-4 District, to the C-7 classification to legally establish a construction and aggregate equipment sales, service, and rental company.

REZONING ORDINANCE NO. 198, 2000.  
2000-ZON-135

130 EAST SOUTH STREET (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16  
TBR ENTERPRISES, by David Kingen, requests a rezoning of 0.40 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to legally establish a commercial parking lot.

REZONING ORDINANCE NO. 199, 2000.  
2000-ZON-851

1431 NORTH GIRLS SCHOOL ROAD (approximate address), INDIANAPOLIS  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18.  
SANDRA PETTIT, by Stephen D. Mears, requests a rezoning of 2.18 acres, from the D-A District to the D-3 classification, to provide for residential development.

REZONING ORDINANCE NO. 200, 2000.  
2000-ZON-852

2801 NORTH PENNSYLVANIA STREET (approximate address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22.  
LILLY ENDOWMENT, INC., by Joseph M. Scimia, requests a rezoning of 1.58 acres, being in the D-5 (RC) District, to the C-1 (RC) classification to provide for the expansion of an office and parking lot.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 661, 2000. The proposal, sponsored by Councillor SerVaas, proposes to rezone 7.5 acres at 6600 East Westfield Boulevard in Washington Township, being in the C-S District, to the C-S classification to provide for a restaurant and tavern (2000-ZON-074) (District 2). President SerVaas stated that there has been on-going communication between the developer and the neighbors regarding this restaurant. He said that he believes an agreement can be reached before the next Council meeting, and a public hearing will not be needed. He moved, seconded by Councillor Hinkle, to postpone Proposal No. 661, 2000 until November 27, 2000. Proposal No. 661, 2000 was postponed by a unanimous voice vote.

Councillor Bradford reported that the Community Affairs Committee heard Proposal Nos. 607-610, 2000 on November 6, 2000. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 607, 2000. The proposal approves an increase of \$132,813 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (State and Federal Grants Fund) to fund the Grassroots Prevention Projects, funded by a three-year award from the Indiana Family and Social Services Administration. PROPOSAL NO. 608, 2000. The proposal approves an increase of \$50,000 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to fund the Turf Management Project, funded by a grant from the Indiana State Lawn Care Association. PROPOSAL NO. 609, 2000. The proposal approves an increase of \$25,000 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to continue funding for the Youth Program, funded by a grant from the Marion County 4-H Clubs, Inc. PROPOSAL NO. 610, 2000. The proposal approves an increase of \$4,228 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to cover short falls in the High Hopes Program, funded by a grant from the Marion County 4-H Clubs, Inc. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 7:49 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley, for adoption. Proposal Nos. 607-610, 2000 were adopted on the following roll call vote; viz:

*25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*

*0 NAYS:*

*3 NOT VOTING: Horseman, Short, Talley*

*1 ABSENT: Black*

Proposal No. 607, 2000 was retitled FISCAL ORDINANCE NO. 140, 2000, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 140, 2000**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional One Hundred Thirty-two Thousand Eight Hundred Thirteen Dollars (\$132,813) in the State and Federal Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,dd) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for the County Auditor and Cooperative Extension Service to fund the Grassroots Prevention Projects, which are projects to decrease the incidence and prevalence of alcohol, tobacco and other drugs used by youth.

SECTION 2. The sum of One Hundred Thirty-two Thousand Eight Hundred Thirteen Dollars (\$132,813) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	8,000
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	32,600
2. Supplies	35,963
3. Other Services and Charges	<u>56,250</u>
TOTAL INCREASE	132,813

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>132,813</u>
TOTAL REDUCTION	132,813

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

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

Proposal No. 608, 2000 was retitled FISCAL ORDINANCE NO. 141, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Fifty Thousand Dollars (\$50,000) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,dd) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of the County Auditor and Cooperative Extension Service to fund the Turf Management Project.

SECTION 2. The sum Fifty Thousand Dollars (\$50,000) 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>COUNTY GRANTS FUND</u>
1. Personal Services - fringes	8,200
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	41,000
2. Supplies	<u>800</u>
TOTAL INCREASE	50,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

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

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

Proposal No. 609, 2000 was retitled FISCAL ORDINANCE NO. 142, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Twenty Five Thousand Dollars (\$25,000) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,dd) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Cooperative Extension Service to continue funding for the Youth Program.

SECTION 2. The sum of Twenty Five Thousand Dollars (\$25,000) 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>COUNTY GRANTS FUND</u>
1. Personal Services - fringes	5,000
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	<u>20,000</u>
TOTAL INCREASE	25,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

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

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

Proposal No. 610, 2000 was retitled FISCAL ORDINANCE NO. 143, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Four Thousand Two Hundred Twenty-eight Dollars (\$4,228) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,dd) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Cooperative Extension Service to cover the short falls in the High Hopes Program.

SECTION 2. The sum of Four Thousand Two Hundred Twenty-eight Dollars (\$24,228) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services - fringes	637
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	3,591
TOTAL INCREASE	4,228

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	4,228
TOTAL REDUCTION	4,228

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

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

PROPOSAL NO. 695, 2000. Councillor Smith reported that the Capital Asset Management Committee heard Proposal No. 695, 2000 on November 8, 2000. The proposal, sponsored by Councillors Conley and Soards, approves an increase of \$250,000 in the 2000 Budget of the Department of Capital Asset Management, Asset Management Division (State Grants fund) to make street improvements on Innovation Boulevard in the Woodland Corporate Park in Pike

Township, financed by a grant from the Indiana Department of Commerce. By a 7-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Smith stated that he abstained from voting on this proposal in Committee to avoid the appearance of a conflict of interest, and will abstain this evening as well.

President SerVaas called for public testimony at 7:52 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Cockrum, for adoption. Proposal No. 695, 2000 was adopted on the following roll call vote; viz:

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

Proposal No. 695, 2000 was retitled FISCAL ORDINANCE NO. 144, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) re-appropriating Two Hundred Fifty Thousand dollars (\$250,000) in the State Grants Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the State 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(L) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to construct street improvements on Innovation Boulevard in the Woodland Corporate Park in Pike Township.

SECTION 2. The sum of Two Hundred Fifty Thousand dollars (\$250,000) 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 CAPITAL ASSET MANAGEMENT</u>	
<u>ASSET MANAGEMENT DIVISION.</u>	<u>STATE GRANTS FUND</u>
4. Capital Outlay	250,000
TOTAL INCREASE	250,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	250,000
TOTAL REDUCTION	250,000

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. 697, 2000. The proposal, sponsored by Councillors Coonrod and Dowden, approves a transfer of \$170,000 in the 2000 Budgets of the County Election Board and the Clerk of the Circuit Court (County General Fund) for the Clerk of the Circuit Court to pay increased expenses for postage and bank service fees, funded by a transfer from the County Election Board. Councillor Coonrod stated that the Administration and Finance Committee has not yet heard the proposal. He moved, seconded by Councillor Dowden, to postpone Proposal No. 697, 2000 until November 27, 2000. Proposal No. 697, 2000 was postponed by a unanimous voice vote.

PROPOSAL NO. 699, 2000. Councillor Cockrum stated that the Parks and Recreation Committee heard Proposal No. 699, 2000 on November 2, 2000. The proposal, sponsored by Councillors Massie, Douglas, and Borst, approves an increase of \$42,679 in the 2000 Budget of the Department of Parks and Recreation (State Grants Fund) to make improvements to the Perry Park ice rink, financed with a Build Indiana grant. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 7:55 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 699, 2000 was adopted on the following roll call vote; viz:

28 YEAS: *Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*

0 NAYS:

1 ABSENT: *Black*

Proposal No. 699, 2000 was retitled FISCAL ORDINANCE NO. 145, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Forty Two Thousand Six Hundred Seventy-nine Dollars (\$42,679) in the State Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the State 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 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to make improvements to the Perry Park ice rink.

SECTION 2. The sum of Forty Two Thousand Six Hundred Seventy-nine Dollars (\$42,679) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION

2. Supplies
  3. Other Services and Charges
  4. Capital Outlay
- TOTAL INCREASE

STATE GRANTS FUND

6,550  
18,571  
17,558  
42,679



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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	42,679
TOTAL REDUCTION	42,679

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

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 700 and 701, 2000 on November 1, 2000. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 700, 2000. The proposal approves an increase of \$97,519 in the 2000 Budget of the County Sheriff (County Misdemeanant Fund) to fund the operational increases in the 2000 budget, financed by fund balances. PROPOSAL NO. 701, 2000. The proposal approves an increase of \$22,294 in the 2000 Budgets of the County Auditor and County Sheriff (County Grants Fund) to provide a uniformed deputy with arrest powers for the security of runaways and the Youth Emergency Services, funded by a grant from the Youth Emergency Services. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 7:58 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 700 and 701, 2000 were adopted on the following roll call vote; viz:

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

Proposal No. 700, 2000 was retitled FISCAL ORDINANCE NO. 146, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Ninety-seven Thousand Five Hundred Nineteen Dollars (\$97,519) in the County Misdemeanant Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the County Misdemeanant 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(y) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay for operational increases in the 2000 budget.

SECTION 2. The sum of Ninety-seven Thousand Five Hundred Nineteen Dollars (\$97,519) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY MISDEMEANANT FUND</u>
3. Other Services and Charges	97,519
TOTAL INCREASE	97,519

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

	<u>COUNTY MISDEMEANANT FUND</u>
Unappropriated and Unencumbered	
County Misdemeanant Fund	97,519
TOTAL REDUCTION	97,519

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

Proposal No. 701, 2000 was retitled FISCAL ORDINANCE NO. 147, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 147, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Twenty-two Thousand Two Hundred Ninety-four Dollars (\$22,294) in the County Grants Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,y) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to provide a uniformed deputy with arrest powers for the security of runaways and the Youth Emergency Services.

SECTION 2. The sum of Twenty-two Thousand Two Hundred Ninety-four Dollars (\$22,294) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services - fringes	4,303
<u>COUNTY SHERIFF</u>	
1. Personal Services	17,231
2. Supplies	500
3. Other Services and Charges	260
TOTAL INCREASE	22,294

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	22,294
TOTAL REDUCTION	22,294

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or

project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 704, 2000. The proposal, sponsored by Councillor Cockrum, approves the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana. Councillor Massie reported that the Rules and Public Policy Committee has not yet heard Proposal No. 704, 2000. He moved, seconded by Councillor Cockrum, to postpone Proposal No. 704, 2000 until November 27, 2000. Proposal No. 704, 2000 was postponed by a unanimous voice vote.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 698, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 698, 2000 on November 6, 2000. The proposal amends the Flood Control District Zoning Ordinance by eliminating Zone B regulations, bringing the ordinance into compliance with federal and state requirements, and adopting new FEMA maps (00-AO-03). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 698, 2000 was adopted on the following roll call vote; viz:

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

*1 ABSENT: Black*

Proposal No. 698, 2000 was retitled GENERAL ORDINANCE NO. 130, 2000, and reads as follows:

#### CITY-COUNTY GENERAL ORDINANCE NO. 130, 2000

##### METROPOLITAN DEVELOPMENT COMMISSION DOCKET NO. 00-AO-3 FLOOD CONTROL DISTRICT ZONING ORDINANCE

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA, that Marion County Council Ordinance No. 8-1957 adopted by the Marion Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Indiana Acts of 1955, and all zoning Ordinances and zoning district maps adopted as amendments thereto, including the Comprehensive Zoning Maps of Marion County, Indiana, adopted by Zoning Ordinance 70-AO-4, as amended, be amended to read as follows:

#### ESTABLISHMENT OF FLOOD CONTROL ZONING DISTRICTS

##### Section 1.00 ESTABLISHMENT OF DISTRICTS

A. The following secondary FLOOD CONTROL DISTRICTS for Marion County, Indiana, are hereby classified, divided and zoned into said districts as designated on the FLOOD CONTROL DISTRICTS ZONING MAPS, which maps are attached hereto, incorporated herein by reference and made a part of this Ordinance:

**FLOOD CONTROL ZONING DISTRICTS**

**ZONING DISTRICT SYMBOLS**

FLOODWAY (secondary)  
 FLOODWAY FRINGE (secondary)

FW  
 FF

B. The District boundaries have been established from hydrological data delineated on ~~Flood Boundary and Floodway Maps and Flood Insurance Rate Maps provided by the Federal Insurance Administration, dated a scientific and engineering report entitled "The Flood Insurance Study for the Marion County, Indiana, and Incorporated Areas", City of Indianapolis, Indiana, dated June 3, 1988.~~ Topographic-based floodplain maps which may be developed by the City and approved for use by FEMA may be used as best available data to supplement FEMA's ~~Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, in accordance with FEMA and INRC IDNR procedures and regulations.~~ These maps contain ~~numbered Zone AE~~ floodplain areas for which floodway district boundaries and base flood elevations are provided, ~~Zone AH~~ floodplain areas for which Base Flood Elevations are provided, ~~Zone AO~~ floodplain areas for which Base Flood Elevations are not provided, and ~~unnumbered Zone A~~ floodplain areas for which floodway district boundaries and Base Flood Elevations are not provided. Each of the aforementioned maps also contain ~~shaded Zone BX~~ floodplain areas which depict areas subject to flooding in the headwaters of a stream, the 500 year frequency floodplain collar outside of the 100 year frequency Zone ~~AE~~ area, and land subject to shallow flood depths of less than one foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

Numbered Zone AE

The Floodway Fringe (FF) Zone District boundary is determined by applying the Base Flood Elevations from the Flood Insurance Study Base Profiles to the specific topography of a site/parcel/property. The Floodway (FW) and Floodway Fringe (FF) Zone District Boundary is determined from the Flood Boundary and Floodway Insurance Rate Map. The accompanying Base Flood Elevation shall be determined from the Flood Insurance Study Base Flood Profile, using the Flood Insurance Rate Map as a guide, and is rounded up to the nearest one half foot elevation.

Zone AH and Zone AO

In Zone AH floodplain areas, the Base Flood Elevation shown on the Flood Insurance Rate Map shall be used. In Zone AO areas, the Base Flood Elevation shall be determined by adding the depth number specified in feet on the Flood Insurance Rate Map (two feet, if no depth number is specified) to the highest ground elevation at the site, using the procedure set forth for unnumbered Zone A areas. For both Zone AH and Zone AO floodplain areas the floodway district and floodway fringe district boundaries shall be determined in accordance with the procedures for unnumbered Zone A floodplain areas.

Unnumbered Zone A

Because this mapped area depicts only the approximate base flood boundary, the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and Base flood elevation must be established through a site-specific engineering analysis using a method acceptable to ~~DPW~~ DCAM or a floodplain recommendation letter issued by ~~INRC~~ IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a Floodplain Development Permit to provide the requisite engineering analysis to ~~DPW~~ DCAM or to obtain a floodplain recommendation letter from ~~INRC~~ IDNR.

Zone BX

Only those Zone B areas for which the approximate headwater floodplain is depicted are subject to regulation under this Ordinance. Proposed developments in Zone B headwater floodplain areas generally do not require mandatory flood insurance under the NFIP but are still subject to flood hazards and therefore are regulated by this Ordinance. The procedure for establishing the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and Base Flood Elevations is the same as that for unnumbered Zone A areas. Zone X areas (shaded or unshaded) are not designated by FEMA as Special Flood Hazard Areas and are not regulated by this ordinance.

C. Detailed hydrological data may not be available on the aforementioned maps for certain portions of the FLOODWAY and FLOODWAY FRINGE DISTRICTS. In such cases, an owner of land or applicant for a Floodplain Development Permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the ~~INRC~~ IDNR and the appropriate DISTRICT regulations shall apply. In the event ~~INRC~~ IDNR lacks sufficient data, ~~DPW~~ DCAM shall determine which type of Flood Control District the site is located in and the appropriate flood protection grade and limitations applicable to that District. If ~~DPW~~ DCAM lacks sufficient data to make this determination

the applicant for the Floodplain Development Permit shall be required to submit a Zoning District boundary determination completed by a registered professional engineer. The procedures by which specific determinations of DISTRICT boundaries are to be made and incorporated into revisions of the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps are set forth in Section 1.01 of this Ordinance.

#### SECTION 1.01 CHANGES TO DISTRICT BOUNDARIES

Procedures to change the Floodway and Floodway Fringe District boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: determination or original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge which changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping which more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied Zone A and Zone B floodplain areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular Flood Control Zoning District map apply for a District boundary change in accordance with this Section.

Changes to the Floodway (FW) District boundary, Floodway Fringe (FF) District boundary, and the accompanying Base Flood Elevations must be approved by FEMA through a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this Ordinance. Detailed study data, developed for sites located in unnumbered Zone A and Zone B areas pursuant to Section 1.00 as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in District boundary revisions unless an official LOMR or LOMA is issued by FEMA which specifies such changes.

DPW DCAM shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this Ordinance. Upon verification DPW DCAM shall issue a signed Community Acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain which requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, DPW DCAM may require the applicant to enter into an agreement with DPW DCAM to provide such operation and maintenance.

DPW Any changes in the Floodway District boundary must be reported to FEMA by the applicant within six (6) months of construction with a copy forwarded to DCAM. DCAM shall be responsible for maintaining up to date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with NRC IDNR, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.

By reference the Metropolitan Development Commission and the City-County Council must acknowledge all Floodway (FW) and Floodway Fringe (FF) District boundary relocations and base flood elevation revisions approved by FEMA through the issuance of LOMR and LOMAs as changes to the Flood Control District Zoning Maps.

All Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) from September 2, 1992 until January 5, 2001 shall be incorporated as map amendments to the applicable Flood Control Districts boundaries (said letters [LOMA and LOMR] are incorporated by reference and made a part of this ordinance).

#### SECTION 2.00 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

The following regulations shall apply to all land within any FLOOD CONTROL DISTRICT.

- A. From and after October 4, 1971:
  1. No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
  2. No land, watercourse, building, structure premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this Ordinance.

B. No Land Alteration, Watercourse Alteration, Open Land Use, Legally Established Nonconforming Use, or Structure as defined in this Ordinance shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a Flood-plain Development Permit is issued for the proposed activity as required by this Ordinance.

C. Application for a Floodplain Development Permit shall be made on a form provided by DPW DCAM. The application shall be accompanied by drawings of the site drawn to scale which depict the proposed activity in a manner adequate for DPW DCAM to determine compliance with this Ordinance. At a minimum the site plan shall show: all existing and proposed structures; existing and proposed contours (if the proposed activity includes Land Alteration or Watercourse Alteration) the governing Base Flood Elevation for the site (including the source of the Base Flood Elevation value); and the proposed Flood Protection Grade elevation (if the proposed activity requires a specified Flood Protection Grade under this Ordinance).

Site plans for all platted subdivisions shall also include a delineation of the existing and proposed Floodway and Floodway Fringe boundaries; a flood protection grade denoted for each building pad; and, for each lot located in a Flood Control District, a plan note identifying the Flood Control District in which it is located and the requirements and limitations imposed under this Ordinance for construction on floodplain lot.

Plans for proposed activities requiring a specified flood protection grade under this Ordinance, which involve Land or Watercourse Alterations, or involve floodproofing of a structure shall be certified by a Professional Engineer, Professional Surveyor, or Professional Architect registered in Indiana as defined by this Ordinance.

D. An application fee shall be charged for the processing of a Floodplain Development Permit Application in accordance with the Rules and Procedures of the Metropolitan Development Commission. A fee schedule shall be developed by DMD for categories of proposed activities sufficient to recover the cost of processing applications.

E. A Floodplain Development Permit shall not be issued for any proposed activity until all necessary permits have been received from those government agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

F. DPW DCAM shall require that an NFIP Elevation Certificate be completed by a Professional Engineer, Professional Architect or Professional Surveyor for each new structure, Substantial Addition, Substantial Improvement, or restoration of Substantial Damage located in a Flood Control District, as required by FEMA. DPW DCAM shall supply each applicant for a Floodplain Development Permit with a blank NFIP Elevation Certificate during the DPW's DCAM Floodplain Development Permit review process. The applicant shall have a Professional Engineer, Professional Architect or Professional Surveyor complete the NFIP Elevation Certificate, showing the as built Flood Protection Grade, and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP Elevation Certificate to DPW DCAM within 10 calendar days after completion of construction of the lowest floor grade, and before DMD completes the final site inspection.

DPW DCAM shall require that a floodproofing certificate if required by Section 2.02 (B)(1), be completed by a professional engineer or professional architect registered in the State of Indiana for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control district, as required by FEMA. DPW DCAM shall supply each applicant for a floodplain development permit with a blank floodproofing certificate during the DPW's DCAM floodplain development permit review process. The applicant shall have a professional engineer or architect registered in the State of Indiana complete the floodproofing certificate showing the as built flood protection grade, as provided by the floodproofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed floodproofing certificate to DPW DCAM within ten (10) calendar days after completion of construction of the structural floodproofing and before DMD completes the final site inspection.

DMD shall not perform the final inspection of construction involving a new building or addition to a building requiring an Elevation Certificate or Floodproofing Certificate until it has received notification that a properly completed Elevation Certificate or Floodproofing Certificate has been submitted to DPW DCAM. Failure to submit a properly completed Elevation Certificate, or Floodproofing Certificate if applicable, shall result in the issuance of a stop work order on the project by DMD, revocation of the Floodplain Development Permit by DMD, or both.

G. ~~DPW DCAM~~ shall make all determinations and obtain all data in accordance with FEMA standards at 44 C.F.R. 60.3. The permit applicant is responsible for supplying data to ~~DPW DCAM~~ that is required by FEMA.

H. The Metropolitan Development Commission hereby delegates authority to ~~DPW DCAM~~ to perform all functions relating to the review of applications for issuance of a Floodplain Development Permit, in accordance with this Ordinance.

I. All new construction and substantial improvements shall:

1. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydro-dynamic and hydrostatic loads, including the effects of buoyancy,
2. be constructed with materials resistant to flood damage,
3. be constructed by methods and practices that minimize flood damages, and
4. be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. A Floodplain Development Permit shall not be issued for proposed activity in an ~~Unnumbered~~ Zone A or Zone AH or Zone AO until the ~~Flood Control~~ Floodway and Floodway Fringe District boundaries and base flood elevation are established in accordance with Section 1.00(B).

K. The approval of a floodplain development plan by the Permit Division under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the Floodplain Development Permit for which the plan was submitted was issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved floodplain development plan or circumstances which cause the floodplain development plan to be inaccurate or incomplete, then a new or corrected floodplain development plan shall be submitted to the department as a precondition for obtaining a Floodplain Development Permit.

I. (a) A floodplain development permit may be transferred with the approval of the permits division to a person, partnership or corporation which would be eligible to obtain such floodplain development permit in the first instance (hereinafter called "transferee"), after both the payment of a fee specified in the Rules and Procedures of the Metropolitan Development Commission and the execution and filing of a form furnished by the permits division. Such transfer form shall contain, in substance, the following certifications, release and agreement:

(1) The person who obtained the original floodplain development permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

- a. Certify under penalties of perjury that such person is familiar with construction activity accomplished pursuant to the floodplain development permit; such person is familiar with the floodplain development standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all floodplain development standards and procedures; and,
- b. Sign a statement releasing all rights and privileges secured under the floodplain development permit to the transferee.

(2) The transferee shall:

- a. Certify that the transferee is familiar with the information contained in the original floodplain development permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original floodplain development permit;

- b. Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the floodplain development permit; and,
  - c. Agree to adopt and be bound by the information contained in the original application for the floodplain development permit, the detailed plans and specifications, the plot plan and other documents supporting the original floodplain development permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the permits division for approval.
- (b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor and shall be subject to any written orders issued by DCAM.
- (c) A permit or design approval may not be transferred from the specified location to another location.
- M. Expiration of floodplain development permits by operation of law.
- (a) If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within one hundred eighty (180) days from the date of issuance of the floodplain development permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, DCAM may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days. Such extension shall be confirmed in writing.
  - (b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, DCAM may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow reinstitution of construction activity.

SECTION 2.01 FW FLOODWAY DISTRICT REGULATIONS (SECONDARY)

The following regulations, in addition to those in Section 2.00, shall apply to all land within the FLOODWAY DISTRICT. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the Floodway District is to guide development in areas identified as a Floodway. ~~INRC~~ IDNR, under the authority of the INRC, exercises primary jurisdiction in the Floodway District under the authority of IC ~~13-2-22~~ 14-28-1; however, the City may impose terms and conditions on any Floodplain Development Permit it issues in a Floodway District which are more restrictive than those imposed by ~~INRC~~ IDNR regulations.

A. PERMITTED USES. The following uses shall be permitted in the FLOODWAY DISTRICT subject to the development standards of Section 2.01-B.

1. Open Land Uses.
2. Land Alterations and Watercourse Alterations.
3. Non-Building Structures
4. Detached Residential Accessory Structures.
5. Improvements, additions, and restoration of damage to legally established nonconforming uses.



B. DEVELOPMENT STANDARDS

1. OPEN LAND USE

An OPEN LAND USE as defined in this ordinance shall be allowed without a Floodplain Development Permit provided that the OPEN LAND USE does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a Floodway in accordance with INRC IDNR regulations. Otherwise, proposed OPEN LAND USES shall require a Floodplain Development Permit in accordance with this subsection.

2. LAND AND WATERCOURSE ALTERATIONS

Land Alterations and Watercourse Alterations as de-fined in this Ordinance, shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, down-stream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

In addition, no Floodplain Development Permit shall be issued for Land Alterations or Watercourse Alterations in a Floodway unless a Certificate of Approval for Construction in a Floodway is first issued by INRC IDNR for the proposed activity, if required pursuant to ~~IND CODE 13-2-22-13~~ IC 14-28-1.

3. NON-BUILDING STRUCTURES

NON-BUILDING STRUCTURES as defined in this Ordinance shall be permitted in a Floodway only under the following conditions:

- a. The Non-Building Structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the base flood;
- b. The Non-Building Structure is designed to resist displacement resulting from hydrostatic, hydro-dynamic, buoyant, or debris loading forces associated with flooding up to and including the base flood;
- c. The Non-Building Structure is designed to minimize potential contamination or infiltration of flood waters or other potential environmental health or safety hazards associated with flooding up to and including the base flood;
- d. The Non-Building Structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross section area perpendicular to the flow path, and placement of the Non-Building Structure away from areas of greater depth or velocities;
- e. The INRC IDNR has first issued a Certificate of Approval of Construction in a Floodway, if applicable pursuant to ~~IND CODE 13-2-22-13~~ IC 14-28-1, and
- f. The Non-Building Structure must meet the applicable flood protection grade required by INRC IDNR and FEMA rules.

4. DETACHED RESIDENTIAL ACCESSORY STRUCTURES, the total square footage being equal or less than four hundred (400) square feet, may be erected in a floodway with or without a Flood Protection Grade two feet above the Base Flood Elevation only if the following conditions are met. ~~A Flood Protection Grade two feet above the Base Flood Elevation is not a condition for the erection of a detached residential accessory structure in a floodway. However, the following conditions must be met irrespective of whether a Flood Protection Grade is provided.~~

- a. The detached structure is constructed or placed the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
- b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
- c. The detached structure is no larger than seventy five percent of the size of the existing primary residential structure ~~or four hundred square feet, whichever is smaller.~~

- d. The detached structure shall never be used in total, or in part, for habitable space;
  - e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the Base Flood Elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water;
  - f. The ~~NRG~~ IDNR has first issued a Certificate of Approval of Construction in a Floodway; and
  - g. As a condition to allowing construction of a Detached Residential Accessory Structure, ~~DPW DCAM~~ may first require the owner to record a statement, in a form approved by ~~DPW DCAM~~, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
5. LEGALLY-ESTABLISHED NONCONFORMING USES IN A FLOODWAY (FW) DISTRICT

Nothing stated in this subsection shall prevent Ordinary Maintenance or Repair of Legally-Established Nonconforming Uses as defined in this Ordinance. The cost of ordinary maintenance and repair of building or structures is not counted toward the fifty percent limit for determining substantial improvement, restoration of substantial damage or substantial addition as defined herein.

a. RESTORATION OF DAMAGE

- (1) Non-Substantial Damage: A Legally-Established Nonconforming Use which has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is Non-Substantial Damage as defined in this Ordinance and a Certificate of Approval of Construction in a Floodway, if required in accordance with ~~NRG~~ IDNR rules, is first obtained from ~~NRG~~ IDNR.
- (2) Substantial Damage: A Legally-Established Nonconforming Use which is Substantially Damaged as defined in this Ordinance may only be restored if the following conditions are satisfied:
  - (i) the Legally-Established Nonconforming Use is not a Primary Residential Structure;
  - (ii) if required, the applicant for the proposed restored use must first obtain a Certificate of Approval for Construction in a Floodway from ~~NRG~~ IDNR;
  - (iii) a restored structure must be provided with a Flood Protection Grade at or above the Base Flood Elevation;
  - (iv) the design of the foundation of a restored structure must be certified by a Professional Engineer or Professional Architect registered in the State of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
  - (v) if the damage to a structure is such that the structure including the foundation is destroyed the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by ~~DPW DCAM~~;
  - (vi) the restored or rebuilt structure does not restrict or obstruct the Floodway more than the damaged structure;
  - (vii) the damage was not intentionally caused by the owner or occupant; and

(viii) the restoration of the structure is begun within one year and completed within two years following the date that the damage occurred.

b. IMPROVEMENTS

- (1) Non-Substantial Improvements: A Legally-Established Nonconforming Use in a Floodway (FW) District may undergo a one-time only Non-Substantial Improvement. Subsequent Improvements shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Improvements.
- (2) Substantial Improvements: A Substantial Improvement to a Legally-Established Nonconforming Use in a Floodway (FW) District is prohibited.

c. ADDITIONS

- (1) Non-Substantial Additions: A Legally-Established Nonconforming Use in a Floodway (FW) District may undergo a one-time only Non-Substantial Addition provided that:
  - (i) the applicant has provided development plans and any other supporting data, as required by DCAM, certifying that the proposed Addition will not cause any increase in the Base Flood Elevation; and
  - (ii) A covenant indicating that "a one-time Non-Substantial Addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

Subsequent additions shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Additions.

~~A Certificate of Approval for Construction in a Floodway must be obtained from INRC for any Addition prior to the issuance of a Floodplain Development Permit.~~

- (2) Substantial Addition: A Substantial Addition to a Legally-Established Nonconforming Use in a Floodway (FW) District is prohibited.

6. PROHIBITION OF GARBAGE, TRASH, JUNK IN FLOODWAY (FW) DISTRICT

No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.

SECTION 2.02 FLOODWAY FRINGE (FF) DISTRICT REGULATIONS (SECONDARY)

The following regulations, in addition to those in Section 2.00 shall apply to all land within the FLOODWAY FRINGE DISTRICT. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

The purpose of the Floodway Fringe District is to guide development in areas subject to potential flood damage, but outside a Floodway District.

A. PERMITTED USES

All uses permitted in the applicable primary zoning district shall be permitted in the FLOODWAY FRINGE DISTRICT, subject to the requirements of this Section.

B. DEVELOPMENT STANDARDS

1. GENERAL

Except as provided in this subsection and subsections 2, 3, 5, 6 and 8 below, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless it is provided with a Flood Protection Grade of at least two (2) feet above the Base Flood Elevation. This Flood Protection Grade may be achieved for non-residential

structures by structural floodproofing. The design and construction shall be certified on a Floodproofing Certificate by a Professional Engineer or Professional Architect registered in the State of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

For Floodplain development at sites which are elevated with fill, lowest floor levels, including basement floors, shall be provided with a flood protection grade of at least two (2) feet above the base flood elevation. Non-living spaces, such as crawl spaces that are below grade on all sides, shall be provided with a lowest floor level at least equal to the Base Flood Elevation. The flood protection grade as well as all other requirements of this Ordinance shall not be applicable to property which has been removed from a Flood Control District through the issuance of a final LOMR or LOMA by FEMA.

Floodway Fringe Fill on which a building is to be placed shall be compacted to 95% of maximum density using the Standard Proctor Test method. The surface of the fill shall extend at least ten feet horizontally from the perimeter of the building before sloping below the base flood elevation. This is a minimum distance which may need to be increased by the designer based on site conditions. Fill slopes shall be adequately protected from erosion using a method approved by DPW DCAM.

2. OPEN LAND USE

Any OPEN LAND USE as defined in this Ordinance shall be allowed in a Floodway Fringe District without a Floodplain Development Permit.

3. LAND AND WATERCOURSE ALTERATIONS

Land Alterations and Watercourse Alteration in a Floodway Fringe District shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

4. NON-BUILDING STRUCTURES

NON-BUILDING STRUCTURES as defined in this Ordinance shall be allowed in a Floodway Fringe District only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and following conditions are met:

- a. The Non-Building Structure is designed, located and constructed such that it is protected from potential damage resulting from flooding up to and including the Base Flood;
- b. The Non-Building Structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the Base Flood;
- c. The Non-Building Structure is designed to minimize potential contamination or infiltration of flood waters or other potential environmental or safety hazards associated with flooding up to and including the Base Flood;
- d. The Non-Building Structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross section perpendicular to the flow path, and placement of the Non-Building Structure away from areas of greater depth or velocities.
- e. The Non-Building Structure must meet the applicable flood protection grade required by INRC IDNR and FEMA rules.

5. DETACHED RESIDENTIAL ACCESSORY STRUCTURES

DETACHED RESIDENTIAL ACCESSORY STRUCTURES larger than four hundred (400) square feet in a Floodway Fringe district must be provided with a Flood Protection Grade of at least two (2) feet above the Base Flood Elevation. DETACHED RESIDENTIAL ACCESSORY STRUCTURES , the total square footage being equal or smaller than four hundred (400) square feet may be erected in a Floodway Fringe district ~~above or~~ below the Flood Protection Grade only if the following conditions are met:

- a. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
- b. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
- c. The detached structure is no larger than seventy five percent (75%) of the size of the existing primary residential structure ~~or four hundred square feet, whichever is smaller,~~
- d. The detached structure shall never be used in total, or in part, for habitable space;
- e. Any electrical wiring and any heating, cooling or other major appliance in the detached structure is located above the Base Flood Elevation and the detached structure is not used for the storage of any substance or chemical which is dangerous or would become dangerous if mixed with water; and
- f. As a condition to allowing a detached residential accessory structure, the ~~DPW~~ DCAM may require the owner to record a statement, in a form approved by ~~DPW~~ DCAM, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

6. ATTACHED NON-HABITABLE RESIDENTIAL ACCESSORY ENCLOSURES

ATTACHED NON-HABITABLE ACCESSORY ENCLOSURES may be constructed in a Floodway Fringe District as a part of one family, two family, or multi- family structures only under the following conditions:

- a. All parts of the building or structure other than the Attached Non-Habitable Accessory Enclosure shall be erected, constructed, reconstructed, expanded, structurally altered, converted, used or relocated in compliance with this Subsection 2.02 B;
- b. The Attached Non-Habitable Accessory Enclosure is attached to or part of the primary residential structure and is operated and maintained under the same ownership;
- c. The Attached Non-Habitable Accessory Enclosure is customarily incidental, accessory and subordinate to, and commonly associated with the use of the primary residential structure;
- d. The Attached Non-Habitable Accessory Enclosure is not used in total or in part, as habitable space, but is solely for parking vehicles, building access or storage of materials not covered under Standard Flood Insurance Policy;
- e. As a condition to allowing an Attached Non-Habitable Accessory Enclosure, the ~~DPW~~ DCAM shall require the owner to record a statement, in a form approved by ~~DPW~~ DCAM, indicating that the Attached Non-Habitable Accessory Enclosure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the deed and shall be binding on all subsequent owners;
- f. Any electrical wiring and any heating, cooling or other major appliance or equipment in the Attached Non-Habitable Accessory Enclosure is located above the Base Flood Elevation and the attached non-habitable accessory enclosure is not used for the storage of any sub-stance or chemical which is dangerous or would become dangerous if mixed with water; and
- g. The exterior walls of the Attached Non-Habitable Accessory Enclosure shall be constructed with a material which will maintain its structural integrity during and after exposure to flood waters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood waters. Designs for meeting this requirement must meet the following minimum criteria:
  - (1) A minimum of two wall openings having a total net area of not less than one square foot for every two square feet of enclosed area subject to flooding shall be provided;

- (2) The bottom of all openings shall be no higher than one foot above the floor level of the enclosure or no greater than one foot above grade, whichever is less; and
- (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters without reliance on human or electrical activation; and
- h. Attached Non-Habitable Accessory Enclosures that are also Legally-Established Nonconforming Uses pursuant to Section 2.02 B-8 shall not be subject to the requirements of Section 2.02 B-6.

7. MANUFACTURED HOME DWELLINGS, MOBILE DWELLINGS AND RECREATIONAL VEHICLES

- a. Manufactured Home Dwellings and Mobile Dwellings that are placed or undergo Substantial Improvements or Substantial Additions on sites outside of a Mobile Dwelling Project, in a New Mobile Dwelling Project or Subdivision, in an Expansion to an Existing Mobile Dwelling Project or Subdivision, or in an Existing Mobile Dwelling Project or Subdivision on which a Manufactured Home Dwelling or Mobile Dwelling has incurred Substantial Damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the Manufactured Home Dwelling or Mobile Dwelling is elevated with a Flood Protection Grade at least two feet above the Base Flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b. Manufactured Home Dwellings and Mobile Dwellings that are placed or undergo Substantial Improvements or Substantial Additions on sites in an Existing Mobile Dwelling Project or Subdivision on which a Manufactured Home Dwelling or Mobile Dwelling has not incurred Substantial Damage as the result of a flood, shall be elevated so that either the lowest floor of the Manufactured Home Dwelling or Mobile Dwelling is elevated with a Flood Protection Grade at least two feet above the Base Flood or the Manufactured Home Dwelling or Mobile Dwelling Chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and be securely anchored foundation system to resist flotation, collapse and lateral movement.
- c. Recreational Vehicles placed on sites in the Floodway Fringe for one hundred eighty consecutive days or more shall be subject to the requirements for Manufactured Home Dwellings and Mobile Dwellings contained in this Ordinance. Recreational Vehicles placed on sites in the Floodway Fringe shall not be subject to requirements for Manufactured Home Dwellings and Mobile Dwellings contained in this Ordinance and shall not require a Floodplain Development Permit if the Recreational Vehicle is either placed on the site for fewer than one hundred eighty consecutive days or is fully licensed and ready for highway use. A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.

8. LEGALLY ESTABLISHED NONCONFORMING USES

Nothing stated in this subsection shall prevent Ordinary Maintenance or Repair of Legally-Established Nonconforming Uses as defined in this Ordinance. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the fifty percent limit for determining a substantial improvement, restoration of substantial damage or substantial addition as defined herein.

Improvements, Additions and Restoration of Damage to Legally Established Nonconforming Uses authorized under this subsection shall not be subject to Subsection 2.02 B6 of this Section.

a. RESTORATION OF DAMAGE

- (i) Non-Substantial Damage: A Legally-Established Nonconforming Use in a Floodway Fringe District damaged by flood, fire, explosion, act of God or the public enemy, may be restored to its original dimensions and condition provided that the damage is a Non-Substantial Damage as defined by this Ordinance.
- (ii) Substantial Damage: A Legally-Established Nonconforming Use that is Substantially Damaged may only be restored if the restored structure is provided with a Flood Protection Grade of at least two feet above the Base Flood Elevation.

b. IMPROVEMENTS

- (i) Non-Substantial Improvements: A Legally-Established Nonconforming Use in a Floodway Fringe District may undergo a one-time only Non-Substantial Improvement. Subsequent improvements shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Improvements.
- (ii) Substantial Improvements: A Legally-Established Nonconforming Use may undergo a substantial Addition if the addition is provided with a Flood Protection Grade of at least two feet above the Base Flood.

c. ADDITIONS

- (1) Non-Substantial Additions: A Legally-Established Nonconforming Use in a Floodway Fringe District may undergo a one-time only Non-Substantial Addition provided that a covenant indicating that "a one-time Non-Substantial Addition to the structure has taken place and that any Subsequent Additions shall be subject to the requirements and limitations of this Ordinance applicable to Substantial Additions" shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
- (2) Substantial Addition: A Legally-Established Nonconforming Use may only undergo a Substantial Addition if the addition is provided with a Flood Protection Grade of at least two feet above the Base Flood Elevation.

9. DRAINING OF LAND; ALTERING OF WATERCOURSES; CONSTRUCTION OF PONDS, LAKES, LEVEE, DAMS

No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the Floodway Fringe District unless first approved by the INRC IDNR, if applicable, and any other local, state or federal agencies having jurisdiction over such activity.

10. CONSTRUCTION OF NEW ACCESS ROADS

If the proposed activity includes the construction of a new access road between proposed buildings to be located in the Floodway Fringe District and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one access road between the public road and any proposed building, only one must provide access at or above the base flood elevation.

SECTION 2.03 VARIANCES

A. The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) Districts if the applicant submits evidence that:

- 1. There exists a good and sufficient cause for the requested variance;
- 2. The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant;

3. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other applicable law or Ordinances.
- B. The Board of Zoning Appeals may only issue a variance to the permitted uses of development standards of the Floodway (FW) or Floodway Fringe (FF) Districts subject to the following conditions:
  1. No variance for the construction of a new residential structure in a Floodway (FW) District may be granted;
  2. Any variance granted for a use in a Floodway (FW) District shall first require a permit from INRC IDNR, if such permit is required by INRC IDNR rules and procedures;
  3. Variances to the Flood Protection Grade requirements may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation;
  4. Variances may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects, subject to the condition that such variance will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character;
  5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
  6. DPW DCAM shall issue a written notice to the recipient of a variance that the proposed construction will be subject to increased risks of life and property and could require payment of increased flood insurance premiums.

**SECTION 2.04 PERMIT APPLICATION AND REVIEW PROCEDURES: RECORDKEEPING**

A. DPW DCAM shall review all applications for a Floodplain Development Permit for all sites which have been identified by DMD or DPW DCAM as lying in a Flood Control District. DPW DCAM shall verify that the site is in a Flood Control District by referring to the ~~Flood Boundary and Floodway Map~~ or Flood Insurance Rate Map. In cases where the floodplain status of the site cannot be fully determined through the use of these maps, DPW DCAM shall use the best available data to determine the floodplain status of the site, in accordance with Section 1.00 of this Ordinance.

B. If the permit application is for a site located in an identified Floodway (FW) District, then DPW DCAM shall direct the applicant to apply to INRC IDNR for a state permit for construction in a floodway. A Floodplain Development Permit shall not be issued for the proposed activity until the INRC IDNR has issued a Certificate of Approval of Construction in a Floodway or a letter stating that INRC IDNR approval is not required, and DPW DCAM determines that the application complies with all other applicable requirements of this Ordinance.

C. If the permit application for a site located in a Floodway Fringe (FF) District, then DPW DCAM may approve the application upon compliance with the applicable requirements of this Ordinance.

D. In both Floodway (FW) and Floodway Fringe (FF) Districts, DPW DCAM will require such modifications to the design and materials of the proposed activity as ~~DPW DCAM~~ may deem appropriate under this ordinance.

E. In reviewing applications for Floodplain Development Permits for compliance with the requirements of this Ordinance, DPW DCAM, in conjunction with DMD, shall assure that all necessary permits related to floodplain management objectives from state, federal, and local agencies have been obtained.

**F. RECORDS OF FLOODPLAIN DEVELOPMENT PERMITS**

1. DPW DCAM will maintain a file of all Floodplain Development Permits issued in a Flood Control District.
2. DPW DCAM will make these Floodplain Development Permits available to representatives of FEMA, INRC IDNR and other interested parties.



G. NFIP Elevation Certificates

1. DPW DCAM will file the NFIP Elevation Certificate, and the Floodproofing Certificate if applicable, for each building and structure in a Flood Control District with the Floodplain Development Permit.
2. DPW DCAM will make available to insurance agents and lenders, upon request, copies of the NFIP Elevation Certificate and the Floodproofing Certificate to assist in the actuarial rating of the structure for flood insurance purposes.

H. DPW The applicant shall notify an adjacent community and INRC IDNR prior to any alteration or relocation of a watercourse in a riverine situation and submit copies of such notification to DCAM and FEMA.

SECTION 3.00 NATIONAL FLOOD INSURANCE PROGRAM REGULATION

DPW DCAM, during the review of Floodplain Development Permit applications located in identified Flood Control Districts, shall ensure that all National Flood Insurance Program regulations (codified at 44 CFR, Part 60.3) pertaining to state and federal permits, subdivision review, building permit review, flood proofing nonresidential structures, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.

SECTION 4.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this Ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, provision or portion so held to be unconstitutional or invalid.

SECTION 5.00 VIOLATIONS

A. Construction or development authorized by the Floodplain Development Permit shall proceed according to the requirements of this ordinance, the development plan and supporting documents filed with said Permit application, and the conditions of an applicable variance grant to the requirements of this Ordinance. If DCAM determines that construction or development is proceeding or has proceeded in violation of this Ordinance, the development plan or supporting documents, or variance grant, or that the Permit was issued in violation of an ordinance or the conditions of such variance grant, DCAM may revoke said Permit. Written notice of the revocation shall be provided to the permit applicant.

B. A violation of this Ordinance shall be enforceable under the Enforcement and Remedies Zoning Ordinance of Marion County, Code of Indianapolis and Marion County, Appendix D, Part 26

A violation may lead to the cancellation of a Standard Flood Insurance Policy. DPW DCAM shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by the Standard Flood Insurance Policy to be suspended.

Section 6.00 EFFECTIVE DATE

This ordinance shall be in full force and effect on January 5, 2001 after its adoption in compliance with I.C. 37-7-4

SECTION 7.00 DEFINITIONS-CONSTRUCTION OF LANGUAGE AND DEFINITIONS

~~Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the plain ordinary meaning they have in common usage and to give the Ordinance its most reasonable application.~~

A. CONSTRUCTION OF LANGUAGE

The language of this Ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.

2. In the case of any difference of meaning or implication between the text of this Ordinance and any illustration or diagram the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for", includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
  - a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c) "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

## **B. DEFINITIONS**

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

1. *As-built condition.* The state of being of a structure or building immediately following its construction or placement.
2. *Attached nonhabitable accessory enclosure.* An enclosed area of a structure below the elevated first floor used solely for parking vehicles, building access or storage which satisfies all requirements for such a structure as set forth in this ordinance.
3. *Base flood.* That flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the INRC IDNR. This flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year.
4. *Base flood elevation.* The site-specific elevation of the water surface of the base flood measured in feet above mean sea level (1929 NGVD or NAVD 1988). In either case, a conversion number shall be included.
5. *Best available data.* Information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by DPW DCAM to make flood control district determinations pursuant to section 735-300 of this article, when detailed floodplain data are not available for a particular site.
6. *Building.* Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.
7. *Construction Activity.* The conduct of land alterations, watercourse alterations, erection, construction, placement, repair, alteration, conversion, maintenance, moving, or remodeling of any new or existing building or structure or any part thereof, or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building or structure equipment.

8. *Cost.* The actual value of the work to be performed based on a method approved by FEMA.

9. *Detached residential accessory structure.* A detached nonhabitable structure which is subordinate to and located no less than six (6) feet from the primary residential structure and which satisfies all local regulations regarding this classification.

10. *Development.* Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**11. DCAM. The Department of Capital Asset Management of the City of Indianapolis.**

12. *DMD.* The Department of Metropolitan Development of the City of Indianapolis.

**~~DPW. The Department of Public Works of the City of Indianapolis.~~**

13. *Elevation certificate.* The most recently published official elevation certificate document issued by FEMA.

14. *Existing mobile dwelling project or subdivision.* A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or pouring of concrete pads) is completed before the effective date of this ordinance.

15. *Expansion to an existing mobile dwelling project or subdivision.* The preparation of additional sites for an existing mobile dwelling project or subdivision by the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

16. *FDP.* Floodplain development permit.

17. *FEMA.* Federal Emergency Management Agency.

18. *Fifty percent limit.* The maximum amount of work allowed in or on a legally established nonconforming use before the work is not eligible for the special allowances provided for restoration of nonsubstantial damage, nonsubstantial improvements and nonsubstantial additions as provided herein. The proposed work shown on an application for a floodplain development permit in or on a legally established nonconforming use shall be evaluated to determine whether the fifty (50) percent limit has been exceeded by taking the ratio of the projected cost of the work divided by the market value before the start of construction of the legally established nonconforming use (excluding the value of the land or detached structures) as a percentage.

19. *Fill.* Soil material placed upon the ground, compacted and graded for the purpose of elevating the surface of the ground.

**20. Flood or flooding.**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of rivers, streams, ditches or enclosed drainage systems;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

21. *Flood insurance study base flood profile.* The base flood elevation profile included in the June 3, 1988, January 5, 2001 flood insurance study published by FEMA.

22. *Floodplain.* The area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

23. *Floodproofed building.* A nonresidential building designed to exclude floodwaters from the interior of that building. All such floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

24. *Floodproofing certificate.* The most recently published official document for floodproofing certificate for nonresidential structures issued by FEMA.

25. *Flood protection grade.* The elevation of the lowest point in a building at which floodwaters may enter the interior of the building. Such lowest point is defined by the following:

- (1) The lowest floor of the building (if a basement is included, the basement floor is the lowest floor);
- (2) The garage floor, if the garage is the lowest level of the building (except garages which qualify as an allowed nonhabitable attached accessory enclosure);
- (3) The first floor of buildings elevated on pilings or constructed on a an above-ground crawl space;
- (4) The floor level of any enclosure below the elevated first floor, including a crawl space that is below the adjoining ground level at all sides unless the enclosure satisfies the requirements for a nonhabitable attached accessory enclosure;
- (5) The level of protection provided to a nonresidential building below which the building is designed to be watertight floodproofed. The design and construction shall be certified on a floodproofing certificate by a professional engineer or a professional architect as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

26. *Floodwater.* The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

27. *Floodway.* The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

28. *Floodway fringe.* The portion of the regulatory floodplain which is not required to convey the one-hundred-year frequency flood peak discharge and therefore lies outside of the floodway.

29. *Habitable space.* The enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

30. *Historic structure.* Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in accordance with state historic preservation programs which have been approved by the secretary of interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the secretary of the interior; or

- (2) Directly by the secretary of the interior.

**31. IDNR. The Indiana Department of Natural Resources.**

32. *INRC.* The Indiana Natural Resources Commission.

33. *Land alteration.* Any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse. For purposes of this ordinance, land alterations do not include the construction, placement of, or other activities involving buildings or nonbuilding structures, or those activities which are defined as open land use in this ordinance, or ordinary maintenance and repair of an INRC IDNR approved land alteration.

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

35. *LOMA.* Letter of map amendment issued by FEMA.

36. *LOMR.* Letter of map revision issued by FEMA.

37. *Manufactured home dwelling.* A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

38. *Market value of structure.* The market value of the structure itself, not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and DPW DCAM. If an appraisal is used, the appraiser must have at least one (1) of the following designations:

- (1) Member of the American Institute of Real Estate Appraisers (MAI);
- (2) Residential member of the American Institute of Real Estate Appraisers (RM);
- (3) Senior real estate analyst of the Society of Real Estate Appraisers (SREA);
- (4) Senior residential appraiser of the Society of Real Estate Appraisers (SREA);
- (5) Senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
- (6) Senior member of the American Society of Appraisers (ASA);
- (7) Accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
- (8) Accredited appraiser of the Manufactured Housing Appraiser Society.

39. *Mobile dwelling.* A movable or portable unit fabricated in one (1) or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one (1) family, and erected or located as specified by Chapter 8, Article III, Division IV of this Code, and which was either:

- (a) Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or
- (b) Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards Law.

40. *Mobile dwelling project or subdivision.* An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of such mobile dwelling project; or an area of contiguous land separated only by a street that is subdivided and contains individual lots which are sold or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

41. *New mobile dwelling project or subdivision.* A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this article.

42. *NFIP.* National flood insurance program.

43. *Nonbuilding structure.* Structures other than buildings including but not limited to public utilities, on-site wastewater disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by ~~DFW~~ **DCAM** to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

44. *Nonsubstantial addition.* A structural enlargement of a structure, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction.

45. *Nonsubstantial damage.* Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its predamaged condition would be less than fifty (50) percent of the market value of the structure before the damage occurred.

46. *Nonsubstantial improvement.* Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which is less than fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or
- (3) Ordinary maintenance and repair as defined herein.

47. *Open land use.* The production of crops, pasture, forests, parks, and recreational uses which do not involve any structure, obstruction, construction, excavation or deposit in a floodway as defined by ~~INRC~~ **IDNR**, or any land alteration or watercourse alteration as otherwise defined in this article. The following specific activities are classified as open land use:

- (1) Excavation of cemetery grave;
- (2) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, which are backfilled;
- (3) Ordinary cultivation of agricultural land including tilling, construction of minor open ditches, and crop irrigation; and
- (4) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences.

48. *Ordinary maintenance and repair.* Construction activity commonly accomplished in or on an existing structure or existing building equipment for the purposes of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing brick, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of

such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction activity which alters the prior or initial capacity, performance, specifications, type or required energy of functional features of an existing structure or building equipment.

49. *Primary residential structure.* The residential building in which the permitted primary use of the lot is conducted.

50. *Professional architect.* An architect registered under IC 25-4-1.

51. *Professional engineer.* An engineer registered under IC 25-31-1.

52. *Professional surveyor.* A surveyor registered under IC 31-1-1.

53. *Recreational vehicle.* A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.

54. *Regulatory flood profile.* A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the base flood.

55. *Residential building.* Any building which possesses the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

56. *Shaded Zone BX.* Areas between limits of the one-hundred-year flood and five-hundred-year flood; certain areas subject to one-hundred-year flooding with average depths less than one foot or with drainage areas generally less than one (1) square mile; and areas protected by levees from the base flood.

57. *Standard flood insurance policy.* The flood insurance policy issued by the federal insurance administrator, or an insurer pursuant to an arrangement with the administrator pursuant to federal statutes and regulations.

58. *Standard proctor.* The maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by one hundred (100), and the value obtained must meet or exceed the minimum values specified herein.

59. *Start of construction.* The date that a floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. ~~The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, substantial addition or restoration of substantial damage, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

60. *Structure.* Anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks, cabins, manufactured homes, travel trailers to be placed on a site for more than one hundred eighty (180) consecutive days, and other similar items.

61. *Substantial addition.* A structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction.

62. *Substantial damage.* Damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

63. *Substantial improvement.* Any structural improvement of a structure which does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term does not include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure"; or
- (3) Ordinary maintenance and repair as defined herein.

64. *Variance.* A grant of relief from the terms of this ordinance.

65. *Violation.* The failure of a structure or development or use to be fully compliant with this article. A structure or use or development without the elevation certificate, other certifications, or other evidence of compliance required.

66. *Watercourse.* Natural streams, man-made ditches, lakes, reservoirs, ponds, retention or detention basins, and drainage swales. A watercourse is distinguished from overland flow, sheet flow, shallow swale flow, and storm sewer flow by the following characteristics which must be present to constitute a watercourse:

- (1) Defined and distinguishable stream banks under natural conditions; and
- (2) Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

67. *Watercourse alteration.* Any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel, nor does it include ordinary maintenance or repair of an BNRC IDNR approved watercourse alteration.

68. *Zone A.* Areas within the floodplain established by the flood-boundary-and-floodway-maps-and flood insurance rate maps which include zone A, AO, AH, A1, A30, and A99. ~~Those areas on the maps labeled zone A with where no base flood elevation depicted have not been studied in detail is provided.~~

69. ZONE AE Areas within the floodplain established by the Flood Insurance Rate Maps where Base Flood Elevations are provided.

70. ZONE AO Areas within the floodplain established by the Flood Insurance Rate Maps that are subject to sheet flow, ponding, or shallow flooding and where base flood depths (feet above grade) are provided.

71. ZONE AH Areas within the floodplain established by the Flood Insurance Rate Maps that are subject to shallow flooding and where base flood elevations are provided.

PROPOSAL NO. 702, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 702, 2000 on November 1, 2000. The proposal, sponsored by Councillor Borst, approves a transfer of \$20,000 in the 2000 Budget of the Forensic Services Agency (County General Fund) to pay for various contractual and training expenses. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 702, 2000 was adopted on the following roll call vote; viz:



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

Proposal No. 702, 2000 was retitled FISCAL ORDINANCE NO. 148, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) transferring and appropriating an additional Twenty Thousand Dollars (\$20,000) in the County General Fund for purposes of the Forensic Services Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(x) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to pay for various contractual and training expenses.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>FORENSIC SERVICES</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	20,000
TOTAL INCREASE	20,000

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

<u>FORENSIC SERVICES</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	20,000
TOTAL DECREASE	20,000

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

PROPOSAL NO. 703, 2000. Councillor Hinkle reported that Metropolitan Development Committee heard Proposal No. 703, 2000 on November 6, 2000. The proposal, sponsored by Councillors Hinkle and Nytes, approves the amounts, locations, and programmatic operation for each project to be funded from Community Development Grant Funds. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that he voted against this proposal in Committee and urged the Council to join him in opposing the proposal. He stated that this is an entitlement program from the federal government for social programs, and the local entities have no control over how these dollars are best spent because of the designation of funds. He said that while many of the projects included in this proposal are good programs, he is not sure this is how they should be funded. He stated that he opposes the use of one of the largest distributions of money for a small group of citizens in the Housing Opportunities for People With Aids (HOPWA). He stated that there are many other illnesses that affect many more people, and there is no funding available for people afflicted with these.

Councillor Nytes stated that she supports the proposal and commends these organizations, which are primarily led by volunteer board members and which address a wide range of issues in the City.

President SerVaas stated that he agrees that there are many good programs being funded with these dollars, but he would hope in the future that the Children's Guardian Home would be considered eligible for these dollars. Councillor Nytes stated that it is not a matter of the Guardian Home being considered eligible. She said that the Guardian's Home did not submit a request for this round of funding. From all conversations she has had, she believes the administration has a receptive attitude toward helping the Guardian's Home find additional funding for their project. President SerVaas stated that the reason the Guardian's Home did not submit a request for funding was because they were discouraged from doing so when they inquired about submitting a grant request. He added that an additional concern he has is that there is \$2.7 million allocated toward administrative services, and he feels this is too large a portion of the allotment.

Councillor Borst stated that on page four of the proposal, the numbers do not add up to the total listed, and he asked if an amendment is needed. Carolyn Coleman, Director of the Department of Metropolitan Development, stated that the cost for the I-70/Keystone project should be \$450,000. Councillor Borst moved, seconded by Councillor Talley, to amend Proposal No. 703, 2000. The proposal was amended by a unanimous voice vote.

Councillor Bradford stated that he agrees with Councillor Schneider on many points, but that he testified at the Committee meeting on behalf of the Julian Center, which is in his district, and said that he believes many of the organizations receiving these funds can do great things with these allotments.

Councillor Massie stated that he votes against this proposal every year, not because these are not worthy projects, but because he believes these types of programs should not be governed by a federal entity, but rather by local administration. He said that he also believes the \$2.7 million administrative costs are excessive, and he believes the whole process should be looked at more closely and with more citizen input.

Councillor Langsford added that he would also like to see the Guardian's Home, which is located in his district, receive encouragement to apply for these types of dollars in the future and be eligible for rollover dollars.

Ms. Coleman stated that the administrative costs go to fund the City agency for the DMD employees in their administration of grant programs. She said that these are not dollars that go to fund administrative costs of the organizations receiving dollars. Councillor Hinkle added that the administrative costs are based on federal guidelines that allow a certain percentage to be designated for administrative costs.

Councillor Massie said that this \$17 million probably started out as \$40 million at the federal level, but has been whittled down to \$17 million because of federal administrative costs. He said that he believes the money should stay local to be used for the benefit of local taxpayers.

Councillor Coleman said that the administrative cap on these funds is 10%, as per federal regulations. She said that many of these dollars go toward salaries, but many of them also go toward funding other planning initiatives.

Councillor Coonrod asked if these organizations are then allowed to use a certain amount of those dollars granted for their own administrative costs. Ms. Coleman stated that the administrative caps flow through to the various organizations as well.

Councillor Hinkle stated that he understands Councillor Schneider's reasoning and agrees with him in part. He added that if Councillor Schneider could get all the other cities to agree to turn down these dollars so that the federal government would return them to the local level for their own use, he would support such a rejection of these dollars.

Councillor Massie stated that it is not his intention to impugn the integrity of the administration, but the program itself offends him on a philosophical level.

Ms. Coleman said that many town hall meetings have been held to establish needs and priorities for the granting of these dollars.

Councillor Hinkle moved, seconded by Councillor Nytes, for adoption as amended. Proposal No. 703, 2000, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 703, 2000, as amended, was retitled SPECIAL RESOLUTION NO. 78, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 78, 2000

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 14, 2000, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 105, 2000, 2001 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01(b) of the Budget Ordinance, as approved by the Council, reads as follows:

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2001 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2001, to the Council; and

WHEREAS, the 2001 Consolidated Annual Action Plan identifies the amounts, locations and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2001 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

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

SECTION 1. That the amounts, locations and programmatic operations of each of the projects included in the 2001 Consolidated Annual Action Plan, which are summarized in the Summary of 2001 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

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

ATTACHMENT A

SUMMARY OF 2001 PROPOSED ACTIVITIES			
ORGANIZATION NAME	PROPOSED FUNDING	FUNDING SOURCE	PROJECT DESCRIPTION
<b>PRESERVE HOME OWNERSHIP</b>			
<i>Homeowner Repairs</i>			
BOS Community Development Corporation	\$200,000	CDBG	Rehab 20 owner-occupied units.
Rehab Administration	\$160,000	CDBG	Rehab support for CDC's doing construction.
CICOA: The Access Network	\$200,000	CDBG	Rehab 20 owner-occupied units.
Community Action of Greater Indianapolis	\$200,000	CDBG	Rehab 35 owner-occupied units.
Community Alliance of the Far Eastside	\$150,000	CDBG	Rehab 15 owner-occupied units.
Concord Community Development Corporation	\$200,000	CDBG	Rehab 20 owner-occupied units.
Eastside Community Investments	\$24,500	CDBG	Rehab 15 owner-occupied units.
Emergency Home Repair	\$400,000	CDBG	40 emergency and winterization repairs.
King Park Area Development	\$80,000	CDBG	Rehab 8 owner-occupied units.
Mapleton Fall Creek Development Corporation	\$220,000	CDBG	Repair 22 owner-occupied units.
Martin Luther King Community Development Corporation	\$70,000	CDBG	Repair 10 owner-occupied units.
Martindale-Brightwood Community Development Corporation	\$50,000	CDBG	Rehab 5 owner-occupied units.
Near North Development Corporation	\$120,000	CDBG	Rehab 12 owner-occupied units.
R/ROS Community Development Corporation	\$80,000	CDBG	Rehab 8 owner-occupied units.
Riley Area Development Corporation	\$40,000	CDBG	Rehab 4 owner-occupied units.
Southeast Neighborhood Development	\$200,000	CDBG	Rehab 20 owner-occupied units.
United Northeast Community Development Corporation	\$150,000	CDBG	Rehab 15 owner-occupied units.
United Northwest Area Development Corporation	\$350,000	CDBG	Rehab 35 owner-occupied units.
United Northwest Area, Inc.	\$39,000	CDBG	Rehab 12 owner-occupied units.
West Indianapolis Development Corporation	\$130,000	CDBG	Rehab 13 owner-occupied units.
Westside Community Development Corporation	\$250,000	CDBG	Rehab 25 owner-occupied units.
<i>Homeowner Repair Total</i>	<i>\$3,313,500</i>		
<b>INCREASE HOMEOWNERSHIP</b>			
<i>Acquisition / Rehabilitation for Homeownership</i>			
Concord Community Development Corporation	\$159,000	HOME	Rehab 6 owner-occupied units.
Eastside Community Investments	\$53,000	HOME	Rehab 2 owner-occupied units.
Near North Development Corporation	\$132,500	HOME	Rehab 5 deteriorated structures.
Southeast Neighborhood Development	\$212,000	HOME	Rehab 8 owner-occupied units.
Shepherd Community Development Corporation	\$53,000	HOME	Rehab 2 units.

The Re-Development Group	\$106,000	HOME	Rehab 4 energy-efficient units.
United Northwest Area Development Corporation	\$79,500	HOME	Rehab 3 units.
Westside Community Development Corp.	\$159,000	HOME	Rehab 6 units.
<b>ACD / REHAB TOTAL</b>	<b>\$954,000</b>		
<b>Homebuyer Subsidies / Other Housing</b>			
Indianapolis Neighborhood Housing Partnership	\$350,000	CDBG / HOME	Provide homebuyer assistance to 75 families.
Mapleton Fall Creek Development Corporation	\$125,000	HOME	Assist 10 families to achieve homeownership.
United Northeast CDC	\$50,000	HOME	Provide homebuyer assistance for 4 units.
United Northwest Area Development Corporation	\$36,000	HOME	Down payment assistance for new construction and major rehab for homeownership of 12 units.
West Indianapolis Development Corporation	\$100,000	HOME	Assist 8 families to achieve homeownership through a 0%, deferred payment loan.
<b>Homebuyer Subsidies / Other Housing Total</b>	<b>\$661,000</b>		
<b>New Construction for Homeownership</b>			
Homeownership Zone	\$600,000	CDBG	To implement the urban design plan adopted by the neighborhood for the HOZ.
Near North Development Corporation	\$96,000	HOME	Construct 4 units for homeownership.
The Re-Development Group	\$48,000	HOME	Construction of 2 units for homeownership.
United Northeast Community Development Corporation	\$48,000	HOME	Construction of 2 units for homeownership.
United Northwest Area Development Corporation	\$72,000	HOME	Construction of 3 units for homeownership.
Westside Community Development Corporation	\$96,000	HOME	Construction of 4 units for homeownership.
<b>New Construction Total</b>	<b>\$960,000</b>		
<b>INCREASE RENTAL HOUSING</b>			
Affordable Housing Projects	\$1,100,000	HOME	Grants / Loans for LIHTC Projects.
Indiana Black Expo Economic Development Corporation	\$53,000	HOME	Rehab of 2 units.
West Indianapolis Development Corporation	\$88,880	HOME	Rehab to 16 units within their service area.
Independent Residential Living of Central Indiana, Inc.	\$240,000	HOME	Support new construction 8 units for persons with disabilities.
The Julian Center	\$264,000	HOME	Transitional housing for domestic violence victims.
Horizon House	\$10,000	HOME	Tenant-based rental assistance.
<b>Rental Housing Total</b>	<b>\$1,755,880</b>		
<b>SUPPORT CAPITAL AND ENTERPRISE DEVELOPMENT</b>			
<b>Economic and Commercial Development</b>			
I-70 Keystone	\$450,000	CDBG	Acquisition / relocation / site preparation.
Partners in Housing Development Corporation	\$350,000	CDBG	Predevelopment costs for supportive housing / retail space on near east side.
<b>Total Economic / Commercial Development</b>	<b>\$800,000</b>		
<b>SUPPORTIVE SERVICE ACTIVITIES</b>			
<b>Job Training</b>			
Indianapolis Urban Enterprise Association	\$35,000	CDBG	Job placement and training.
Keys to Work, Inc.	\$50,000	CDBG	Job skills training and placement services, emphasis on Hispanic population.
Technical Training Services	\$30,000	CDBG	Job skills training and retention for youth.

America Works of Indianapolis, Inc.	\$35,000	CDBG	Job training, employment and retention services.
Community Centers of Indianapolis	\$500,000	CDBG	Job training, housing assistance, and basic social services.
<b>Job Training Total</b>	<b>\$650,000</b>		

**Seniors**

Community Centers of Indianapolis	\$265,000	CDBG	Senior Services.
CICOA: The Access Network	\$110,000	CDBG	Provide employment and transportation services for seniors.
<b>Seniors Total</b>	<b>\$375,000</b>		

**Youth**

Greater Citizens Coalition of Martindale-Brightwood	\$15,000	CDBG	Computer camp for youth.
Indianapolis Housing Agency	\$50,000	CDBG	10 week program to support youth in IHA communities.
Life Line Community Center	\$26,600	CDBG	An after school enrichment program serving the Haughville neighborhood.
Mapleton Fall Creek Neighborhood Association	\$12,500	CDBG	A preschool enrichment program.
Northwest Neighborhood Association Cooperative	\$20,000	CDBG	Youth programs including summer enrichment, college tour and junior board.
<b>Summer Youth Programs</b>	<b>\$115,000</b>	<b>CDBG</b>	<b>Support Summer Youth Activities.</b>
Westside Cooperative Organization	\$14,260	CDBG	An after school tutoring program serving the Stringtown Neighborhood.
Bicycle Action Project	\$20,000	CDBG	Program that allows youth to "earn a bike" while developing life skills.
	<b>\$273,360</b>		
<b>Youth Total</b>			

**Public Facilities**

Community Alliance of the Far Eastside	\$200,000	CDBG	Rehab for community center.
Fathers and Families Resource and Research Center	\$200,000	CDBG	Acquisition for facility promoting responsible fatherhood.
LYN House	\$35,000	CDBG	Rehab of building to serve as youth facility.
<b>Public Facilities Total</b>	<b>\$435,000</b>		

**ELIMINATE UNSAFE SITES**

<b>Unsafe Buildings and Sites</b>			
Unsafe Buildings Program	\$1,800,000	CDBG	Board and removal of unsafe sites.
Lead Based Paint	\$500,000	CDBG	Lead-based paint testing and abatement.
<b>Unsafe Sites Total</b>	<b>\$2,300,000</b>		

**OTHER PUBLIC SERVICES**

<b>Support Neighborhood Empowerment</b>			
Hawthorne Neighborhood Association	\$26,040	CDBG	Outreach to Hispanic residents.
Neighborhood Empowerment Initiative	\$264,000	CDBG	Neighborhood capacity building.
Indianapolis Neighborhood Resource Center	\$50,000	CDBG	Neighborhood capacity building.
IPD Crime Prevention	\$20,000	CDBG	Funds to provide community crime prevention activities at 5 IPD Centers.
<b>Neighborhood Empowerment Total</b>	<b>\$360,040</b>		

**Other Public Services**

Community Centers of Indianapolis/Edna Martin Christian Center	\$35,000	CDBG	Case management / operating support.
Martin Luther King CDC Coburn Place	\$135,000	CDBG	Operating support.
<b>Other Public Services Total</b>	<b>\$170,000</b>		

SUPPORT HOMELESS SHELTERS AND OTHER SPECIAL NEEDS HOUSING			
Gennesaret Free Clinic	\$35,000	ESG	Operations, essential services, homelessness prevention.
Metro	\$27,215	ESG	Transportation for homeless individuals.
HIP: Street and Church Based Medical Outreach	\$23,000	ESG	Medical care and case management for Hispanic population.
Interfaith Hospitality	\$10,235	ESG	Operations, essential services, homelessness prevention.
Community Centers	\$21,000	ESG	Emergency assistance, homelessness prevention.
Julian Center	\$35,000	ESG	Operations, essential services, homelessness prevention.
Salvation Army Harbor Light	\$35,000	ESG	Operations, essential services, homelessness prevention.
Horizon House	\$35,000	ESG	Provide essential services such as employment training, housing resources, with a focus on youth.
Salvation Army Day Center	\$35,000	ESG	Operations, essential services, homelessness prevention.
Salvation Army Social Services Center	\$45,000	ESG	Provide emergency shelter for women and children along with support services.
Dayspring Center	\$44,000	ESG	Operations, essential services, homelessness prevention.
Mt. Olive Baptist Church	\$10,200	ESG	Provide emergency shelter for mentally ill.
Holy Family Shelter	\$31,000	ESG	Provide emergency housing for homeless families.
<i>Homeless Shelters and Other Services Total</i>	<i>\$386,650</i>		
<i>HIV / AIDS Housing and Services</i>			
Damien Center	\$524,020	HOPWA	Tenant and project based rental assistance, homeless prevention, housing information.
Salvation Army Harbor Light	\$54,100	HOPWA	Homelessness prevention and support services.
<i>HIV / AIDS Housing and Services Total</i>	<i>\$578,120</i>		
CITY OF INDIANAPOLIS ADMINISTRATIVE SUPPORT			
Fair Housing Initiatives	\$60,000	CDBG HOME	To promote fair housing activities.
Planning and Administration	\$2,746,930	CDBG, HOME, ESG, HOPWA	Administration funding.
Community Organizations Legal Assistance Project	\$21,300	CDBG ADMIN	Support pro bono legal advocacy initiatives.
Community Housing Development Organization	\$270,000	HOME	CHDO's are eligible to receive \$15,000 in operating support for HOME activities.
<i>Administrative Support Total</i>	<i>\$3,098,230</i>		
<i>TOTAL</i>	<i>\$17,070,780</i>		

Councillor Smith reported that the Capital Asset Management Committee heard Proposal Nos. 650, 677, and 679-694, 2000 on November 8, 2000. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 650, 2000. The proposal, sponsored by Councillor Schneider, authorizes a multi-way stop at 87th Street and Guilford Avenue (District 3). PROPOSAL NO. 677, 2000. The proposal, sponsored by Councillors Coughenour and Smith, authorizes a traffic signal at Emerson Avenue and Southpark Drive (Districts 23, 24). PROPOSAL NO. 679, 2000. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for Iron Gate Subdivision (District 13). PROPOSAL NO. 680, 2000. The proposal, sponsored by Councillor

Hinkle, authorizes intersection controls for the Inverness at Country Club Place, Section 1 and 2 (District 18). PROPOSAL NO. 681, 2000. The proposal, sponsored by Councillor Hinkle, authorizes intersection controls for the Heathery at Country Club Place, Section 1 and 2 (District 18). PROPOSAL NO. 682, 2000. The proposal, sponsored by Councillor Hinkle, authorizes intersection controls for the Turnberry at Country Club Place Subdivision (District 18). PROPOSAL NO. 683, 2000. The proposal, sponsored by Councillor Hinkle, authorizes multi-way stops at Acacia Drive and Foxfire Drive, and at Shadow Brook Drive and Studebaker Lane (District 18). PROPOSAL NO. 684, 2000. The proposal, sponsored by Councillor Langsford, authorizes a multi-way stop at New York Street and Routiers Avenue (District 13). PROPOSAL NO. 685, 2000. The proposal, sponsored by Councillors Douglas and Nytes, authorizes a multi-way stop at Ralston Avenue and 23rd Street (Districts 10, 22). PROPOSAL NO. 686, 2000. The proposal, sponsored by Councillor Douglas, authorizes a multi-way stop at 13th Street and Oxford Street (District 10). PROPOSAL NO. 687, 2000. The proposal, sponsored by Councillor Massie, authorizes a multi-way stop at Brunswick Avenue and Randolph Street (District 20). PROPOSAL NO. 688, 2000. The proposal, sponsored by Councillor Borst, authorizes a change in parking restrictions on various segments of Morris Street (District 25). PROPOSAL NO. 689, 2000. The proposal, sponsored by Councillor Short, authorizes parking restrictions on Pleasant Run near Spruce Street (District 21). PROPOSAL NO. 690, 2000. The proposal, sponsored by Councillors Douglas and Nytes, authorizes parking restrictions on Rural Street between 13th Street and Nowland Avenue (Districts 10, 22). PROPOSAL NO. 691, 2000. The proposal, sponsored by Councillor Langsford, authorizes parking restrictions on Brookville Frontage Road from Brookville Road to a point 740 feet north of Brookville Road (District 13). PROPOSAL NO. 692, 2000. The proposal, sponsored by Councillor Borst, authorizes a weight limit restriction for Senate Avenue from Morris Street to Wisconsin Street (District 25). PROPOSAL NO. 693, 2000. The proposal, sponsored by Councillor Cockrum, authorizes a weight limit restriction on Waldemere Avenue from Washington Street to Chelsea Road (District 19). PROPOSAL NO. 694, 2000. The proposal, sponsored by Councillor Nytes, authorizes the removal of parking meters on East Street, on the west side, from Ohio Street to Washington Street (District 22). By 8-0 votes, the Committee reported Proposal No. 694, 2000 to the Council with the recommendation that it do pass as amended and Proposal Nos. 650, 677, and 679-693, 2000 to the Council with the recommendation that they do pass. Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 650, 677, and 679-693, 2000 and Proposal No. 694, 2000, as amended, were adopted on the following roll call vote; viz:

*27 YEAS: Bainbridge, Borst, Boyd, Bradford, Brenis, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford*

*0 NAYS:*

*1 NOT VOTING: Talley*

*1 ABSENT: Black*

Proposal No. 650, 2000 was retitled GENERAL ORDINANCE NO. 131, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 131, 2000

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

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



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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4	87 <sup>th</sup> St Guilford Av	Guilford Av	Stop

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

Proposal No. 677, 2000 was retitled GENERAL ORDINANCE NO. 132, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 132, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Emerson Av Southpark Dr	None	Signal

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

Proposal No. 679, 2000 was retitled GENERAL ORDINANCE NO. 133, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 133, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
35	Crossfield Dr, Gate Dr	Crossfield Dr	Stop
35	Gate Dr, Ironbrook Ct	Gate Dr	Stop
35	Gate Dr, Ironridge Ct	Gate Dr	Stop

35	Gate Dr, Ironstone Ct	Gate Dr	Stop
35	Gate Dr, Parkgate Av	Gate Dr	Stop
35	Gate Dr, Mitthoefer Rd	Mitthoefer Rd	Stop
35	Holmdale Rd, Ironway Dr	Ironway Dr	Yield
35	Ironway Dr, Mitthoefer Rd	Mitthoefer Rd	Stop

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

Proposal No. 680, 2000 was retitled GENERAL ORDINANCE NO. 134, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 134, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Clubside Way Kettering Way	Clubside Way	Stop
22	Clubside Way Winterset Cir	Winterset Cir	Stop
22	Kettering Way Winterset Cir	Kettering Way	Stop

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

Proposal No. 681, 2000 was retitled GENERAL ORDINANCE NO. 135, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 135, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Heathery Pl Lammermoor Ln	Lammermoor Ln	Stop
22	Heathery Pl Sandringham Cir	Heathery Pl	Stop
22	Lammermoor Cir Lammermoor Ln	Lammermoor Ln	Stop

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

Proposal No. 682, 2000 was retitled GENERAL ORDINANCE NO. 136, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 136, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22	Carberry Ct, Midlothian Ln	Midlothian Ln	Stop
22	Carlow Cir, Clubside Pl	Clubside Pl	Yield
22	Clubside Pl, Heathery Pl, Midlothian Way	None	All Way Stop
22	Clubside Pl, Clubside Way, Inishmore Dr, Lammermoor Ln	None	All Way Stop
22	Clubside Pl, Inishmore Way	Clubside Pl	Stop
22	Clubside Pl, Midlothian Ln	Clubside Pl	Stop
22	Clubside Pl, 21 <sup>st</sup> St	21 <sup>st</sup> St	Stop
22	Historic Oaks Blvd, Oakdale Ln	Historic Oaks Blvd	Stop
22	Inishmore Dr, Inishmore Ct, Inishmore Way	Inishmore Dr Inishmore Way	Stop
22	Leith Ct, Midlothian Ln	Midlothian Ln	Stop

22	Midlothian Ln, Midlothian Way, Oakdale Ln	Midlothian Ln, Midlothian Way	Stop
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SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 683, 2000 was retitled GENERAL ORDINANCE NO. 137, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 137, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15	Acacia Dr Foxfire Dr	Foxfire Dr	Stop
15	Shadow Brook Dr Studebaker Ct Studebaker Ln	Shadow Brook Dr	Yield

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15	Acacia Dr Foxfire Dr	None	All Way Stop
15	Shadow Brook Dr Studebaker Ct Studebaker Ln	None	All Way Stop

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

Proposal No. 684, 2000 was retitled GENERAL ORDINANCE NO. 138, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 138, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27	New York St Routliers Av	New York St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27	New York St Routliers Av	None	All Way Stop

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

Proposal No. 685, 2000 was retitled GENERAL ORDINANCE NO. 139, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. I39, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Ralston Av 23 <sup>rd</sup> St	Ralston Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	Ralston Av 23 <sup>rd</sup> 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. 686, 2000 was retitled GENERAL ORDINANCE NO. 140, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. I40, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	13 <sup>th</sup> St Oxford St	Oxford St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	13 <sup>th</sup> St Oxford 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. 687, 2000 was retitled GENERAL ORDINANCE NO. 141, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 141, 2000

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Brunswick Av Randolph St	Randolph St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
39	Brunswick Av Randolph 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. 688, 2000 was retitled GENERAL ORDINANCE NO. 142, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 142, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours; and Sec. 621-126, Parking time restricted on designated days.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY  
EXCEPT SATURDAY AND SUNDAY  
*From 4:00 p.m. to 6:00 p.m.*

*Morris Street*, on the north side, from Harding Street to Tremont Street

*Morris Street*, on the south side, from Madison Avenue to Shelby Street

*From 6:00 a.m. to 9:00 a.m.*

*Morris Street*, on the north side, from Indianapolis Union Railroad to Harding Street

*From 7:00 a.m. to 9:00 a.m.*

*Morris Street*, on the south side, from Harding Street to Tremont Street

SECTION 2. That the Revised Code of Indianapolis and Marion County, Indiana, specifically Sec. 621-126, Parking time restricted on designated days, be and the same is hereby amended by the deletion of the following, to wit:

NINETY MINUTES  
ON ANY DAY EXCEPT SUNDAY  
*From 7:00 a.m. to 6:00 p.m.*

*Morris Street*, on both sides, from Belt Railroad to Harding Street

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

Proposal No. 689, 2000 was retitled GENERAL ORDINANCE NO. 143, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 143, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets, be and the same is hereby amended by the addition of the following, to wit:

*Pleasant Street*, on the south side, from Spruce Street to a point 57 feet east of Spruce Street

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

Proposal No. 690, 2000 was retitled GENERAL ORDINANCE NO. 144, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 144, 2000

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

*Rural Street*, on the east side, from 13<sup>th</sup> Street to a point 320 feet north of Brookside Parkway South Drive

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

Proposal No. 691, 2000 was retitled GENERAL ORDINANCE NO. 145, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 145, 2000

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

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

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

*Brookville Frontage Road*, on both sides, from Brookville Road to a point 740 feet north of Brookville Road

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

Proposal No. 692, 2000 was retitled GENERAL ORDINANCE NO. 146, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 146, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS

*Senate Avenue*, from Morris Street to Wisconsin Street

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

Proposal No. 693, 2000 was retitled GENERAL ORDINANCE NO. 147, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 147, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.



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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS

*Waldemere Avenue*, from Washington Street to Chelsea Road

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

Proposal No. 694, 2000, as amended, was retitled GENERAL ORDINANCE NO. 148, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 148, 2000

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

TWO HOUR PARKING METERS

*East Street*, on the west side, from Ohio Street to Washington Street

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

**NEW BUSINESS**

Councillor Bradford encouraged all Council members and citizens to visit the newest library at the Glendale Mall.

**ANNOUNCEMENTS AND ADJOURNMENT**

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

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

- (1) Councillor Brents in memory of George Jefferson; and
- (2) Councillors Brents and Black in memory of Anthony Thomas Lantis.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of George Jefferson and Anthony Thomas Lantis. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:34 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 13th day of November, 2000.

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)