

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

**REGULAR MEETINGS
MONDAY, APRIL 29, 2002**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:14 p.m. on Monday, April 29, 2002, with President SerVaas presiding.

Councillor Black introduced the pastor of Jones Tabernacle African Methodist Episcopal Zion Church, Dwayne A. Walker, who led the opening prayer. Councillor Black then 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:

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized a contingent of the Slovak Republic government who is in the City to observe how government entities in this state work. Councillor Borst recognized former *Indianapolis Star* reporter Doug Sword, who resigned this week. Councillor Borst said that Mr. Sword was a fair-minded reporter and will be missed.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 29, 2002, 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

April 9, 2002

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, April 12, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 151-153, 155, 156, and 158-161, 2002, said hearing to be held on Monday, April 29, 2002, at 7:00 p.m. in the City-County Building.

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

April 19, 2002

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. 23, 2002 - appropriates the Department of Corrections' increase of \$22,792 in the 2002 Budget of Community Corrections (Home Detention Fund) for FY 2001-02

FISCAL ORDINANCE NO. 24, 2002 - approves an increase of \$650,000 in the 2002 Budget of Community Corrections (Home Detention Fund) to fund the housing of felons in the Corrections Center Component, funded by fund balances

FISCAL ORDINANCE NO. 25, 2002 - approves a re-appropriation of \$330,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Disposal Fund) to pay prior year expenditures in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 26, 2002 - approves an increase of \$205,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for sewer billing services in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 27, 2002 - approves an increase of \$2,665,000 in the 2002 Budget of the Department of Public Works, Operations Division (Sanitation Liquid Waste Fund) to pay prior year expenditures for wastewater collection services in order to maintain current year expenditures from the current year budget, financed by fund balances

FISCAL ORDINANCE NO. 28, 2002 - approves a transfer of \$25,000 in the 2002 Budget of the Marion County Justice Agency (Conditional Release Fund) to provide funds for the redesign project of the Conditional Release Office

April 29, 2002

GENERAL ORDINANCE NO. 30, 2002 - amends dates for appointment and report of County Salary Recommendation Panel

GENERAL ORDINANCE NO. 31, 2002 - authorizes the removal of parking restrictions for Sear Terrace between Palo Verde Drive and Paso Del Norte Drive (Districts 20, 24)

GENERAL ORDINANCE NO. 32, 2002 - authorizes a traffic signal at 86th Street and Castleton Square Mall West Drive (Districts 4, 5)

GENERAL ORDINANCE NO. 33, 2002 - authorizes a traffic signal at Emerson Avenue, Commerce Square, and McFarland Boulevard (Districts 23, 24)

GENERAL ORDINANCE NO. 34, 2002 - authorizes intersection controls at Nathan Lane and Nathan Place (District 23)

GENERAL ORDINANCE NO. 35, 2002 - authorizes intersection controls at Country Club Boulevard and Kayla Drive (District 18)

GENERAL ORDINANCE NO. 36, 2002 - authorizes intersection controls for the Traditions of Westmont Park Subdivision (District 18)

GENERAL ORDINANCE NO. 37, 2002 - authorizes a multi-way stop at 26th Street and Franklin Place (District 16)

GENERAL ORDINANCE NO. 38, 2002 - authorizes intersection controls at 23rd Street and DeQuincy Street (District 10)

GENERAL ORDINANCE NO. 39, 2002 - authorizes a multi-way stop at Central Avenue and 58th Street (District 7)

GENERAL ORDINANCE NO. 40, 2002 - authorizes parking restrictions on Ransdell Street from Pleasant Run Parkway N. Drive to Raymond Street (District 20)

GENERAL ORDINANCE NO. 41, 2002 - authorizes parking restrictions on Northwest Boulevard from 84th Street to 86th Street (District 1)

GENERAL ORDINANCE NO. 42, 2002 - authorizes a one-way southbound on Downey Avenue from Julian Avenue to Washington Street; and authorizes parking restrictions on Downey Avenue, on the west side, from a point 30 feet south of Julian Avenue to Washington Street (District 13)

GENERAL RESOLUTION NO. 2, 2002 - authorizes the Department of Public Works to implement a parking meter blackout on Monument Circle on May 24, 2002

SPECIAL RESOLUTION NO. 21, 2002 - recognizes Cieare Horton

SPECIAL RESOLUTION NO. 22, 2002 - recognizes Deacon James Meyers

SPECIAL RESOLUTION NO. 23, 2002 - recognizes the Speedway Sparkplugs for their first-ever state basketball championship title

SPECIAL RESOLUTION NO. 24, 2002 - determines the need to lease office space at 1375 West 16th Street for the Department of Public Works

SPECIAL RESOLUTION NO. 25, 2002 - congratulates the Junior League of Indianapolis upon their 80th Anniversary

SPECIAL RESOLUTION NO. 26, 2002 - commends Flanner and Buchanan Funeral Centers, Washington Park Cemetery Association, Inc. and Catholic Cemeteries Association for their children's bicycle helmet safety initiative

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2002 - approves a re-appropriation of \$42,575 in the 2002 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the FEMA Urban Search and Rescue Task Force - 1, funded by a federal grant

SOLID COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2002 - approves an appropriation of \$258,000 in the 2002 Budget of the Department of Public Works, Operations Division (Solid Waste Collection Service District Fund) to pay for 2001 expenses as well as anticipated 2002 expenses for temporary labor services, financed by fund balances

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of April 8, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 212, 2002. The proposal, sponsored by Councillor Dowden, concerns the National Day of Prayer. Councillor Dowden read the proposal and moved, seconded by Councillor Bradford, for adoption. Proposal No. 212, 2002 was adopted by a unanimous voice vote.

Proposal No. 212, 2002 was retitled COUNCIL RESOLUTION NO. 59, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 2002

A COUNCIL RESOLUTION concerning the National Day of Prayer.

WHEREAS, throughout the history of America, our people have offered prayers of thanksgiving for our God-given rights and the blessings which we enjoy, as well as prayers for guidance, comfort, and protection; and

WHEREAS, in times of joy and times of peril, our Presidents, from George Washington to George W. Bush, have called upon Americans to pray to our Creator; and

WHEREAS, observance of a National Day of Prayer was first declared by the Continental Congress in 1775; and

WHEREAS, the United States Congress in 1952 and again in 1988 reconfirmed this observance by proclaiming the first Thursday in May of each year as a National Day of Prayer; and

WHEREAS, the watchword emanating from the tragic events of September, 2001, "AMERICA UNITED UNDER GOD" has been adopted as the theme of the 51st National Day of Prayer on Thursday, May 2, 2002; 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 encourages our citizens to observe this day individually, as families, and as a community by joining their fellow citizens in praying for God's continuing guidance, comfort and protection for our Nation.

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

PROPOSAL NO. 213, 2002. The proposal, sponsored by Councillors Horseman, Conley, Gibson, and Sanders, recognizes Fiesta Indianapolis' Cinco de Mayo community celebration on May 5. Councillor Horseman read the proposal and presented a copy of the document and a Council pin to Lourdes Palacio, Fiesta Indianapolis, Inc. Ms. Palacio thanked the Council for the recognition and invited all to join the celebration on May 5. Councillor Horseman moved,

seconded by Councillor Sanders, for adoption. Proposal No. 213, 2002 was adopted by a unanimous voice vote.

Proposal No. 213, 2002 was retitled SPECIAL RESOLUTION NO. 27, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2002

A SPECIAL RESOLUTION recognizing Fiesta Indianapolis' Cinco de Mayo community celebration on May 5th.

WHEREAS, Fiesta Indianapolis, Inc. will observe Cinco de Mayo with a community celebration from 11:00 a.m. to 6:00 p.m. on May 5th, at the American Legion Mall and Veterans Memorial Plaza; and

WHEREAS, Cinco de Mayo marks the victory of the Mexican Army over the French at the Battle of Puebla during the American Civil War, and although the Mexicans were later defeated, the *Batalla de Puebla* came to represent a symbol of Mexican unity and patriotism against European intervention; and

WHEREAS, the Fiesta Indianapolis celebration of Cinco de Mayo will feature a wide variety of music including Tex-Mex by the Cool Chilies and Mariachis, and local students will reenact the Battle of Puebla in both English and Spanish; and

WHEREAS, Mexican folklore dances and storytelling will be woven throughout the program, a cooking contest among the food vendors will be a fun event with proceeds used to establish a scholarship fund for students interesting in becoming culinary art chefs, along with many other entertaining and educational Hispanic cultural experiences all day long; 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 Fiesta Indianapolis for hosting the Cinco de Mayo community celebration.

SECTION 2. The Council encourages all citizens who wish to experience the local South of the Border event to attend this exciting celebration in downtown Indianapolis on May 5th.

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. 214, 2002. The proposal, sponsored by Councillors Horseman, Sanders, and Nytes, recognizes world champion powerlifter Michelle Amsden. Councillor Horseman read the proposal and presented Ms. Amsden with a copy of the document and a Council pin. Ms. Amsden's mother, Cindy Amsden, relayed how her daughter got started in the sport and thanked the Council for recognizing her. Ms. Amsden thanked the Council for recognizing her achievements. Councillor Horseman moved, seconded by Councillor Nytes, for adoption. Proposal No. 214, 2002 was adopted by a unanimous voice vote.

Proposal No. 214, 2002 was retitled SPECIAL RESOLUTION NO. 28, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 2002

A SPECIAL RESOLUTION recognizing world champion powerlifter Michelle Amsden.

WHEREAS, Indiana University sports administration graduate student Michelle Amsden has blazed a trail in the sport of powerlifting; and

WHEREAS, earlier this month she broke a world record by lifting 942 pounds in the sport's three lifts (including an amazing single 374-pound lift) in the women's 123-pound weight class at the International Powerlifting Federation's Student Cup Championships at Novgorod, Russia; and

WHEREAS, now she is primed for the late May Women's World Championships at Riesa, Germany, and in September's Junior World Championships at Sochi, Russia; and

WHEREAS, Ms. Amsden has recently been ranked first in the United States and sixth in the world in her 123-pound weight class; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Indiana native Michelle Amsden who is an outstanding world class powerlifter, and a good representative of the Hoosier State.

SECTION 2. The Council wishes Michelle well in her raising funds to support her travels to powerlifting matches, in her studies at I.U., in her powerlifting contests against the best in the world, and in her many years of productive life yet ahead.

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. 215, 2002. The proposal, sponsored by Councillors Sanders, Black, and Horseman, recognizes Workers Memorial Day that was celebrated April 28, 2002. Councillor Sanders read the proposal and moved, seconded by Councillor Black, for its adoption. Proposal No. 215, 2002 was adopted by a unanimous voice vote.

Proposal No. 215, 2002 was retitled SPECIAL RESOLUTION NO. 29, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 2002

A SPECIAL RESOLUTION recognizing Workers Memorial Day that was celebrated April 28, 2002.

WHEREAS, Workers Memorial Day was established on April 28, 1989; and

WHEREAS, on that day in 1995, the State of Indiana dedicated a memorial statute at West Street and Government Drive to honor all those workers in the State of Indiana who had lost their lives on the job; and

WHEREAS, every year tens of thousands of American workers, including many in our own community, are killed, permanently disabled, injured or made ill by workplace injuries and occupational disease; and

WHEREAS, this year has special significance as we mourn those killed in the September 11 terrorist attacks, which claimed the lives of more than 3,000 people – most of whom were workers at their jobs when the attacks occurred or rescue workers who worked to save lives; and

WHEREAS, concerned Americans are determined to prevent these tragedies by:

- Observing Workers Memorial Day on April 28, as a day to remember these victims of workplace injuries;
- Renewing efforts to seek stronger safety and health protections, better standards and enforcement and fair and just compensation; and by
- Rededicating ourselves to improving safety and health in every American workplace; 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 joins with others throughout the country to acknowledge those workers who have given their lives and limbs in the name of commerce and industry, and further, that we commit to the adage made famous by Mary Harris "Mother" Jones which reads, "Pray for the dead and fight for the living."

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 216, 2002. The proposal, sponsored by Councillor Talley, recognizes the Honorable Bishop S. C. Madison of the United House of Prayer For All People. Councillor Talley read the proposal and presented a copy of the document and a Council pin to Reverend Jackson, pastor of the United House of Prayer For All People. Rev. Jackson thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Gibson, for adoption. Proposal No. 216, 2002 was adopted by a unanimous voice vote.

Proposal No. 216, 2002 was retitled SPECIAL RESOLUTION NO. 30, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 2002

A SPECIAL RESOLUTION recognizing the Honorable Bishop S.C. Madison of the United House of Prayer For All People.

WHEREAS, a long established practice of institutions of higher education is the awarding of honorary degrees to individuals who exhibit extraordinary success in society and in the improvement of human welfare, and the Honorable Bishop S.C. Madison of the United House of Prayer For All People has received two honorary degrees; and

WHEREAS, Bishop Madison has been a whirlwind with vision, signature and style in causing the building of 125 new Houses of Prayer throughout the U.S.; and

WHEREAS, his tireless energies have also resulted in hundreds of new affordable multi-family housing units, stylish new town homes, parsonages, commercial and retail neighborhood malls and housing units for senior citizens in several communities, all built mortgage-free, without assistance from government grants, and without loans; and

WHEREAS, Bishop Madison has shown an untiring mission to build up Churches, families and communities - all faith-based initiatives, without governmental funds; and

WHEREAS, he has spent a lifetime of helping others, nurturing God's Kingdom on earth, and reminding people that by keeping God first in our lives, that people can be successful; 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 lifetime achievements of the Honorable Bishop S.C. Madison of the United House of Prayer For All People.

SECTION 2. May Bishop Madison's life serve as an example, as a beacon, and as a role model to others for many years to come.

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.

President SerVaas said that there were a couple of special resolutions submitted after the deadline date. He said that if the Council will give consent to hear them at this time, he is assured

deadlines will be adhered to in the future. Councillor Nytes said that her proposal, Proposal No. 235, 2002, can wait until the next meeting and therefore she will not prolong this evening's agenda. She moved, seconded by Councillor Black, to postpone. Proposal No. 235, 2002 was postponed until May 20, 2002. Consent was given to hear Proposal No. 236, 2002.

PROPOSAL NO. 236, 2002. The proposal, sponsored by Councillors Smith and Short, recognizes the 15th Anniversary of the Greek Islands Restaurant. Councillor Smith read the proposal and presented George Stergiopoulos, owner of the restaurant, with a copy of the document and a Council pin. Mr. Stergiopoulos thanked the Council for the recognition. Councillor Smith moved, seconded by Councillor Conley, for adoption. Proposal No. 236, 2002 was adopted by a unanimous voice vote.

Proposal No. 236, 2002 was retitled SPECIAL RESOLUTION NO. 32, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 32, 2002

A SPECIAL RESOLUTION recognizing the 15th Anniversary of the Greek Islands Restaurant.

WHEREAS, fifteen years ago, in 1987, Elias and Fofa Stergiopoulos opened the Greek Island Restaurant; and

WHEREAS, at that time, unlike today, there was not a lot of ethnic awareness and diversity in Indianapolis, so this lifelong dream of opening an ethnic restaurant was a very bold move; and

WHEREAS, specializing in Greek foods, the restaurant at 906 South Meridian Street is now run by their son, George, with help from his sisters Angela and Penny, and 10-15 loyal employees; and

WHEREAS, through the years the family business has worked hard to keep a unique old style restaurant atmosphere of friendliness and hospitality, and Greek Islands has become a local institution and a mandatory stop for businessmen when their travels bring them to Indianapolis; and

WHEREAS, the family has always felt a special obligation to give back to the community by opening its doors to civic meetings, George is on the Board of Directors of the area's Concord Development Corporation, and in numerous other community involvements; and

WHEREAS, on May 22, 2002, Greek Islands will celebrate its 15th Anniversary with a rededication of what has already become a landmark restaurant; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Greek Island Restaurant upon its 15th Anniversary, and wishes it well for the next 15 years and beyond.

SECTION 2. Small business entrepreneurship is the backbone of America's free enterprise system, and Greek Islands could write the book on staying with the basics to remain successful in good times and bad.

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.

Councillor SerVaas stated that Proposal No. 718, 2001 and Proposal No. 113, 2002 are board appointments that passed out of their respective committees with unanimous do pass recommendations. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 718, 2001. The proposal, sponsored by Councillor Borst, reappoints Steven M. Badger to the Metropolitan Board of Zoning Appeals Division II. PROPOSAL NO. 113, 2002.

The proposal, sponsored by Councillor Bainbridge, reappoints David B. Sears to the Speedway Economic Development Commission. Councillor Smith moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 718, 2001 and Proposal 113, 2002 were adopted by a unanimous voice vote.

Proposal No. 718, 2001 was retitled COUNCIL RESOLUTION NO. 60, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 2002

A COUNCIL RESOLUTION reappointing Steven M. Badger to the Metropolitan Board of Zoning Appeals Division 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, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 113, 2002 was retitled COUNCIL RESOLUTION NO. 61, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 2002

A COUNCIL RESOLUTION reappointing David B. Sears to the Speedway Economic Development Commission.

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 Speedway Economic Development Commission, the Council reappoints:

David B. Sears

SECTION 2. The appointment made by this resolution is for a term ending January 31, 2006. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 211, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 211, 2002 on April 16, 2002. The proposal, sponsored by Councillor Massie, establishes the rules for redistricting hearings. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Horseman made the following motion:

Mr. President:

I move to amend Proposal No. 211, 2002 by adding a new subsection (e) in Section 1, Rule 2, which reads:

- (e) The Committee on Rules and Public Policy shall not consider any redistricting plan, whether submitted by an individual Councillor or a Caucus, unless such plan shall

have been made available for review by both Caucuses at least two (2) days prior to the date on which the Committee on Rules and Public Policy considers the plan. No amendment to a redistricting plan shall be considered by the Committee on Rules and Public Policy if such amendment has the effect of altering the district boundaries of more than five (5) of the proposed councilmanic districts in the plan. The rules contained in this subsection may be waived upon a two-thirds (2/3) vote of the Committee members.

And renumbering the remaining subsections in Rule 2.

Councillor Gibson seconded the motion.

Councillor Coughenour asked what the rationale behind the five councilmanic districts is. Councillor Horseman said that it seemed like a reasonable number, but can be changed if Councillor Coughenour would like to suggest a different number. Councillor Horseman said that if a change is very small and only affects one district, it would probably be very minor, but if it affected more than five districts, it would probably be a significant change. Councillor Coughenour said that she is uncomfortable with that entire sentence in the ordinance and she would prefer to amend without that sentence. Councillor Horseman said that deleting that sentence would defeat the purpose of the amendment, as someone could present an entire new plan as an amendment at the last minute.

Councillor Soards said that he understood the schedule for this redistricting allows for adequate public input and review by the Council and he believes there are already sufficient safeguards in place. Councillor Massie said that this is correct, and the schedule allows as much public input as possible. He said that it seems to him this amendment applies to the caucuses' review of this public input.

Councillor Borst said that he does not think that the first part of the amendment is necessary, as the Rules say that August 26, 2002 is the last date an amendment or plan can be offered. He said that gives the Council three weeks to review the final plans. He said that he also has concerns about why the number five was chosen as the number of districts an amendment might affect. He said that he believes the schedule safeguards all of the issues addressed in this amendment, and therefore makes this amendment unnecessary.

Councillor Massie agreed that there will be a full three weeks for review by the caucuses. He said that the Committee accommodated several of Councillor Horseman's amendments during the Committee hearing and now she is turning around and trying to put more limitations on a process which has only just begun. He said that he opposes the amendment.

Councillor Nytes said that she supports the amendment as it will insure that everyone has ample opportunity to review the plans and any amendments.

Councillor Coughenour said that she does not think two days is too much to ask for review, but she feels testimony has shown that there are actually three weeks already built into the schedule. Therefore, she sees no need for this amendment. She said that if a huge amendment comes in at the last minute, the Council has the right to reject such an amendment. Councillor Talley asked if such an amendment would be rejected by Councillor Coughenour if it were brought from her own political party. Councillor Coughenour said that each amendment that came before the Council body would have to be judged on its own merit and the amount of change from the original plan submitted.

Councillor Massie said there have been times that the Council has worked right up until the Council hearing to negotiate budget items, and putting limitations on negotiations really does not serve the purpose of discussion. He said that he believes a more open forum should be allowed.

Councillor Boyd said that this motion is an effort to prevent the twelfth hour approaches the Council has seen on some other matters recently. He said that this amendment would not curtail legitimate amendments to the plan that come in a timely manner.

Councillor Nytes said that she feels that negotiating up until the last minute does a disservice to the taxpayers when these discussions are handled in non-public sessions.

Councillor Horseman's motion to amend Proposal No. 211, 2002 failed on the following roll call vote; viz:

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

Councillor Coonrod asked if Councillor Horseman would be amenable to an amendment to her motion to eliminate the last two sentences, as that seems to cause the most concern. He said that the schedule already calls for more than two days notice to caucuses, and therefore the first part of the amendment might be more acceptable to members of the body. Councillor Horseman said that she would be open to such an amendment.

Councillor Coonrod therefore made the following motion:

Mr. President:

I move to amend Proposal No. 211, 2002 by adding a new subsection (e) in Section 1, Rule 2, which reads:

(e) The Committee on Rules and Public Policy shall not consider any redistricting plan, whether submitted by an individual Councillor or a Caucus, unless such plan shall have been made available for review by both Caucuses at least two (2) days prior to the date on which the Committee on Rules and Public Policy considers the plan.

Councillor Horseman seconded the motion.

Councillor Massie said that this portion of the amendment is already covered in the schedule and the existing Rules. He said that he does not see the need for this amendment. Councillor Coonrod said that he felt since the redundancy does no harm, he does not see the problem in accepting the amendment. Councillor Massie said that he hates to see redundant language put into the proposal that could be interpreted differently and argued over at a later date.

President SerVaas called for a vote on Councillor Coonrod's motion to amend. The President ruled that the motion failed by a voice vote. Councillor Borst called for a division on the vote. The motion failed by the following roll call vote; viz:

13 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty
Adams, Nytes, Sanders, Talley

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

2 ABSENT: Langsford, Short

Councillor Massie moved, seconded by Councillor Dowden, for adoption. Proposal No. 211, 2002 failed for want of statutory majority on the following roll call vote; viz:

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

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

2 ABSENT: Langsford, Short

Councillor Horseman asked for consent to explain her vote. Consent was given. She said that she opposed the proposal because of the way the voting process on the amendments was conducted this evening.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 187, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$12,000 in the 2002 Budget of the County Coroner (County General Fund) to provide funds for data cable expenditures for the building on McCarty Street"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 188, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$220,240 in the 2002 Budgets of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to fund advocate alternative sentencing options and a Mental Health Coordinator, funded by a grant from the Indiana Criminal Justice Institute (Local match of \$73,413 is funded by the following existing appropriations: \$60,042 in the Marion County Public Defender Agency General Fund budget and \$13,371 from an outside agency [Midtown Mental Health].)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 189, 2002. 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 2002 Budget of the County Sheriff (State and Federal Grants Fund) to appropriate a pass-through grant from the Indiana Criminal Justice Institute for the Destiny Delinquency Prevention and Music Therapy Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 190, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$202,462 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for the reimbursement of prior expenses related to housing illegal aliens by the State Criminal Alien Assistance Program, funded by a grant from the Bureau of Justice Assistance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 191, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$57,806 in the 2002

Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate a state grant for the Kindermusik Family Re-Integration Project"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 192, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which creates a clerk's cash change fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 193, 2002. Introduced by Councillor Gibson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the code to prohibit the carrying of dangerous weapons, sharp objects, or explosives in certain places of public assemblage"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 194, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Brent A. Auberry as hearing officer"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 195, 2002. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for Harcourt Road and Katie Knox Drive (District 3)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 196, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Traders Cove Lane (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 197, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Cove Court (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 198, 2002. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Dandy Trail and Sailors Lane, and for Sailors Lane and Watersite Circle (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 199, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Downing Drive, Northgate Drive, and Sylvan Drive (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 200, 2002. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Clayton Avenue and Gray Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 201, 2002. Introduced by Councillors Knox and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Belmont Avenue and Minnesota Street (Districts 17, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 202, 2002. Introduced by Councillors Knox and Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in parking restrictions on Belmont Avenue near Minnesota Street (Districts 17, 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 203, 2002. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Mount Street from the first alley south of Washington Street to Washington Street (District 17)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 204, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Capitol Avenue near 20th Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 205, 2002. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Dorman Street and on New York Street (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 206, 2002. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Bacon Street near Stanley Avenue to dead end (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 207, 2002. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on White River Parkway E. Drive between 30th Street and 38th Street (District 9)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 208, 2002. Introduced by Councillors Douglas and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Ralston Avenue from 22nd Street to 25th Street (Districts 10, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 209, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Riverside Drive East, from 18th Street to 29th Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 210, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves appropriations in the 2002 Budget of the Department of Parks and Recreation: an increase of \$229,877 (Federal Grants Fund) to continue the after-school programs for the 2001-2002 school year at Forest Manor School and School 108, financed by a federal grant (US Department of Education); and a transfer of \$60,240 (Park General Fund) to provide additional monitoring of wells at the Pleasant Run and Sarah Shank golf courses"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 217, 2002, PROPOSAL NO. 218, 2002, PROPOSAL NOS. 219-220, 2002, PROPOSAL NOS. 221-226, 2002, and PROPOSAL NOS. 228-234, 2002. Introduced by Councillor Smith. Proposal No. 217, 2002, Proposal No. 218, 2002, Proposal Nos. 219-220, 2002, Proposal Nos. 221-226, 2002, and Proposal Nos. 228-234, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 24, 2002. 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. 38-54, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 38, 2002.

2001-ZON-129

5330 EAST 38TH STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

CHARITY CHRISTIAN CENTER FAMILY CHURCH requests a rezoning of 2.91 acres, being in the C-1 District, to the SU-1 classification to legally establish religious uses in an existing commercial building.

REZONING ORDINANCE NO. 39, 2002.

2001-ZON-165

4010 MEADOWS PARKWAY (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11

SUPERVALU HOLDINGS, INC., by Thomas Michael Quinn, requests a rezoning of 12.5 acres, being in the C-4 District, to the C-S classification to provide for a general contractor's facility with related offices and outdoor storage, general office space, educational uses, and C-3 permitted uses, excluding automobile oil change or lubrication shop, check cashing or validation service, drinking places, tattoo parlor, and social club.

REZONING ORDINANCE NO. 40, 2002.

2001-ZON-139 (2001-DP-016)

6600 WESTFIELD BOULEVARD (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

PITTMAN PARTNERS, INC., by Mary E. Solada, requests a rezoning of 12 acres, being in the C-S (FW)(FF) District, to the D-P (FW)(FF) classification to provide for multi-family residential development, consisting of 148 dwelling units (12.4 units per acre).

REZONING ORDINANCE NO. 41, 2002.

2002-ZON-801

1405 EAST BROAD RIPPLE AVENUE and 6229 INDIANOLA AVENUE (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

CENTRAL INDIANA COMMUNITY FOUNDATION, by Timothy K. Ryan, requests a rezoning of 0.69 acre, being in the D-5 District, to the C-1 classification to legally establish an existing office building and to provide for a new off-street parking lot.

REZONING ORDINANCE NO. 42, 2002.

2001-ZON-858 (Amended)

443 VIRGINIA AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

FOURTH STREAM ADVISORS, INC, by David R. Warshauer, requests a rezoning of 1.50 acres, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for residential and commercial uses.

REZONING ORDINANCE NO. 43, 2002.

2001-ZON-863 (2001-DP-018) (Amended)

1702 BRIDGEPORT ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19
JOHN B. URBANNS, by Thomas Michael Quinn, requests a rezoning of 30 acres, being in the D-A and SU-43 (FW) (FF) Districts, to the D-P (FW) (FF) classification to provide for 121 single-family dwellings, or 4.03 units per acre.

REZONING ORDINANCE NO. 44, 2002.

2002-ZON-018

7013 and 7015 SOUTH U.S. 31 (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 20

WAYNE W. VAUGHT requests a rezoning of 1.12 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 45, 2002.

2002-ZON-021

7550 ZIONSVILLE ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

DUKE REALTY LIMITED PARTNERSHIP, by Philip A. Nicely, requests a rezoning of 10.264 acres, being in the D-A District, to the C-S classification to provide for all permitted I-2-S and C-1 uses.

REZONING ORDINANCE NO. 46, 2002.

2001-ZON-160

1551-1557 NORTH COLLEGE AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

NEIGHBORHOOD/DOWNTOWN ZONING ASSISTANCE/DECKER DEVELOPMENT CORP, requests a rezoning of 0.2 acre, being in the C-3 district, to the D-8 classification.

REZONING ORDINANCE NO. 47, 2002.

2001-ZON-169

312 E. 10TH STREET/1005 N. ALABAMA STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

CHARLES MARIE INVESTMENTS, LLC by MARY E. SOLADA, requests a rezoning of 1 acre, being in the C-4 district, to the D-8 classification to provide for townhouse development.

REZONING ORDINANCE NO. 48, 2002.

2002-ZON-027

3623 EAST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

TRADEMARK CUSTOM HOMES, INC., by Raymond Good, requests a rezoning of 0.21 acre, being in the D-3 District, to the C-1 classification to provide for general office uses.

REZONING ORDINANCE NO. 49, 2002.

2002-ZON-806

2656, 2702, and 2706 SOUTH HOLT ROAD (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 17

CHRIS and SAMANTHA AMONETT request a rezoning of 0.36 acre, being in the D-5 District to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 50, 2002.

2002-ZON-807

4825 NORTH ARLINGTON AVENUE (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 11

INDIANAPOLIS PUBLIC SCHOOLS requests a rezoning of 23.572 acres, being in the D-3 District, to the SU-2 classification to legally establish educational uses.

REZONING ORDINANCE NO. 51, 2002.

2002-ZON-808

4201 MASSACHUSETTS AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

PRODUCERS REALTY, LLC, by Joseph D. Calderon, requests a rezoning of 8.37 acres, being in the D-5 and C-7 Districts, to the I-4-U classification to provide for an industrial park.

REZONING ORDINANCE NO. 52, 2002.

2002-ZON-809 (Amended)

51 WEST RAYMOND STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25.

THE GREENE LIMITED PARTNERSHIP requests a rezoning of 1.84 acres, being in the C-7 and D-5 Districts, to the I-3-S classification to provide for light industrial suburban uses.

REZONING ORDINANCE NO. 53, 2002.

2002-ZON-814

1301 NORDYKE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25

ELI LILLY and COMPANY, by Joseph M. Scimia, requests a rezoning of 5.23 acres, being in the D-5 District, to the I-3-U classification to provide for a medium-intensity industrial uses.

REZONING ORDINANCE NO. 54, 2002.

2002-ZON-815

6229-6235 CARROLLTON AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

BRADLEY J. WARNECKE, by Douglas W. Pool, requests a rezoning of 0.31 acre, being in the D-5 (FF) District, to the C-3 (FF) classification to provide for neighborhood commercial uses.

PROPOSAL NO. 186, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 186, 2002 on April 22, 2002. The proposal is an inducement resolution for Tara Apartments in an amount not to exceed \$9,000,000 which consists of the rehabilitation of a 228-unit, pre-existing apartment complex on an approximately 11.535 acre parcel of real estate located at 3287 East Tara Court (District 8). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 186, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Borst, Coonrod, Coughenour, Moriarty Adams

2 ABSENT: Langsford, Short

Proposal No. 186, 2002 was retitled SPECIAL ORDINANCE NO. 2, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2002

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue \$9,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Tara Apartments Project) (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Herman Associates, Inc. on behalf of Tara Apartments (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Borrower in order to enable the Borrower to finance certain capital assets, including, but not limited to, the acquisition, rehabilitation, renovation, construction and equipping of an existing apartment complex

with a total of 228 units, located on approximately 11.535 acres, at 3287 E. Tara Court, in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Borrower and the report has been submitted to the Metropolitan Development Commission of Marion County for comment thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$9,000,000 City of Indianapolis, Indiana Multifamily Housing Revenue Bonds, Series 2002 (Tara Apartments Project) (the "Bonds"); and

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

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Borrower for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Borrower will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project, which consists of the acquisition and rehabilitation of Heritage Park Apartments by the Borrower, will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$9,000,000 for the purpose of procuring funds to loan to the Borrower in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Borrower. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 3. 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.

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

SECTION 5. The Issuer hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the Issuer at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Borrower or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. The Mayor hereby delegates to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Issuer any and all documents required in the application process for tax credit allocations. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each

building is placed in service. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 112, 2002. Councillor Bradford reported that the Community Affairs Committee heard Proposal No. 112, 2002 on April 23, 2002. The proposal approves an increase of \$19,600 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund Character Education at after-school sites within the Indianapolis Public School system, funded by a grant from the Indianapolis Board of School Commissioners. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Bradford moved, seconded by Councillor Conley, for adoption. Proposal No. 112, 2002 was adopted on the following roll call vote; viz:

23 YEAS: Bainbridge, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Borst, Massie, Sanders

2 ABSENT: Langsford, Short

Proposal No. 112, 2002 was retitled FISCAL ORDINANCE NO. 29, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 29, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Nineteen Thousand Six Hundred Dollars (\$19,600) in the County Grants Fund for purposes of the County Auditor and Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Cooperative Extension Service to assist the county in its efforts to recover additional federal dollars that are due the County. This appropriation will be used to fund Character Education at after-school sites within the Indianapolis Public School system.

SECTION 2. The sum of Nineteen Thousand Six Hundred Dollars (\$19,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services-fringes	1,305
<u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	17,045
2. Supplies	300
3. Other Services and Charges	950
TOTAL INCREASE	19,600

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	19,600
TOTAL REDUCTION	19,600

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

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

PROPOSAL NO. 151, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 151, 2002 on April 22, 2002. The proposal, sponsored by Councillors Smith and Nytes, approves an increase of \$6,335,789 in the 2002 Budget of the Department of Metropolitan Development (State Grants, Federal Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds) for administering state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives, financed by state and federal grants and fund balances. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider said that he is opposed to this proposal because there are some projects receiving Block Grant funds that he does not believe warrant grants. He believes the larger portion of his tax burden goes into these funds, and he would prefer tax cuts to redistribution of wealth.

President SerVaas called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Nytes, for adoption. Proposal No. 151, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 151, 2002 was retitled FISCAL ORDINANCE NO. 30, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating an additional Six Million Three Hundred Thirty-five Thousand Seven Hundred Eighty-nine Dollars (\$6,335,789) in the Federal Grants, State Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment Funds for purposes of the Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Federal Grants, State Grants, Consolidated County, Redevelopment District Capital Projects, and Redevelopment 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 2002 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to administer state and federal grants which provide affordable and supportive housing opportunities, community development, brownfield assessment and remediation, and economic development initiatives.

SECTION 2. The sum of Six Million Three Hundred Thirty-eight Thousand Seven Hundred Eighty-nine Dollars (\$6,338,789) 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>ADMINISTRATION DIVISION</u>	<u>REDEVELOPMENT DISTRICT</u> <u>CAPITAL PROJECTS FUND</u>
3. Other Services and Charges	348,809
4. Capital Outlay	64,710
TOTAL INCREASE	413,519

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>ADMINISTRATION DIVISION</u>	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	8,072
TOTAL INCREASE	8,072

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>ADMINISTRATION DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	195,627
4. Capital Outlay	35,290
TOTAL INCREASE	229,917

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>ADMINISTRATION DIVISION</u>	<u>REDEVELOPMENT FUND</u>
3. Other Services and Charges	101,030
4. Capital Outlay	168,970
TOTAL INCREASE	270,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>ADMINISTRATION DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	94,000
TOTAL INCREASE	94,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY DEVELOPMENT & FINANCIAL SERVICES DIV.</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	4,920,281
4. Capital Outlay	400,000
TOTAL INCREASE	5,320,281

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

	<u>REDEVELOPMENT DISTRICT</u> <u>CAPITAL PROJECTS FUND</u>
Unappropriated and Unencumbered Redevelopment District Capital Projects Fund	413,519
TOTAL DECREASE	413,519

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered State Grants Fund	8,072
TOTAL DECREASE	8,072

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Federal Grants Fund	5,550,198
TOTAL DECREASE	5,550,198

	<u>REDEVELOPMENT FUND</u>
Unappropriated and Unencumbered Redevelopment Fund	<u>270,000</u>
TOTAL DECREASE	270,000

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Consolidated County Fund	<u>94,000</u>
TOTAL DECREASE	94,000

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. 152, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 152, 2002 on April 10, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an appropriation of \$85,899 in the 2002 Budget of the Department of Public Safety, Emergency Management Planning Division (Consolidated County Fund) to add one Deputy Administrator and one Senior Coordinator, along with some associated operating costs, financed by fund balances and partial reimbursement from the State Emergency Management Agency. Councillor Dowden moved, seconded by Councillor Smith, to return Proposal No. 152, 2002 to Committee. Proposal No. 152, 2002 was returned to Committee by a voice vote.

Councillor Horseman asked why the proposal is being returned to Committee when it passed out of committee with a 5-4 do pass recommendation. Councillor Dowden said that the proposal passed out of committee with a very narrow vote, and there are some issues he feels need further information. He said that, as a sponsor, he has the right to request that it be returned to Committee. He said that he voted in favor of the proposal himself, but he feels there are still some questions unanswered and committee members have the right to have their questions answered.

Councillor Talley said that he was present at the committee hearing, and he felt all questions were addressed and does not understand why it needs to be returned.

Councillor Coughenour said that any chair or sponsor has the right to request that a proposal be returned to Committee. Councillor Horseman said that it seems no vote is ever needed if a chairman decides to keep a proposal from coming to the floor. President SerVaas said that if the Council did not wish the proposal returned to Committee, they could have voted against the chairman's motion, and in this instance, he did not hear any "nay" votes. Councillor Horseman asked for division on the motion for a recorded vote. Proposal No. 152, 2002 was returned to Committee on the following roll call vote; viz:

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 153, 155, and 156, 2002 on April 10, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 153, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Horseman, approves an increase of \$17,345 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) for construction of a fence around the proposed exercise area at the animal shelter, financed by private donations. PROPOSAL NO. 155, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$23,521 in the 2002 Budget of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Monitoring Program (ADAM), funded by a federal grant. PROPOSAL NO. 156, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$21,500 in the 2002 Budget of the Marion County Justice Agency (Law Enforcement Fund) to purchase computer equipment for the County Sheriff, financed by fund balances. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:52 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 153, 155, and 156, 2002 were adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Brents, Horseman, Sanders

2 ABSENT: Langsford, Short

Proposal No. 153, 2002 was retitled FISCAL ORDINANCE NO. 31, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 31, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) appropriating an additional Seventeen Thousand Three Hundred Forty-five Dollars (\$17,345) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing the unappropriated and unencumbered balance in the Consolidated County 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 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Animal Care and Control Division, to construct a fence around the proposed exercise area at the animal shelter.

SECTION 2. The sum of Seventeen Thousand Three Hundred Forty-five Dollars (\$17,345) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	<u>17,345</u>
TOTAL INCREASE	17,345

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	17,345
TOTAL REDUCTION	17,345

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

Proposal No. 155, 2002 was retitled FISCAL ORDINANCE NO. 32, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 32, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-three Thousand Five Hundred Twenty-one Dollars (\$23,521) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (I) of the City-County Annual Budget for 2002 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 continue the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Twenty-three Thousand Five Hundred Twenty-one Dollars (\$23,521) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	1,374
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	10,066
3. Other Services and Charges	12,081
TOTAL INCREASE	23,521

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	23,521
TOTAL REDUCTION	23,521

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

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

Proposal No. 156, 2002 was retitled FISCAL ORDINANCE NO. 33, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 33, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Twenty-one Thousand Five Hundred Dollars

(\$21,500) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement 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 (i), of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Marion County Justice Agency to purchase computer equipment for the Marion County Sheriff's Department.

SECTION 2. The sum of Twenty-one Thousand Five Hundred Dollars (\$21,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
4. Capital Outlay	<u>21,500</u>
TOTAL INCREASE	21,500

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

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>21,500</u>
TOTAL REDUCTION	21,500

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

PROPOSAL NO. 158, 2002. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 158, 2002 on April 15, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an increase of \$84,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Storm Water Management Fund) to provide public and media relations consulting services for the Stormwater Management program, and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Soards asked who the company providing the consulting is. Barbara Lawrence, director of the Department of Public Works, said that the Company is Hetrick Communications.

President SerVaas called for public testimony at 8:54 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 158, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 158, 2002 was retitled FISCAL ORDINANCE NO. 34, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 34, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Eighty Four Thousand Dollars (\$84,000) in the Storm Water Management Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing the unappropriated and unencumbered balance in the Storm Water Management 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(j) 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 Public Works, Policy and Planning Division, to provide public and media relations consulting services for the Stormwater Management program and to facilitate effective and timely communication with the non-residential property owners about the drainage program and the upcoming stormwater utility bills.

SECTION 2. The sum of Eighty Four Thousand Dollars (\$84,000) 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 increased:

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>POLICY AND PLANNING DIVISION</u>	<u>STORM WATER MANAGEMENT FUND</u>
3. Other Services and Charges	<u>84,000</u>
TOTAL INCREASE	84,000

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

	<u>STORM WATER MANAGEMENT FUND</u>
Unappropriated and Unencumbered Stormwater Management Fund	<u>84,000</u>
TOTAL DECREASE	84,000

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. 159, 160, 161, and 157, 2002 on April 15, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 159, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$8,320,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Sanitation Liquid Waste Fund) for Real Time Control early action combined sewer overflow (CSO) projects, financed by fund balances. PROPOSAL NO. 160, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$232,891 in the 2002 Budget of the Department of Public Works, Engineering Division (Federal Grants Fund) to further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run, financed by federal funds. PROPOSAL NO. 161, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$2,500,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Solid Waste Disposal Fund) to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill, financed by fund balances. PROPOSAL NO. 157, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a transfer of \$60,000 in the 2002 Budget of the Department of Public Works, Policy and Planning Division (Sanitation Liquid Waste Fund) to purchase hardware associated with a network upgrade to the Belmont facility. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 9:01 p.m.

Glenn Pratt, citizen, stated that he has been involved in Combined Sewer Overflow issues for many years, and he supports Proposal Nos. 159 and 160, 2002 and believes they are a step forward for the City.

Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 159, 160, 161, and 157, 2002 were adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Horseman, SerVaas

2 ABSENT: Langsford, Short

Proposal No. 159, 2002 was retitled FISCAL ORDINANCE NO. 35, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 35, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Operations Division, and reducing the unappropriated and unencumbered balance in the Sanitation Liquid Waste Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Works, Operations Division, to fund Real Time Control early action combined sewer overflow (CSO) projects.

SECTION 2. The sum of Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) 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 WORKS</u>	<u>SANITATION LIQUID WASTE FUND</u>
<u>ENGINEERING DIVISION</u>	
4. Capital Outlay	<u>8,320,000</u>
TOTAL INCREASE	8,320,000

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

	<u>SANITATION LIQUID WASTE FUND</u>
Unappropriated and Unencumbered	
Sanitation Liquid Waste Fund	<u>8,320,000</u>
TOTAL DECREASE	8,320,000

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

Proposal No. 160, 2002 was retitled FISCAL ORDINANCE NO. 36, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Thirty-two Thousand Eight Hundred Ninety-one Dollars (\$232,891) in the Federal Grants Fund for purposes of the Department of Public Works, Engineering 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 1.01(i) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to provide for further pollution control efforts on the West Fork of the White River, Fall Creek, and Pleasant Run.

SECTION 2. The sum of Two Hundred Thirty-two Thousand Eight Hundred Ninety-one Dollars (\$232,891) 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 WORKS</u>	
<u>ENGINEERING DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>232,891</u>
TOTAL INCREASE	232,891

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>232,891</u>
TOTAL REDUCTION	232,891

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

SECTION 6. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital project described in section 1 above.

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

Proposal No. 161, 2002 was retitled FISCAL ORDINANCE NO. 37, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Million Five Hundred Thousand Dollars (\$2,500,000) in the Solid Waste Disposal Fund for purposes of the Department of Public Works, Engineering Division, and reducing the unappropriated and unencumbered balance in the Solid Waste Disposal 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(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Engineering Division, to restore the stream bank along the White River near the former Tibbs Avenue and Banta Road landfill.

SECTION 2. The sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) 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 WORKS</u>	
<u>ENGINEERING DIVISION</u>	
3. Other Services and Charges	<u>2,500,000</u>
TOTAL INCREASE	2,500,000

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

<u>SOLID WASTE DISPOSAL FUND</u>	
Unappropriated and Unencumbered	
Solid Waste Disposal Fund	<u>2,500,000</u>
TOTAL REDUCTION	2,500,000

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

Proposal No. 157, 2002 was retitled FISCAL ORDINANCE NO. 38, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating an additional Sixty Thousand Dollars (\$60,000) in the Sanitation Liquid Waste Fund for purposes of the Department of Public Works, Policy and Planning Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purpose of the Department of Public Works, Policy and Planning Division, to purchase hardware associated with a network upgrade to the Belmont facility.

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

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	
4. Capital Outlay	<u>60,000</u>
TOTAL INCREASE	60,000

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

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>POLICY AND PLANNING DIVISION</u>	
3. Other Services and Charges	<u>60,000</u>
TOTAL DECREASE	60,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 700, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 700, 2001 on March 20 and April 10, 2002. The proposal, sponsored by Councillors Dowden, Gray, and Langsford, amends the Revised Code concerning

Chapter 591, Fire Prevention and Protection. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gray recognized the members of the Indianapolis Fire Department who worked on this project. Councillor Dowden also recognized former Councillor W. Tobin McClamroch, who helped facilitate the revisions.

Councillor Dowden moved, seconded by Councillor Gray, for adoption. Proposal No. 700, 2001, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

3 NOT VOTING: Gibson, Gray, Horseman

2 ABSENT: Langsford, Short

Proposal No. 700, 2001, as amended, was retitled GENERAL ORDINANCE NO. 43, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 43, 2002

PROPOSAL FOR A GENERAL ORDINANCE to replace Chapter 591 of the "Revised Code of the Consolidated City and County," regarding fire prevention and protection, with a new chapter approved by the Indiana Fire Prevention and Building Safety Commission as provided in IC 22-13-2-5.

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

SECTION 1. Chapter 591 of the "Revised Code of the Consolidated City and County," regarding fire prevention and protection, hereby is REPEALED.

SECTION 2. The "Revised Code of the Consolidated City and County" hereby is amended by the addition of a NEW Chapter 591, regarding fire prevention and protection, in the following words and figures:

Chapter 591

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 591-101. Title; purpose.

(a) This chapter shall be known as the "Indianapolis-Marion County Fire Protection Code."

(b) The purpose of this chapter is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from the hazards of fire and explosion, from the hazards arising from the storage, handling and use of hazardous materials, from conditions hazardous to life or property in the use or occupancy of new or existing buildings and premises, and to establish appropriate administrative procedures for the enforcement of this chapter.

Sec. 591-102. Definitions.

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

Class 1 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Class 2 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Fire department means the Indianapolis Fire Department and the township fire departments that render fire prevention or protection services to each township in Marion County that are not completely within the boundaries of the Indianapolis Fire Special Service District.

Fire prevention bureau means the fire prevention bureau established by this chapter for the Indianapolis Fire Department or of a township fire department located within the county.

Fire prevention chief means the administrative head of a fire prevention bureau appointed pursuant to Section 591-202 or 591-203 of this Code.

Hazardous condition means the presence of a structural condition, equipment, utility connection, materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

Private dwelling means a building used exclusively as the personal residence of one or two families.

Sec. 591-103. Applicability.

(a) The provisions of this chapter shall be supplemental to the Indiana Fire Code, as adopted by the Indiana Fire Prevention and Building Safety Commission.

(b) The provisions of this chapter shall apply to maintenance of fire prevention and life safety features as herein described.

(c) When any provision of this chapter is found to be in conflict with any building, zoning, safety, health, or other applicable law or ordinance of the city or county existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(d) The provisions of this chapter shall apply to existing conditions; as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment in existence on the effective date of this chapter shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire resistive characteristics that existed when the building was constructed, altered, added to or repaired.

Sec. 591-104. Minimum standards.

(a) All fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code applicable to Marion County are hereby incorporated in this chapter, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

(b) Any special processes or procedures not addressed in 675 IAC 22 or 591-105(a) shall be subject to applications found in fire safety standards recognized by 675 IAC 22 Section 9001, 591-105(a) and the jurisdictional fire chief.

(c) Any special processes or procedures not addressed in 591-105(a) or 591-105(b) shall be subject to applications found in the current editions of the National Fire Protection Association standards or other recognized fire safety standards, subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

(d) A current copy of these standards shall be available in the office of each fire prevention bureau for inquiry and review by the public during normal business hours.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. ORGANIZATION

Sec. 591-201. Fire prevention bureaus established; jurisdiction.

(a) As authorized by IC 36-8-17, there is hereby established a local fire prevention bureau within the Indianapolis Fire Department and within each township located within the county that is not completely within the boundaries of the Indianapolis Fire Special Service District.

(b) The jurisdiction of the various fire prevention bureaus shall be as follows:

- (1) The fire prevention bureau established within the Indianapolis Fire Department shall have jurisdiction within the Indianapolis Fire Special Service District; and,
- (2) Each township fire prevention bureau shall have jurisdiction within the portion of that township which is outside the boundaries of the Indianapolis Fire Special Service District and other municipalities having a municipal fire department.

Sec. 591-202. Organization of the Indianapolis Fire Prevention Bureau.

The fire prevention bureau of the Indianapolis Fire Department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. The jurisdiction of the bureau shall be within the fire special services district.

Sec. 591-203. Organization of the township fire prevention bureaus.

(a) The local fire prevention bureau established in each township pursuant to Section 591-201 shall be operated under the executive control of the township trustee and the administrative supervision of the township fire chief.

(b) The fire prevention bureau of each township fire department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. The jurisdiction of the bureau shall be within each respective township fire service area.

DIVISION 2. INSPECTIONS AND INVESTIGATIONS

Sec. 591-221. Right to enter buildings and premises.

(a) Pursuant to IC 36-8-17, authorized personnel of each fire department or bureau may, at all reasonable hours, enter any structure (except private dwellings) within its jurisdiction for the purpose of conducting inspections or investigations pursuant to this chapter. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled.

(b) An inspector or investigator may be required by the owner or occupant to produce satisfactory proof of his authority or identity.

(c) If an inspector or investigator is denied access, the fire prevention chief may apply to a court of competent jurisdiction for an order allowing inspection or investigation.

Sec. 591-222. Fire inspections.

(a) Each fire department shall perform inspections under the administrative supervision of the fire chief pursuant to IC 36-8-17.

(b) Each fire department may, as often as may be reasonably necessary:

- (1) Inspect every place and public way, except the interiors of private dwellings; and,
- (2) Inspect, upon receipt of a complaint, any building or premises, except interiors of private dwellings.

Sec. 591-223. Fire investigations.

(a) Each fire department shall perform fire investigations under the administrative supervision of the fire chief pursuant to IC 36-8-17.

(b) Each fire department shall investigate, assist in the prosecution of, and support suppression of arson and other crimes associated with the destruction or attempted destruction of property by fire in their respective jurisdiction, shall take immediate charge of the physical evidence, notify any other authorities designated by law to assist in the investigation of such matters, and cooperate with such other authorities in the prosecution of the case. Reports prepared pursuant to this section shall be in the form prescribed by the chief of the division and shall contain a statement of all facts relating to the cause, origin and circumstances of the fire, the extent of damage, the approximate loss, the amount of insurance upon the property, and any other appropriate information concerning the fire.

Sec. 591-224. Records and reports.

(a) Each fire department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be prepared into an annual summary and submitted to the jurisdictional fire chief. The annual summary, together with recommendations for change, shall be submitted, when requested, to the director of the department of public safety or appropriate township trustee.

(b) The fire department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.

DIVISION 3. ENFORCEMENT RESPONSIBILITY

Sec. 591-231. Enforcement.

(a) It shall be the responsibility of each fire department to enforce all provisions of this chapter within its jurisdiction.

(b) A fire department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

Sec. 591-232. Legal assistance.

A bureau may obtain the services of the office of corporation counsel for legal assistance in connection with the enforcement of this chapter.

Sec. 591-233. Law enforcement assistance.

The chief of the Indianapolis police department or the county sheriff may, upon request of the chief of the appropriate fire department or bureau, assign such available law enforcement officers as may be necessary to assist the appropriate department or bureau in the enforcement of this chapter.

Sec. 591-234. Concurrent jurisdiction with the department of metropolitan development, and the city controller.

(a) Each bureau shall have concurrent jurisdiction with the department of metropolitan development for the enforcement of any other violation of this chapter in which:

- (1) The bureau has actual knowledge of such a violation; and,
- (2) Such violation creates an immediate fire hazard, which endangers life, property or the public safety.

(b) Each bureau shall, at the request of the city controller, assist in the administration and enforcement of all provisions of this chapter relating to licenses and permits as set forth in section 801-201 of this Code.

Sec. 591-235. Coordinated enforcement.

Whenever it shall be the responsibility of more than one (1) official to enforce the provisions of this chapter, it shall be the duty of the enforcement officials to coordinate their inspections and administrative orders so far as is possible, so that the owners and occupants of the buildings shall not be subjected to numerous inspections, nor to multiple or conflicting orders.

DIVISION 4. ENFORCEMENT PROCEDURES

Sec. 591-241. Notice of violations.

Under IC 36-8-17-9, the enforcement of 675 IAC 22, this chapter, or any other provision of this Code, which is within the jurisdiction of each fire department, the fire prevention bureau may seek the correction of any violation or the elimination of any hazardous condition, by the methods specified in this division or by any other appropriate remedy or procedure provided by law.

Sec. 591-242. Determination of violation.

Whenever a duly authorized inspector or investigator for a local fire prevention bureau determines by inspection that a violation of this Code or a hazardous condition exists upon any premise within the bureau's jurisdiction, the person making such determination shall issue such orders as may be necessary for the enforcement of the fire safety laws and ordinances governing the same and for safeguarding of life, environment and property from fire and explosion.

Sec. 591-243. Conveyance of inspection report.

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such report shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address pursuant to IC 4-21.5-3.

Sec. 591-244. Imminent danger.

The fire prevention chief may order the operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof under IC 36-8-17-9 when it is determined that conduct or conditions of the property:

- (1) Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) Are prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the department of fire and building services and the license has not been issued; or,
- (3) Will conceal a violation of law.

Sec. 591-245. Duty to correct violations.

In the event of imminent danger as defined in Sec. 591-244 above, the owner or person in control of any premises or building upon which a violation or hazard exists shall:

- (1) Cease and correct the violation; or
- (2) Protect persons and property from the hazards of the violation and correct the violation; or,
- (3) Require persons to leave the area that is affected by a violation and prohibit persons from entering the area until the violation is corrected.

Sec. 591-246. Variances.

(a) An owner or occupant requesting a variance from state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply for such with the Indiana Fire Prevention and Building Safety Commission in accordance with the 675 IAC 12-5.

(b) An owner or occupant requesting a variance from the provisions of this Chapter that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply in writing to the applicable fire prevention chief. The granting of a variance shall be considered only upon the written application of the owner of the property, stating that:

- (1) Practical difficulties have been encountered in the implementation of specific requirements of this chapter;
- (2) Compliance with specific requirements of this chapter will cause unnecessary hardship to the owner; and
- (3) The owner desires to take advantage of new methods or equipment which are recognized as adequate for the purpose for which they are to be substituted.

(c) A variance may be granted only if the fire prevention chief determines in writing that: (1) the requested use or modification will conform with fundamental requirements for safety; and (2) the granting of

the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the bureau.

(d) A variance shall be enforced in the same manner as an order issued under section 591-242 of this chapter.

(e) Whenever a bureau learns that an owner is in violation of the terms of a variance issued pursuant to this section, the fire prevention chief may order compliance as provided in Sec. 591-247 with the variance or with this Code.

Sec. 591-247. Orders to correct violations.

(a) If an owner or occupant fails to comply with an inspection report issued pursuant to Section 591-242 of this Code or a variance issued pursuant to Section 591-246 of this Code, the fire prevention bureau may issue an order to compel compliance with the provisions of this chapter.

(b) The failure of any fire prevention bureau to inspect or to issue an order in accordance with this chapter shall not constitute approval of any violation or noncompliance with the provisions of this chapter.

(c) Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address pursuant to IC 4-21.5-3.

Sec. 591-248. Order forbidding occupancy.

(a) The fire chief or his authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure, in accordance with IC 36-8-17-9.

(b) The fire chief or his authorized representative, is empowered to issue an order forbidding continued construction of a building or structure when the building, structure or property under development is in violation of state or local fire prevention codes and continued work will:

- (1) Conceal a violation of law;
- (2) Be inaccessible to servicing fire department apparatus; or,
- (3) Provide insufficient water supply as required by this Code.

(c) The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire structure, part of structure, or the property under development. The order shall state the reason for issuance and the conditions under which the structure, part of structure or property may be occupied or construction continued. The order shall be posted on the structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his agent and to any other responsible person supervising work on the premises.

Sec. 591-249. Appeal from orders.

An owner or occupant who remains aggrieved by the decision issued pursuant to this chapter and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission as set forth by IC 36-8-17.

Sec. 591-250. Remedies.

Any person who shall violate any provision of this chapter or who shall fail to comply with any order issued under this chapter, or who shall fail to comply with or to obtain any permit required hereunder, shall be subject to the penalties prescribed in Section 103-3 of this Code. After each ten (10) days a violation continues, it shall constitute an additional violation, provided however that the penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

ARTICLE III. EMERGENCY OPERATIONS

DIVISION 1. EMERGENCY SERVICES

Sec. 591-301. Authority at fires and emergencies.

The fire chief, or his designated representative, at any fire, explosion, or other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as may be necessary to control, extinguish, perform special operations, and investigate the existence of hazardous conditions in connection with such fire, explosion, or other emergency, or to take other action reasonably necessary to contain, mitigate, or eliminate the emergency.

Sec. 591-302. Emergency lines and limits.

(a) The fire chief, the incident commander, or any law enforcement officer may establish emergency lines and limits and barricade or guard from the general public such emergency lines and limits. The fire chief, the incident commander, or law enforcement officer may create an area in which only firefighters, law enforcement officers and those having a direct interest in any property threatened by the fire, explosion, or other emergency, or other people or agencies at the discretion of the incident commander shall be admitted.

(b) It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

DIVISION 2. SUPPLEMENTAL EMERGENCY DEVICES

Sec. 591-321. Unlawful interference with fire protection equipment, barriers, devices, signs and seals.

It shall be unlawful for a person to do or permit to be done any of the following acts:

- (1) Key box access and fire equipment keys. To make or cause or permit to be made or have in his or her possession any key for any key box emergency access system, fire department equipment, house or building used by the fire department, except upon the written order of the fire chief, or to fail or refuse to surrender possession of any such key upon demand of the fire chief;
- (2) Tampering with fire protection system. To tamper, molest, destroy or remove or in any manner interfere with, damage or disturb any part of the fire protection system, apparatus, equipment or devices in use in the county;
- (3) Injuring fire hose. To drive any motor vehicle or railroad locomotive over any fire hose laid in any street in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or,
- (4) Opening fire hydrants. To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the servicing fire department. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the servicing fire department, owners of private fire hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties,

ARTICLE IV. GENERAL REQUIREMENTS FOR FIRE SAFETY OF BUILDINGS

DIVISION 1. FIRE PROTECTION EQUIPMENT

Sec. 591-401. Plans for fire protection systems.

In the event a set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems, and other special types of fire extinguishing or detecting systems and appurtenances thereto is created, then such documents shall be submitted to the servicing fire department for information purposes.

Sec. 591-402. Portable fire extinguishers; where required.

(a) Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies built and placed in service after January 1, 2002, as set forth in N.F.P.A. Standard No. 10, currently adopted by the Indiana Fire Prevention and Building Safety Commission.

(b) Notwithstanding other provisions of this chapter, portable fire extinguisher equipment required for Class 1 residential apartment buildings shall be as follows:

- (1) a minimum 2-A, 10BC rated dry chemical extinguisher shall be placed at intervals of seventy-five (75) feet travel distance on each floor level in all common areas of all apartments. The requirements of this paragraph are satisfied if each individual apartment shall have a minimum 1-A, 10BC rated dry chemical extinguisher installed in the unit; and
- (2) Each laundry room and storage area shall have a minimum 2-A, 10BC rated dry chemical extinguisher. Each clubhouse and maintenance building or room shall have a minimum 2-A, 10BC rated dry chemical extinguisher placed at intervals of seventy-five (75) feet travel distance. Notwithstanding the provisions of this subsection, laundry rooms and storage areas contiguous to the common corridors which have proper extinguishers placed at intervals of seventy-five (75) feet travel distance are exempt from this subparagraph.

Sec. 591-403. Servicing of portable fire extinguishers.

(a) Portable fire extinguishers which are required by Section 591-402 shall be serviced and maintained as set forth in 675 IAC 22-2.2-3 and the most current edition of N.F.P.A. Standard No. 10.

Sec. 591-404. Requirements for commercial kitchen exhaust equipment and fire protection equipment.

Any new installation of kitchen fire suppression equipment shall be inspected by the fire prevention bureau having jurisdiction prior to the kitchen cooking equipment being placed in-service. The installing company shall:

- (1) Use installers that are certified by the manufacturer;
- (2) Notify the fire prevention bureau at least twenty-four (24) hours in advance of the system being completed for system testing; and,
- (3) File with the fire prevention bureau a form stating that the system has been inspected, signed by both the fire prevention inspector and the installation company's representative. This form is to be kept on file in the fire prevention bureau.

Sec. 591-405. Required water supply for fire protection.

(a) All Class 1 structures or portions of Class 1 structures hereafter constructed shall be provided with a water supply capable of providing the required fire flow, for fire-fighting purposes for a minimum period of two (2) hours. The water supply shall be from a source as set forth in section 903.2 of 675 IAC 22.

(b) In setting the requirements for fire flow, the fire prevention chief shall use 675 IAC 22, Table A-111-A-1 as a guide. Notwithstanding the provisions of this subsection, a reduction in required fire flow of seventy-five (75) percent is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gpm at 20 psi residual.

(c) An owner or occupant who seeks a variance from an order issued under this Sec. 591-405 may file a variance with the Indiana Fire Prevention and Building Safety Commission as set forth in IC 36-8-17.

Sec. 591-406. Fire hydrants.

(a) All private fire hydrants and water mains shall be installed and maintained as set forth in the 1995 edition of N.F.P.A. Standard No. 24. The fire prevention chief in determining location and spacing of hydrants shall use 675 IAC 22, appendix 111-B as a guide.

(b) The proposed location of private fire hydrants to supply the required fire flow shall be approved by the servicing fire department prior to construction of any Class 1 building.

(c) Whenever the provisions of this chapter require the installation of a fire hydrant, whether on public or private property, such hydrant shall meet the following specifications:

- (1) It shall be equipped with a five-and-one-quarter-inch main valve opening;

- (2) It shall be constructed with two (2) two-and-one-half-inch hose nozzles, with seven-and-one-half (7&1/2) national standard threads per inch;
- (3) It shall be equipped with one (1) four-and-one-half-inch steamer nozzle with six (6) "v" threads per inch;
- (4) It shall be constructed to be opened by turning clockwise a national standard pentagon operating nut;
- (5) The source of water supply shall be buried a minimum of five (5) feet below the ground level at the hydrant; and,
- (6) The hydrant shall be constructed with a break-off feature to prevent the hydrant from leaking when damaged by collision.
- (d) Nonfunctional hydrants shall not be located within twenty (20) feet of any waterline easement.
- (e) All privately owned fire hydrants shall be painted red or yellow.
- (f) Only approved hydrant wrenches shall be used to open or close a fire hydrant.

Sec. 591-407. Marking of fire protection equipment, fire hydrants, and access roads.

- (a) Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the servicing fire department to prevent obstruction by parking and other obstructions.
- (b) Fire access roads shall be identified as fire lanes and the provisions set forth in Section 621-502 of this Code shall apply.

Sec. 591-408. Smoke and heat removal equipment.

- (a) When smoke and heat removal equipment are required in buildings hereafter constructed, they shall be installed as set forth in the 675 IAC 22 and 675 IAC 13.
- (b) Prior to the installation of any engineered mechanical smoke removal system, the fire control panel shall be of a design and at a location approved by the servicing fire department.

Sec. 591-409. Fire protection in recreational vehicle, mobile home and manufactured housing parks, sale and storage lots.

Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots, hereafter constructed or added to, shall provide and maintain fire hydrants and access roads in accordance with 675 IAC 22, sections 902 and 903.

DIVISION 2. SMOKE DETECTORS

Sec. 591-421. Dwellings - smoke detector requirements.

- (a) A smoke detector shall be defined for the purposes of this section as a device, which detects visible or invisible products of combustion.
- (b) Each smoke detector shall detect abnormal quantities of smoke that can occur in a dwelling, shall properly operate in the normal environmental conditions of a household, and shall be in compliance with ANSI/UL 268-standard for safety smoke detectors for fire protective signaling systems, or ANSI/UL 217-standard for safety single and multiple station smoke detectors.
- (c) All dwelling units within the county shall be equipped with a minimum of one (1) functional, properly located, labeled and listed smoke detector as described in N.F.P.A. Standard No. 72. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the family living unit, including basements and excluding crawl spaces and unfinished attics. Family living units with one or more split-levels where there is an intervening door between one level and the adjacent lower level, a smoke detector shall be installed on the lower level. In new construction, a smoke detector also shall be installed in each sleeping room, where more than one smoke detector is required; detectors shall be arranged so that operation of any smoke detector causes the alarm in all smoke detectors within the dwelling to sound.

(d) All equipment shall be installed in accordance with the manufacturer's installation requirements and recommendations. If the method of installation is not specified by the manufacturer, the smoke detector shall be installed on the ceiling at least 4 inches from the wall or on a wall with the top of the detector not less than 4 inches nor more than 12 inches below the ceiling. Smoke detectors in rooms with ceiling slopes greater than 1 foot in 8 feet horizontally shall be located at the high side of the room.

(e) Smoke detectors required by 676 IAC 13 or 675 IAC 14 shall have power supply as specified by the respective code. All other residential smoke detectors may be powered by an AC power source or a battery. If the detector is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17.

(f) Where smoke alarms exist in dwelling units, the warranty for the alarm shall be with the manufacturer.

(g) It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.

(1) Rental dwelling units. Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors and the repair or replacement of a required smoke detector within two (2) business days after the owner, manager or rental agent is given written notification of the need to repair or replace the smoke detector. Residents shall inspect and test the smoke detectors in accordance with manufacturer's instructions at least monthly.

(2) Owner dwelling units. Each owner is responsible for the installation of required smoke detectors and the repair or replacement of a required smoke detector within two (2) business days of finding it inoperable. An owner shall inspect and test the smoke detectors for power in accordance with manufacturer's instructions at least monthly.

(h) A person, company, or corporation violating IC 22-11-18-3, IC 22-11-18-3-5 and provisions of this article shall be subject to penalties as specified in IC 22-11-18-5 and Section 103-3 of this Code. Each day such violation is permitted to continue may be deemed to constitute a separate offense, provided however the aggregate penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

DIVISION 3. MEANS OF EGRESS

Sec. 591-431. Means of egress illumination and signs.

(a) Means of egress illumination shall be provided and maintained in accordance with the 676 IAC 13. Means of egress shall be illuminated and exit signs shall be maintained when the building or structure is occupied.

(b) Any replacement of exit signs in existing buildings or structures or installation of additional exit signs shall meet the requirements of 675 IAC 13.

(c) Equipment providing emergency power for means of egress illumination and exit signs shall be maintained in an operable condition.

Sec. 591-432. Exit door, stairway and elevator signs.

(a) Exit doors shall be readily distinguishable from adjacent construction and shall be easily recognizable as an exit door. Exit doors shall be as set forth in 675 IAC 13.

(b) Stairway identification signs shall be located at each floor level in all buildings as set forth in 675 IAC 13.

(c) Instructions for operation of elevators under fire and other emergency conditions shall be as set forth in the Indiana Elevator Safety Code (675 IAC 21).

Sec. 591-433. Obstruction of the means of egress.

(a) Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the 675 IAC 13. Means of egress shall not be obstructed in any manner and

shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.

(b) Any member of a police or fire department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the appropriate fire prevention bureau and the bureau shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

Sec. 591-434. Inspection of fire escapes.

Exterior fire escapes shall comply with the requirements as set forth in 675 IAC 22. Certification by a professional engineer licensed in the State of Indiana to show compliance with this section shall be filed with the Fire Prevention Bureau upon order of the Fire Prevention Chief having jurisdiction over the premises.

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 591-501. Smoking.

(a) As used in this article, smoke and smoking mean and include the carrying of a lighted pipe, cigar, cigarette or tobacco in any form.

(b) No person shall smoke or carry a lighted match or lighter at such locations in the following places:

- (1) Public assemblies;
- (2) Educational occupancies;
- (3) Institutional occupancies;
- (4) Retail selling establishments; and,
- (5) Buildings, except residential occupancies, which contain explosives or combustible materials, any of which would be thereby exposed to ignition;

which the fire prevention chief designates as a "no smoking area" because of the fire dangers which the smoking could cause. Provided, however, the owner of the above-enumerated places may designate rest rooms, smoking rooms or other areas where smoking is permissible if such smoking room or area has been approved by the fire prevention chief.

(c) No person shall smoke in any elevator.

(d) The owner or occupant shall post approved "no smoking" signs in each building, structure, room or place in which smoking is prohibited. Signs shall be conspicuously and suitably located and shall be maintained. However, this subsection does not apply to buildings or structures which are smoke-free environments and are posted as such at all public and employee entrances, and where no visible evidence of prohibited smoking exists within the building or structure.

(e) No person shall remove any legally required "NO SMOKING" sign, or smoke in any areas where such signs are posted.

Sec. 591-502. Underground storage tanks; notification.

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground storage tanks shall notify the appropriate fire prevention bureau fourteen (14) days prior to commencement of work; however, this requirement shall not apply in emergency repair work where fourteen (14) day notification is not possible.

ARTICLE VI. PERMITS

DIVISION 1. PYROTECHNICS DISPLAYS

Sec. 591-601. Certificate of insurance required.

(a) Fireworks and the temporary storage, use, handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with IC 22-11-14 and 675 IAC 22, Article 78.

(b) A certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), be reason of the licensed display, arising from any acts of the licensee, his agents, employees or subcontractors.

DIVISION 2. HALLOWEEN AMUSEMENTS

Sec. 591-621. Halloween amusements defined.

As used in this division, Halloween amusement means haunted house, house of horrors, or any other activity in which persons are invited, guided, escorted, or otherwise transported through a building or structure or portion of a building or structure, temporary or permanent, for the purposes of entertainment or amusement during the month of October.

Sec. 591-622. Required; permit application; permit and fees.

(a) No person shall operate a Halloween amusement without first obtaining a permit from the appropriate fire prevention bureau.

(b) An application for a Halloween amusement permit shall be obtained from the appropriate fire prevention bureau and shall contain the following information.

- (1) The name of the organization sponsoring the amusement;
- (2) The name of person(s) in charge of the amusement operations; and
- (3) The period of time (dates and hours) in, which the amusement will be operated.

(c) The fee for each permit issued pursuant to this division shall be twenty-five dollars (\$25.00) payable to the appropriate fire prevention bureau.

Sec. 591-623. Amusement inspections.

(a) The authorized representative of the fire prevention bureau shall inspect the building or structure and the halloween amusement as often as may be reasonably necessary for compliance with applicable fire and life safety requirements for its intended occupancy.

(b) Such inspections shall occur at the start of amusement construction, at permit issuance and during permit period.

Sec. 591-624. Permit issuance and transferability.

(a) A Halloween amusement permit shall be issued only after the appropriate fire prevention bureau has had an opportunity to inspect the subject premises, and has found that the building or structure and amusement conforms with all applicable fire and life safety requirements as set forth in 675 IAC 22 and this Code.

(b) A permit issued pursuant to this division shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

Sec. 591-625. Appeal from denial of permit.

When the appropriate fire prevention bureau shall reject or refuse to grant a permit required by this division, or when it is claimed that provisions of this division or any other provision of this Code relating thereto do not apply, the person may appeal from the decision in writing as set forth in Section 591-249 of this Code.

Sec. 591-626. Permit period.

Each permit granted under the provisions of this division shall be for such period as indicated on the permit and permit application; however, any such permit shall expire on November first of the year in which it is issued.

Sec. 591-627. Display of permit required.

A permit issued pursuant to this division shall at all times be in a conspicuous place on the premises designated in the permit and shall at all times be subject to inspection by anyone duly authorized by the fire or police department.

SECTION 3. Chapter 252 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding a new Sec. 252-109, to read as follows:

Sec. 252-109. Fire protection by the Indianapolis Fire Department outside the Fire Special Service District.

The Indianapolis Fire Department may provide fire protection or services outside the boundaries of the Fire Special Service District, only under the following circumstances and upon the following conditions:

- (1) If the chief of the Indianapolis Fire Department or the director of the Department of Public Safety enters into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government which maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the Indianapolis Fire Department and the other fire department such that the ranking officer of the respective fire departments' may request, when necessary, the assistance without charge to the assisted department. The Indianapolis Fire Department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the Fire Special Service District or threaten the ability of the Indianapolis Fire Department to render services within the Fire Special Service District.
- (2) The Department of Public Safety of the City, upon approval of the Mayor, may enter into a contract with any person, municipality, or other governmental unit which is situated at a place not within the Fire Special Service District but within the county and which is desirous of contracting with the City for regular fire protection involving the use and services of the Indianapolis Fire Department. The details of such contract shall be specified by the Department of Public Safety, but each contract must provide that the City furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis Fire Department to the citizens of the Fire Special Service District. The contract shall also provide for a negotiated rate or fees payable as required by the Department of Public Safety for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.

SECTION 4. Chapter 811 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by adding a new Article VI, to read as follows:

ARTICLE VI. FIRE REPORTING SYSTEMS

Sec. 811-701. Scope of division.

This division shall cover installation and maintenance of all manual and automatic fire alarm systems in new and existing buildings. Also, faulty and/or false alarms, and delayed notification of manual or automatic systems.

Sec. 811-702. Monitoring of fire systems.

Fire alarm systems required by 675 IAC 13, 675 IAC 22 or this Chapter shall be monitored as set forth in 675 IAC 13-2.3-96 and 675 IAC 22-2.2-17; 1996 edition of N.F.P.A. Standard No. 72, by an

approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

Sec. 811-703. Notification upon fire alarm activation.

(a) The servicing fire department shall be notified upon the activation of any alarm, except in the case of a supervised fire drill or periodic testing of system.

(b) Notwithstanding subsection (a) of this section, such notice shall be required if the alarm is directly transmitted by private line or automatic dialer to the fire department.

(c) The monitoring company shall notify the servicing fire department immediately when the alarm is received at all times except as stated in Subsection (a) of this section.

Sec. 811-704. Faulty alarms.

(a) Whenever a fire department responds to an automatic fire alarm or medical alarm at a premise or building more than three (3) times in a ninety (90) day period due to improper alarm installation, lack of maintenance, servicing, or failure to notify the fire department of a drill or test, a service charge shall be imposed.

(b) For a fourth response in a ninety (90) day period, the service charge shall be fifty dollars (\$50.00). For a fifth response in a ninety (90) day period, the service charge shall be seventy-five dollars (\$75.00). For sixth and subsequent responses in a ninety (90) day period, the service charge shall be one hundred dollars (\$100.00).

(c) Such service charges shall be payable to the servicing fire department.

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

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

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code §35-3-4-14.

PROPOSAL NO. 154, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 154, 2002 on April 10, 2002. The proposal, sponsored by Councillors Dowden, Moriarty Adams, Soards, Horseman, and Talley, approves a transfer of \$135,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay salaries and benefits of five new staff positions who will perform various functions which are currently being done at the city's animal shelter by the Indianapolis Humane Society. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 154, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 154, 2002 was retitled FISCAL ORDINANCE NO. 39, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating One Hundred Thirty-five Thousand Dollars (\$135,000) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division, and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Public Safety, Animal Care and Control Division, to add five staff positions for the city's animal shelter, and to perform various animal care functions currently being done by the Indianapolis Humane Society under contract with the department.

SECTION 2. The sum of One Hundred Thirty-five Thousand Dollars (\$135,000) 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 additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	135,000
TOTAL INCREASE	135,000

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

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	135,000
TOTAL REDUCTION	135,000

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. 162-173, 2002 on April 15, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 162, 2002. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 56th Street and Lee Road (District 5). PROPOSAL NO. 163, 2002. The proposal, sponsored by Councillor Coonrod, authorizes a traffic signal at 59th Street and Lee Road (District 5). PROPOSAL NO. 164, 2002. The proposal, sponsored by Councillor Tilford, authorizes intersection controls at Whitty Lane at 14th Street and at 16th Street (District 12). PROPOSAL NO. 165, 2002. The proposal, sponsored by Councillor Douglas, authorizes intersection controls at Coburn Avenue and Coil Street (District 10). PROPOSAL NO. 166, 2002. The proposal, sponsored by Councillor Schneider, authorizes multi-way stops at various intersections located in the Royal Pines Estates (District 3). PROPOSAL NO. 167, 2002. The proposal, sponsored by Councillor Massie, authorizes parking restrictions on Surrey Drive from Coach Road to Shelby Street (District 20). PROPOSAL NO. 168, 2002. The proposal, sponsored by Councillor Knox, authorizes parking restrictions on Everett Street from Harding Street to White River Parkway W. Drive, and authorizes a change in one-way restrictions on Everett Street (District 17). PROPOSAL NO. 169, 2002. The proposal, sponsored by Councillors Langsford, Moriarty Adams, and Nytes, authorizes parking restrictions on various streets intersecting with Michigan Street (Districts 13, 15, 22). PROPOSAL NO. 170, 2002. The

proposal, sponsored by Councillors Langsford, Moriarty Adams, Short, and Nytes, authorizes parking restrictions on various streets intersecting with Washington Street (Districts 13, 15, 21, 22). PROPOSAL NO. 171, 2002. The proposal, sponsored by Councillor Nytes, authorizes a change in the one-way restrictions on 14th Street between Pennsylvania Street and Delaware Street (District 22). PROPOSAL NO. 172, 2002. The proposal, sponsored by Councillor Smith, authorizes a weight limit restriction on Marlin Road between Senour Road and Carroll Road (District 23). PROPOSAL NO. 173, 2002. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at Hillside Avenue and 57th Street (District 7). 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. 162-173, 2002 were adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Coonrod, Coughenour, Douglas, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

7 NOT VOTING: Borst, Cockrum, Conley, Dowden, Gibson, Gray, Talley

2 ABSENT: Langsford, Short

Proposal No. 162, 2002 was retitled GENERAL ORDINANCE NO. 44, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 44, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	56 th St Lee Rd	None	Signal

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

Proposal No. 163, 2002 was retitled GENERAL ORDINANCE NO. 45, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 45, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	59 th St Lee Rd	None	All Way Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	59 th St Lee Rd	None	Signal

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

Proposal No. 164, 2002 was retitled GENERAL ORDINANCE NO. 46, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 46, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Whitty Ln 14 th St	Whitty Ln	Stop
28	Whitty Ln 16 th St	16 th St	Stop

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

Proposal No. 165, 2002 was retitled GENERAL ORDINANCE NO. 47, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 47, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10	Coburn Av Coil St	Coburn Av	Stop

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

Proposal No. 166, 2002 was retitled GENERAL ORDINANCE NO. 48, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 48, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Candlewood Ln Ponderosa Blvd	Candlewood Ln	Stop
5	Candlewood Ln Royal Pine Blvd	Royal Pine Blvd	Stop
5	Ponderosa Blvd Royal Pine Blvd	Royal Pine Blvd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Candlewood Ln Ponderosa Blvd	None	All Way Stop
5	Candlewood Ln Royal Pine Blvd	None	All Way Stop
5	Ponderosa Blvd Royal Pine Blvd	None	All Way Stop

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

Proposal No. 167, 2002 was retitled GENERAL ORDINANCE NO. 49, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 49, 2002

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:

Surrey Drive, on the north side, from a point 215 feet west of Shelby Street to Shelby Street

Surrey Drive, on the south side, from a point 170 feet east of Shelby Street to Shelby Street

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

Proposal No. 168, 2002 was retitled GENERAL ORDINANCE NO. 50, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 50, 2002

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:

Everett Street, on both sides, from Harding Street to White River Parkway W. Drive

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

WESTBOUND

Everett Street, from Harding Street to White River Parkway W. Drive

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

Proposal No. 169, 2002 was retitled GENERAL ORDINANCE NO. 51, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 51, 2002

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:

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

Emerson Avenue, on the west side, from Michigan Street to a point 140 feet north of Michigan Street

Beville Avenue, on the west side, from New York Street to a point 95 feet north of New York Street

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

Proposal No. 170, 2002 was retitled GENERAL ORDINANCE NO. 52, 2002, and reads as follows:

April 29, 2002

CITY-COUNTY GENERAL ORDINANCE NO. 52, 2002

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. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, 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:

Keystone Avenue, on the east side, from dead-end south of Washington Street to Michigan Street

Keystone Avenue, on the east side, from Michigan Street to 10th Street

Keystone Avenue, on the west side, from Washington Street to a point 68 feet north of Washington Street

LaSalle Street, on the east side, from a point 70 feet south of Washington Street to 10th Street

LaSalle Street, on the west side, from Washington Street to a point 284 feet north of Washington Street

Linwood Avenue, on the east side, from Pleasant Run Parkway N. Drive to Michigan Street

Linwood Avenue, on the west side, from Washington Street to a point 65 feet north of Washington Street

Wallace Avenue, on the east side, from a point 35 feet south of Washington Street to Washington Street

Wallace Avenue, on the west side, from Washington Street to a point 65 feet north of Washington Street

Audubon Road, on the east side, from a point 180 feet south of Washington Street to Washington Street

Audubon Road, on the west side, from Washington Street to a point 70 feet north of Washington Street

Ridgeview Drive, on both sides, from Washington Street to a point 90 feet north of Washington Street

Kitley Avenue, on the east side, from Washington Street to Pleasant Run Parkway S. Drive

Kitley Avenue, on the west side, from Washington Street to a point 180 feet north of Washington Street

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

Proposal No. 171, 2002 was retitled GENERAL ORDINANCE NO. 53, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 53, 2002

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

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

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

WESTBOUND

Fourteenth Street, from Pennsylvania Street to Delaware Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

EASTBOUND

Fourteenth Street, from Pennsylvania Street to Delaware Street

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

Proposal No. 172, 2002 was retitled GENERAL ORDINANCE NO. 54, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 54, 2002

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

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

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

10,000 POUNDS GROSS WEIGHT

Marlin Road, from a point 2,435 feet east of Senour Road to Carroll Road

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

Proposal No. 173, 2002 was retitled GENERAL ORDINANCE NO. 55, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 55, 2002

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Hillside Av 57 th St	Hillside Av	Stop

April 29, 2002

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Hillside Av 57 th St	None	All Way Stop

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

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 Soards in memory of Billy Lee Walker, Mathilde E. Pohlhammer Keele, and Bernie Burns; and
- (2) Councillors Coonrod and Coughenour in memory of Carl Specker; and
- (3) Councillor Talley in memory of Elizabeth Miller and Clarence Eugene Brooks, Sr.; and
- (4) Councillor Horseman in memory of Carmen Hurtado Tapia.

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 Billy Lee Walker, Mathilde E. Pohlhammer Keele, Bernie Burns, Carl Specker, Elizabeth Miller, Clarence Eugene Brooks, Sr., and Carmen Hurtado Tapia. 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 9:15 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 29th day of April, 2002.

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)