

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

**REGULAR MEETINGS
MONDAY, MAY 21, 2001**

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 7:22 p.m. on Monday, May 21, 2001, with President SerVaas presiding.

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

ROLL CALL

President SerVaas 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Gray recognized community advocate Kim Boyle. Councillor Nytes recognized Indianapolis Public School Board members Mary Bush and Kelly Bentley.

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

Journal of the City-County Council

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, May 21, 2001, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

May 1, 2001

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* and in the *Indianapolis Star* on Friday, May 4, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 170, 176, 209-212, and 214-216, 2001, said hearing to be held on Monday, May 21, 2001, at 7:00 p.m. in the City-County Building.

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

May 8, 2001

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. 34, 2001 - approves an appropriation of \$32,000 in the 2001 Budget of the Office of Corporation Counsel (Federal Grants Fund) to pay the salary of a Nuisance Abatement Task Force coordinator, funded by a grant from the U.S. Department of Justice, Office of Justice Programs (Bureau of Justice Assistance Discretionary Grant funds for Community Prosecution Enhancement)

FISCAL ORDINANCE NO. 35, 2001 - approves an increase of \$37,500 in the 2001 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to appropriate the Marion County 4-H Clubs, Inc. grant funding for the Youth Program

FISCAL ORDINANCE NO. 38, 2001 - approves an increase of \$161,140 in the 2001 Budgets of the County Auditor and Marion County Public Defender Agency (State and Federal Grants Fund) to continue the Sentencing Alternative Program, funded by a grant from the Indiana Criminal Justice Agency

FISCAL ORDINANCE NO. 39, 2001 - approves an increase of \$20,021 in the 2001 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. 40, 2001 - approves an increase of \$88,000 in the 2001 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the coordinator position and the public awareness campaign for the Indianapolis Violence Reduction Partnership, funded by a grant from the Indiana Criminal Justice Institute

GENERAL ORDINANCE NO. 41, 2001 - amends the Revised Code concerning vehicle inventory

GENERAL ORDINANCE NO. 42, 2001 - concerns smoking restrictions in local governmental buildings

SPECIAL RESOLUTION NO. 24, 2001 - recognizes journalist, broadcaster, and military veteran Gerald L. "Jerry" Sargent

SPECIAL RESOLUTION NO. 25, 2001 - recognizes the Eiteljorg Museum and its Ansel Adams photographic exhibit

SPECIAL RESOLUTION NO. 26, 2001 - recognizes WISH-TV Special Projects Manager Clayton M. Taylor, Jr.

May 21, 2001

SPECIAL RESOLUTION NO. 27, 2001 - determines the need to lease office space at 3549 Boulevard Place for the Department of Parks and Recreation

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2001 - approves an appropriation of \$505,832 in the 2001 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to pay a previous obligation to the County Sheriff for the city's share of 1999 costs of the combined dispatch system, financed by fund balances

Respectfully,
s/Bart Peterson, Mayor

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

PROPOSAL NO. 262, 2001. The proposal, sponsored by Councillors Borst, Boyd, and SerVaas, congratulates Eli Lilly and Company upon its 125th Anniversary. President SerVaas read the proposal and presented Bill Smith, Executive Director of Global Manufacturing Services, with a copy of the document and a Council pin. Councillor Boyd said that Lilly has been an exceptional corporate citizen and deserves recognition for many achievements. Councillor Borst stated that the Lilly Technology Center is in his district, and he said that he cannot emphasize enough how much Lilly means to this City and this region. Mr. Smith thanked the Council for the recognition and stated that Lilly looks forward to future successes for both the company and the City. President SerVaas moved, seconded by Councillor Borst, for adoption. Proposal No. 262, 2001 was adopted by a unanimous voice vote.

Proposal No. 262, 2001 was retitled SPECIAL RESOLUTION NO. 28, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 2001

A SPECIAL RESOLUTION congratulating Eli Lilly and Company upon its 125th Anniversary.

WHEREAS, Eli Lilly and Company was founded in Indianapolis on May 10, 1876, by Civil War veteran Colonel Eli Lilly; and

WHEREAS, Eli Lilly and Company was one of the first companies to initiate a bona fide pharmaceutical research program by hiring a chemist as its first scientist in an age when most medicines were concoctions of questionable ingredients and nominal quality control; and

WHEREAS, Lilly has grown to become a global leader in innovation-driven pharmaceutical solutions to meet the health needs of human beings; and

WHEREAS, Lilly now employs more than 35,000 people worldwide with over 14,000 employees in Indiana; and

WHEREAS, with research as the heart of the Lilly business, the company spends over \$2 billion a year on research and development; and

WHEREAS, Lilly has received considerable recognition for its commitment to good corporate citizenship including awards for working mothers, minorities and environmental responsibility; and

WHEREAS, the contributions of Eli Lilly and Company to Indianapolis in money, resources, time, and talent have enriched this city for 125 years, including being the largest contributor to the United Way of Indiana, and Lilly employees helping with the Girl's Club, Boy's Club, Big Brothers, Big Sisters, and Habitat for Humanity; 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 hereby extends its congratulations to Eli Lilly and Company as it celebrates its many successes and achievements during the past 125 years.

SECTION 2. The Council, in behalf of the citizens of Indianapolis, thanks Lilly and its employees who are a tremendous asset to Indianapolis; and who continue the vision, legacy, and generosity of its founder Colonel Eli Lilly.

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. 263, 2001. The proposal, sponsored by Councillors Bainbridge, Nytes, and Bradford, recognizes Arsenal Technical High School National Merit Scholar Brian Neltner. Councillor Bainbridge read the proposal and presented Mr. Neltner with a copy of the document and a Council pin. Councillors Gibson and Bradford congratulated Mr. Neltner and said that Mr. Neltner is an example of the kind of students IPS can produce. Mr. Neltner thanked several of his previous teachers for instilling in him the desire to learn and helping him to achieve. Councillor Nytes commended Mr. Neltner for recognizing the role teachers play and said that she hopes his remarks will encourage teachers. Councillor Bainbridge moved, seconded by Councillor Nytes, for adoption. Proposal No. 263, 2001 was adopted by a unanimous voice vote.

Proposal No. 263, 2001 was retitled SPECIAL RESOLUTION NO. 29, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 2001

A SPECIAL RESOLUTION recognizing Arsenal Technical High School National Merit Scholar Brian Neltner.

WHEREAS, Brian Neltner of Indianapolis Public Schools' Arsenal Technical High School is a very talented and committed young man; and

WHEREAS, during the first 17 years that God has given him on Earth Brian has been captain of his school's Brain Game team, captain of the Science Olympiads team, captain of the tennis team, and has been in the Spell Bowl, Academic Super Bowl, Chess Club, co-Valedictorian of his class, Order of the Arrow in Boy Scouts, and worked on an Eagle Scout community service project of building benches and a patio at the Indiana School for the Deaf; and

WHEREAS, the National Merit Scholarship program is a privately financed academic competition since 1955 that concentrates on testing for verbal, math and writing skills; and

WHEREAS, 1.2 million students enter the National Merit testing each year, but only 7,900 earn National Merit Finalist scholarships, and Brian is included in that less than one percent elite group; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes Brian Neltner of Arsenal Technical High School for his outstanding academic achievements, and wishes him well at MIT studying computer engineering.

SECTION 2. Brian's accomplishments reflect the highest credit upon his parents Thomas and Janet Neltner, Indianapolis Public Schools, and upon himself; and Indianapolis hopes that in a few years some good local employer will entice Brian back home again in Indiana.

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

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

PROPOSAL NO. 264, 2001. The proposal, sponsored by Councillors Langsford and Tilford, recognizes the successful April 28th Warren Township Pride Cleanup Day. Councillor Langsford

read the proposal and presented representatives with copies of the document and Council pins. John Sweezy, Jr., Warren Township Development Association; Ruth Anne Walker, event organizer, and Ed Littlejohn, township administrator, thanked the Council for the recognition. Councillor Tilford recognized Marion County Assessor Joan Romeril and Wayne Township Trustee Tom Marendt, and encouraged others to take the initiative to keep Indianapolis a clean place to live. Councillor Langsford moved, seconded by Councillor Tilford, for adoption. Proposal No. 264, 2001 was adopted by a unanimous voice vote.

Proposal No. 264, 2001 was retitled SPECIAL RESOLUTION NO. 30, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 2001

A SPECIAL RESOLUTION recognizing the successful April 28th Warren Township Pride Cleanup Day.

WHEREAS, two months ago the Economic Development Committee of the Warren Township Development Association reported to the Association that the general cleanliness of an area has more of an economic development impact than is generally recognized; and

WHEREAS, the Association quickly decided to not wait around for government or somebody else to do something, and in five weeks organized a substantial grassroots cleanup day for Saturday, April 28th; and

WHEREAS, concentrating upon the city street berms, intersections, and vacant lots, Warren Township volunteers from ages four to 79 put on their gloves and went to work collecting by hand nearly five tons of litter and trash in one day; and

WHEREAS, 179 citizens officially registered for the cleanup at Washington Square that morning, but six homeowner's groups, and at least 62 known individuals bypassed the registration tent and went straight to work in their areas, and the Town of Cumberland had their town cleanup the same day; and

WHEREAS, 60 businesses, neighborhood and homeowner's associations, and individuals donated cash and merchandise for prizes, food, drinks, signage, shirts, and scout patches, demonstrating a significant groundswell of local support for the cleanup; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the participating residents, businesses, and members of the Warren Township Development Association for their help in the Warren Township Pride Cleanup Day, and especially recognizes Association President John Sweezy, Jr., and Cleanup organizer Ruth Ann Walker.

SECTION 2. The Council hopes that this local level trash cleanup effort serves to inspire not only Warren Township residents, but that individuals and organizations throughout Marion County stop waiting for government or anyone else to make their neighborhood a clean, attractive and safe place to live and work, but to take the initiative to clean up their own areas.

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. 265, 2001. The proposal, sponsored by Councillor Moriarty Adams, recognizes the detective team of IPD-East District for solving a troublesome string of home burglaries. Councillor Moriarty Adams read the proposal and presented representatives with copies of the document and Council pins. Lieutenant Tom Rodgers, IPD East District, thanked the Council for the recognition. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 265, 2001 was adopted by a unanimous voice vote.

Proposal No. 265, 2001 was retitled SPECIAL RESOLUTION NO. 31, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 31, 2001

A SPECIAL RESOLUTION recognizing the detective team of IPD-East District for solving a troublesome string of home burglaries.

WHEREAS, police officers are sometimes cast in an unfavorable light, but the reality is that most are on in the streets and in the neighborhoods day in and day out doing a good job of protecting life and property; and

WHEREAS, earlier this year, a burglar was targeting numerous residences on the near eastside all in a concentrated area causing a profound fear by the residents; and

WHEREAS, the culprit was not the typical burglar and was not afraid to confront the homeowners, and in one case, an 85-year-old victim was awakened by the suspect who demanded money; and

WHEREAS, several detectives of the IPD-East District rolled up their sleeves and resolved to catch this criminal, and were soon able to narrow it down to one suspect, they began gathering intelligence on the alleged culprit, and got the uniformed patrol officers in on the case; and

WHEREAS, the team effort produced results, and on Valentine's Day, February 14, 2001, the felon was nailed during the act of another residence burglary, and after searching the criminals residence many pieces of stolen property from earlier burglaries were recovered and returned to the victims; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes Detectives Ronald Gray, William Jackson, Robert Langdon, Patrolmen Douglas Arnold and Travis Sperry, Lt. Tom Rodgers, and Deputy Chief Darryl Pierce of IPD-East District for their exceptional job with the home burglar case and in making the near eastside a safer place in which to live.

SECTION 2. The Council commends all of those in law enforcement who work hard and smart each day against the criminally-minded so that we can all live and pursue happiness in a more crime free environment.

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. 266, 2001. The proposal, sponsored by Councillor Talley, recognizes the 10th Anniversary Celebration of Rev. Herbert Gater, Jr., of Greater Galilee Institutional Missionary Baptist Church. Councillor Talley said that he will present this resolution to Rev. Gater on the 10th of June. He moved, seconded by Councillor Boyd, for adoption. Proposal No. 266, 2001 was adopted by a unanimous voice vote.

Proposal No. 266, 2001 was retitled SPECIAL RESOLUTION NO. 32, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 2001

A SPECIAL RESOLUTION recognizing the 10th Anniversary Celebration of Rev. Herbert Gater, Jr., of Greater Galilee Institutional Missionary Baptist Church.

WHEREAS, Rev. Herbert Gater, Jr., entered the Progressive Baptist Bible Institute, then the Moody Bible Institute, and in 1976 Rev. Gater earned a degree in Evangelism from the National Baptist Convention USA, Inc., and 19 years later he received a Doctor of Divinity Degree from the Caldwell Marks Bible Institute; and

May 21, 2001

WHEREAS, in Rev. Gater's early years at Greater Galilee, he conducted a Radio Ministry, during 1995-1996 he was Moderator of the Metropolitan Baptist District, and he is currently the President of the Ministers and Deacons Division of the Consolidated Missionary Baptist State Convention of Indiana, Inc., along with several other denominational and outreach programs; and

WHEREAS, Pastor Gater is a Board Member of the Scared Stiff Program that presents a traveling skit in the schools about the dangers of drugs and violence; and

WHEREAS, Pastor Gater reminds us that NO life ever grows greater until it is focused, dedicated, and disciplined; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the week-long 10th Anniversary Celebration of Rev. Herbert Gater, Jr.'s. ministry at Greater Galilee Institutional Missionary Baptist Church.

SECTION 2. The life and person of Rev. Gater serves as a beacon and an inspiration for others, and may the Lord be with Rev. Gater, his wife LaWanda, and their seven children as they labor in the vineyards of Indianapolis.

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. 208, 2001. The proposal, sponsored by Councillor Smith, appoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II. President SerVaas stated that the Metropolitan Development Committee heard Proposal No. 208, 2001 on May 14, 2001. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Smith, for adoption. Proposal No. 208, 2001 was adopted by a unanimous voice vote.

Proposal No. 208, 2001 was retitled COUNCIL RESOLUTION NO. 59, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 2001

A COUNCIL RESOLUTION appointing Steven M. Badger to the Metropolitan Board of Zoning Appeals II.

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

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals Division II, the Council reappoints:

Steven M. Badger

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 181, 2001. Introduced by Councillors Bainbridge and Black. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the borrowing of \$25,000,000 to fund the anticipated deficit in the Family and Children Fund during the remainder of the 2001 fiscal year"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 238, 2001. Introduced by Councillors Coonrod, Schneider, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns the expiration dates for various license provisions"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 239, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the City to issue up to \$15.2 million in bonds for upgrade of the Enhanced 911 System"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 240, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves the appropriation of the proceeds of the bond issue not to exceed \$15.2 million to upgrade the Enhanced 911 System"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 241, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which requests to fund MECA operations in calendar year 2002 with County Option Income Tax revenue in the amount of \$2,750,000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 242, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$731,598 in the 2001 Budget of MECA (MECA Fund) to assist in the implementation of a new Enhanced 911 System, financed by a reduction in the MECA Emergency Telephone System Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 243, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$100,000 in the 2001 Budget of MECA (MECA Fund) to provide contingency funding during the implementation of the new Enhanced 911 System, financed by a reduction in the MECA Emergency Telephone System Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 244, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,123 in the 2001 Budget of MECA (MECA Fund) for reimbursement for expenditures made on behalf of various law enforcement agencies, financed by a reduction in fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 245, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$645,000 in the 2001 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, and Marion County Superior Court (State and Federal Grants Fund) to appropriate the federal Block Grant V for activities by these agencies that will be beneficial to the community (this block grant has a 10% match which will be covered by IPD)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 246, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$10,000 in the 2001 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to continue funding a part-time position to assist the Street Level Advocacy Unit, financed by federal funding (US Housing and Urban Development Department through the Indianapolis

Police Department”); and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 247, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$35,000 in the 2001 Budget for the County Sheriff (State and Federal Grants Fund) as pass through money for Destiny Delinquency Prevention and Music Therapy Program, funded by a grant from the Indiana Criminal Justice Institute”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 248, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$445,100 in the 2001 Budgets of the County Auditor and Marion County Justice Agency (State and Federal Grants Fund) to appropriate federal grant funds for Metro Drug Task Force, funded by a grant through the Indiana Criminal Justice Institute (Byrne Memorial Fund) (Local cash match is \$441,935 and is coming from IPD’s State Law Enforcement Fund Share”); and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 249, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$70,000 in the 2001 Budgets of the County Auditor and Community Corrections (Community Corrections Home Detention Fund) to fund one and a half pre-trial detention officer positions and to pay for building repairs, financed by fund balances”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 250, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$45,000 in the 2001 Budget of Community Corrections (State and Federal Grants Fund) to assist with the completion of the Community Court Project, funded by a grant from the Indiana Department of Corrections”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 251, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$92,712 in the 2001 Budget of Community Corrections (State and Federal Grants Fund) to fund a substance abuse treatment program, financed by a federal grant (\$30,000 of matching funds will be coming from the Drug Free Community Fund”); and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 252, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves a transfer of \$1,093,858 in the 2001 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to complete various capital improvement projects”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 253, 2001. Introduced by Councillors Cockrum and Gray. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an appropriation of \$34,420 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund [\$19,000] and Park General Fund [\$15,420]) to prepare a Multiple Property National Register of Historic Places nomination for the Kessler Park and Boulevard Plan, and to fund after school programs at Watkins and Riverside Parks, financed by federal grants (The Kessler Park and Boulevard

nomination requires \$19,000 of local matching funds which has already been appropriated in the Parks budget.)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 254, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$4,250 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to conduct after school programs at Brookside Park, funded by a Weed and Seed grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 255, 2001. Introduced by Councillors Bradford and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reappropriation of \$57,954 in the 2001 Budget of the Department of Parks and Recreation (State Grants Fund) to complete beautification of the Central Canal from College Avenue to the Monon Trail and the Monon Trail to Guilford Avenue, financed by a grant from the Build Indiana Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 256, 2001. Introduced by Councillors Cockrum and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$89,500 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to make capital improvements to the Talbot and 29th Street Park, financed by a grant from Lilly Endowment"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 257, 2001. Introduced by Councillors Langsford and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$7,500 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to cover a portion of the costs to produce two free community concerts by the Indianapolis Symphony Orchestra at Ellenberger and Riverside Parks, financed by a grant from the National Endowment for the Arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 258, 2001. Introduced by Councillors Massie and Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$197,288 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to operate three programs or facilities previously operated under contractual agreements and to add one new program, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 259, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1 million for support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 260, 2001. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for Palmer Street, on both sides, from State Avenue to Asbury Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 261, 2001. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the change in intersection controls at 64th Street and 65th Streets at the Monon Trail Crossing (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 267, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Curtis Coonrod to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 268, 2001, PROPOSAL NO. 269, 2001, and PROPOSAL NOS. 270-276, 2001. Introduced by Councillor Smith. Proposal No. 268, 2001, Proposal No. 269, 2001, and Proposal Nos. 270-276, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 16 and May 18, 2001. 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. 65-73, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 65, 2001.

2000-ZON-867

1825 SOUTH SHERMAN DRIVE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 23.

TROY BROWN, by Michael J. Kias, requests a rezoning of 5.5 acres, being in the D-3 District, to the I-4-U classification to provide for industrial uses.

REZONING ORDINANCE NO. 66, 2001.

2001-ZON-807

3813 EAST NOWLAND AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

MORPHEY CONSTRUCTION INC., by Joseph D. Calderon, requests a rezoning of 0.20 acre, being in the SU-8 District, to the I-2-U classification to provide for industrial uses.

REZONING ORDINANCE NO. 67, 2001.

2000-ZON-869

4405 ALLISONVILLE ROAD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6.

T & N PARTNERSHIP, L.P., by William T. Rosenbaum, requests a rezoning of 2.8 acres, from the C-5 (W-1) District, to the C-S (W-1) classification to provide for a self storage facility, self service automobile wash bays, and an apartment for an on-site manager.

REZONING ORDINANCE NO. 68, 2001.

2001-ZON-015

3161 SOUTH ROENA STREET (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19.

SOUTHWEST APOSTOLIC CHURCH requests a rezoning of 1.215 acres, being in the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 69, 2001.

2001-ZON-018

8401 RACEWAY ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

CEDAR RUN LIMITED, INC., by Philip A. Nicely, requests a rezoning of 43.568 acres, being in the I-2-S District, to the D-4 classification to provide for single-family development.

REZONING ORDINANCE NO. 70, 2001.

2001-ZON-029

1728, 1732, 1738, 1744, and 1750 WEST WASHINGTON STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 17

CARPENTERS and JOINERS LOCAL 758, by C. Duane O'Neal, requests a rezoning of 0.94 acre, being in the D-5 District, to the C-3 classification to provide for office uses and the expansion of the existing local union operations.

REZONING ORDINANCE NO. 71, 2001.

2001-ZON-032

3929 and 3933 NORTH SHADELAND AVENUE (approximate address), CITY OF LAWRENCE. LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

THORNTON OIL CORPORATION, by David Kingen, requests a rezoning of 0.2 acre, being in the D-3 District, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 72, 2001.

2001-ZON-035

8256 NORTH LAFAYETTE ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

BUILT RIGHT REMODELING and CONSTRUCTION, INC. requests a rezoning of 1.5 acres, being in the SU-1 and D-A Districts, to the D-S classification to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 73, 2001.

2001-ZON-810

1115 BROAD RIPPLE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

INDIANAPOLIS PUBLIC SCHOOLS requests a rezoning of 14 acres, being in the D-5 District, to the SU-2 classification to legally establish a school.

PROPOSAL NO. 236, 2001. Councillor Smith reported that he was not present at the last Metropolitan Development Committee hearing and that Councillor Coughenour, who acted as Chairwoman for that hearing, will give the report. Councillor Coughenour reported that the Metropolitan Development Committee heard Proposal No. 236, 2001 on May 14, 2001. The proposal, sponsored by Councillor Smith, is an inducement resolution for Nora Pines Apartments in an amount not to exceed \$10,500,000 for the renovation, rehabilitation and continued operation as a multifamily rental property of the existing 254-unit apartment complex on approximately a 15-acre parcel of land located at 8921 Compton Street (District 3). By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is not sure this is always the appropriate vehicle for all affordable housing projects and he believes the market forces have not had an opportunity to compete for the property. He said that he opposes the proposal, and as the project is in his district, he would ask for the Council's support. He said that he still has some concerns about the project, and although the developer represented at the Committee hearing that the Nora Northside Community Council supported the project, he is not sure that is accurate. He said that he has spoken to a couple members of the leadership for the Nora Council and they were under the impression that the district Councillor supported the project, and therefore had no opposition to the project. He said that he still has some concerns about the project.

Councillor Bainbridge said that he voted in favor of the proposal in Committee because he understood that the neighborhood association was in agreement. He said that if the Nora Council is opposed to the project, he is not sure he can support it. He asked if there is another opportunity to stop the proposal if it is passed this evening. President SerVaas said that this is simply the first hearing on this project, and the project will have to come back before the Committee and Council a second time for final approval.

Councillor Borst said that even though this is simply an inducement resolution, the inducement gives the developer the authority to spend money against the bonds, and if there are doubts about

the project, it would be better to turn it down now than to allow the developer to spend these dollars and then have to suffer a loss.

Councillor Smith said that, as chairman of the Committee, he would like the opportunity to hear this proposal. He said that he was unable to chair the May 14, 2001 meeting, and he moved to return the proposal to Committee. Councillor Coughenour said that a postponement of the proposal would kill the deal, and the developer would not be able to apply for state volume cap again until next year.

Councillor Nytes said that even though Councillor Smith was not present at the May 14 meeting, a full hearing was held, and a lot of questions were asked. She said that she believes this developer has already been shown a disservice because the Economic Development Commission (EDC) meeting in April was cancelled and the developer is now on a very strict deadline to comply with the May 30, 2001 deadline for the state volume cap allocation. She said that the developer submitted their materials in an appropriate time frame and it is not good government to continue to hold up this proposal.

Councillor Horseman agreed and said that a postponement would end the deal, as the purchase agreement would be affected, as well as missing the deadline for the state volume cap allocation. She added that this project would provide much-needed affordable housing to an area that is lacking in this respect. She said that the president of the Nora Northside Community Council, Ruth Hayes, is not a shy individual, and has fought for many neighborhood causes. If the Community Council had lingering concerns about this project, representatives would be here this evening.

Councillor Short said that he often has to miss meetings also, and even though some Committee members were not available to hear the proposal, the proposal has gone through the Committee process and comes to the floor of the Council with a do pass recommendation.

President SerVaas asked for clarification as to whether a postponement would kill this project. Rod Morgan, bond counsel for the EDC, said that the applications for state volume cap are due by May 30, 2001, and if the applications are not in by that time, the developer would have to wait until next year. He said that an inducement is needed in order to submit an application, and final approval would still have to be sought before any bonds are issued on the project.

Councillor Dowden seconded the motion to return Proposal No. 236, 2001 to Committee.

Councillor Massie said that it is clear the district Councillor, who is in touch with the voters in the area, opposes the proposal and still has some concerns and questions about the project. Therefore he is in favor of returning the proposal to Committee.

The motion to return Proposal No. 236, 2001 to Committee failed on the following roll call vote; viz:

14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Smith, Soards, Tilford

14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

1 NOT VOTING: Coughenour

Councillor Nytes moved, seconded by Councillor Horseman, for adoption. Proposal No. 236, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 236, 2001 was retitled SPECIAL RESOLUTION NO. 33, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 33, 2001

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

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

WHEREAS, Allied Pacific Development, Inc., on behalf of a to-be-formed Indiana limited partnership (collectively, the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to the Applicant or lend the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition, rehabilitation and equipping of an apartment complex with a total of 254 units (the "Project"), to be located on approximately a 15-acre parcel of land, located at 8921 Compton Street, Indianapolis, Indiana (District 3).

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

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,500,000 under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, rehabilitation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, rehabilitation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, rehabilitation and equipping of the Project, they urge the city-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable

to the Issuer and the Applicant, and (b) subject to the further caveat that the proposed inducement resolution expires November 30, 2001, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding or refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is (sixty) 60 days prior to the date of adoption of the special resolution to be adopted by the City-County council of the Issuer, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition and rehabilitation, underwriting expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular Section 1.150-2.

Councillor Nytes said that the lengthy discussion regarding this proposal is proof again that more discussion is needed regarding the use of this financing mechanism. Carolyn Coleman, Director of the Department of Metropolitan Development (DMD), has agreed to provide the committee with an overview of this process, and Councillor Nytes invited other Councillors with questions about the bond program to attend this special hearing.

PROPOSAL NO. 237, 2001. Councillor Coughenour reported that the Metropolitan Development Committee heard Proposal No. 237, 2001 on May 14, 2001. The proposal, sponsored by Councillor Smith, is an inducement resolution for Pedcor Investments in an amount not to exceed \$10,950,000 for the construction and equipping of a 208-unit apartment complex on an approximately 22.9 acre parcel of land located at 4970 and 4850 W. 62nd Street (District 1). By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Smith, for adoption. Proposal No. 237, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 237, 2001 was retitled SPECIAL RESOLUTION NO. 34, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 34, 2001

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the construction and equipping of said facilities, and said

facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to a company and said facilities directly owned by a company; and

WHEREAS, Pedcor Investments, a Limited Liability Company, on behalf of a to-be-formed Indiana limited partnership (collectively, the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to the Applicant or lend the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the construction and equipping of an apartment complex with a total of 208 units (the "Project"), to be located on approximately a 22.9 -acre parcel of land, located at 4970 and 4850 W. 62nd Street, Indianapolis, Indiana (District 1).

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

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

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

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

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

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$10,950,000 under the Act to be privately placed or publicly offered with credit enhancement for the construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the construction and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the construction and equipping of the Project, it urges the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant, and (b) subject to the further caveat that the proposed inducement resolution expires November 30, 2001, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds this inducement resolution is still in effect; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding or refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is (sixty) 60 days prior to the date of adoption of the special resolution to be adopted by the City-County council of the Issuer, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition and rehabilitation, underwriting expenses, attorney and bond counsel fees, and acquisition, rehabilitation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect

expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular Section 1.150-2.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 170, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 170, 2001 on April 18, 2001. The proposal approves an increase of \$604,300 in the 2001 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, and the Marion County Public Defender Agency (County General Fund) to fund part two of the settlement of a court mandate for two new courts and additional staff, funded by reduction in fund balances. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 170, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 170, 2001 was retitled FISCAL ORDINANCE NO. 43, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 43, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Six Hundred Four Thousand Three Hundred Dollars (\$604,300) in the County General Fund for purposes of the County Auditor, Prosecuting Attorney, County Sheriff, and the Marion County Public Defender Agency, and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,u,v,y) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of County Auditor, Prosecuting Attorney, County Sheriff, and the Marion County Public Defender Agency to provide two new courts and additional staff, which is part two of the settlement of the court mandate.

SECTION 2. The sum of Six Hundred Four Thousand Three Hundred Dollars (\$604,300) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	94,506
TOTAL INCREASE	94,506
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	133,200
2. Supplies	2,331
3. Other Services and Charges	35,764
4. Capital Outlay	53,946
TOTAL INCREASE	225,241

MARION COUNTY PUBLIC DEFENDER AGENCY

1. Personal Services	133,200
2. Supplies	2,331
3. Other Services and Charges	35,764
4. Capital Outlay	<u>53,946</u>
TOTAL INCREASE	225,241

COUNTY SHERIFF

1. Personal Services	52,312
2. Supplies	200
3. Other Services and Charges	5,000
4. Capital Outlay	<u>1,800</u>
TOTAL INCREASE	59,312

TOTAL INCREASE FOR THE FOUR AGENCIES 604,300

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

COUNTY GENERAL FUND

Unappropriated and Unencumbered	
County General Fund	<u>604,300</u>
TOTAL REDUCTION	604,300

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

PROPOSAL NO. 176, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 176, 2001 on April 18, 2001. The proposal approves a transfer of \$24,000 in the 2001 Budgets of the County Sheriff and Marion County Superior Court, Juvenile Division (County General Fund) for the County Sheriff to provide transportation for juveniles at the Marion County Superior Court, Juvenile Division. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 176, 2001 was adopted on the following roll call vote; viz:

23 YEAS: *Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Schneider, Smith, Soards, Talley, Tilford*

0 NAYS:

6 NOT VOTING: *Borst, Gray, McWhirter, Sanders, SerVaas, Short*

Proposal No. 176, 2001 was retitled FISCAL ORDINANCE NO. 44, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Twenty-four Thousand Dollars (\$24,000) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations from the Marion County Superior Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(y,cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to provide transportation for juveniles at the Marion County Superior Court, Juvenile Division.

SECTION 2. The sum of Twenty Four Thousand Dollars (\$24,000) 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>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>24,000</u>
TOTAL INCREASE	24,000

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

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>24,000</u>
TOTAL DECREASE	24,000

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

PROPOSAL NO. 209, 2001. Councillor Coughenour reported that the Metropolitan Development Committee heard Proposal No. 209, 2001 on May 14, 2001. The proposal, sponsored by Councillors Smith and Brents, approves an increase of \$3,614,097 in the 2001 Budget of the Department of Metropolitan Development, Community Development and Financial Services Division (Redevelopment General and Federal Grants Funds) to develop market rate rental units and parking at the former William. H. Block Building, financed by a federal grant (Urban Development Action Grant) and by insurance proceeds deposited last year in the Redevelopment General Fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Bradford said that he opposes this proposal because the project will be asking for a six-year tax abatement. He said that he does not understand why high-end luxury apartments Downtown should receive a tax abatement when the administration is looking at taxing churches and schools to fulfill its public safety district.

President SerVaas said that this building has always paid a substantial tax to the City, but has been without development for a lengthy period of time, and needs revitalization. He added that the City has been trying to find answers and a use for this building for several years.

Councillor Bradford stated that the Glendale and Norgate projects in his district did not receive one single tax abatement, and are getting stronger each day. He asked how much that six years of abatement will amount to in loss of taxes. Carolyn Coleman, Director of the Department of Metropolitan Development (DMD), said that she does not know the exact amount of tax savings, but the Metropolitan Development Commission unanimously approved the abatement. It would be difficult for this project to move forward without the abatement, and in moving this project forward, the City hopes to generate additional tax revenues in the tax increment financing (TIF) district.

Councillor McWhirter asked how long this property has been sitting empty. Ms. Coleman said that T.J. Maxx has been on the first floor for a few years, but the rest of the building has been empty since Block's moved out seven or eight years ago. She added that there are no other developers waiting in the wings who seem to have any interest in this property. Councillor McWhirter said that she is not a proponent of tax abatement, either, but if the building has been sitting empty for seven years, the taxes are already being lost anyway. By developing the property, the project will eventually go back on the tax rolls and generate taxes in the future.

Councillor Dowden asked if the owners of this property have been paying real estate tax during these past several years. Ms. Coleman said that the assessed value of an undeveloped building would be less than a fully occupied building if it were not in the City's hands. Councillor Horseman said that the City holds title to the property, and therefore, there are no taxes being paid on the property.

Councillor Borst stated that this grant was received in 1987, and the City owned the property before Block's moved out. He said that it has been tough to find a use for this property and he believes apartments is a good use and this is a good proposal.

Councillor Coughenour said that the Council needs to look at this as an investment in the future. She said that the Hyatt project received a tax abatement for ten years and is now producing a great amount of tax revenue for the City. She said that she believes the City will be receiving a greater benefit by having the property developed.

President SerVaas called for public testimony at 8:51 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Black, for adoption. Proposal No. 209, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 209, 2001 was retitled FISCAL ORDINANCE NO. 45, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Three Million Six Hundred Fourteen Thousand Ninety-seven dollars (\$3,614,097) for the purposes of the Department of Metropolitan Development, Community Development and Financial Services Division, and reducing the unappropriated and unencumbered balances in the Federal Grants and Redevelopment General funds.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(i) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Development and Financial Services Division, to develop market rate rental units and parking at the former Wm. H. Block Building at the corner of Market and Illinois Streets.

SECTION 2. The sum of Three Million Six Hundred Fourteen Thousand Ninety-seven Dollars (\$3,614,097) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY DEV. AND FINANCIAL SERVICES DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>2,662,693</u>
TOTAL INCREASE	2,662,693

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>COMMUNITY DEV. AND FINANCIAL SERVICES DIV.</u>	<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges	175,000
4. Capital Outlay	776,404
TOTAL INCREASE	951,404

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	2,662,693
TOTAL DECREASE	2,662,693

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	951,404
TOTAL DECREASE	951,404

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. 211 and 212, 2001 on May 2, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 211, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$133,000 in the 2001 Budget of the Marion County Superior Court (Alcohol and Drug Services Fund) to fund the renovation of space in the basement of the City-County Building for the drug testing lab, and to purchase computers and furniture, financed by fund balances. PROPOSAL NO. 212, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$295,000 in the 2001 Budget of the Marion County Superior Court (Adult Probation Fund) to pay for programming in the JUSTIS system for bookkeeping enhancements, financed by fund balances. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they be postponed. Councillor Dowden moved, seconded by Councillor Schneider, for postponement. Proposal Nos. 211 and 212, 2001 were postponed until June 4, 2001 by a unanimous voice vote.

PROPOSAL NO. 214, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 214, 2001 on May 17, 2001. The proposal, sponsored by Councillors Coughenour, Borst, and Conley, approves a second re-appropriation of funds remaining in a 1998 Build Indiana grant in the amount of \$43,183 in the 2001 Budget of the Department of Capital Asset Management (State Grants Fund) to match federal funds to continue the widening of Harding Street from Raymond Street to Hanna Avenue. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:53 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Conley, for adoption. Proposal No. 214, 2001 was adopted on the following roll call vote; viz:

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

1 NOT VOTING: SerVaas

Proposal No. 214, 2001 was retitled FISCAL ORDINANCE NO. 46, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) re-appropriating Forty-seven Thousand One Hundred Eighty-three Dollars (\$47,183) 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(k) of the City-County Annual Budget for 2001 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 re-appropriate funds remaining on a 1998 Build Indiana grant to match federal funds for the widening of Harding Street from Raymond Street to Hanna Avenue.

SECTION 2. The sum of additional Forty-seven Thousand One Hundred Eighty-three dollars (\$47,183) 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>STATE GRANTS FUND</u>
4. Capital Outlay	<u>43,183</u>
TOTAL INCREASE	43,183

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
State Grants Fund	<u>43,183</u>
TOTAL REDUCTION	43,183

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. 215, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 215, 2001 on May 17, 2001. The proposal, sponsored by Councillors Coughenour and Knox, approves an appropriation of \$105,000 in the 2001 Budget of the Department of Capital Asset Management, Permits Division (Federal Grants Fund) to develop detailed floodplain and floodway maps and prepare a hydraulic analysis within the Little Buck Creek flood plain area, financed by a grant from the Federal Emergency Management Agency, which funds seventy-five percent of the project. 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 8:56 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Knox, for adoption. Proposal No. 215, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 215, 2001 was retitled FISCAL ORDINANCE NO. 47, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 47, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) appropriating One Hundred Five Thousand Dollars (\$105,000) in the Federal Grants Fund for purposes of the Department of Capital Asset Management (now Department of Public Works), Permits Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.01(k) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management (now Department of Public Works), Permits Division, to develop detailed floodplain and floodway maps and to conduct a hydraulic analysis within the Little Buck Creek flood plain area.

SECTION 2. The sum of One Hundred Five Thousand Dollars (\$105,000) 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, to fund seventy-five percent of the project, the balance of twenty-five percent in matching funds are from existing appropriations.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u>	
<u>PERMITS DIVISION</u>	
4. Capital Outlay	<u>FEDERAL GRANTS FUND</u>
	<u>105,000</u>
TOTAL INCREASE	105,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>105,000</u>
TOTAL REDUCTION	105,000

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. 216, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 216, 2001 on May 17, 2001. The proposal, sponsored by Councillors Coughenour, Bainbridge, and Conley, approves a re-appropriation of \$284,660 in the 2001 Budget of the Department of Capital Asset Management, Asset Management Division

(Transportation General Fund) to complete a project which enhances the 16th Street/Crawfordsville Road Corridor, financed by a contribution from the Hulman Memorial Foundation. 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 8:58 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Conley, for adoption. Proposal No. 216, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 216, 2001 was retitled FISCAL ORDINANCE NO. 48, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 48, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Eighty-four Thousand Six Hundred Sixty Dollars (\$284,660) in the Transportation General Fund for purposes of the Department of Capital Asset Management (now Department of Public Works), Asset Management Division and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Capital Asset Management (now Department of Public Works), Asset Management Division to enhance the 16th Street/Crawfordsville Road Corridor.

SECTION 2. The sum of Two Hundred Eighty-four Thousand Six Hundred Sixty Dollars (\$284,660) 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>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	<u>284,660</u>
TOTAL INCREASE	284,660

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>284,660</u>
TOTAL REDUCTION	284,660

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 64, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 64, 2001 on April 26, 2001. The proposal was postponed in Council on April 30, 2001. The proposal creates a county-wide Marion County Storm Water Management District

and a storm water management system within the Department of Public Works. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coughenour stated that user fees are based on equivalent residential units (ERUs), which amount to \$1.25 per ERU per month. She said that this is a user fee based on the amount of water that property owners are throwing off for others to take care of. She added that it is very similar to a sewer user fee or other utilities, such as gas and electric. A very intensive study has been done, and almost a million dollars has been spent on this effective plan of action. Councillor Coughenour said that there was an amendment being proposed that would exempt certain classes from paying this fee, such as churches. She said that she does not believe in taxing churches, but this is not a tax and is the same as a church having to pay their gas or light bills. She added that she asked General Counsel Robert Elrod for a legal interpretation of exempting certain classes. Councillor Coughenour said that Mr. Elrod gave an opinion rendered by the Attorney General that states that exempting certain classes would be unconstitutional. She moved, seconded by Councillor Bainbridge, for adoption.

Councillor Talley moved to amend Proposal No. 64, 2001 by deleting the language "(6) Churches;" from Section 4, Sec. 676-102(i) and adding the language "Notwithstanding the foregoing, a fee imposed by this division shall not be imposed on property which is owned or occupied by, and used as, a church." to the end of Section 5, Sec. 131-421(a). Councillor Schneider seconded the motion.

Councillor Talley stated that no public hearings have been allowed by the chairwoman on his amendment, and he would like for the public to have an opportunity to address this amendment. Councillor Coughenour said that this amendment has never been introduced to the Public Works Committee, and therefore no public hearing on this matter could be held, as the amendment is just being introduced this evening.

Councillor Dowden said that he disagrees that this stormwater fee is like a utility bill, because he has an option to not use the utility or cut the utility bill by using less of the commodity. He said that he considers this more of a tax than a fee, because the landowner has no control over that cost. He added that the opinion of the Attorney General was made several years ago by the former Attorney General regarding stormwater fees in Ft. Wayne, Indiana. He said that the current Attorney General has not been asked for an opinion, and his position may not be the same.

Councillor Coughenour asked Mr. Elrod to explain the rationale behind the opinion he rendered. Mr. Elrod said that he was not asked to ask the Attorney General for an opinion, but was rather asked to render his own opinion as to whether proposed exemptions were legal. He said that there are no cases in Indiana that render a legal decision, but the Attorney General in 1994 rendered an opinion dealing with the same Statute as applied in the city of Ft. Wayne. In that opinion, the Attorney General quoted the Statute, and stated that it was illegal under the Statute because of the "shall" language, and he added that this is not a constitutional issue. He said that this is the only legal authority in the State of Indiana for the interpretation of this Statute, and it appears to be binding on this Council, unless someone wishes to challenge that opinion legally elsewhere.

Councillor Talley said that according to Sec. 151-47 of Council Rules, a Councillor can move to allow for public testimony. He moved, seconded by Councillor Schneider, to allow individuals to

speaking regarding his proposed amendment for seven to ten minutes, as they were not given the opportunity during Committee hearings.

Councillor Coughenour said that the Committee hearings have been advertised, and while some of these individuals have shown up at those meetings, none of them have asked to testify. She added that she has not received phone calls or letters from these individuals, either. She said that when this issue was first addressed four years ago, she asked for volunteers to sit on the advisory committee and technical committee, and none was forthcoming from these church groups. She said that she is a regular attendee of church and supports the efforts of churches in the community. But the law is the law, and if the counsel has rendered an opinion that this is illegal, she cannot support such an amendment.

Councillor Massie asked for clarification on Councillor Talley's motion as allowed by the Council Rules. Mr. Elrod said that this rule has seldom been used in this Council but allows a Councillor to move that someone other than a Council-member be allowed to address the Council for a specific amount of time on a specific subject. If a majority of the Council votes to hear this public testimony, the individual will be allowed to speak.

Councillor Soards said that he would like to hear public testimony from a representative of the churches, and would also like to hear their opinion on a public safety fee that has been proposed by the Mayor, as well. Councillor Talley said that according to Council Rules, his motion only allows the individual to address the Council on a specific issue, which is the stormwater user fee.

President SerVaas said that he does not have opposition to allowing the public to speak, but would prefer that the public testimony be limited to five minutes, rather than seven to ten minutes. Councillor Talley said that he would agree to the five minutes.

The motion to allow for public testimony carried by the following roll call vote; viz:

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

Eric Miller, executive director of Advance America, said that he has worked with hundreds of churches for over 20 years in Indianapolis. Tonight he is also representing Dr. Fitz Lyons, the president of the Inter-denominational Ministers' Alliance, and Dr. Ted Lee, the district superintendent for the Nazarene Churches. He said that he has spoken to many pastors regarding this so-called "user fee," which he maintains is really a tax. The response from pastors has been unanimous, that they are opposed to the taxation of churches. The churches are concerned that this tax would take away money from some very vital programs that serve the citizens of this community. He added that it is legal to exempt churches, as there is not one court case that backs up the opinion of the former Attorney General in 1994. He stated that the law does not say "shall" as previously presented by Mr. Elrod, but rather says that the Council "may assess and collect user fees." The Statute does not say that a legislative body cannot exempt entities from paying this fee. He said that he contacted the author of this particular law, and was advised by him that this bill does not restrict a local unit of government from exempting churches from the payment of user fees connected with the creation, operation, and maintenance of a stormwater system. Local units of government still retain their authority to exempt groups from the payment of these fees. He said that this Council unanimously approved a violent video games ordinance,

even though there was some question as to whether or not it was unconstitutional, because it was the right thing to do. Mr. Miller said that granting an exemption of churches is the right thing to do, and it is legal under Indiana law.

Councillor Schneider said that he supports the amendment, and he feels this is not a user fee, but rather a tax. He added that this Council supported the violent video games ordinance, even though they were threatened with legal action. He said that he knows of no one who would want to litigate the exemption of churches from this tax.

Councillor Bradford said that he also supports the amendment, and he said that he would like to see schools exempted also. He added that the City cannot measure what churches give back to the community, and it is important to pass this amendment.

Councillor McWhirter said that Mr. Elrod has rendered an opinion that this is illegal, and she does not feel that it would be wise for this body to pass an amendment that might cause the City to have to fight a court battle that would cost the taxpayers more money. She said that if the Council exempts the churches, then the schools and local government will probably want the same consideration.

Councillor Dowden said that he holds Mr. Elrod in high esteem, but the final paragraph of his opinion says that he would conclude that an absolute exemption of churches as proposed by Councillor Talley is not permitted under the controlling Statute as interpreted by the Attorney General. Councillor Dowden said that the Attorney General of 1994 was not a judge and is not a judge today, and this matter has never been adjudicated in a court. He said that Mr. Elrod did not rule that this amendment was unconstitutional, but simply cited the opinion of the former Attorney General.

Councillor Talley stated that he has a resolution signed by Baptist ministers of 35 congregations in the City. He said that charging this tax on the churches will take money away from some other benevolent activities of the churches and will impact their various community programs and services.

Councillor Coughenour said that she does not believe that churches should be taxed, and she has no doubt that churches contribute greatly to the needs of the community. However, to vote on this proposal on the basis of its affect on churches is taking it completely out of context.

President SerVaas said that this amendment has not had discussion in front of a Committee, and it is difficult to research it thoroughly this evening on the Council floor. He said that by passing this amendment, the Council may be opening a pandora's box to have all non-profit entities asking to be exempt from this fee. He said that there are State requirements for the water, and all citizens should be concerned about the quality of the City's bodies of water.

Councillor Talley's motion to amend Proposal No. 64, 2001 failed on the following roll call vote:
viz:

13 YEAS: Black, Bradford, Brents, Coonrod, Dowden, Gibson, Horseman, Massie, Schneider, Smith, Soards, Talley, Tilford

16 NAYS: Bainbridge, Borst, Boyd, Cockrum, Conley, Coughenour, Douglas, Gray, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short

Councillor Talley said that his amendment and subsequent vote is no reflection on the capabilities of Mr. Elrod or the hard work by Councillor Coughenour and George Pendygraft, counsel on this proposal. He said that this is simply something that he believes in very strongly.

Proposal No. 64, 2001, as amended in Committee, was adopted on the following roll call vote; viz:

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

Councillor Horseman asked for consent to explain her vote. Consent was given. Councillor Horseman said that while there is a need for a stormwater program and she has great regard for all the work Councillor Coughenour has put into this plan, she does not believe there was enough public input. Councillor Coughenour said that there were several public hearings held in many communities around the City in the last year or two, and this effort has been going on for four years, and there have been even more hearings than that.

Proposal No. 64, 2001 was retitled GENERAL ORDINANCE NO. 43, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2001

A GENERAL ORDINANCE amending Chapters 111, 131, 135, 261, and 272 of the Revised Code of the Consolidated City and County by adding a new Chapter 676 to create a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works.

WHEREAS, storm water drainage and flooding present significant problems throughout Marion County, posing harm to the public health, enhanced risks to the public safety and damage to real and personal property;

WHEREAS, while presently Marion County property owners have the responsibility for maintaining drainage facilities located in their rights-of-way, the City-County Council recognizes that placing such responsibility upon private property owners has in many instances placed an untenable burden upon them, particularly those citizens physically and economically disadvantaged, and one of the intents of this Ordinance is to provide a funding source to relieve citizens from those operation and maintenance responsibilities;

WHEREAS, the Indianapolis Chamber of Commerce in its Getting Indianapolis Fit for Tomorrow ("GIFT") report in 1991 estimated that the City of Indianapolis' ("City") storm water system faces a funding deficit of approximately 28.3 million dollars per year;

WHEREAS, Indiana Code 8-1.5 entitled "Storm Water Management Systems," enables Indiana municipalities to establish a storm water management district in a Consolidated City, to establish the Public Works Department and board to be in charge of storm water management and to fund necessary storm water management activities by charging each impervious property in the district a storm water service charge or user fee;

WHEREAS, the recommended storm water service charge or user fee is to be based on the impervious area in a developed lot or parcel because the storm water runoff from a property, as well as the benefits enjoyed and the services received by a property as a result of the collection of storm water, is a function of the amount of impervious area in a developed lot or parcel;

WHEREAS, statistically significant relevant random samples of properties in Marion County have been made to determine the representative amount of impervious area per single residential parcel of land and a representative impervious area for a single residential parcel of land has been selected that is just and reasonable when considered in light of the administratively burdensome and expensive task of measuring each single family residence parcel of land;

WHEREAS, it is not the intent of this ordinance to relieve any party of compliance responsibility with applicable laws relating to any development project or to provide for subsidy or promotion of any specific development projects; now, therefore:

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

SECTION 1. Chapter 111 of the Revised Code of the Consolidated City and County is hereby amended by adding a new Sec. 111-5 to read as follows:

Sec. 111-5. Marion County Storm Water Management District; jurisdiction and management.

Pursuant to the provisions of Indiana Code 8-1.5-5, there is hereby created a Marion County Storm Water Management District, which district shall include all the territory in Marion County, except that within the geographic borders of the excluded town of Speedway and the incorporated town of Cumberland.

SECTION 2. Chapter 261 of the Revised Code of the Consolidated City and County is hereby amended by adding new Secs. 261-406 and 261-407 to read as follows:

Sec. 261-406. Jurisdiction over Storm water Management District.

Pursuant to the provisions of Indiana Code 8-1.5-6, the Board of Public Works is established as the board which shall have exclusive jurisdiction over the collection and disposal of storm water within the Marion County Storm Water Management District.

Sec. 261-407. Powers of the board.

In addition to all other general powers granted to it by statute or ordinance, as its functions relate to storm water management, the board shall have all the powers and duties set forth in Indiana Code 8-1.5-5-6, including, but not limited to, the following:

- (1) To hold hearings following public notice;
- (2) To make findings and determinations on appeals and other matters necessary to achieve the purposes of this article.
- (3) To install, maintain and operate a storm water collection and disposal system.
- (4) To make all necessary or desirable improvements of the grounds and premises under its control.
- (5) To issue and sell bonds of the Marion County Storm Water Management District in the name of the municipality for the acquisition, construction, alteration, addition or extension of the storm water collection and disposal system.
- (6) To recommend to the City-County Council reasonable and just rates and charges for storm water services or to concur with the City-County Council's determination of reasonable and just rates and charges for storm water services and to assess and provide for the collection of storm water user fees based upon such rates and charges.
- (7) To adopt, amend and repeal regulations necessary to achieve the purposes of this article.

SECTION 3. Chapter 261 of the Revised Code of the Consolidated City and County is hereby amended by adding a new Article V to read as follows:

ARTICLE V. STORM WATER MANAGEMENT DISTRICT

Sec. 261-501. Responsibilities.

The Department of Public Works is established as the department responsible for managing the storm water system within the Marion County Storm Water Management District

Sec. 261-502. Marion County Storm Water Management Advisory Committees.

(a) The Marion County Storm Water Management Technical Advisory Committee ("Technical Advisory Committee") is created to advise the board.

- (1) The Technical Advisory Committee shall provide direction in the periodic update of the storm water master plan by providing recommendations on watershed analysis, capital project need, priorities and engineering design and advising on other technical matters relating to storm water quantity and quality issues in Marion County. The Technical Advisory Committee's recommendations on the storm water master plan, to the extent that is reasonable and feasible, shall coordinate the storm water master plan with the (1) Combined Sewer Overflows (CSO) Operational Plan; (2) the Sanitary Sewer Overflow (SSO) program; (3) the efforts to phase out urban septic systems not designed for permanent public health protection; (4) the Marion County Health Department's mosquito control efforts and a rational wetland habitat protection policy; (5) levee maintenance to address major river rises; and (6) efforts to improve storm water quality in Marion County surface and ground waters.
- (2) The Technical Advisory Committee shall consist of nine (9) members, who shall serve at the pleasure of the person or group which makes the appointment and who shall, after the initial terms specified below, be appointed for three (3) year terms, and shall be appointed as follows:
 - a. Three (3) shall be appointed by the council of the excluded cities, one by each of Beech Grove, Lawrence, and Southport.
 - b. Three (3) shall be appointed by the Mayor, who shall be property owners in Marion County and not members of the same political party,
 - c. Three (3) shall be appointed by the City-County Council, who shall be property owners in Marion County, no more than two of whom shall be of the same political party, two of whom shall be appointed upon nomination of the majority leader and one appointed upon nomination by the minority leader.

All persons appointed shall have suitable technical experience and training, preferably in water management, to participate in the tasks set forth for the Committee. All Committee members may be appointed for successive terms. Vacancies occurring by reason of death, resignation or removal, shall be filled by the official or group that made the appointment for the balance of the unexpired term.

- (3) Initial appointments shall be for the following terms: members appointed by the excluded cities, one (1) member appointed by the Mayor and one (1) member appointed by the City-County Council shall be appointed for two (2) year terms ending December 31, 2002; and two members appointed by the mayor and two members appointed by the City-County Council shall be appointed for three (3) year terms ending December 31, 2003.
- (4) After the expiration of the initial terms, all members shall be appointed for three year terms ending on December 31.
- (5) Technical Advisory Committee meetings shall be scheduled by the department and shall be open to the public.
 - (b) In addition to the membership requirements set forth in subsection (a) above, members of the Technical Advisory Committee shall be appointed such that a minimum of one (1) member resides in each of the townships of Marion County.

Sec. 261-503. Annual accounting.

(a) The department shall present a report to the board and to the City-County Council by July 1 of each year, beginning in 2002. The report shall include the following information regarding the storm water management system during the previous calendar year:

- (1) A summary of the revenues to the storm water management fund;
- (2) A summary of the expenditures from the storm water management fund;
- (3) A statement of the adequacy of the user fees collected to fund the storm water management program;
- (4) A summary of the credits granted to storm water user fees;
- (5) A summary of the major construction projects undertaken and the costs associated with such projects; and

(6) A summary of the maintenance activities undertaken and the costs associated with those activities.

(b) At the request of any excluded city or town, the department shall also present the annual report described in subsection (a) to the legislative body of the excluded city or town.

SECTION 4. The Revised Code of the Consolidated City and County be and is hereby amended by the addition of a new Chapter 676 to read as follows:

Chapter 676. STORM WATER MANAGEMENT DISTRICT

ARTICLE 1. CREATED – DEFINITIONS

Sec. 676-101. Purpose and policy.

(a) The Marion County Storm Water Management District is created to provide for the collection and disposal of storm water in a manner that protects the public health, safety and welfare.

(b) The function of the Department of Public Works is to provide for the safe and efficient capture and conveyance of storm water runoff, mitigate the damaging effects of storm water runoff, correct storm water collection and conveyance problems and fund the activities of storm water management including, but not limited to, design, planning, regulation, education, administration, coordination, construction, operation, maintenance, inspection and enforcement activities, all for the protection of the public health, safety and welfare. It is also the function of the department to insure compliance with the National Pollutant Discharge Elimination System Storm Water Discharge Permit.

(c) It is determined necessary for the protection of public health, safety and welfare and to comply with federal, state and local laws and regulations that a system of charges for storm water service in Marion County be established. The system of charges shall allocate the cost of providing storm water management service to each user so that the charges assessed are reasonably related to the costs of providing storm water management service, insofar as those costs can reasonably be determined.

Sec. 676-102. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this section:

(a) Board shall mean the Board of Public Works established under Chapter 261 of the Revised Code of the Consolidated City and County.

(b) Credit shall mean an on-going reduction in a storm water user fee based on certain qualifying conditions or activities which mitigate the impact of increased storm water runoff from the property on a continuing basis and/or reduce the department's cost of providing storm water management services to the property.

(c) Department shall mean the Department of Public Works established under Chapter 261 of the Revised Code of the Consolidated City and County. The department is granted authority to plan, budget, design, finance and construct storm water systems.

(d) Director shall mean the Director of the Department of Public Works.

(e) District shall mean the Marion County Storm Water Management District authorized by Indiana Code 8-1.5-5 and created by this article.

(f) Equivalent Residential Unit (ERU) shall mean a unit value, equal to the average amount of impervious area of a single family residential property within Marion County. One ERU is hereby established as 2800 square feet of impervious area.

(g) Impervious Area shall mean an area that has been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of storm water into the soil is prevented or impeded. Impervious Area shall include gravel driveways, private roadways, parking lots and similar areas designed or used for vehicular traffic. Excluded from this definition are undisturbed land, lawns and fields and undisturbed and tilled agricultural lands and areas.

(h) Infiltration shall mean the process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

(i) Non-residential Property shall mean all properties not included within the definition of Residential Property in this article. Non-residential property shall include, but not be limited to, the following:

- (1) Agricultural property;
- (2) Apartment and condominium property;
- (3) Mobile home parks;
- (4) Commercial property;
- (5) Industrial property;
- (6) Churches;
- (7) Schools;
- (8) Federal, state and local government property.

(j) Private storm water facilities shall mean the various storm water and drainage facilities not subject to the control and/or under the ownership of the local, state and/or federal government. Such facilities may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins and other structural components and equipment designed to transport, move or regulate storm water.

(k) Public storm water facilities shall mean the various storm water and drainage facilities subject to the control and/or under the ownership of local, state and/or federal government. Such facilities may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, retention or detention basins and other structural components and equipment designed to transport, move or regulate storm water. Public storm water facilities shall include public streets, roads and highways. For the purposes of this definition, the meaning of "subject to the control" shall include, but not be limited to, facilities in the right-of-way or for which an acceptable permanent easement has been granted.

(l) Public streets, roads and highways shall mean those streets, roads and highways which are accepted for maintenance by the State of Indiana, the City of Indianapolis or any other municipality and which are available for use in common by the general public for motor vehicle transportation.

(m) Residential Property shall mean an improved lot or parcel of real estate on which a building or mobile home is situated, which building or mobile home contains a group of rooms forming a single dwelling unit with facilities which are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes an individual lot or parcel containing one (1) individual building containing three (3) or fewer separate or attached single-family dwelling units. Each and every residential property shall be assigned one (1) ERU.

(n) Square Footage of Impervious Area, for purposes of assigning an appropriate number of ERUs to a Non-residential Property, shall be calculated using the outside boundary dimensions of the impervious area and shall include all of the total enclosed square footage, without regard to topographic features of the enclosed surface.

(o) Storm Water User Fee shall mean the service charge or user fee authorized by Indiana Code 8-1.5-5 and imposed on the users of the Marion County Storm Water Management District's storm water system.

(p) Storm Water Service Customer or User shall mean the owner of a lot or parcel of Residential Property or Non-residential Property in the District.

(q) Storm Water System shall mean all facilities, including combined sewers, structures and natural water courses under the ownership and/or subject to the control of the Department of Public Works used for collecting and conducting storm water to, through and from drainage areas to the point of final outlet, including, but not limited to the following: inlets, conduits and appurtenant features, pipes, pumping stations, manholes, structures, channels, outlets, creeks, catch basins, ditches, streams, culverts, retention or detention basins and other structural components and equipment designed to transport, move or regulate storm water. Storm water system shall include public streets, roads and highways.

ARTICLE II. MASTER PLAN

Sec. 676-201. County-wide storm water master plan.

(a) The department shall be responsible for the preparation, and the periodic update, of a county-wide storm water master plan. Preparation of the master plan may include tasks such as infrastructure inventory, conveyance system analysis, receiving and responding to neighborhood and citizen input, identification and establishment of priorities for capital improvements, development of a maintenance management program and integration of information into the GIS database. Development of the county-wide storm water master plan shall include, in so far as reasonably possible, delineation of the geographic area benefited by the storm water management projects included in the master plan.

(b) The Marion County Storm Water Management Technical Advisory Committee shall participate in the periodic update of the master plan as provided in Sec. 676-204(a).

(c) The master plan document shall be approved by the board. Prior to taking action on the master plan document, the board shall conduct a public hearing. Notice of the hearing shall be published at least ten (10) days prior to the hearing in accordance with IC 5-3-1-2.

(d) Prior to presenting the master plan document to the board for approval, the department shall schedule a thirty (30) day public comment period and shall accept written comments on the master plan document. At least ten (10) days prior to the beginning of the public comment period, the department shall publish a notice in a newspaper of general circulation printed and published in Marion County. The notice shall state that copies of the proposed master plan document are available for public inspection at the offices of the department, the central office of the Indianapolis/Marion County Public Library and one (1) branch library in each township, and that written comments may be submitted to the department.

(e) The approved master plan document shall be updated periodically, as determined by the department, following the procedures set forth in this section.

(f) The initial master plan shall be submitted to the board for approval within ten (10) days of the date on which this ordinance takes effect.

ARTICLE III. BILLING AND COLLECTION

Sec. 676-301. Contract for billing; terms of payment.

(a) The board is authorized to enter into a contract with one or more qualified entities for the services of billing for and collecting storm water user fees imposed by this article.

(b) The due date of storm water user fees shall be set forth on the billing document.

(c) Delinquent storm water user fees not paid when due shall be subject to a ten percent (10%) penalty.

Sec. 676-302. Collection.

(a) Delinquent storm water user fees and penalties may be collected in a civil action along with the costs of collection and reasonable attorney fees.

(b) Delinquent storm water user fees and penalties shall constitute a lien against the real property against which the user fees have been imposed. Such liens shall be certified to the auditor and collected as provided in Indiana Code 36-3-7-5.

Sec. 676-303. Credits.

(a) Credit availability.

(1) For purposes of this subsection, the following definitions apply:

a. Credit means an on-going reduction in a storm water user fee based on certain qualifying conditions or activities which mitigate the impact of increased storm water runoff from the property on a continuing basis and/or reduce the department's cost of providing storm water management services to the property.

b. Code means the Code or the Revised Code of the Consolidated City and County.

- c. Storm Water Specification Manual means the City of Indianapolis Department of Public Works Storm Water Design and Construction Specification Manual effective August 23, 1995, as subsequently amended.
 - d. Storm Water Credit Manual means the manual, recommended by the department and approved by the board, which shall set forth the details of the credit system, including parameters of credits and application procedures.
- (2) A credit to the storm water user fee imposed on Non-Residential Property may be available, upon application to the department, for property which meets one or more of the following criteria:
- a. Location in Relation to Major Waterway. Credit shall be granted for private storm water facilities based on the location of the property to a major waterway of the United States, if the property directly discharges its storm water to that waterway in compliance with all requirements of the Code, the Storm Water Specification Manual, and state and federal regulations. White River, Fall Creek and Big Eagle Creek below Eagle Creek Reservoir shall be considered major waterways for the purposes of this section. A two percent (2%) credit shall be granted from the total monthly storm water user fee for each three percent (3%) of the storm water from the property which directly discharges to the major waterway.
 - b. Construction in compliance with the Storm Water Specification Manual and the Code. Credit shall be granted from the total monthly storm water user fee for private storm water facilities, such as retention/detention facilities, constructed either prior to the effective date or after the effective date of the Storm Water Specification Manual, if those facilities either meet or exceed:
 - 1. The requirements of the Storm Water Specification Manual; and
 - 2. The requirements of the Code in effect at the time of construction.
 - c. Two-tiered credit availability. Property owners of private storm water facilities, such as retention/detention facilities, eligible for credit under this subsection may, at their option, apply for either a Tier One or a Tier Two credit as set forth below. Details of the tier system and other matters relating to applying for and receiving credits shall be included in the Storm Water Credit Manual.
 - 1. Tier One. Tier One credit is intended for minor basins with watershed less than five (5) acres but is available for larger basins at owner's option.

Credit amount: 25%
Application fee: Not to exceed \$50.00
Application process: Basic information shall be supplied by the owner. Such information shall include name of owner, location, parcel number, size and shape of basin, type and size of outlet. The owner shall rate the condition of basin as "good, fair or poor" and indicate how many times per year basic maintenance (such as erosion control and/or mowing) activities are performed. The owner shall be required to sign a statement certifying that information is correct and acknowledging that the credit determination will be based on information provided. A later determination that the information was inaccurate may result in loss of credit.
 - 2. Tier Two. Tier Two credit is intended for basins with watershed equal to or greater than five (5) acres but is available for minor basins at owner's option.

Credit amount: 35%
Application fee: Not to exceed \$250.00
Application process: More detailed technical information shall be supplied by the owner and the owner's engineer. Such information shall include as-built data, routing the storm event for the two (2), ten (10), twenty-five (25), fifty (50) and one hundred (100) year storm events, comparison of pre-development and post-development conditions, total storage volume and emergency spillway configuration. To receive a tier two credit, storm water facilities must provide control to a pre-development level for all the above storm events.
 - 3. Additional Credit. Additional credit, above the thirty five percent (35%) described in subsection 2 above, shall be granted to properties with private storm water facilities if the facilities reduce the storm water discharge from the property to a level below the pre-

development one hundred (100) year storm event. A one percent (1%) credit shall be granted from the total monthly storm water user fee for each two percent (2%) reduction of discharge below the pre-development one hundred (100) year storm event.

- d. Public storm water facilities located on land owned by local, state or federal governments shall be eligible for credit under subsections a, b and c above in the same manner that private storm water facilities are eligible for credit.
 - e. The descriptions in this section of circumstances in which credit shall be granted are not intended to be all inclusive. The Storm Water Credit Manual may allow credit for storm water facilities and circumstances not described in this subsection.
- (3) The board, upon recommendation from the department, shall approve a Storm Water Credit Manual. The department shall follow the provisions of the Storm Water Credit Manual in reviewing and acting upon applications for credit. Copies of the Storm Water Credit Manual shall be available from the department.
 - (4) Each credit granted shall be conditioned on the continuing compliance with the design, operation and maintenance requirements of the Code, the Storm Water Specification Manual and the requirements set forth in the Storm Water Credit Manual.
 - (5) Upon written notice to the property owner or other person designated by the property owner to receive such notice, the department may revoke the credit for good cause, including, but not limited to, failure to comply with minimum maintenance requirements. The department's revocation of the credit may be appealed by following the review procedures set forth in Sec. 676-304 of this article.
- (b) Credit procedures.
 - (1) Application for credit or an appeal of a credit determination shall not constitute a valid reason for non-payment of the storm water user fee for which a credit is being requested.
 - (2) Application for credit shall be made on forms provided by the department and shall be accompanied by the applicable application fee.
 - (3) The board, upon recommendation of the department, may set a reasonable credit application fee. Such fee shall be reasonably related to the cost of reviewing credit applications and shall not exceed \$250.00 per application.
 - (4) The department shall be responsible for reviewing credit applications and shall provide a written determination of credit within sixty (60) days of receipt of a complete credit application. The written determination shall set forth the effective date of the credit and any conditions applicable to receipt of the credit.
 - (5) Appeals of credit determinations shall follow the procedures set forth in Sec. 676-304 of this article.

Sec. 676-304. Fee adjustment reviews, credit determination reviews and credit revocation reviews

(a) Any person subject to this article may petition the director for an adjustment of the storm water user fees assessed against him, provided:

- (1) That the petitioner has paid the disputed storm water user fees in full;
- (2) That the petitioner has good cause to believe that such storm water user fees were erroneously assessed against him, or that because of extraordinary circumstances unique to his property, his property does not impact or benefit from the storm water system of the District, or that because of extraordinary circumstances unique to his property, equity can be served only by adjusting the storm water user fees assessed against his property; and
- (3) That within six (6) months of the petitioner's receipt of the bill for the disputed storm water user fees, the director receives from the petitioner a written petition for adjustment of fees and a brief statement of fact demonstrating the petitioner's right to an adjustment. The petitioner may include with his petition any additional information he deems relevant. If the petitioner wishes to have an informal hearing on his petition, a request for a hearing must be included with his petition.

- (b) (1) The director shall appoint an account review officer (ARO) to review and resolve petitions for adjustment of fees. The ARO may be a qualified independent contractor or an employee of the city who serves as a hearing officer as part of his duties.
- (2) The ARO shall consider the petitioner's statement of fact, as well as any other relevant and material evidence available in determining whether the petitioner is entitled to an adjustment of the storm water user fee.
- (3) If a hearing has been requested as provided in this article, the hearing shall be before the ARO and shall be held within 30 days of the receipt of the request for hearing, unless a continuance is requested by the petitioner or requested by the department and agreed to by the petitioner. At the hearing the petitioner and the department may present any evidence that is, in the ARO's view, relevant and material to the dispute.
- (4) Based on the petitioner's statement of fact, evidence presented at the hearing, if one was requested, and any other relevant and material evidence available, the ARO shall issue a written decision on the petition. The ARO may grant, deny or modify the petition.
- (5) The ARO's decision shall be final and binding and shall be issued to the petitioner within ninety (90) days of receipt by the director of the petition for adjustment if no hearing was requested, or ninety (90) days from the conclusion of the hearing.
- (c) The petitioner may appeal the ARO's final determination to the board, provided that the board has received written notice of appeal within thirty (30) days of the petitioner's receipt of the ARO's final determination.
- (d) The board shall notify the petitioner of the time and place of the hearing on the petitioner's appeal. The petitioner shall have the burden of proving that he is entitled to an adjustment of the storm water user fees.
- (e) At the hearing, the board shall consider any relevant and material evidence available in determining whether the petitioner is entitled to an adjustment of the storm water user fees. The hearing shall be recorded by audiotape.
- (f) The board may grant, deny or modify the petition for adjustment. If the board determines that the petitioner is entitled to an adjustment of the storm water user fees, the board may, in its sole discretion, make such adjustment in the form of a refund or a credit against future storm water user fees, or both.
- (g) Persons applying for credits as provided in Sec. 676-303 of this Article shall follow the procedures set out in that section. Appeals of credit determinations and appeals of revocation of credits shall be governed by the procedures in this Section 115 except that a petition for review of a credit determination or a petition for review of a credit revocation must be received by the director within sixty (60) days of receipt of the credit determination or revocation.

SECTION 5. Chapter 131 of the Revised Code of the Consolidated City and County be and is hereby amended by adding a new Division 2 in Article IV, to read as follows:

DIVISION 2 STORM WATER USER FEE

Sec. 131-421. Storm Water user fee.

- (a) There is hereby imposed a storm water user fee of \$1.25 per ERU, payable to the department upon each lot or parcel of land within the Marion County Storm Water Management District which lot or parcel directly or indirectly contributes to the storm water system of the District. The storm water user fee for Non-residential Property shall be based on the quantity of impervious area located on the lot or parcel and shall be paid by the owner of the property. The storm water user fee shall be charged within ninety (90) days after the date on which this ordinance takes effect.
- (b) The storm water user fee provided for in this article is to be collected from properties whose storm water directly or indirectly contributes to the storm water system of the District. If a property is situated so that all of the storm water or some of the storm water from the property does not contribute to the storm water system of the District, the property shall be exempt or partially exempt from the storm water user fee. The situations listed below warrant an exemption or partial exemption. This list is not intended to be all-inclusive and other exemptions or partial exemptions may be granted by the department in response to a fee adjustment review pursuant to Sec. 676-304.

- (1) Where storm water from a property is captured, used up in a process and never returned to the storm water system of the District;
- (2) Where storm water from a property flows directly outside of the District and never flows back into the storm water system of the District;
- (3) Where storm water from a property is collected, treated and legally discharged into a publicly owned wastewater treatment facility.

(c) The partial exemption provided for in this subsection (c) applies only to "retail or service commercial uses - individual freestanding uses" and "retail or service commercial uses - integrated centers" as defined in the Commercial Zoning Ordinance of Marion County, as amended and adopted August 2, 1993 and ratified August 10, 1993, reprinted with amendments July 1997 (the "current commercial zoning ordinance"). The storm water user fee provided for in this article is based on the quantity of impervious area located on a property. Commercial zoning ordinances, through a minimum parking space requirement, require a certain quantity of impervious area on a property. If a retail facility subject to this subsection was required by the existing commercial zoning ordinance when constructed to have a greater number of minimum parking spaces than the facility would be required to have under the current commercial zoning ordinance, the impervious area attributable to parking spaces shall be calculated based on the minimum parking spaces the facility would be required to have under the current commercial zoning ordinance. The partial exemption provided for in this subsection shall be granted by the department in response to a fee adjustment review pursuant to Sec. 676-304.

Sec. 131-422. Purpose for user fee.

The storm water user fee shall be used to pay for the design, planning, regulation, education, administration, coordination, construction, operation, maintenance, inspection and enforcement activities of the storm water system of the District.

Sec. 131-423. Charge per equivalent residential unit (ERU).

Within sixty (60) days of the date on which this ordinance takes effect, the board shall provide to the City-County Council for consideration and approval the storm water credit manual referred to in section 114 and the initial master plan referred to in section 109. The storm water user fee shall be used to pay for the expenditures required by the initial master plan. Expenditures associated with capital projects identified in the initial master plan may be phased over a period of time of up to twenty years or may be phased as required by any revenue bonds issued to pay for such capital expenditures, provided, however, that no such user fee shall be charged that exceeds \$1.25 per ERU per month. Thereafter, any change to the storm water service charge or user fee shall be based on the information required in Sec. 261-503, be adopted in accordance with the procedure as set forth in Sec. 131-425 and be effective only after approval of the City-County Council.

Sec. 131-424. Calculation of user fee based on ERUs.

(a) Residential Properties. Each Residential Property, as defined in this article, shall be assessed a monthly storm water user fee based on one (1) ERU. An ERU, as defined in this article, shall be established at 2800 square feet.

(b) Non-residential Properties.

- (1) The monthly storm water user fee for each Non-residential Property, as defined in this Article, shall be calculated by determining and assigning to that property an ERU multiple based upon the property's individually measured Square Footage of Impervious Area, divided by 2800 square feet, which is one (1) ERU. This division shall be calculated to the first decimal place.
- (2) The user fee shall be based on the nearest whole ERU. Rounding necessary to determine the nearest ERU shall be done according to mathematical convention, 0.0 to 0.4 rounded down to the nearest whole ERU and 0.5 to 0.9 rounded up to the nearest whole ERU.

(c) There shall be no exceptions or exemptions from the assignment of ERUs. Credits to the storm water user fee shall be governed by Sec. 676-403 of this Code and appeals shall be governed by Sec. 676-304 of this Chapter.

Sec. 131-425. Excluded cities.

(a) Each lot or parcel of land located within the boundaries of the excluded cities of Beech Grove, Lawrence and Southport shall be charged the storm water user fees imposed by this article. Lots or parcels

located within the geographic boundaries of the excluded town of Speedway and the incorporated town of Cumberland shall not be charged the storm water user fees imposed by this article because Speedway established a storm water utility under Indiana Code 8-1.5 and Cumberland will have established a storm water utility under Indiana Code 8-1.5 before the fee is imposed under Sec. 131-421.

(b) The department and any or all of the excluded cities may enter into an interlocal cooperation agreement authorized by Indiana Code 36-1-7, which agreement shall set forth how storm water user fees are to be collected and how storm water management services are to be provided in the respective excluded city. A description of storm water management activities to be undertaken in the excluded city and a timetable for undertaking those activities may be established in the interlocal agreement.

(c) Except for the reasonable costs of public education and administration of the Marion County Storm Water Management District, storm water user fees collected from properties in an excluded city shall be spent on storm water management activities within the excluded city or storm water activities which benefit the excluded city as established by the county-wide storm water master plan and the terms of any interlocal cooperation agreement with such excluded city.

(d) The excluded cities shall be represented on the Marion County Storm Water Management Technical Advisory Committee, and shall participate in the development of the storm water master plan, as provided in Sec. 261-502 of this Code.

(e) In consideration of an indemnification from the excluded towns of Speedway and Cumberland, the respective town's storm water management district shall be entitled to receive from the Marion County Storm Water Management District an annual lump sum payment in an amount equivalent to the total amount of property tax paid and allocated to the Flood Debt Service fund from all property tax payers within the geographic boundaries of the towns of Speedway and Cumberland. This payment shall be effective for the taxes assessed beginning January 1, 2002 or the date the Marion County Storm Water Management District storm water user fee begins to be charged, whichever is later. Such lump sum payments made to the Speedway or Cumberland Storm Water Management District shall be deposited in a dedicated fund, shall only be used for purposes of the Speedway or Cumberland Storm Water Management District, and shall not ever be diverted, directly or indirectly, in any manner to any uses other than for the purposes of the Speedway or Cumberland Storm Water Management District.

Sec. 131-426 User fee review.

At such time as deemed appropriate by the director and taking into account the annual accounting information provided for in Sec. 261-503, the director shall cause a financial study to be performed to determine the costs associated with the storm water system in the District and shall recommend to the board and the City-County Council any necessary adjustments to the storm water user fee.

SECTION 6. The Revised Code of the Consolidated City and County be and is hereby amended by the addition of a new Division 4 in Article VI of Chapter 135, to read as follows:

DIVISION 4 STORM WATER MANAGEMENT FUND

Sec. 135-641. Storm water management fund.

(a) Effective in fiscal year 2001, there is hereby created a special fund to be designated as the storm water management fund.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year. No such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any uses other than for the purposes of the Marion County Storm Water Management District.

(c) The fund shall include storm water user fees imposed under this article and any other authorized revenues including those authorized by 8-1.5-5.

(d) Moneys from this special fund shall be appropriated in accordance with the procedures for the expenditure of public funds.

(e) If, at the end of any calendar year, there exists in the fund an unencumbered balance exceeding \$250,000, on or by June 30th of the following year the board by resolution shall authorize such excess to be paid to accelerate retirement of the bond debt supported by the Flood Debt Service property tax rate.

SECTION 7. Exemption from sunset provision of Section 147-13 of the Revised Code.

This article and all its provisions are exempt from the requirement of Section 147-13 of the Revised Code of the Consolidated City and County that new chapters, or substantial revisions to existing chapters, expire on a specific date within five (5) years of the date of adoption.

SECTION 8. Removal of Flood Control Property Tax Assessment.

(a) The portion of the Marion County property tax allocated to the Flood Control General fund two and four-tenths cents (\$0.024 per one hundred dollars (\$100.00) of assessed valuation) shall be deleted and not assessed effective January 1, 2002 or the date the storm water user fee begins to be charged, whichever is later. Property taxes assessed in 2001 and due in 2002 shall continue to be due in 2002.

(b) Upon collection of the fee described in Sec. 131-421, the City Controller shall deposit the first proceeds from the fee into the Flood Debt Service Fund, up to an amount sufficient to meet debt service requirements in that fund in the ensuing budget year. Notwithstanding this provision, in the event such fees are not sufficient to meet such debt service requirements, property taxes shall be levied in accordance with law to satisfy such debt service requirements.

(c) The excluded town of Speedway and the town of Cumberland have elected not to be a part of the Marion County Storm Water Management District because they previously have created or concurrently are creating storm water management districts pursuant to Indiana Code 8-1.5. Subsection 131-425(e) provides for a payment to the Speedway and Cumberland storm water management districts of an amount equivalent to the total amount of annual property tax paid and allocated to the Flood Debt Service fund from all property taxpayers within the geographic boundaries of the excluded town of Speedway and the town of Cumberland. This payment shall be effective for the taxes assessed beginning January 1, 2002 or the date the Marion County Storm Water Management District storm water user fee begins to be charged, whichever is later.

SECTION 9. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 10. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provisions or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 11. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 35, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 35, 2001 on March 19 and April 26, 2001. The Council postponed the proposal in Council on April 30, 2001. The proposal, sponsored by Councillor Moriarty Adams, increases the sewer user fee. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Moriarty Adams said that the sewer user fee increase is \$1.94, which equates to a 17.8% increase for all users over the next five years. The overall cost of the long-term control plan is \$1.042 billion and will be implemented in four five-year phases over the next 20 years. The 85% capture alternative is the most affordable and provides for significant improvement to water quality in Marion County. The administration has held many public hearings and kept the public and Council updated on this effort.

Councillor Bradford said that he had prepared an amendment for the last Council meeting exempting churches from this increase in taxes, as was proposed by Councillor Talley for

Proposal No. 64, 2001. He said that it seems like a fruitless effort to put the Council through this discussion again.

President SerVaas said that he feels that Proposal No. 64, 2001 and Proposal No. 35, 2001 should be handled in tandem, as they are so closely related and deal with solutions for water quality in the City.

Councillor Soards asked if the churches will pay this tax. Councillor Coughenour said that the churches are already paying this fee. Councillor Soards asked if the increase applies to them as well. Councillor Coughenour said that it will according to the proposal. Councillor Soards asked if it is possible to exempt churches from paying this increase. Councillor Coughenour said that it is not.

Councillor Bradford said that he has a problem funding this for only five years, and there is a State revolving fund that is supposed to pay for it. The State decides every month whether or not there is a surplus, yet they have not been able to take care of the Office of Family and Children for the last three years. He said that there is an excessively high standard set for water quality in Indiana, and he is not sure this proposal will satisfy the Environmental Protection Agency (EPA) standards.

Councillor Schneider said that he agrees and that this is just another unfunded mandate by the State and Federal government. The City is being forced to place the burden on the taxpayers of Marion County once again because of standards that have been set by higher bodies. He said that he believes the City should not acquiesce so quickly and should fight such unattainable standards imposed the State.

Councillor Soards asked what the current State standard is for water quality. Greta Hawvermale, Director of the Department of Public Works (DPW), said that the general standard for waters of the State is fishable and swimmable. She said that these specifics allow for variances when it is not possible or affordable for a community to achieve this standard. Councillor Soards asked if this proposal will bring the City to the standards the State has set. Councillor Moriarty Adams said that she believes it will. Councillor Coughenour said that this proposal only addresses the oxygen level and does not address the bacteria level, and therefore only allows for an 85% capture of the combined sewer overflows (CSO). Mr. Pendygraft said that even if this proposal offered a 100% elimination of the CSOs, it would still not achieve fishable and swimmable water quality, and the cost would be enormous. He said that the proposal allows for an 85% capture of the CSOs, and other things will have to be done in order to meet the water quality standards.

Councillor Soards asked if the EPA will approve this plan if it passes the Council. Mr. Pendygraft said that it is simply speculation on his part, but he does not believe the plan will be approved by the EPA. Councillor Soards asked if the plan is rejected, what will come of that. Mr. Pendygraft said that the long-term control plan that has been finalized and submitted does more than CSO controls. This plan also addresses stormwater and septic systems, but does not completely address who pays for it. He said that in his opinion more will have to be done to satisfy the EPA. He believes the plan will have to be adjusted and re-submitted, or some enforcement action will be taken by the EPA or Indiana Department of Environmental Management (IDEM). Councillor Soards said that he is reluctant to support a proposal that may not be approved by the EPA. While he wholeheartedly supports addressing the issue, he believes the standards were set too high and the plan existing before the Council this evening does not meet those standards.

Councillor Short said that this is the first Mayor that has addressed the CSO problem, and there have been 22 public meetings. He said that this is not an easy issue to tackle, and at least the Mayor is willing to stand up and work with the federal regulators to address a long-standing problem.

Councillor Coughenour said that she supports the proposal even though it may not completely satisfy the EPA. She said that it is a starting point, and if the Council refuses to even make this start, there is no doubt there will be more judicial decrees mandating what the City needs to do and how they need to do it. She said that this \$1.94 will not get the City where it needs to be, but there has to be a starting point.

Councillor Moriarty Adams said that there were five alternatives presented in the way of long-term CSO control plans, and this was one of the least expensive and was based on the median household income of residents in Center Township.

Councillor Horseman said that every journey begins with a first step, and this City has needed to take this step for a very long time. She said that Mr. Pendygraft offered his opinion that the EPA would reject the plan, and this is just speculation. She said that there have been many public hearings, and she supports the proposal.

Proposal No. 35, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 35, 2001 was retitled GENERAL ORDINANCE NO. 44, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend Article IV, Division 1 of Chapter 671 of the "Revised Code of the Consolidated City and County" regarding sewer rates and charges.

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

SECTION 1: Article IV, Division 1 of Chapter 671 of the the "Revised Code of the Consolidated City and County" regarding sewer rates and charges: hereby is amended by the deletion of language which is stricken through and by the addition of language which is underscored to read as follows:

DIVISION 1. GENERALLY

Sec. 671-102. Basis for charge; how calculated.

(a) *Established.* The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_T = V_{u1} + V_{u2} \dots + V_{un}$$

$$V_c = \frac{C_T - C_1 - C_r - C_u - C_E - I}{V_T} + \frac{0.25(C_1 + C_r + C_u)}{V_T}$$

$$C_c = \frac{0.75 (C_1 + C_r + C_u)}{T_c} \div 12$$

Nonindustrial user:

$$R = V_u (V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where

- C_c = Availability of service charge per month.
- C_T = Total operation and maintenance cost per a unit of time.
- C_I = Operation and maintenance cost to transport and treat infiltration per a unit of time.
- C_P = Operation and maintenance cost to transport and treat inflow per a unit of time.
- C_u = Operation and maintenance cost to transport and treat unmetered water per a unit of time.
- C_E = Operation and maintenance cost to treat wastes in excess of base level strength.
- V_c = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.
- B_c = Operation and maintenance cost to treat a unit of BOD.
- S_c = Operation and maintenance cost to treat a unit of SS.
- N_c = Operation and maintenance cost to treat a unit of ammonia nitrogen.
- P_c = Operation and maintenance cost to treat any other pollutant.
- B = Amount of BOD from a user above a base level.
- S = Amount of SS from a user above a base level.
- N = Amount of ammonia nitrogen from a user above a base level.
- P = Amount of any other pollutant from a user above a base level.
- V_u = Volume contribution per user per a unit of time.
- V_T = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).
- I = Industrial surveillance cost per a unit of time.
- I_u = Industrial surveillance cost per a unit of industrial volume per a unit of time.
- R = User's charge for operation and maintenance per a unit of time.
- V_R = Total waste water contributed by residential customers per a year.
- T_c = Total number of connections to the system.

(b) *Application.* Until amended, the following rates or factors shall apply:

- V_c = ~~\$1.1339~~ 1.3356 per 1,000 gallons
- I_u = ~~\$0.0539~~ 0.0636 per 1,000 gallons
- B_c = ~~\$0.0859~~ 0.1012 per pound
- S_c = ~~\$0.0970~~ 0.1143 per pound
- C_c = ~~\$2.03~~ 2.39 per month

N_c = \$0.4474 0.5270 per pound.

(c) Minimum charge and base level. The minimum charge on any monthly billing for an industrial user shall be ~~\$5.59~~ 6.59 and for a nonindustrial user shall be ~~\$5.43~~ 6.40. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and NH₃--N base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided.

PROPOSAL NO. 207, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 207, 2001 on April 26, 2001. The proposal creates a county-wide Marion County Storm Water Management District and a storm water management system within the Department of Public Works and increases sewer user fees. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, to strike Proposal No. 207, 2001. Proposal No. 207, 2001 was stricken by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 723, 2000. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 723, 2000 on November 15, 2000, and on several other occasions. By a 9-0 vote on April 24, 2001, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. On April 30, 2001, the proposal was returned to Committee, and the Committee again heard the proposal on May 8, 2001. The proposal amends the Annual Budget for 2001 to authorize and to fix the salaries of City employees for calendar year 2001. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Coonrod said that this proposal came about as the result of a disagreement between the Mayor and this body as to whether or not salaries were authorized for the year 2001. Councillor Talley said that to be perfectly clear, not the entire body was in disagreement with the Mayor on this issue. President SerVaas said that is correct, but Councillor Coonrod's view was also held by many members of this body.

Councillor Black said that he will reluctantly support this proposal, but that he does not believe the Chief Executive Officer of an organization should be told how to regulate salaries. Councillor Borst said that according to State statute, it is the Council's job to set salary ranges for City employees.

Councillor Coonrod moved, seconded by Councillor Talley, for adoption. Proposal No. 723, 2000, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 723, 2000, as amended, was retitled FISCAL ORDINANCE NO. 49, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 49, 2001

A FISCAL ORDINANCE amending the Annual Budget for 2001 to authorize and to fix the salaries of City employees for calendar year 2001.

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

SECTION 1. Article Five of Fiscal Ordinance No. 105, 2000, is amended by readopting subsections (b) and (c) of Section 5.02 to read as follows:

(b) The Annual Compensation for the calendar year 2001 for all other appointed officers, deputies and employees of the Consolidated City, except those of a special services district and the city-county council, is hereby fixed for all classified personnel as follows:

(1) The maximum number of authorized employees for each department and division shall be limited as follows:

Department	Division	Position Type	2001 Proposed
Exec. & Legislative	Mayor's Office	Bi-weekly position FTE	16.00
Exec. & Legislative	Internal Audit	Bi-weekly position FTE	9.00
Exec. & Legislative	City County Council	Bi-weekly position FTE	10.00
Exec. & Legislative	City County Council	Part time position FTE	0.50
Exec. & Legislative	Office of Corporation Counsel	Bi-weekly position FTE	49.00
Exec. & Legislative	Office of Corporation Counsel	Part time position FTE	0.63
Exec. & Legislative	Office of Corporation Counsel	Seasonal staff FTE	0.00
Exec. & Legislative	Office of the City Controller	Bi-weekly position FTE	38.00
Exec. & Legislative	Office of the City Controller	Part time position FTE	0.00
Exec. & Legislative	Office of the City Controller	Seasonal staff FTE	0.75
Exec. & Legislative	Purchasing Division	Bi-weekly position FTE	16.00
Exec. & Legislative	Purchasing Division	Part time position FTE	0.00
Exec. & Legislative	Cable Communications Agency	Bi-weekly position FTE	9.00
Exec. & Legislative	Cable Communications Agency	Part time position FTE	0.50
Exec. & Legislative Total			149.38
Administration	Administrative Services Division	Bi-weekly position FTE	16.00
Administration	Administrative Services Division	Part time position FTE	0.00
Administration	Human Resources Division	Bi-weekly position FTE	22.00
Administration	Equal Opportunity Division	Bi-weekly position FTE	7.00
Administration	Indianapolis Fleet Services Division	Bi-weekly position FTE	19.00
Administration	Indianapolis Fleet Services Division	Union position FTE	64.00
Administration Total			128.00
Metropolitan Development	Division of Administrative Services	Bi-weekly position FTE	14.00
Metropolitan Development	Division of Administrative Services	Seasonal staff FTE	0.25
Metropolitan Development	Community Dev. & Financial Serv.	Bi-weekly position FTE	26.00

Metropolitan Development	Community Dev. & Financial Serv.	Seasonal staff FTE	0.27
Metropolitan Development	Division of Planning	Bi-weekly position FTE	41.00
Metropolitan Development	Division of Planning	Part time position FTE	0.00
Metropolitan Development	Division of Planning	Seasonal staff FTE	1.25
Metropolitan Development	Neighborhood Services	Bi-weekly position FTE	36.00
Metropolitan Development	Neighborhood Services	Part time position FTE	0.00
Metropolitan Development	Historic Preservation	Bi-weekly position FTE	5.00
Metropolitan Development	Historic Preservation	Seasonal staff FTE	0.25
Metropolitan Development	Division of Permits	Bi-weekly position FTE	69.00
Metropolitan Development	Division of Permits	Seasonal staff FTE	0.50
Metropolitan Development Total			193.52
Public Works	Administration Division	Bi-weekly position FTE	10.00
Public Works	Administration Division	Seasonal staff FTE	0.75
Public Works	Contract Compliance	Bi-weekly position FTE	25.00
Public Works	Contract Compliance	Part time position FTE	0.50
Public Works	Contract Compliance	Seasonal staff FTE	1.25
Public Works	Solid Waste	Bi-weekly position FTE	14.00
Public Works	Solid Waste	Union position FTE	86.00
Public Works	Maintenance Operations	Bi-weekly position FTE	77.00
Public Works	Maintenance Operations	Seasonal staff FTE	2.75
Public Works	Maintenance Operations	Union position FTE	253.00
Public Works	Environmental Resources Mgt.	Bi-weekly position FTE	45.00
Public Works	Environmental Resources Mgt.	Seasonal staff FTE	1.00
Public Works Total			516.25
Capital Asset Mgt.	Administration & Finance	Bi-weekly position FTE	23.00
Capital Asset Mgt.	Administration & Finance	Part time position FTE	0.00
Capital Asset Mgt.	Administration & Finance	Seasonal staff FTE	1.50
Capital Asset Mgt.	Asset Management	Bi-weekly position FTE	65.00
Capital Asset Mgt.	Permits	Bi-weekly position FTE	39.00
Capital Asset Mgt.	Permits	Seasonal staff FTE	0.00
Capital Asset Management Total			128.50
Public Safety	Public Safety Administration	Bi-weekly position FTE	9.00
Public Safety	Public Safety Administration	Seasonal staff FTE	0.25
Public Safety	Emergency Management Planning	Bi-weekly position FTE	4.00
Public Safety	Weights & Measures	Bi-weekly position FTE	7.00

Public Safety	Animal Control	Bi-weekly position FTE	12.00
Public Safety	Animal Control	Union position FTE	35.00
Public Safety Total			67.25
Parks & Recreation	Administration	Bi-weekly position FTE	22.00
Parks & Recreation	Administration	Part time position FTE	1.26
Parks & Recreation	Administration	Seasonal staff FTE	0.38
Parks & Recreation	Park Maintenance	Bi-weekly position FTE	16.00
Parks & Recreation	Park Maintenance	Part time position FTE	0.00
Parks & Recreation	Park Maintenance	Seasonal staff FTE	13.12
Parks & Recreation	Park Maintenance	Union position FTE	71.00
Parks & Recreation	Sports & Special Revenue Facilities	Bi-weekly position FTE	17.00
Parks & Recreation	Sports & Special Revenue Facilities	Part time position FTE	17.44
Parks & Recreation	Sports & Special Revenue Facilities	Seasonal staff FTE	82.30
Parks & Recreation	Community Recreation	Bi-weekly position FTE	43.00
Parks & Recreation	Community Recreation	Part time position FTE	10.01
Parks & Recreation	Community Recreation	Seasonal staff FTE	20.23
Parks & Recreation	Environmental & Interpretive Services	Bi-weekly position FTE	21.00
Parks & Recreation	Environmental & Interpretive Services	Part time position FTE	1.43
Parks & Recreation	Environmental & Interpretive Services	Seasonal staff FTE	9.39
Parks & Recreation	Greenways	Bi-weekly position FTE	4.00
Parks & Recreation	Greenways	Part time position FTE	0.00
Parks & Recreation	Greenways	Seasonal staff FTE	0.38
Parks & Recreation	Golf	Bi-weekly position FTE	1.00
Parks & Recreation	Golf	Seasonal staff FTE	0.38
Parks & Recreation	Resource Development	Bi-weekly position FTE	11.00
Parks & Recreation	Resource Development	Part time position FTE	0.00
Parks & Recreation	Resource Development	Seasonal staff FTE	0.31
Parks & Recreation	Resource Development	Union position FTE	17.00
Parks & Recreation	Park Rangers	Bi-weekly position FTE	29.00
Parks & Recreation	Park Rangers	Part time position FTE	0.00
Parks & Recreation Total			408.63
Grand Total			1,591.53

As used in this section, "authorized employees" means the number of Full Time Equivalents (FTE). One FTE is a full-time employee's work year of 2,080 hours. To calculate FTE for part-time or seasonal employees, the total of the hours budgeted is divided by 2,080.

- (2) The compensation of all such employees shall be determined in accordance with the following classification schedule:

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2001					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
9	\$49,283	\$61,605	\$73,925	\$86,247	\$98,567
8	\$42,175	\$52,720	\$63,263	\$73,807	\$84,350
7	\$36,089	\$45,122	\$54,133	\$63,155	\$72,177
6	\$31,172	\$38,965	\$46,759	\$54,551	\$62,344
5	\$26,916	\$33,645	\$40,374	\$47,102	\$53,831
4	\$23,021	\$28,776	\$34,532	\$40,287	\$46,042
3	\$19,688	\$24,610	\$29,533	\$34,455	\$39,376
2	\$16,836	\$21,046	\$25,255	\$29,464	\$33,673
1	\$14,397	\$17,996	\$21,595	\$25,195	\$28,794

(3) hourly employees in a bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor.

(c) Such compensation shall not be increased without approval of the Council or in accordance with such wage and salary classification ordinance as may from time to time be adopted for city-county employees. For employees of the City-County Council, the President of the City-County Council shall classify all employees of the Council pursuant to the pertinent rules and regulations of the Council and establish their rates of compensation.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, for salaries paid after January 1, 2001, and prior to December 31, 2001.

PROPOSAL NO. 140, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 140, 2001 on March 21 and May 2, 2001. The proposal, sponsored by Councillors Horseman and Cockrum, clarifies the ordinances regarding operation of bicycles by children and adults, to make them consistent with state statute, and to repeal the requirement that bicycles be registered with the Indianapolis Police Department. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bradford asked how children can recover stolen bicycles if they are no longer required to be registered with the Indianapolis Police Department (IPD). Lieutenant Michael Spears said that owners should record the serial numbers when they purchase a bicycle, and if the bike is stolen, it can easily be recovered.

Councillor Knox said that he cannot support this proposal, as there are no sidewalks in many smaller neighborhoods in his district, and he cannot see how this can be enforced. Councillor Dowden said that this proposal brings local ordinances in compliance with existing State law.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 140, 2001, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 140, 2001, as amended, was retitled GENERAL ORDINANCE NO. 45, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2001

PROPOSAL FOR A GENERAL ORDINANCE to amend various chapters of the "Revised Code of the Consolidated City and County" regarding bicycles and their operation on city streets and sidewalks, and to delete the requirement that bicycles be registered.

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

SECTION 1. Chapter 431, ARTICLE VI, of the "Revised Code of the Consolidated City and County," regarding the operation of bicycles on streets, sidewalks and public ways, hereby is amended by the REPEAL of the existing Sections 431-601 through 431-606, inclusive, and further is amended by the replacement of such repealed sections with the addition of new Sections 431-601 through 431-603, inclusive, to read as follows:

ARTICLE VI. BICYCLES

Sec. 431-601. Definitions.

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

Bicycle means and includes every conveyance or device which is designed:

- (1) To travel on two (2) or more wheels in contact with the ground;
- (2) With a saddle or seat for the use of a human rider; and,
- (3) To be propelled solely by human muscular power.

However, *bicycle* shall not include a pedal cab, as defined in Chapter 903 of the Code, or a wheelchair.

Greenway means a linear open space which is intended for the use of pedestrians and non-motorized devices, and which facilitates transportation to neighborhoods and other community destinations.

Sec. 431-602. Operation by children under twelve (12) years of age; responsibility of adults.

(a) It shall be unlawful for the parent, legal guardian or custodian of a child under twelve (12) years of age to suffer or permit such child to operate a bicycle in a roadway in the city while such roadway is open and used by vehicular traffic; however, this subsection shall not apply when and where:

- (1) The child is at least eight (8) years of age, and is accompanied by a parent, legal guardian or custodian who at all times is in position to observe and direct such child's bicycle operation; or,
- (2) The child is riding only in that portion of a roadway which is designated by signs or pavement markings as being set aside for the exclusive use of bicycles; or,
- (3) The street where such roadway is located is designated by the city as a play street.

(b) A child under twelve (12) years of age may operate a bicycle upon a sidewalk or greenway in the city in the manner provided by Section 431-603(b) of the Code.

(c) After a law enforcement officer gives one (1) warning to a parent, legal guardian or custodian that he or she has committed a violation of this section, it shall be unlawful for such parent, legal guardian or custodian to commit a second or subsequent violation of this section. A second or subsequent violation of this section is subject to the enforcement procedures provided in Chapter 103, Article III, of the Code.

Sec. 431-603. Operation on roadways, sidewalks and greenways; violations.

(a) A person who operates a bicycle in a roadway shall comply with the provisions of IC Chapter 9-21-11.

(b) A person who operates a bicycle on a sidewalk or greenway in the city shall do so only in the following manner:

- (1) The bicycle shall not be operated at a speed, or in any manner, which constitutes a threat to the safety of either the bicycle operator or other persons, or diminishes or impairs the free use of the sidewalk or greenway by other persons.
- (2) The person propelling, and each person riding upon, a bicycle shall be seated upon a permanent and regular seat firmly attached to the bicycle;
- (3) The person propelling the bicycle shall not allow more persons to be carried at one (1) time than the number for which the bicycle is designed and equipped;
- (4) The bicycle shall be equipped with a bell or other device capable of giving an audible signal, lamps, and brakes in the same manner as is required by state law for bicycles operated upon a highway; and,
- (5) The bicycle's bell or other device capable of giving an audible signal shall be sounded not less than fifty (50) feet from any pedestrian or vehicle approaching upon the sidewalk or greenway; and,

(c) It shall be unlawful for a person to operate a bicycle in a manner prohibited by this section. A person's first violation shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 2. Chapter 841 of the "Revised Code of the Consolidated City and County," regarding the requirement of registration of bicycles, hereby is REPEALED.

SECTION 3. Section 441-101 of the "Revised Code of the Consolidated City and County," regarding traffic definitions, hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-101. Definitions.

As used in this chapter, Chapter 431, Chapter 611, Chapter 621, and Chapter 691, the following terms shall have the meanings ascribed to them in this section:

Alley shall mean:

- (1) A public highway, either paved or unpaved, usually unnamed and without sidewalks, and being of varying widths upon to thirty (30) feet in width; occasionally having sidewalks, but differing from a public street in that it either intersects or is located within a city square or other tract of land, which is bounded on all or any side by public streets and is a secondary way used primarily to afford access, ingress and egress for rear or side entrances to land or structures abutting thereon, although also open and used for vehicular and pedestrian traffic; provided, however, whenever any public alley has been or hereafter is designated as a street and given a name by ordinance, it shall be deemed to be a public street and shall be subject to the regulations applicable to streets, so long as such ordinance establishing it as a street remains in effect, but upon repeal thereof it shall resume its status of an alley.
- (2) The general definition of an alley in subsection (1) shall control in all instances where such word is used in this Code, except when some other specific definition there is given and applied by any other chapter of this Code.

Authorized emergency vehicle shall mean vehicles of the fire and police forces, ambulances and other kinds of emergency vehicles of municipal departments and other governmental units, of any public utility corporation, and of any hospital, public or private, as are so designated or authorized by the state safety committee or by any statute, this Code or any other city ordinance.

~~*Bicycle* shall mean any foot-propelled vehicle, whatever called, irrespective of the number of wheels in contact with the ground.~~

Bus shall mean every motor vehicle designed and operated as a public carrier of passengers for hire and used for the transportation of persons; and every other vehicle operated by any motive power, other than a taxicab, designed or used for such purpose, but not operated as a public utility carrier.

Business district shall mean the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of five hundred (500) feet or more is occupied by buildings in use for business.

Central traffic district shall mean all streets, alleys and public highways, and portions of streets, alleys and public highways, in the city within the area described as follows: All that area bounded by the north property line of St. Clair Street on the north; the east property line of Noble Street on the east; the south property line of Merrill Street on the south; and the west property line of West Street on the west.

Commercial vehicle shall mean every vehicle, regardless of motive power, including those moved by animal power, used to transport any person or property for hire, except vehicles of a public utility carrier.

Crosswalk shall mean:

- (1) That part of a roadway at an intersection of any streets, or other place designed and marked by the city for the purpose of pedestrians crossing such streets, which is included within the space extending the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
- (2) Any portion of a roadway at an intersection or elsewhere, which is distinctly indicated by the city or other public authorities for pedestrian crossing by lines or other markings on the surface or by signs posted at such places.

Curb loading zone shall mean a space adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver and operator shall mean every person who drives or is in actual physical control of a motor vehicle or any other vehicle.

Forty-five degree-angle parking shall mean that vehicles shall be parked with the nearest front wheel as close as reasonably practicable to the curb or, if there is no curb, then to the line of the traveled roadway, and that the vehicle must form an angle of approximately forty-five (45) degrees with the curb or roadway line, when headed in the direction in which it is lawful to drive or operate such vehicle on the respective street or highway.

Freight loading zone shall mean a space adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Intersection shall mean:

- (1) The area embraced within the part of the roadway lying in the extension of the lateral curb lines or, if none, in the extension of the lateral boundary lines of the roadways of the two (2) or more highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways divided by a space eight (8) feet or more in width, every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2) similar roadways eight (8) feet or more apart, every crossing of such divided roadways of such highways shall be regarded as a separate intersection.

Laned roadway shall mean a roadway which is divided into three (3) or more clearly marked lanes for vehicular traffic, or into two (2) or more such lanes on a divided highway.

Limited-access highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access thereto or therefrom, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

Motor vehicle shall mean every vehicle which is self-propelled by a motor, or any device using any form of energy or power other than muscular power.

Motorcycle shall mean every motor vehicle having a saddle or seat for the use of the rider and designed to travel on two (2) and not more than three (3) wheels in contact with the ground, but excluding a tractor. All regulations in this chapter applicable to motor vehicles shall apply to motorcycles, unless clearly inapplicable thereto.

Officer shall mean every officer of the city police department, or any officer having police powers, authorized to direct or regulate traffic, to serve notices or to make arrests for violations of any traffic regulations of the city or state. The word "officer" shall also include any person authorized by the city or other public authorities to direct or regulate traffic or to serve notices for violations of this chapter, but who does not have general police powers.

Official time standard shall mean that whenever certain hours are named in this chapter, or are otherwise made applicable, they shall mean standard time of the zone designated to apply to the city; but whenever daylight saving time is in current official use in the city, all hours so specified herein relating to parking or operation of vehicles shall be deemed adjusted to such daylight saving time.

Official traffic-control devices shall mean all signs, signals, markings and devices, not inconsistent with this Code, placed or erected by authority of a public body or official having jurisdiction thereof, for the purpose of regulating, controlling, warning or guiding traffic.

Owner shall mean a person who holds the legal title of a vehicle; or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon the performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

Park shall mean, when prohibited, the standing upon any public street or public place of a vehicle, whether occupied or not, other than temporarily and for not longer than five (5) minutes for the purpose of and while actually engaged in the loading or unloading of passengers; or temporarily and for not longer than twenty (20) minutes for the purpose of and while actually engaged in the loading or unloading of merchandise or property, but which is not so placed upon the street as unduly to obstruct traffic;

Passenger loading zone shall mean a place adjacent to and along a curb reserved and painted for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian shall mean any person afoot.

Private road, driveway or entrance shall mean every way or place in private ownership, used by the owner and those having express or implied permission from the owner for vehicular travel or for ingress and egress from his premises to any street, but not open for use by other persons.

Railroad shall mean a public carrier of persons or property for hire upon cars, other than streetcars, operated by any motive power upon stationary rails.

Railroad sign or signal shall mean any sign, signal or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad train shall mean an engine with steam, electric or other power, with or without cars coupled thereto, operated upon rails, except streetcars.

Residence district shall mean the territory contiguous to and including a highway, not comprising a business district, when the property on the highway for a distance of five hundred (500) feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way shall mean the privilege of the immediate and preferential use of the highway.

Roadway shall mean that portion of a street or highway, improved or unimproved, which is designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately, but not to all such roadways collectively.

Safety zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians, which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk shall mean that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, either used and intended for the use of pedestrians or so designated, and which is either paved or unpaved.

Stop shall mean, when required, a complete cessation of movement.

Stop, stopping or standing shall mean, when prohibited, any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal, or when disabled by any mechanical failure, in which case it shall be removed as soon as reasonably possible.

Street or highway shall mean:

- (1) The entire width between the property boundary lines of every way or public place, publicly maintained, when any part thereof is open to the use of the public for purposes of pedestrian and vehicular travel.
- (2) In its broad meaning, as used in this Code, either "street" or "highway" shall include every part of any public way or place, however designated, and all portions within its confines between property lines, however called and when used also for other purposes, such as roadways, paths, sidewalks, esplanades, parkways, bridle paths, tree rows, grassplots or utility easements.

Through or preferential highway shall mean every street or highway, or portion thereof, at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop, or where stop signs are erected as provided in this chapter requiring such stop before entering or crossing the through or preferential highway, except where traffic signals or an officer directs traffic at any intersection.

Traffic shall mean pedestrians, ridden or herded animals, vehicles, streetcars and all other conveyances, either singly or together, while using any street or highway for purposes of travel or while stopping or parking thereon.

Traffic-control signal shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division shall mean the traffic division of the police department of this city, or in the event a traffic division is not established or maintained, the term shall be deemed to refer to the police department or force of the city.

Trailers and tractors shall mean the same as the definitions therefor used by the general laws of the state.

Truck shall mean every motor vehicle designed, used or maintained primarily for the transportation of property.

Vehicle shall mean:

- (1) Every conveyance or device in, upon or by which any person or property is or may be transported or drawn in any manner and for any purpose upon a highway, except vehicles or devices moved by human muscular power or used and operated exclusively upon stationary rails or tracks.
- (2) Where used generally in this chapter or in this Code, such word shall also include motor vehicles and motorcycles where not otherwise shown by the context.

SECTION 4. Section 441-313 of the "Revised Code of the Consolidated City and County," regarding driving on or across curbs, sidewalks and grassplots, hereby is amended by the deletion of the language which is stricken-through, to read as follows:

Sec. 441-313. Driving on or across sidewalks.

It shall be unlawful for any person to drive any wagon, ~~bicycle~~, motorcycle, motor vehicle or any animal upon, over or across any curb, sidewalk or grassplot on any street in the city, except upon a driveway constructed over the same, or as otherwise permitted by this code or by a permit therefor from the city.

SECTION 5. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding civil penalties which may be paid through the ordinance violations bureau, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 103-52. Schedule of Code provisions and penalties.

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

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00
407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	12.50
431-314	Premises address violation - second offense in calendar year	25.00
<u>431-602</u>	<u>Bicycles – second and subsequent violations regarding children under twelve</u>	<u>50.00</u>
431-603	Operation of bicycle without required equipment	12.50
<u>431-603</u>	<u>Unlawful operation of bicycle – first violation</u>	<u>50.00</u>
431-604	Unlawful operation of bicycle	12.50
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	12.50
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	12.50
441-407	Display of unauthorized traffic controls	12.50
441-408	Interference with traffic control devices	12.50
441-503	Consumption or possession by operator of motor vehicle first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	12.50
611-501	Unlawful stopping of food vendor vehicle	12.50
611-502	Violation of noise restriction on food vendors	12.50
611-504	Failure of food vending vehicle to display required warnings	12.50
611-506	Unlawful vending from other than curb side of vending vehicle	12.50
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	12.50
621-108	Unlawful manner of parking	12.50
621-109	No required lights on certain parked vehicles	12.50
621-110	Violation of handicapped parking restrictions	45.00
621-111	Unlawful parking in handicapped parking meter zone	45.00
621-112	Unloading perpendicular to curb without permit	12.50
621-113	Unlawful use of bus stops and taxicab stands	12.50
621-114	Unlawful use of passenger and loading zones	12.50
621-115	Unlawful parking adjacent to certain buildings	12.50
621-116	Unlawful parking for display for sale or advertising	12.50
621-117	Unlawful parking for more than six (6) hours	12.50
621-118	Unlawful parking of commercial vehicles at night	12.50
621-119	Unlawful parking in alleys or on certain narrow streets	12.50
621-120	Unlawful parking in designated special parking areas	12.50
621-121	Parking on certain streets where prohibited at all times	12.50
621-122	Stopping, standing or parking on streets where prohibited at all times	12.50
621-123	Parking on certain streets where prohibited at all times on certain days	12.50
621-124	Parking on certain streets when prohibited at certain times on certain days	12.50
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m.-9:00 a.m., 7:00 a.m.-9:00 a.m., 3:00 p.m.-6:00 p.m., 4:00 p.m.-6:00 p.m.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	12.50
621-203	Parking in excess of time permitted in parking meter zone	12.50
621-210	Parking in meter zone when temporarily prohibited	12.50
621-216	Overtime parking in metered parking space	12.50
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50

621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
<u>730-505</u>	<u>Civil zoning violations - first offense in calendar year</u>	<u>50.00</u>
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
841-1	Operation of unregistered bicycle	7.50
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Ch. 903	Pedal cab violation - first offense in twelve month period	100.00
Appendix D, Part 26, sec. 6	Civil zoning violations - first offense in calendar year	50.00

SECTION 6. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 8. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 213, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 213, 2001 on May 2, 2001. The proposal approves a transfer of \$9,280 in the 2001 Budgets of the County Auditor and the Marion County Justice Agency (Law Enforcement Fund) to help fund the salary of an existing position within the Metro Drug Task Force. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 213, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 213, 2001 was retitled FISCAL ORDINANCE NO. 50, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 50, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Nine Thousand Two Hundred Eighty Dollars (\$9,280) in the Law Enforcement Fund for purposes of the County Auditor and Marion County Justice 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(b,bb) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Justice Agency to help fund the salary of an existing position within the Metro Drug Task Force.

SECTION 2. The sum of Nine Thousand Two Hundred Eighty Dollars (\$9,280) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>LAW ENFORCEMENT FUND</u>
1. Personal Services-fringes	1,280
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	8,000
TOTAL INCREASE	9,280

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

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	9,280
TOTAL DECREASE	9,280

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

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 218-223, 2001 on May 17, 2001. She asked for consent to vote on these proposals together. Councillor Short stated that he would like to have Proposal No. 221, 2001 returned to Committee, and would therefore like to vote on it separately. Consent was given.

PROPOSAL NO. 221, 2001. The proposal, sponsored by Councillor Brents, authorizes parking restrictions for Alabama Street, on the east side, from Henry Street to a point 92 feet north of Henry Street (District 16). Councillor Short moved, seconded by Councillor Brents, to return Proposal No. 221, 2001 to Committee. Proposal No. 221, 2001 was returned to Committee by a unanimous voice vote.

PROPOSAL NO. 218, 2001. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions for Market Street between Highland Avenue and Oriental Street (District 22). PROPOSAL NO. 219, 2001. The proposal, sponsored by Councillor Black, authorizes parking restrictions for 42nd Street, on the south side, from Central Avenue to College Avenue (District 6). PROPOSAL NO. 220, 2001. The proposal, sponsored by Councillor Borst, authorizes parking restrictions for Ray Street, on both sides, from Harding Street east to the dead-end (District 25). PROPOSAL NO. 222, 2001. The proposal, sponsored by Councillors Douglas, Langsford, Moriarty Adams, and Nytes, authorizes a change in parking restrictions for various intersections along 10th Street (Districts 10, 13, 15, 22). PROPOSAL NO. 223, 2001. The proposal, sponsored by Councillor Douglas, authorizes parking restrictions for Avondale Place at 22nd Street (District 10). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Nytes, for adoption. Proposal Nos. 218-220, 222, and 223, 2001 were adopted on the following roll call vote; viz:

19 YEAS: Bainbridge, Borst, Boyd, Bradford, Cockrum, Coonrod, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, Short, Smith, Soards, Tilford

0 NAYS:

10 NOT VOTING: Black, Brents, Conley, Coughenour, Gibson, Horseman, Nytes, Sanders, SerVaas, Talley

Proposal No. 218, 2001 was retitled GENERAL ORDINANCE NO. 46, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2001

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 I. 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:

Market Street, on the south side, from a point 500 feet east of Highland Avenue
to a point 565 feet east of Highland Avenue (65 feet)

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

Proposal No. 219, 2001 was retitled GENERAL ORDINANCE NO. 47, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2001

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

42nd Street, on the south side, from Central Avenue to the first alley west of College Avenue

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

42nd Street, on the south side, from Central Avenue to College Avenue

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

Proposal No. 220, 2001 was retitled GENERAL ORDINANCE NO. 48, 2001, and reads as follows:

May 21, 2001

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2001

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:

Ray Street, on both sides from Harding Street east to dead end

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

Proposal No. 222, 2001 was retitled GENERAL ORDINANCE NO. 49, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-126, Parking time restricted on designated days; and 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. 621-126, 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 SATURDAY AND SUNDAY
From 7:00 a.m. to 6:00 p.m.

Bosart Avenue, on the west side, from 10th Street to the first alley north of 10th Street

NINETY MINUTES
ON ANY DAY EXCEPT SUNDAY
From 9:00 a.m. to 6:00 p.m.

Emerson Avenue, on the west side, from 10th Street to the first alley north of 10th Street

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

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

Bosart Avenue, on the west side, from a point 80 feet north of 10th Street to first alley north of 10th Street

NINETY MINUTES
ON ANY DAY EXCEPT SUNDAY
From 9:00 a.m. to 6:00 p.m.

Emerson Avenue, on the west side, from a point 80 feet north of 10th Street to first alley north of 10th Street

SECTION 3. 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:

Highland Avenue, on the east side, from a point 115 feet south of 10th Street to 10th Street

Jefferson Avenue, on the west side, from 10th Street to the first alley north of 10th Street

LaSalle Street, on the west side, from 10th Street to a point 70 feet north of 10th Street

Olney Street, on the east side, from a point 60 feet south of 10th Street to 10th Street

Euclid Avenue, on the west side, from 10th Street to a point 112 feet north of 10th Street

Bosart Avenue, on the west side, from 10th Street to a point 60 feet north of 10th Street

Emerson Avenue, on the west side, from 10th Street to a point 80 feet north of 10th Street

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

Proposal No. 223, 2001 was retitled GENERAL ORDINANCE NO. 50, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 2001

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:

Avondale Place, on the east side, from 22nd Street to dead end south of 22nd Street

Avondale Place, on the west side, from 22nd Street to a point 206 feet south of 22nd Street

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

**FIRE SPECIAL SERVICE DISTRICT COUNCIL
SPECIAL ORDERS - PUBLIC HEARING**

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 210, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 210, 2001 on May 2, 2001. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$150,000 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force, funded by a federal grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 10:46 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 210, 2001 was adopted on the following roll call vote; viz:

May 21, 2001

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Cockrum, Nytes, Soards

Proposal No. 210, 2001 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2001, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2001

A FISCAL ORDINANCE amending the Fire Special Service District Budget for 2001 (Fire Special Service District Fiscal Ordinance No. 2, 2000) appropriating One Hundred Fifty Thousand (\$150,000) in the Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Fire Special Service District Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to manage the FEMA Urban Search and Rescue Task Force.

SECTION 2. The sum of One Hundred Fifty Thousand Dollars (\$150,000) 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 increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISON</u>	<u>FEDERAL GRANTS FUND</u>
2. Materials and Supplies	47,607
3. Other Services and Charges	42,400
4. Capital Outlay	<u>59,993</u>
TOTAL INCREASE	150,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>150,000</u>
TOTAL REDUCTION	150,000

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.

President SerVaas reconvened the City-County Council.

NEW BUSINESS

Councillor Gray encouraged Councillors to participate in the upcoming Police and Fire Games. Councillor Conley said that there is a waiting list for volunteers as many citizens have come forward to help with the games, but attendees are definitely encouraged.

Councillor Cockrum reminded those planning to attend the Peace Games in Scarborough that they need to make sure they have a passport or birth certificate for the trip. Councillor Boyd said that a voter's registration card will also suffice. President SerVaas said that the best assurance for no problems would be a passport.

Councillor Boyd said that Proposal No. 217, 2001 was scheduled to be heard at last Thursday's Public Works Committee meeting, but was then taken off the agenda. He said that it was rescheduled for May 31, 2001, and he, as sponsor, cannot attend that meeting. He asked if it could be rescheduled. Councillor Coughenour said that she discovered late Wednesday that the regulations the board had passed had not been distributed and after meeting with legal advisors, felt it should be rescheduled. She said that she will speak with Councillor Boyd about scheduling this proposal.

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 Dowden in memory of Antoinette "Toni" Lee; and
- (2) Councillor Nytes in memory of Janice Scheffler; and
- (3) Councillor Moriarty Adams in memory of Mike Clifford, Gertrude Schonecker, Mary Tierney, and Thomas Watts.

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 Antoinette "Toni" Lee, Janice Scheffler, Mike Clifford, Gertrude Schonecker, Mary Tierney, and Thomas Watts. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:55 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 21st day of May, 2001.

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)