

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

**REGULAR MEETINGS
MONDAY, AUGUST 26, 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 7:08 p.m. on Monday, August 26, 2002, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Talley recognized State Representative William Crawford and friend Damon Moore. Councillor Black introduced long-time friend and mentor Herman Johnson. Councillor Boyd recognized the new Chief Executive Officer for IndyGo, Gil Holmes. Councillor Langsford recognized Rob Stofel, Forest Creek Neighborhood Association, and John Harold, president of the Town of Cumberland Council. Councillor Horseman recognized former City employee Judy McKillip.

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, August 26, 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

August 6, 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, August 9, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 378-380, 2002, said hearing to be held on Monday, August 26, 2002, at 7:00 p.m. in the City-County Building.

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

August 16, 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. 78, 2002 - approves an appropriation of \$166,790 in the 2002 Budget of the City-County Council (Consolidated County Fund) to reappropriate funds spent on the review and analysis of the City's purchase of the Indianapolis Water Co., funded by fund balances

FISCAL ORDINANCE NO. 79, 2002 - approves an appropriation of \$70,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Federal Grants Fund) to install a 5000 gallon above ground fuel tank, with canopy, at 1736 S. West Street, to dispense ethanol (E85) fuel, financed by a federal grant

FISCAL ORDINANCE NO. 80, 2002 - approves an appropriation of \$12,000 in the 2002 Budget of the Office of the Controller (Landmark Building Preservation Fund) to cover the cost of installing windows in the East Building of the City Market Building that are not covered by a \$10,000 grant received by the City Market Board, financed by fund balances

FISCAL ORDINANCE NO. 82, 2002 - approves a transfer of \$225,000 in the 2002 Budgets of the County Auditor, Prosecuting Attorney, and Community Corrections (County General Fund) to fully staff D-Felony level courts in parity with the Public Defender and increase the capacity of the Annex from 280 to 340 inmates, financed by a transfer from the County Auditor

FISCAL ORDINANCE NO. 83, 2002 - approves an increase of \$201,249 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to expand the capacity of the current Community Transition Program, funded by a state grant

FISCAL ORDINANCE NO. 84, 2002 - approves an increase of \$107,006 in the 2002 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) for additional staff due to the enormous growth in the Community Transition and Day Reporting Programs, and also due to jail overcrowding, financed by fund balances

FISCAL ORDINANCE NO. 85, 2002 - approves an appropriation of \$53,600 in the 2002 Budget of the Department of Public Safety, Emergency Management and Planning Division (Consolidated County Fund) to

fund one new position for volunteer coordination during emergencies, financed by grants from the American Red Cross and the State Emergency Management Agency

FISCAL ORDINANCE NO. 86, 2002 - approves an appropriation of \$14,195 in the 2002 Budget of the Department of Public Safety, Police Division (Consolidated County Fund) to fund one new position to complete the physical registration process for all sex offenders required to register in Marion County, maintain the sex offender database for the City and County, and disseminate information regarding the registry, as required by IC 36-2-13-5.5, financed by partial reimbursement from the Marion County Sheriff's Department, and by fund balances

FISCAL ORDINANCE NO. 87, 2002 - approves a reappropriation of \$250,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) as partial funding for the purchase of 101 acres of the Mann Property, to be used for additional recreational facilities with direct access to the White River in Decatur Township, financed by fund balances

SPECIAL ORDINANCE NO. 5, 2002 - a final resolution and public hearing for Pleasant Run Apartments not to exceed \$13,000,000 which project consists of the acquisition and rehabilitation of a 252-unit apartment complex on an approximately 16 acre parcel of land located at 1366 North Arlington Avenue (District 12)

SPECIAL RESOLUTION NO. 50, 2002 - honors Dr. Kenneth Ossip on the 50th Anniversary of Ossip Optometry and Ophthalmology

SPECIAL RESOLUTION NO. 51, 2002 - an inducement resolution for Orchard Park Apartments in an amount not to exceed \$2,300,000 which project consists of the acquisition and rehabilitation of the existing 94-unit, apartment complex on an approximately 6.784 acre parcel of real estate located at 3102 North Baltimore (District 11)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Talley moved, seconded by Councillor Gibson, to hear and take final action this evening on Proposal Nos. 423 and 424, 2002. He said that these proposals should be moved for hearing under their appropriate heading of Presentation of Council Resolutions. He added that as these proposals are in relation to statements made by two Councillors, those Councillors should be prohibited from voting on any motions regarding these proposals.

Councillor Borst moved, seconded by Councillor Schneider, to amend Councillor Talley's motion to hear Proposal Nos. 423 and 424, 2002 under the heading of New Business this evening.

Councillor Boyd said that these types of resolutions are usually handled under Presentation of Petitions at the top of the agenda. Councillor Borst said that since the agenda has already been set, and these proposals are being introduced and referred to committees this evening, he feels they should not take precedence over other previously scheduled items on the agenda. He said, however, that he would be agreeable to hearing them at the close of the meeting under New Business.

The motion to amend Councillor Talley's motion carried by the following roll call vote; viz:

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

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

1 NOT VOTING: Massie

1 ABSENT: Conley

President SerVaas said that he assigned these proposals to the Committee on Committees, because they involved committees and chairmanship of committees. He said they would have

been scheduled for public input and an open hearing, but if the Council wishes that they be heard this evening, it is only fair that the proposals be put at the end of agenda under New Business.

Councillor Horseman said that in a previous meeting when a censure resolution was before the full Council, the matter was the sixth item on the agenda. Councillor Borst said that the proposals are currently slated to go to Committee and the Council is indulging Councillor Talley's request to forego the Committee process and hear them this evening. There are individuals here this evening to give public testimony regarding the budget that should not have to wait. Councillor Horseman said that New Business is at the end of the agenda and no one will still be present to hear this very important issue.

Councillor Horseman said that Councillor Dowden, as the subject of these proposals, should not have been allowed to vote on the motion. President SerVaas said that each Councillor may use their own discretion in determining conflict of interest when voting on an issue. Councillor Horseman said that Councillors Dowden and Massie should not be allowed to vote on the actual proposals. Councillor Massie said that he did not vote on the previous motion and will not be voting on Proposal No. 424, 2002.

Councillor Talley said that his motion also included prohibiting these Councillors from voting. President SerVaas ruled this motion out of order and said that Council members cannot prohibit other Councillors from voting on Council items. He said that further discussion on this issue will be reserved until New Business.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 5, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 420, 2002. The proposal, sponsored by Councillors Soards, Borst, Boyd, and Short, welcomes Colt's Coach Tony Dungy to Indianapolis. Councillor Soards read the proposal and presented Mr. Dungy with a copy of the document and a Council pin. Bill Polian, president and general manager of the Indianapolis Colts, welcomed Mr. Dungy and said that the City and the team are lucky to have him. Mr. Dungy thanked the Council for the recognition and said that he is glad to be in the midwest in a city with values and a community spirit. Councillor Gibson said that he has heard wonderful things about how Mr. Dungy gives to the community and he welcomed Mr. Dungy and his Christian values to the city. Councillor Boyd said that he has been a season ticket holder since the Colts came from Baltimore, and he is looking forward to a new season under Mr. Dungy's leadership. Councillor Soards moved, seconded by Councillor Borst, for adoption. Proposal No. 420, 2002 was adopted by a unanimous voice vote.

Proposal No. 420, 2002 was retitled SPECIAL RESOLUTION NO. 52, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2002

A SPECIAL RESOLUTION welcoming Colt's Coach Tony Dungy to Indianapolis.

WHEREAS, this year Tony Dungy marks his seventh season as a National Football League head coach, and his first year heading up the Indianapolis Colts; and

WHEREAS, Tony Dungy distinguished himself as the most successful coach in the history of the Tampa Bay Buccaneers by leading them to the playoffs in four of his six seasons; and

WHEREAS, he has developed a reputation for developing Pro-Bowl caliber players; and

WHEREAS, he is known for effective defensive strategies, ranking sixth in the NFL in total defense and eighth in the League for points allowed during the past season; and

WHEREAS, Tony Dungy is a proven community leader, supporting charitable organizations on both the local and national levels as a spokesperson and an advocate; and

WHEREAS, Coach Dungy and the Indianapolis Colts promise to give our community an exciting season and make us proud to be one of only 32 NFL cities in the United States; 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 extends to Coach Tony Dungy its warmest welcome to the Indianapolis community, and our best wishes for success this season and in the seasons to follow.

SECTION 2. The Council considers the Indianapolis Colts a tremendous asset to our city, and looks forward to the regular season's first coin toss, the crowd's roar, the cheerleaders, watching great athletes doing what they do best, and the swelling of pride for the home team.

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. 421, 2002. The proposal, sponsored by Councillor Nytes, recognizes the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002. Councillor Nytes read the proposal and presented Glenn Kwok, Executive Director of the International Violin Competition of Indianapolis, with a copy of the document and a Council pin. Mr. Kwok thanked the Council for the recognition and invited them to attend the competition. Councillor Nytes moved, seconded by Councillor Horseman, for adoption. Proposal No. 421, 2002 was adopted by a unanimous voice vote.

Proposal No. 421, 2002 was retitled SPECIAL RESOLUTION NO. 53, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2002

A SPECIAL RESOLUTION recognizing the Sixth Quadrennial International Violin Competition of Indianapolis, September 6-22, 2002.

WHEREAS, the International Violin Competition of Indianapolis was organized in 1982, and now sponsors three annual chamber music series, is involved in schools, and hosts this international competition every four years; and

WHEREAS, for 17 days in September the Sixth Quadrennial International Violin Competition will draw the world's attention to Indianapolis by bringing the finest young violinists to our great city; and

WHEREAS, the violin competition screening panel has already narrowed 200 applicants down to 52 participants from 21 nations; and

WHEREAS, the 2002 Competition will be launched on September 6th with a parade from Monument Circle to Pan Am Plaza and Opening Ceremonies at Union Station, and conclude on September 22nd with a Gala Awards Ceremony and Reception at the Scottish Rite Cathedral; and

WHEREAS, several prizes await to be earned for performances, with the First Place Laureate receiving a 24-karat gold medal, a debut recital at Carnegie Hall, a Compact Disc recording, \$30,000, and the loan of the ICVI's 1683 "ex-Gingold" Stradivari violin for the next four years; now, therefore:

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

SECTION 1. The Indianapolis City-County Council welcomes all visitors from around the world to the Sixth Quadrennial International Violin Competition of Indianapolis.

SECTION 2. The Council expresses its appreciation to the hundreds of community volunteers and professional staff who have dedicated their talents to this world-class event, and to those leading sponsors who have invested in the Competition's success: American United Life Insurance Company, Bank One, Bingham McHale LLP, Eli Lilly and Company, Indianapolis Power and Light Co., and NiSource, Inc., along with scores of other corporate, foundation, and individual supporters.

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. 422, 2002. The proposal, sponsored by Councillor Talley, recognizes the community commitment of Dano's Contracting, LLC. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Mike Dano, co-owner of Dano's Contracting, thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 422, 2002 was adopted by a unanimous voice vote.

Proposal No. 422, 2002 was retitled SPECIAL RESOLUTION NO. 54, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2002

A SPECIAL RESOLUTION recognizing the community commitment of Dano's Contracting, LLC.

WHEREAS, by its very nature the first order of business for any company is to work hard and smart, to produce goods or services that are needed, and to make enough profit to stay in business; and

WHEREAS, fortunately many businesses people and often their employees respond to a higher calling and use their resources and talents to give something back to the communities in which they operate; and

WHEREAS, Dano's Contracting, LLC does a good job as a general contractor and also chooses to contribute greatly to our community in so many different ways; and

WHEREAS, the low cost renovations and repairs to houses in the 14th Councilmanic District of Indianapolis provided by Dano's Contracting, LLC makes it possible for families to have a place to call home, and is just one example of Dano's Contracting, LLC's giving spirit and commitment to making Indianapolis, Indiana, a safer and more livable city; 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, on behalf of the citizens of Indianapolis thanks Dano's Contracting, LLC, Rick Malikowski, Dan Glogouski and Mike Emerick, and its family of employees who are a tremendous asset to Indianapolis for their vision and generosity.

SECTION 2. It is the partnership between the Mayor, the Council and the business community as demonstrated by Dano's Contracting, LLC that makes Indianapolis a great place to visit, work and to raise a family.

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.

General Counsel Robert Elrod introduced his son Jon Elrod who recently graduated Cum Laude from Indiana University Law School and is waiting for the results of his bar exam while working with Mr. Elrod at his law firm.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 412, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Airport Authority District"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 413, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Capital Improvement Board of Managers of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 414, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Health and Hospital Corporation of Marion County"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 415, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 416, 2002. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the operating and maintenance budget and tax levies of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 417, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints William M. Matthews to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 418, 2002. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$37,000 in the 2002 Budget of the County Coroner (County General Fund) to cover cabling for building and other building maintenance expenses and to purchase a dog kennel for cadaver dogs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 419, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$13,199 in the 2002 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to support the

continuation of the Arrestee Drug Abuse Monitoring Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 423, 2002. Introduced by Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, and Conley. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members"; and the President referred it to the Committee on Committees.

PROPOSAL NO. 424, 2002. Introduced by Councillors Talley Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, and Short. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which is a council resolution of censure"; and the President referred it to the Committee on Committees.

PROPOSAL NO. 426, 2002. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which provides limits on Honorary Resolutions"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 434, 2002. Introduced by Councillors Borst and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns council district boundaries"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 435, 2002. Introduced by Councillors Boyd, Black, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, and Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which concerns council district boundaries"; and the President referred it to the Rules and Public Policy Committee.

Councillor Sanders said that it should be noted once again that Proposal Nos. 423 and 424, 2002 have been moved for final action under New Business this evening and should not have been referred to Committee. President SerVaas said that this is correct and that the matter will be heard under New Business this evening unless the Council wishes to return it to the Committee on Committees.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 427, 2002, PROPOSAL NO. 428, 2002, and PROPOSAL NOS. 429-433, 2002. Introduced by Councillor Smith. Proposal No. 427, 2002, Proposal No. 428, 2002 and Proposal Nos. 429-433, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 20, 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. 103-109, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 103, 2002.
2002-ZON-817
8400 and 8600 EAST THOMPSON ROAD (approximate addresses), INDIANAPOLIS.
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23
TIMBERLAKE DEVELOPMENT CO., LLC requests a rezoning of 110 acres, being in the D-P Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 104, 2002.

2002-ZON-825

5090 McFARLAND ROAD and 2700 EAST FAIRFAX ROAD (approximate addresses), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

LEWIS ENGINEERING, by Troy A. Terew, requests a rezoning of 4.24 acres, being in the D-A District, to the D-1 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 105, 2002.

2002-ZON-083

632 & 636 NORTH EAST STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

MARK WILLIAMS requests a rezoning of 0.15 acre, being in the C-S district, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 106, 2002.

2002-ZON-084

3650 NORTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

THE INDIANAPOLIS. MACEDONIA MISSIONARY BAPTIST CHURCH, INC., by Gregory P. Cafouros, requests a rezoning of 4.58 acres, being in the C-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 107, 2002.

2002-ZON-090

6735 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

C.R. WHITE DEVELOPMENT, LLC requests a rezoning of 32.098 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 108, 2002.

2002-ZON-094

4002 CARROLL ROAD (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

KEITH A. RUSSELL requests a rezoning of 40 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 109, 2002.

2002-ZON-829

7830 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

EQUICOR DEVELOPMENT, by Joseph D. Calderon, requests a rezoning of 54.0 (±) acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 371, 2002. The proposal, sponsored by Councillor Smith, proposes to rezone 120.56 acres at 1419 Bade Road in Warren Township, Councilmanic District 13, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development (2002-ZON-005). On July 22, 2002, Councillor Langsford called Proposal No. 371, 2002 out for public hearing for August 5, 2002, at which time it was postponed until August 26, 2002.

Councillor Langsford made the following motion:

Mr. President:

I am pleased to report that the parties involved in the rezoning at 1419 Bade Road have reached a compromise on Proposal No. 371, 2002 (Rezoning Petition No. 2002-ZON-005) and pursuant to

the rules, I now move for the vote on Proposal No. 371, 2002, as modified by the additional commitments, without further public hearing.

Councillor Tilford seconded the motion.

Stephen Mears, counsel for the petitioner, and Rob Stoefel, representative of the remonstrators, said that they are pleased with the negotiations and thanked the Council for working with them through this process. Proposal No. 371, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Borst, Talley

1 ABSENT: Conley

Proposal No. 371, 2002 was retitled for identification as REZONING ORDINANCE NO. 110, 2002, the original copy of which ordinance is on file with the Metropolitan Development Commission, and is identified as follows:

REZONING ORDINANCE NO. 110, 2002.

2002-ZON-005

1419 BADE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

MANN PROPERTIES, by Stephen D. Mears, requests a rezoning of 120.56 acres, being in the D-A (FW)(FF) District, to the D-2 (FW)(FF) classification to provide for a single-family residential development.

Councillor Boyd stated that there are several concerned parties in attendance this evening to address Proposal Nos. 423 and 424, 2002. He asked if they will be allowed to give public testimony during New Business. President SerVaas said that these proposals will be addressed under New Business and he will allow concerned parties an opportunity to speak at that time.

SPECIAL ORDERS – PUBLIC HEARING ON PROPOSED BUDGETS COMMITTEE OF THE WHOLE COUNCIL

President SerVaas called for public testimony on the following budget ordinances and resolutions, but stated that no action is scheduled to be taken by the Council this evening.

PROPOSAL NO. 398, 2002. The proposal is the annual budget for the Police Special Service District for 2003. PROPOSAL NO. 399, 2002. The proposal is the annual budget for the Fire Special Service District for 2003. PROPOSAL NO. 400, 2002. The proposal is the annual budget for the Solid Waste Collection Special Service District for 2003. PROPOSAL NO. 401, 2002. The proposal is the annual budget for 2003 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 402, 2002. The proposal is the annual budget for 2003 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 403, 2002. The proposal is the annual budget for 2003 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 404, 2002. The proposal is the annual budget for 2003 for certain county agencies and appropriates the amounts set forth herein for the purposes specified. PROPOSAL NO. 405, 2002. The proposal is the annual budget for the Metropolitan Emergency Communications Agency for 2003. PROPOSAL NO. 406, 2002. The proposal appropriates the amounts necessary for

payments for city sinking funds for the calendar year 2003. PROPOSAL NO. 407, 2002. The proposal appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2003. PROPOSAL NO. 409, 2002. The proposal is the annual budget for the Marion County Office of Family and Children for 2003. PROPOSAL NO. 410, 2002. The proposal determines the tax levy for 2003 for each fund of the Consolidated City and Marion County. PROPOSAL NO. 411, 2002. The proposal authorizes the payment of certain dues for the city and county offices and agencies.

Councillor Sanders said that Proposal No. 408, 2002 is mysteriously absent from this list for which public testimony will be allowed. She said that this proposal is the revenue ordinance and she does not feel it is fair to ask the public to speak on budgets for which revenues have not been clarified. She said that she is embarrassed and feels that a one-vote majority can change the rules whenever it suits their political purposes. President SerVaas said that he has participated in 40 years of budget discussions and the public testimony allowed before action on the budget proposals has always been on those proposals that were advertised. Proposal No. 408, 2002 was not advertised for a public hearing on this date, but it will be heard in Committee, and once recommended by the Committee, will be before the full Council. He said that many negotiations are still going on that affect many of these ordinances, and he is certain the sides will come together in time to pass a budget for both the City and County.

John McClain, citizen, said that it is time the City of Indianapolis enforced punishment for drug use and prostitution and stopped releasing dangerous criminals into the community. He said that the City should solicit advertising to display on City and County-owned vehicles in order to provide additional revenue. He said that local law enforcement agencies need to be merged into one.

William Crawford stated that he stands before the Council this evening as a member of the Indiana State House of Representatives, chair of the public policy committee for the Concerned Clergy of Greater Indianapolis, a citizen voter, and taxpayer. He said that the issue of how housing is funded in Indianapolis is very important. He said that housing stimulates economic activity in neighborhoods, and he is proposing that one penny per \$1,000 of assessed valuation be added as a levy to capitalize the housing trust fund in a program called "Just a Penny would Help so Many." He said that more than 10,000 Indianapolis residents pay more than 50% of their income in rent.

John Merlin, president of the Indianapolis Chamber of Commerce, said that the Chamber supports a county-wide police taxing district. He said that the City has built the County Option Income Tax (COIT) distribution into the budget for 17 years, and it would be unfair to take it away now. He said that if the Council feels this is not an appropriate suggestion, the Chamber urges them to come up with another solution to fund both County and City budgets.

Mark Easley, small Downtown business owner, said that he supports the county-wide taxing district, because Center Township already pays for both Indianapolis Police Department (IPD) and Marion County Sheriff's Department (MCSD).

Andre Lacey, Center Township resident, business owner, and Indianapolis Downtown, Inc. (IDI) board member, said that IDI unanimously supports the city-wide police district proposed by Mayor Bart Peterson. He said that MCSD uses many of IPD's resources and services, yet those outside of the old city limits only pay to support MCSD, and not IPD. Center Township has the highest tax rate in the City and this inhibits growth.

Michael McWellen, Lawrence Township home and business owner, said that he is concerned about the Mayor's plan to increase the tax burden on some of the most over-taxed areas of the County. He said that these areas are policed by the MCSD, which is already under-represented by a two-to-one margin when it comes to uniformed officers. He said that the Mayor is trying to fulfill his campaign promise of an additional 200 police officers by siphoning tax dollars away from the outer townships. He said that the IPD district only has one-third of the population, yet already has two-thirds of the police force. He said the tax burden should be more fairly distributed.

Troy Liggett, president of the Old Northside Neighborhood Association, said that he supports the consolidated police funding district. He said that those living within the old City boundaries will see significant property tax increases in the next year which may even increase up to five-fold, due to the results of tax court and General Assembly decisions. He said that township property taxes will decrease, and these costs will be shifted to Downtown.

Greg Shenkel, president of the Greater Indianapolis Progress Committee (GIPC), said that GIPC supports the county-wide police service district.

Sherry Stone, mother, homeowner and citizen of Indianapolis, said that the family and children issue needs to be looked at closely. Instead of sending so many children to the Department of Corrections and incurring huge bills in that area, the City should consider directing these dollars toward alternative rehabilitation programs for some of these children who should not be in the Department of Corrections.

Shelley Reeves, wife of an Indianapolis firefighter, said that so much money is misappropriated to the wrong things, and the public safety personnel are very important to the quality of life in this City. She said that she received a letter today from Republican representatives which was extremely confusing and did not clarify either party's stand, and she thinks it is time both sides of the aisle look at what is really important when considering budget issues.

There being no further testimony, President SerVaas asked for consent to proceed with the agenda. Consent was given.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 241, 379, and 380, 2002 on August 14, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 241, 2002. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$50,000 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide for contractual and consulting services for an Alternative Dispute Resolution, funded by a federal grant. PROPOSAL NO. 379, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$200,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to provide funding for the Street Level Advocate unit for salaries, professional development, public relations and community outreach, funded by a federal grant. PROPOSAL NO. 380, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$465,000 in the 2002 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes. By 9-0 votes, the Committee reported Proposal Nos. 241 and

379, 2002 to the Council with the recommendation that they do pass as amended, and Proposal No. 380, 2002 to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 241 and 379, 2002, as amended, and Proposal No. 380, 2002 were adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Douglas, Dowden, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

8 NOT VOTING: Black, Coonrod, Coughenour, Gibson, Gray, Nytes, Sanders, Short

1 ABSENT: Conley

Proposal No. 241, 2002, as amended, was retitled FISCAL ORDINANCE NO. 90, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney 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 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 Prosecuting Attorney to provide for contractual and consulting services for Alternative Dispute Resolution.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services – fringes	8,000
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	30,000
2. Supplies	1,000
3. Other Services and Charges	<u>11,000</u>
TOTAL INCREASE	50,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>50,000</u>
TOTAL REDUCTION	50,000-

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

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

Proposal No. 379, 2002, as amended, was retitled FISCAL ORDINANCE NO. 88, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney 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 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 Prosecuting Attorney for the support of the Street Level Advocate unit with funding for salaries, professional development, and public relations and community outreach.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	34,858
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	126,210
2. Supplies	1,740
3. Other Services and Charges	35,192
4. Capital Outlay	<u>2,000</u>
TOTAL INCREASE	200,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>200,000</u>
TOTAL REDUCTION	200,000

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

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

Proposal No. 380, 2002 was retitled FISCAL ORDINANCE NO. 89, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Four Hundred Sixty-five Thousand Dollars (\$465,000) in the State and Federal Grants Fund for purposes of the County Auditor and Prosecuting Attorney 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 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 Prosecuting Attorney to appropriate Marion County Prosecutor Office's share of Block Grant #6 funds to be used to support the Street Level Advocate's salaries and fringes.

SECTION 2. The sum of Four Hundred Sixty-five Thousand Dollars (\$465,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	101,600
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>363,400</u>
TOTAL INCREASE	465,000

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>465,000</u>
TOTAL REDUCTION	465,000

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

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

PROPOSAL NO. 378, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 378, 2002 on August 15, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an appropriation of \$105,300 in the 2002 Budget of the Department of Parks and Recreation (Federal Grants Fund) to serve 40,000 - 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program), financed by a U.S. Department of Agriculture grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:26 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 378, 2002 was adopted on the following roll call vote; viz:

21 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Douglas, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Talley, Tilford

0 NAYS:

7 NOT VOTING: Black, Dowden, Gibson, Gray, Nytes, Sanders, Short

1 ABSENT: Conley

Proposal No. 378, 2002 was retitled FISCAL ORDINANCE NO. 91, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating One Hundred Five Thousand and Three Hundred Dollars (\$105,300)

in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) 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 Parks and Recreation to serve 40,000 – 45,000 lunches to needy children at 24 sites in Indianapolis (Summer Lunch Program).

SECTION 2. The sum of One Hundred Five Thousand and Three Hundred Dollars (\$105,300) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>105,300</u>
TOTAL INCREASE	105,300

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>105,300</u>
TOTAL REDUCTION	105,300

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.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 265, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 265, 2002 on August 6, 2002. The proposal, sponsored by Councillors McWhirter, Horseman, Sanders, Soards, and Boyd, amends various sections of Chapter 996 of the Revised Code regarding the regulations of the taxicab and limousine industries by the City. Councillor McWhirter explained the entire process and length of time it took to research and make changes to this ordinance through the efforts of a sub-committee. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd said that there have been extensive meetings on this issue and he commended Councillor McWhirter for facilitating complete public input. He said that while this ordinance may still be far from perfect, it is a step in the right direction.

Councillor Soards said that, as a co-sponsor, he supports the proposal and has heard from representatives of the hotel industry that express their satisfaction with the changes.

Councillor Schneider commended Councillor McWhirter for all of her efforts and facilitation of discussion. He added, however, that he still has some concerns about changes that may be detrimental. He said that there was never any substantiation for the reason to require 20 cabs or licenses. Even though existing operators are grandfathered, this limits entrepreneurs from

beginning small businesses, and he feels no background or research has been given as to why 20 cabs is better than one. He moved, seconded by Councillor Bradford, to strike subsection (b) in Sec. 996-43.

Councillor Sanders said that this issue was discussed in detail in Committee, and she asked if an amendment should be before the Council in writing. Mr. Elrod said that he has Councillor Schneider's motion in writing and therefore it is in order. Councillor Sanders asked if the rules dictate that each Council member must have a copy of the motion in writing. Mr. Elrod said that there is nothing in the rules that says the motion must be distributed.

Councillor Boyd asked Earl Morgan, Deputy City Controller, to address the issue of the minimum number of 20 taxicabs. Mr. Morgan said that in looking at service levels both in this City and across the country, it has been found that one and two-cab companies do not have the resources to deliver the service required by a world-class city. He said that many other comparable cities have larger minimum limits, but he feels 20 cabs is a good minimum for this City. Councillor McWhirter said that this issue was discussed at great length, and although the proposal may not be perfect, it is a step in the right direction. She added that the license renewal period is a year away, and it could again be amended at a later date if found to be too cumbersome. She urged the Council to vote against the amendment.

Councillor Smith said that he did not support tax changes several years ago, and will not support them this evening. He said that local government should let those out there driving cabs and the market dictate these decisions.

Councillor Bainbridge said that while it may not be a perfect ordinance, a lot of time and effort has been spent on this issue and he values the work done by the sub-committee and does not think last-minute amendments serve the public well.

The motion to amend per Councillor Schneider failed on the following roll call vote; viz:

6 YEAS: Bradford, Coonrod, Coughenour, Dowden, Massie, Schneider

22 NAYS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Douglas, Gibson, Gray, Horseman, Knox, Langsford, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Talley, Tilford

1 ABSENT: Conley

President SerVaas commended Councillor McWhirter on full public hearings and detailed research on this issue. He said that this was truly a bi-partisan effort and although it may not be perfect, it is a start.

Councillor Coonrod said that while the new ordinance limits competition and evolves into somewhat of a monopoly business, it does not set any type of rates. He said that no matter how desirable the proposal may be, to limit competition and not set rates would be unusual when regulating an industry. Mr. Elrod said that because this new proposal does not amend the rate structure, the rate structure already in place will remain in effect. Councillor Coonrod said that one of the biggest concerns seemed to be that licensees only wanted to serve the airport and did not want to take calls for short trips. He said that this proposal authorizes the licensee to charge a pick-up fee in addition to the mileage fee. The rate limitations do not address these pick-up fees.

President SerVaas said that he has reservations about making these kind of changes on the floor at this meeting. He said that Councillor Coonrod could perhaps introduce another proposal in the future to address this matter with further hearings and a separate action.

Councillor Boyd agreed that this is a significant issue and is a point well-taken and should be further reviewed.

Councillor McWhirter moved, seconded by Councillor Boyd, for adoption. Proposal No. 265, 2002, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 265, 2002, as amended, was retitled GENERAL ORDINANCE NO. 72, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend various sections of Chapter 996 of the "Revised Code of the Consolidated City and County" regarding the regulation of public vehicles for hire.

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

SECTION 1. Sections 996-22, 996-23, and 996-24 of the "Revised Code of the Consolidated City and County," regarding eligibility and application requirements for licenses to operate public vehicles for hire, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-22. Eligibility.

To be eligible for a license to operate a public vehicle for hire, a person:

- (1) Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application; ~~and~~
- (3) Either:
 - a. Must not have been convicted at any time of:
 1. A felony or misdemeanor that involved violence towards another person;
 2. Drunk or drugged driving;
 3. Being an habitual traffic offender; or
 4. Being an habitual substance offender; or
 - b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this section; and
- (4) Either:
 - a. Must have been a resident of Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months; or

- b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this subsection.

Sec. 996-23. Application.

Each applicant for a license to operate a public vehicle for hire shall provide to the controller the following information concerning the applicant, on an application form provided by the controller, signed and sworn to by the applicant:

- (1) Full name;
- (2) Residence address;
- (3) Office address;
- (4) Place of residence for the five (5) years immediately preceding the date of the filing of the application, including an address or addresses in Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months;
- (5) Age, race, sex, height, weight, and color of eyes and hair;
- (6) Place of birth;
- (7) Length of residence in the City of Indianapolis;
- (8) Last previous employment;
- (9) Whether the applicant is a citizen of the United States;
- (10) The date of judgment, court and description of each conviction for a violation of law by the applicant;
- (11) The date of filing, court and description of each charge pending against the applicant alleging a violation of law;
- (12) All governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- (13) Such additional information as the controller deems necessary.

Sec. 996-24. Attachments to the application.

Each application shall be accompanied by:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the controller, designed to be easily attachable to the license;
 - (2) A complete set of the applicant's fingerprints in a format prescribed by the controller;
 - (3) A copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application; ~~and~~
 - (4) A copy of the applicant's limited criminal history from the Indiana State Police and from the Indianapolis Police department, as provided by IC 5-2-5-5; and
- ~~(4)(5)~~ Such additional items as the controller deems necessary.

SECTION 2. Sections 996-26 and 996-27 of the "Revised Code of the Consolidated City and County," regarding investigation and examination of applicants for licenses to operate public vehicles for hire, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-26. Investigation of applicant.

The controller shall investigate an applicant for a license to operate a public vehicle for hire. The investigation shall include:

- ~~(1)~~ Submission of the photographs and fingerprints of the applicant to the Indianapolis Police Department, which shall report to the controller as to whether the applicant has any criminal record, and the details of that criminal record;
- ~~(2)~~(1) Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant; and
- ~~(3)~~(2) Such additional investigation as the controller deems necessary.

Sec. 996-27. Examination of applicant.

~~(a)~~ Each applicant for a license to operate a public vehicle for hire ~~may~~ shall be examined by the controller ~~if determined by the controller to be necessary~~ to guarantee quality service to customers, as to:

- (1) The applicant's qualifications;
- (2) The applicant's knowledge of the provisions of this chapter and such other ordinances, statutes and regulations as the controller deems relevant;
- (3) The applicant's knowledge of the geography of Marion County and the surrounding counties;
- (4) The applicant's ability to communicate in English with customers; and
- (5) The applicant's skill in operating a motor vehicle (including a driving test accompanied by an inspector in such circumstances as the controller determines to be necessary to protect the public).

~~(b)~~ Each new applicant for a license to operate a public vehicle for hire shall complete a comprehensive training program administered by the controller or an authorized agent thereof.

SECTION 3. Section 996-29 of the "Revised Code of the Consolidated City and County," regarding the issuance of a license to operate a public vehicle for hire, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-29. Issuance of license.

Upon completion of the investigation and any examination of the applicant, and a determination by the controller that the applicant is eligible pursuant to Section 996-22 and qualified pursuant to Section 996-27 for a license to operate a public vehicle for hire, the controller shall issue to the applicant a license to operate a public vehicle for hire, in a format prescribed by the controller, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license, and such additional information as the controller deems necessary.

SECTION 4. Article III of Chapter 996 of the "Revised Code of the Consolidated City and County," regarding licenses for operators of public vehicles for hire, hereby is amended by the addition of a NEW Section 996-33, to read as follows:

Sec. 996-33. Post-licensure inspection of operator.

At least two (2) times each year on a schedule or at such unannounced times as determined by the controller, the controller shall inspect each licensed operator for compliance with Section 996-124 and other requirements of this chapter.

SECTION 5. Sections 996-42 and 996-43 of the "Revised Code of the Consolidated City and County," regarding the requirements of public vehicles for hire and the eligibility of applicants for public vehicles for hire licenses, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-42. Eligibility.

To be eligible for licensure as a public vehicle for hire, a motor vehicle must:

- (1) Be a passenger vehicle;
- (2) Be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
- (3) Be equipped with a two-way radio to facilitate dispatching and other communication between the public vehicle for hire and the owner's central office;
- ~~(3)~~(4) Have a tax situs in Marion County;
- ~~(4)~~(5) Have Marion County license plates; and
- ~~(5)~~(6) Be owned by an applicant eligible to apply for a public vehicle for hire license.

Sec. 996-43. ~~Applicant~~ Eligibility; required number of taxicabs per applicant.

(a) To be eligible to apply for a public vehicle for hire license, a person:

- (1) Must be the owner of the vehicle;
- (2) Must have a central office located in Marion County which shall be kept open twenty-four (24) hours each day for the purpose of receiving calls and dispatching public vehicles for hire within the city; and
- (3) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.

(b) No person shall be eligible to apply for, or have the controller renew, public vehicle for hire licenses for taxicabs unless the number of taxicabs which are owned by that person, and which are licensed or will be licensed if the application is approved, is twenty (20) or more; however, this limitation shall not apply to any subsequent renewal of a license which was valid on July 1, 2002.

SECTION 6. Section 996-49 of the "Revised Code of the Consolidated City and County," regarding pre-licensure inspection of vehicles, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-49. Pre-licensure inspection of vehicle.

The controller shall inspect the vehicle for compliance with the motor vehicle equipment requirements of IC 9-19 and Section 996-123 of the Code.

SECTION 7. Sections 996-53 and 996-54 of the "Revised Code of the Consolidated City and County," regarding the post-licensure inspection of public vehicles for hire and the removal of public vehicles for hire from service, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-53. Post-licensure inspection of vehicle.

At least two (2) ~~and not more than five (5)~~ times each year, on a schedule or at such unannounced times as determined by the controller, the controller shall inspect each licensed public vehicle for hire for compliance with the motor vehicle equipment requirements of IC 9-19 and Section 996-123.

Sec. 996-54. Removal from service.

If a licensed public vehicle for hire is inspected pursuant to section 996-53 and found not to comply with the motor vehicle requirements of IC 9-19 or Section 996-123, any monthly limousine or taxicab certificate shall be immediately removed from the vehicle and canceled. The controller shall thereafter reinspect the vehicle upon the request of the licensee.

SECTION 8. Section 996-64 of the "Revised Code of the Consolidated City and County," regarding the monthly limousine certificate, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-64. Monthly limousine certificate.

(a) Each calendar month the controller shall issue a limousine certificate to the owner for each licensed limousine so long as such vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner canceled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the limousine, the signature of the controller, and such additional information as the controller deems necessary.

(b) It shall be unlawful to own or operate a licensed limousine which does not bear a current limousine certificate. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 9. Section 996-72 of the "Revised Code of the Consolidated City and County," regarding eligibility for taxicab licenses, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-72. Eligibility.

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicles for hire;
- (2) Be either:
 - a. Of the current or past six (6) model years; or
 - b. Beyond the past six (6) years but not more than ten (10) model years and inspected and approved annually by the City Garage and the controller as remaining fit for quality service both mechanically and aesthetically;
- (3) Be equipped with a certified taximeter;
- (4) Have a permanently affixed top light clearly identifying the vehicle as a taxicab;
- (5) Have a color scheme which is the same for all taxicabs owned by the same person, and which is either:
 - a. Not similar to that in use by any taxicab licensed to another licensee; or
 - b. Similar to that of a taxicab licensed to a licensee who has consented to such use of the color scheme; and
- (6) Have affixed to both sides and the rear of the vehicle the controller's license number for the taxicab in a format prescribed by the controller, designed to be readable by potential customers.

SECTION 10. Section 996-77 of the "Revised Code of the Consolidated City and County," regarding the monthly taxicab certificate, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-77. Monthly taxicab certificate.

(a) Each calendar month the controller shall issue a taxicab certificate to the owner for each licensed taxicab so long as such vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner canceled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the taxicab, the signature of the controller, and such additional information as the controller deems necessary.

(b) It shall be unlawful to own or operate a licensed taxicab which does not bear a current taxicab certificate. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 11. Section 996-84 of the "Revised Code of the Consolidated City and County," regarding public vehicle for hire fare charges, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-84. Fare charges.

A fare schedule on file with the controller may be changed only upon ten (10) days written notice to the controller. With the exception of fares authorized under section 996-86(8), ~~and (9) and (10)~~, fares in the schedules may not be changed more than once each calendar quarter.

SECTION 12. Section 996-86 of the "Revised Code of the Consolidated City and County," regarding allowable taxicab fares, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-86. Allowable taxicab fares; manner of payment.

(a) Charges for taxicab service may include only the following charges:

- (1) A pick-up charge for trips resulting from a phone request;
- (2) A pick-up charge for trips not resulting from a phone request;
- (3) A mileage charge measured in one-fifth (1/5) mile;
- (4) A waiting charge;
- (5) An extra passenger charge;
- (6) An alternative hourly charge;
- (7) An alternative regional center fare for trips originating and ending within that portion of Central Indianapolis lying east of White River, south of 12th Street, west of I-65 and north of I-70;
- (8) An alternative Indianapolis 500 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; ~~and~~
- (9) An alternative Brickyard 400 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; and
- (10) An alternative United States Grand Prix at Indianapolis fare, on the date such race is scheduled to be run and any scheduled postponement date.

(b) Each operator shall be equipped and authorized to accept payment of the fare by credit card. It shall be unlawful for a licensee under this chapter to discourage a customer from paying by credit card, or to charge an additional amount for paying by credit card.

SECTION 13. Sections 996-87 and 996-88 of the "Revised Code of the Consolidated City and County," regarding maximum taxicab fares for 1994 and 1995, respectively, hereby are REPEALED.

SECTION 14. Sections 996-122 through 996-126 of the "Revised Code of the Consolidated City and County," regarding dispatching logs, maintenance of public vehicles for hire, the dress code for operators, discrimination, and the display of licenses and fare cards, respectively, hereby are amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 996-122. Dispatching log.

~~Any licensee having a central dispatch office~~ Each owner or operator of a public vehicle for hire which is licensed under this chapter shall maintain, at that central dispatch office a location in the city, a

record of all ~~dispatches~~ customer service transactions including the date and time of the agreement to provide service, ~~and the time, date and location of pickup and to which the service is to be provided~~ the dates, times and locations where the customer is picked up and dropped off, the name of the operator, and the amount of the fare. Dispatching logs shall be retained for at least one (1) year by the ~~licensee owner or operator~~ and shall be open to inspection on demand by the controller and any ~~police~~ law enforcement agency having jurisdiction over the geographical area ~~of the office where the record is located~~.

Sec. 996-123. Maintenance.

(a) The exterior and interior of all vehicles in use as public vehicles for hire shall be kept well painted, maintained and reasonably free from dirt.

(b) It shall be unlawful to own or operate a public vehicle for hire which is not maintained as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

Sec. 996-124. Dress code.

(a) A person operating a public vehicle for hire shall at a minimum:

- (1) Be clean and free of any body odor detectable to a reasonable passenger;
- (2) Have all visible head and facial hair neatly trimmed and combed or brushed;
- (3) Be dressed in clean and neat outer wear consisting of shoes and a collared shirt or blouse and slacks or skirt, or dress.

(b) No person operating a public vehicle for hire shall wear as outer wear thongs, sandals, shorts, trunks, collarless shirt, tank top, body shirt, see-through clothing, swim wear or sweat clothing.

(c) It shall be unlawful for a person whose condition or appearance does not comply with the requirements of this section to operate a public vehicle for hire. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

Sec. 996-125. ~~Discrimination~~ Failure to provide service; response time.

(a) It shall be unlawful for a licensee to refuse as a passenger an orderly person who applies to him for transportation within the city, unless the operator is providing service to another person, or unless the operator has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the operator.

(b) ~~No~~ It shall be unlawful for a licensee shall to refuse as a passenger any person who applies to him for transportation solely on any discriminatory the basis which violates federal or state law of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status, or Vietnam era veteran status.

(c) Within fifteen (15) minutes after a request for service is received by telephone or facsimile, a licensee shall answer the request by causing a public vehicle for hire to arrive at the requested location or by advising the person as to how long it will be before such vehicle will arrive. Failure to comply with this subsection shall constitute a violation of the Code.

Sec. 996-126. Display of licenses and fare schedules.

(a) Every public vehicle for hire shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the controller.

(b) It shall be unlawful to own or operate a public vehicle for hire which does not display the licenses and fare schedule as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 15. Section 996-133 of the "Revised Code of the Consolidated City and County," regarding complaints about operators of public vehicle for hire, hereby is amended by the addition of the language which is underscored, to read as follows:

Sec. 996-133. Complaints.

(a) Any person knowing of the misconduct of any licensee under this article may present a complaint to any police officer of the city or to the controller. The controller shall investigate the complaint with the assistance of the Indianapolis Police Department or the Marion County Sheriff, if the controller deems such assistance necessary. The Indianapolis Police Department or the Marion County Sheriff shall file with the controller a report of the facts relating to such conduct. The controller shall then notify the licensee in writing that charges have been filed against him, setting a time for a hearing on such charges as provided in Chapter 801, Article IV, of the Code.

(b) If additional complaints or violations of this chapter are observed against a licensee within a twelve (12) month period and after a hearing by the controller found to have merit, the controller shall impose not less than a one (1) week suspension, and if determined to be beneficial by the controller, require the operator to successfully complete the forty (40) hour training program pursuant to Section 996-27 during the suspension.

SECTION 16. Article IX of Chapter 996 of the "Revised Code of the Consolidated City and County," regarding miscellaneous regulations, hereby is amended by the addition of a NEW Section 996-138. to read as follows:

Sec. 996-138. Limitations on operator's number of hours; operator's log.

(a) It shall be unlawful for a person to operate a public vehicle for hire in the city for a cumulative total of more than:

- (1) Twelve (12) hours in any period of twenty-four (24) consecutive hours; or,
- (2) Twenty (20) hours in any period of forty-eight (48) consecutive hours.

For purposes of this section, a person shall be deemed to be operating a public vehicle for hire at all times the vehicle is in service, and regardless of whether or not the vehicle is being driven.

(b) Each operator of a public vehicle for hire shall maintain at a location in the city, and on a form provided by the controller, a record of each day or portion of a day in which he or she operates a public vehicle for hire, including the operator's name and signature, the date, and the times when the vehicle was placed in service and taken out of service. Operator logs shall be retained for at least one (1) year by the operator or owner, and shall be open to inspection on demand by the controller and any law enforcement agency having jurisdiction over the geographical area where the record is located.

(c) A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 17. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding civil penalties which may be paid through the ordinance violations bureau, hereby is amended by the addition of the language which is underscored, to read as follows:

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

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

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00

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407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	12.50
431-314	Premises address violation - second offense in calendar year	25.00
431-602	Bicycles – second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle – first violation	50.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	12.50
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	12.50
441-407	Display of unauthorized traffic controls	12.50
441-408	Interference with traffic control devices	12.50
441-503	Consumption or possession by operator of motor vehicle first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	12.50
611-501	Unlawful stopping of food vendor vehicle	12.50
611-502	Violation of noise restriction on food vendors	12.50
611-504	Failure of food vending vehicle to display required warnings	12.50
611-506	Unlawful vending from other than curb side of vending vehicle	12.50
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	12.50
621-108	Unlawful manner of parking	12.50
621-109	No required lights on certain parked vehicles	12.50
621-110	Violation of handicapped parking restrictions	45.00
621-111	Unlawful parking in handicapped parking meter zone	45.00
621-112	Unloading perpendicular to curb without permit	12.50
621-113	Unlawful use of bus stops and taxicab stands	12.50
621-114	Unlawful use of passenger and loading zones	12.50
621-115	Unlawful parking adjacent to certain buildings	12.50
621-116	Unlawful parking for display for sale or advertising	12.50
621-117	Unlawful parking for more than six (6) hours	12.50
621-118	Unlawful parking of commercial vehicles at night	12.50
621-119	Unlawful parking in alleys or on certain narrow streets	12.50
621-120	Unlawful parking in designated special parking areas	12.50
621-121	Parking on certain streets where prohibited at all times	12.50
621-122	Stopping, standing or parking on streets where prohibited at all times	12.50
621-123	Parking on certain streets where prohibited at all times on certain days	12.50
621-124	Parking on certain streets when prohibited at certain times on certain days	12.50
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m.-9:00 a.m., 7:00 a.m.-9:00 a.m., 3:00 p.m.--6:00 p.m., 4:00 p.m.-6:00 p.m.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	12.50
621-203	Parking in excess of time permitted in parking meter zone	12.50
621-210	Parking in meter zone when temporarily prohibited	12.50
621-216	Overtime parking in metered parking space	12.50
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
730-505	Civil zoning violations - first offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00

811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00
811-311	Fourth false alarm in all other calendar years	100.00
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Ch. 903	Pedal cab violation - first offense in twelve month period	100.00
<u>996-64</u>	<u>No monthly limousine certificate - first offense in twelve month period</u>	<u>25.00</u>
<u>996-77</u>	<u>No monthly taxicab certificate - first offense in twelve month period</u>	<u>25.00</u>
<u>996-123</u>	<u>Failure to maintain public vehicle for hire - first offense in twelve month period</u>	<u>25.00</u>
<u>996-124</u>	<u>Limousine or taxicab operator dress code violation - first offense in twelve month period</u>	<u>25.00</u>
<u>996-126</u>	<u>Failure to display licenses or fare schedule - first offense in twelve month period</u>	<u>25.00</u>
<u>996-138</u>	<u>Limousine or taxicab operator exceeding limitation on hours - first offense in twelve month period</u>	<u>25.00</u>

SECTION 18. 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 19. 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 20. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 342, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 342, 2002 on August 6, 2002. The proposal, sponsored by Councillor Langsford, approves the schedules of ordinance violations for the Town of Cumberland. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Massie moved, seconded by Councillor Langsford, for adoption. Proposal No. 342, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 342, 2002 was retitled GENERAL RESOLUTION NO. 5, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2002

A PROPOSAL FOR A GENERAL RESOLUTION approving the schedules of ordinance violations for the Town of Cumberland, Indiana.

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

SECTION 1. Pursuant to IC 33-6-3-2(d), the schedules of ordinance violations of the Town of Cumberland, Indiana, as adopted in Ordinance No. 2002-05 and Ordinance No. 2002-13 by the Town Council of Cumberland, copies of which ordinances are attached to the official copy of this resolution, are hereby approved.

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

Councillor McWhirter reported that Proposal Nos. 343, 375-377, and 382, 2002 were heard by the Administration and Finance Committee on August 6, 13, and 20, 2002. She said that parts of Proposal No. 343, 2002, Exhibit A, were heard by the Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 343, 2002. The proposal, sponsored by Councillor Borst, fixes the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, and establishes budgetary procedures for amending compensation restrictions. PROPOSAL NO. 375, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$35,000 to Indiana Reading and Information Services to provide radio reading programs for the blind and print disabled in Marion County. PROPOSAL NO. 376, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County. PROPOSAL NO. 377, 2002. The proposal, sponsored by Councillors McWhirter and Nytes, approves a public purpose grant in the amount of \$150,000 to Indiana University for the purpose of purchasing playback equipment used in providing programming on the educational access channels of the franchised cable systems in Marion County. PROPOSAL NO. 382, 2002. The proposal, sponsored by Councillors Gray and Soards, determines the need to lease office space at 4460 Guion Road for the Reserves of the Sheriff's Department. By 7-0 votes, the Committee reported Proposal No. 343, 2002 to the Council with the recommendation that it do pass as amended, and Proposal Nos. 375-377 and 382, 2002 to the Council with the recommendation that they do pass. The Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees, by votes of 5-1, 5-0, 7-0, and 6-0 respectively, also reported Proposal No. 343, 2002 to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 343, 2002, as amended, and Proposal Nos. 375-377 and 382, 2002 were adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: Horseman, Langsford, Sanders, Schneider

1 ABSENT: Conley

Proposal No. 343, 2002, as amended, was retitled GENERAL ORDINANCE NO. 73, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 2002

A PROPOSAL FOR A GENERAL ORDINANCE fixing the annual compensation of all elected officials and all appointed officers, deputies and employees of the Consolidated City and Marion County, establishing budgetary procedures for amending compensation restrictions, and amending the Revised Code of the Consolidated City and County.

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

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, revised by adding a new Chapter 192, to read as follows:

Chapter 192

COMPENSATION

ARTICLE I. COMPENSATION OF ELECTED OFFICIALS

Sec. 192-101. Compensation of the Mayor. The compensation of the mayor is fixed pursuant to IC 36-3-6-2 for calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

- (1) an annual salary of Ninety-five Thousand Dollars (\$95,000.00),
- (2) a deferred compensation plan funded by contributions of Seven Thousand Five Hundred Dollars (\$7,500.00),
- (3) the use of an automobile,
- (4) an expense account for expenses incurred in the performance of the duties of the office, and
- (5) participation in other employee benefits on the same basis as other civilian employees of the city.

Sec. 192-102. Compensation of Councillors. The compensation of members of the City-County Council are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this chapter, as:

(a) Each member of the city-county council shall receive an annual salary in an amount equal to twelve (12%) percent of the annual salary of the mayor as fixed in Sec. 192-101 of this code.

(b) Each member of the city-county council shall receive, in addition to the annual salary, a per diem allowance of One Hundred Twelve Dollars (\$112) for each regular council meeting attended, not to exceed twenty-one (21) in any calendar year, attendance to be determined solely on the basis of the roll call taken at the opening of each regular meeting.

(c) Each member of the city-county council, in addition to the annual salary and per diem for council meetings, shall receive a per diem of Sixty-two Dollars (\$62) for attendance at each meeting of a committee of which he is a member, not to exceed forty (40) meetings in any calendar year. The council may authorize the per diem fee to be paid to a member representing the council on a specific council assignment.

(d) In addition to the annual salary and per diem fees, the officers of the council shall receive the following additional compensation:

- (1) The president shall be paid an additional annual compensation of One Thousand Nine Hundred Eighty-two Dollars (\$1,982);
- (2) The vice president, majority leader and minority leader shall be paid an additional annual compensation of One Thousand Three Hundred Twenty Dollars (\$1,320);
- (3) The chairman of each standing committee for the president of each special service district council shall be paid an additional annual compensation of Seven Hundred Ninety-seven Dollars (\$797); and
- (4) The chairman of each special committee shall be paid an additional monthly compensation of Sixty-six Dollars (\$66) for each calendar month during which the committee meets.

No member shall be entitled to but one additional compensation as provided in this paragraph (d). The right to each such additional compensation shall be established by the council rules and resolutions providing for the organization of the council or the establishment of the special committee.

(e) Members of the city-county council, as part-time employees, may participate in employee benefit programs on the same basis as other elected and part-time employees of the City of Indianapolis.

Sec. 192-103. Compensation of County Elected Officers. The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

(b) Effective January 1, 2002, the annual compensation of the elected county officers for the calendar year 2002 and thereafter until modified shall be as follows:

- (1) An annual salary of:
 - a. County assessor \$63,750.00
 - b. County auditor 68,000.00
 - c. County clerk 68,000.00
 - d. County coroner 34,950.00
 - e. County recorder 63,750.00
 - f. County surveyor 52,439.00
 - g. County treasurer 68,000.00
 - h. Center Township assessor 63,750.00
 - i. Decatur Township assessor 53,360.00
 - j. Franklin Township assessor 53,360.00
 - k. Lawrence Township assessor 59,027.00
 - l. Perry Township assessor 59,027.00
 - m. Pike Township assessor 59,027.00
 - n. Warren Township assessor 59,027.00
 - o. Washington Township assessor 62,805.00
 - p. Wayne Township assessor 62,805.00
- (2) And a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.
- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) The salary for the county sheriff shall be fifty-one thousand three hundred twelve dollars (\$51,312.00), which shall be increased to one hundred one thousand three hundred twelve dollars (\$101,312.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (5) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

Sec. 192-104. Compensation of Judges and Prosecuting Attorney. The salaries of the judges of the circuit and superior courts are established by statute and paid by the state, provided that pursuant to IC 36-3-6-3(c), the council may appropriate the amounts necessary to increase the salary of each such judge and prosecuting attorney by the sum of five thousand dollars (\$5,000.00) per year.

ARTICLE II. COMPENSATION OF CITY AND COUNTY EMPLOYEES

Sec. 192-201. In General. The compensation for all city and county employees shall be fixed pursuant to IC 36-3-6-3 for each department, office and agency by adopting fiscal ordinances in accordance with Article III of this Chapter.

Sec. 192-202. City employees compensation. For the year 2002 and thereafter until modified in accordance with Article III of this chapter, the compensation of all employees of the city are fixed and limited as follows:

- (1) total compensation paid by any department, office or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002,
- (2) the number of employees of any department, office or agency shall not exceed the number of full time equivalents set for in Exhibit A attached to this ordinance, and
- (3) no salary shall exceed that determined for such position in accordance with the "Classification System" attached as Exhibit B to this ordinance. Provided, however, that the "Classification System" approved as part of the Annual Budget for 2002 for a Special Services District shall apply to employees of the respective Special Services District.

Sec. 192-203. County employees compensation. For the year 2002 and thereafter until modified in accordance with Article III of this Chapter, the compensation of all employees of the county are fixed and limited as follows:

- (1) total compensation paid by any department, office or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002, and

- (2) no salary shall exceed that determined in accordance with the provisions of Sec. 291-703(b) of this Code.

Sec. 192-204. Exceptions. The salaries of officers of courts and deputy prosecuting attorneys whose minimum salaries are fixed by statute shall not be subject to the classification system but shall be subject to appropriations made for "personal services" made for the department or office from which such salaries are paid.

ARTICLE III. PROCEDURES FOR SETTING COMPENSATION

Sec. 192-301. Application of Article. This article applies to any department, office or agency of the city and county.

Sec. 192-302. Annual Budget. For the calendar year 2003 budgets and thereafter, for each item appropriating funds for payment for "personal services", the item shall specify the total appropriation, including fringe benefits, the number of employees authorized expressed in terms of full time equivalents, and the "salary classification schedule" under which the compensation of each employee shall be determined.

Sec. 192-303. Modification of Full Time Equivalents. The number of full time equivalents authorized for any department, office or agency may not be increased absent approval by the city-county council in an ordinance which may be a fiscal ordinance making an additional appropriation.

Sec. 192-304. Modification of Salary Classification Schedule. The salary classification schedule may be modified by adoption of a fiscal ordinance and such change may be included in an ordinance making additional appropriations.

SECTION 2. Sec. 201-5 of the Revised Code of the Consolidated City and County be and is hereby repealed.

SECTION 3. Article V of Chapter 281 (Sec. 281-501 through Sec. 281-502) and Sec. 291-703 of the "Revised Code of the Consolidated City and County" be, and is hereby, repealed effective January 1, 2003.

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

EXHIBIT A

Department	Division	Position Type	2002 Proposed
Exec. & Legislative	Mayor's Office	Bi-weekly position FTE	16.00
Exec. & Legislative	Internal Audit	Bi-weekly position FTE	9.00
Exec. & Legislative	City County Council	Bi-weekly position FTE	11.00
Exec. & Legislative	Office of Corporation Counsel	Bi-weekly position FTE	53.00
Exec. & Legislative	Office of Corporation Counsel	Part time position FTE	0.63
Exec. & Legislative	Office of the City Controller	Bi-weekly position FTE	37.00
Exec. & Legislative	Office of the City Controller	Seasonal staff FTE	0.50
Exec. & Legislative	Purchasing Division	Bi-weekly position FTE	19.00
Exec. & Legislative	Cable Communications Agency	Bi-weekly position FTE	9.00
Exec. & Legislative	Cable Communications Agency	Part time position FTE	0.50
Exec. & Legislative Total			155.63
Administration	Administrative Services Division	Bi-weekly position FTE	16.00
Administration	Administrative Services Division	Seasonal staff FTE	0.25
Administration	Human Resources Division	Bi-weekly position FTE	22.00
Administration	Human Resources Division	Part time position FTE	0.70
Administration	Equal Opportunity Division	Bi-weekly position FTE	7.00
Administration	Indianapolis Fleet Services Division	Bi-weekly position FTE	20.00

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Department	Division	Position Type	2002 Proposed
Administration	Indianapolis Fleet Services Division	Seasonal staff FTE	.20
Administration	Indianapolis Fleet Services Division	Union position FTE	67.00
Administration Total			133.15
Metropolitan Development	Division of Administrative Services	Bi-weekly position FTE	13.00
Metropolitan Development	Division of Administrative Services	Seasonal staff FTE	0.25
Metropolitan Development	Community Dev. & Financial Serv.	Bi-weekly position FTE	27.00
Metropolitan Development	Community Dev. & Financial Serv.	Seasonal staff FTE	0.27
Metropolitan Development	Division of Planning	Bi-weekly position FTE	43.00
Metropolitan Development	Division of Planning	Seasonal staff FTE	1.25
Metropolitan Development	Neighborhood Services	Bi-weekly position FTE	37.00
Metropolitan Development	Historic Preservation	Bi-weekly position FTE	5.00
Metropolitan Development	Historic Preservation	Seasonal staff FTE	0.25
Metropolitan Development	Division of Permits	Bi-weekly position FTE	109.00
Metropolitan Development	Division of Permits	Seasonal staff FTE	0.50
Metropolitan Development Total			236.52
Public Works	Policy and Planning Division	Bi-weekly position FTE	118.00
Public Works	Policy and Planning Division	Seasonal staff FTE	3.25
Public Works	Engineering Division	Bi-weekly position FTE	62.00
Public Works	Operations Division	Bi-weekly position FTE	79.00
Public Works	Operations Division	Union position FTE	339.00
Public Works	Operations Division	Part time position FTE	0.50
Public Works	Operations Division	Seasonal staff FTE	4.00
Public Works Total			605.75
Public Safety	Public Safety Administration	Bi-weekly position FTE	10.00
Public Safety	Public Safety Administration	Seasonal staff FTE	0.25
Public Safety	Emergency Management Planning	Bi-weekly position FTE	7.00
Public Safety	Weights & Measures	Bi-weekly position FTE	7.00
Public Safety	Police	Bi-weekly position FTE	292.42
Public Safety	Police	Part Time position FTE	5.92
Public Safety	Police	School Crossing Guard position FTE	15.36
Public Safety	Fire	Bi-weekly position FTE	67.00
Public Safety	Animal Control	Bi-weekly position FTE	17.00
Public Safety	Animal Control	Part time position FTE	0.77
Public Safety	Animal Control	Union position FTE	35.00
Public Safety Total			457.72

Department	Division	Position Type	2002 Proposed
Parks & Recreation		Bi-weekly position FTE	168.00
Parks & Recreation		Part time position FTE	26.69
Parks & Recreation		Seasonal staff FTE	147.59
Parks & Recreation		Union position FTE	88.00
Parks & Recreation Total			430.28
Grand Total			2,019.05

EXHIBIT B

CITY OF INDIANAPOLIS SALARY GRADE SCALE AS OF JANUARY 1, 2002					
Grade	Minimum	1 st Quarter	Midpoint	3 rd Quarter	Maximum
9	\$49,283	\$61,605	\$73,925	\$86,247	\$98,567
8	\$42,175	\$52,720	\$63,263	\$73,807	\$84,350
7	\$36,089	\$45,122	\$54,133	\$63,155	\$72,177
6	\$31,172	\$38,965	\$46,759	\$54,551	\$62,344
5	\$26,916	\$33,645	\$40,374	\$47,102	\$53,831
4	\$23,021	\$28,776	\$34,532	\$40,287	\$46,042
3	\$19,688	\$24,610	\$29,533	\$34,455	\$39,376
2	\$16,836	\$21,046	\$25,255	\$29,464	\$33,673
1	\$14,397	\$17,996	\$21,595	\$25,195	\$28,794

Proposal No. 375, 2002 was retitled SPECIAL RESOLUTION NO. 55, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2002

A SPECIAL RESOLUTION approving a public purpose grant to Indiana Reading and Information Services (IRIS), a division of Metropolitan Indianapolis Public Broadcasting, Inc., in the amount of \$35,000 for the purpose of providing radio reading programs for the blind and print-disabled in Marion County, Indiana.

WHEREAS, the Cable Franchise Board for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$35,000 to IRIS to provide radio reading programs for the blind and print-disabled in Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 95, 2001 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$35,000 to Indiana Reading and Information Services, a division of Metropolitan Indianapolis Public Broadcasting, Inc., is hereby approved. No grant funds shall

be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

Proposal No. 376, 2002 was retitled SPECIAL RESOLUTION NO. 56, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2002

A SPECIAL RESOLUTION approving of a public purpose grant in the amount of \$50,000.00 to Indiana University for the purpose of financing educational access programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, the City-County Council for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$50,000 to Indiana University for the purpose of financing educational access programming over the educational access channels of the two franchise cable television systems within Marion County, Indiana, (the Grant); and

WHEREAS, Section 181-703 of the Code of the Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council, and the Grant was appropriated by City-County Fiscal Ordinance No. 95, 2001 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 95, 2001, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$50,000 to Indiana University is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

Proposal No. 377, 2002 was retitled SPECIAL RESOLUTION NO. 57, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2002

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$150,000.00 for the purpose of enabling the Educational Television Cooperative (ETC) to purchase equipment for the expansion of the ETC playback site that provides programming on the educational access channels of the franchised cable systems in Marion County, Indiana.

WHEREAS, both of the cable television operators holding nonexclusive franchises to provide cable services within the Consolidated City (City) are required by the terms of their franchise agreements to contribute certain amounts to provide for the capital costs of Public, Educational, or Governmental Access Facilities (PEG Facilities); and

WHEREAS, the Office of the City Controller holds such amounts in the Cable Franchise PEG Grants Fund (Fund), and the Indianapolis-Marion County Cable Franchise Board (Board) recommends Fund expenditures, which are authorized by the City-County Council (Council) as public purpose grants; and

WHEREAS, on May 20, 2002, the Board approved Indiana University's request for \$150,000.00 from the Fund to purchase equipment to be used by Indiana University, in cooperation with the Educational Television Cooperative (ETC), a voluntary consortium of area school districts, colleges, and universities, to facilitate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana; and

WHEREAS, pursuant to the Board's recommendation, the Council proposes to authorize a public purpose grant in the amount of \$150,000.00 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana (the Grant); and

WHEREAS, Section 181-703 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the Council; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$150,000.00 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on the educational access channels of the franchised cable systems in Marion County, Indiana, is hereby approved. A list of the equipment authorized for purchase will be kept in the City-County Council's permanent files and available for public inspection.

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

Proposal No. 382, 2002 was retitled SPECIAL RESOLUTION NO. 58, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 2002

A SPECIAL RESOLUTION determining the need to lease approximately 1,802 square feet of office space at 4460 Guion Road for the Reserves of the Marion County Sheriff's Department.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of space for the use of the Reserves of the Marion County Sheriff's Department is necessary.

SECTION 2. The property to be leased totals approximately 1,802 square feet, and is located at 4460 Guion road in Indianapolis, and is owned by the Y.W.C.A of Indianapolis.

SECTION 3. This resolution 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. 344-353 and 383-390, 2002 on August 8, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 344, 2002. The proposal, sponsored by Councillor Langsford, authorizes intersection controls for Alice Avenue and Peach Tree Lane; and at Alice Avenue and Strawberry Lane (District 13). PROPOSAL NO. 345, 2002. The proposal, sponsored by Councillor Brents, authorizes intersection controls for Crystal Drive and Halifax Drive (District 16). PROPOSAL NO. 346, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 12th Street and Brooks Street (District 16). PROPOSAL NO. 347, 2002. The proposal, sponsored by Councillor McWhirter, authorizes the removal of the multi-way stop at 11th Street and Eleanor Street (District 18). PROPOSAL NO. 348, 2002. The proposal, sponsored by

Councillor Soards, authorizes the removal of the multi-way stop at Hunters Green Place and Hunters Green Way (District 1). PROPOSAL NO. 349, 2002. The proposal, sponsored by Councillor Soards, authorizes parking restrictions on Gateway Drive between Glen Arm Road and High School Road; and on Westhaven Drive between Glen Arm Road and High School Road (District 1). PROPOSAL NO. 350, 2002. The proposal, sponsored by Councillor Coughenour, authorizes a change in parking restrictions on Rural Street between Carson Avenue and Hanna Avenue (District 24). PROPOSAL NO. 351, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on Limestone Street between New York Street and Michigan Street (District 16). PROPOSAL NO. 352, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on East Street between Georgia Street and Pearl Street (District 16). PROPOSAL NO. 353, 2002. The proposal, sponsored by Councillor Short, authorizes a weight limit restriction on Hamilton Avenue between English Avenue and Southeastern Avenue (District 21). PROPOSAL NO. 383, 2002. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Howard Street and Reisner Street (District 17). PROPOSAL NO. 384, 2002. The proposal, sponsored by Councillor McWhirter, authorizes a multi-way stop at Louise Avenue and Pinecrest Road (District 18). PROPOSAL NO. 385, 2002. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 17th Street, Coyner Avenue, and Tacoma Avenue (District 22). PROPOSAL NO. 386, 2002. The proposal, sponsored by Councillor Nytes, authorizes a multi-way stop at 20th Street and Alabama Street (District 22). PROPOSAL NO. 387, 2002. The proposal, sponsored by Councillor Gray, authorizes intersection controls at Guion Lakes Drive, Guion Lakes Terrace, and Lakefield Drive; at Guion Lakes Drive, Lakefield Court, and Lakefield Trace; and at Guion Lakes Drive and 59th Street (District 9). PROPOSAL NO. 388, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 20th Street and Centennial Street (District 16). PROPOSAL NO. 389, 2002. The proposal, sponsored by Councillor Brents, authorizes a change in parking restrictions on the east side of Virginia Avenue between Lexington Avenue and South Street (District 16). PROPOSAL NO. 390, 2002. The proposal, sponsored by Councillor Brents, authorizes parking restrictions on the east side of Capital Avenue from New York Street to Vermont Street (District 16). By 6-0 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. 344-353 and 383-390, 2002 were adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Talley

1 ABSENT: Conley

Proposal No. 344, 2002 was retitled GENERAL ORDINANCE NO. 74, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 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>
27	Alice Av Peach Tree Lane	Alice Av WB Peach Tree Lane NB	Stop
27	Alice Av Strawberry Lane	Alice 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. 345, 2002 was retitled GENERAL ORDINANCE NO. 75, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 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>
17	Crystal Dr Halifax Dr	Halifax Dr	Stop

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

Proposal No. 346, 2002 was retitled GENERAL ORDINANCE NO. 76, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 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>
24	12 th St Brooks St	12 th St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Brooks St	None	All Way Stop

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

Proposal No. 347, 2002 was retitled GENERAL ORDINANCE NO. 77, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 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>
22	11 th St Eleanor St	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>
22	11 th St Eleanor St	Eleanor St	Stop

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

Proposal No. 348, 2002 was retitled GENERAL ORDINANCE NO. 78, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 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>
8	Hunters Green Place Hunters Green Way	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>
8	Hunters Green Place Hunters Green Way	Hunters Green 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. 349, 2002 was retitled GENERAL ORDINANCE NO. 79, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 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:

Gateway Drive, on both sides, from Glen Arm Road to High School Road

Glen Arm Road, on both sides, from a point 310 feet south of Westhaven Drive, to Gateway Drive

Westhaven Drive, on both sides, from Glen Arm Road to High School Road

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

Proposal No. 350, 2002 was retitled GENERAL ORDINANCE NO. 80, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 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:

Rural Street, on the east side, from Carson Avenue to Hanna Avenue

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

Proposal No. 351, 2002 was retitled GENERAL ORDINANCE NO. 81, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 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 deletion of the following, to wit:

Limestone Street, on both sides, from Michigan Street to New York Street

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

Limestone Street, on the east side, from New York Street, to a point
115 feet north of Porto Alegre Street

Limestone Street, on the east side, from a point 465 feet north of Porto Alegre Street,
to Michigan Street

Limestone Street, on the west side, from New York Street to Michigan Street

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

Proposal No. 352, 2002 was retitled GENERAL ORDINANCE NO. 82, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 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; Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours; and Sec. 621-202, Parking meter zones designated.

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

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

East Street, on the east side, from Ohio Street to South Street

East Street, on the west side, from Steven Street to South Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS
From 4:00 p.m. to 6:00 p.m.

East Street, on the west side, from Washington Street to South Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

East Street, on the east side, from South Street to a point 35 feet north of Georgia Street

East Street, on the east side, from a point 410 feet south of Pearl Street to Ohio Street

SECTION 4. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

August 26, 2002

ON ANY DAY EXCEPT SATURDAYS AND SUNDAYS

From 6:00 a.m. to 9:00 a.m.
From 3:00 p.m. to 6:00 p.m.

East Street, on the east side, from a point 35 feet north of Georgia Street,
to a point 295 feet north of Georgia Street

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

ONE HOUR

East Street, on the east side, from a point 35 feet north of Georgia Street,
to a point 295 feet north of Georgia Street

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

Proposal No. 353, 2002 was retitled GENERAL ORDINANCE NO. 83, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 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:

11,000 POUNDS

Hamilton Avenue, from English Avenue to Southeastern Avenue

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

Proposal No. 383, 2002 was retitled GENERAL ORDINANCE NO. 84, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 84, 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>
31, pg. 4	Howard St Reisner St	Howard St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31, pg. 4	Howard St Reisner St	None	All Way Stop

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

Proposal No. 384, 2002 was retitled GENERAL ORDINANCE NO. 85, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 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>
15, pg. 5	Louise Ave Pinecrest Rd	Pinecrest Rd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, pg. 5	Louise Ave Pinecrest Rd	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. 385, 2002 was retitled GENERAL ORDINANCE NO. 86, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 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>
25, pg. 8	Coyner Ave Tacoma Ave	Coyner Ave	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, pg. 8	Coyner Ave Tacoma Ave 17 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.

Proposal No. 386, 2002 was retitled GENERAL ORDINANCE NO. 87, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 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>
25	20 th St Alabama St	Alabama St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25	20 th St Alabama St	None	All Way Stop

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

Proposal No. 387, 2002 was retitled GENERAL ORDINANCE NO. 88, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 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>
9, pg. 3	Guion Lakes Dr 59 th St	None	None
9, pg. 3	Guion Lakes Dr Guion Lakes Ter Lakefield Dr	Unknown	Unknown
9, pg. 3	Guion Lakes Dr Lakefield Ct Lakefield Trace	Guion Lakes Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9, pg. 3	Guion Lakes Dr 59 th St	59 th St	Stop
9, pg. 3	Guion Lakes Dr Guion Lakes Ter Lakefield Dr	None	All Way Stop
9, pg. 3	Guion Lakes Dr Lakefield Ct Lakefield Trace	Lakefield Ct Lakefield Trace	Stop

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

Proposal No. 388, 2002 was retitled GENERAL ORDINANCE NO. 89, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 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>
24, pg. 4	Centennial St 20 th St	20 th St	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24, pg. 4	Centennial St 20 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.

Proposal No. 389, 2002 was retitled GENERAL ORDINANCE NO. 90, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 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; and Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

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

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

NO STOPPING, STANDING, OR PARKING EXCEPT SATURDAY AND SUNDAY
From 7:00 a.m. to 9:00 a.m.

Virginia Avenue, on the north side, from South Street to Calvary Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

NO STOPPING, STANDING, OR PARKING ANYTIME
TOW-IN ZONE

Virginia Avenue, on the north side, from a point 125 south of South Street to South Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

NO STOPPING, STANDING, OR PARKING EXCEPT SATURDAY AND SUNDAY
From 7:00 a.m. to 9:00 a.m.

Virginia Avenue, on the north side, from Calvary Street to a point 125 feet south of South Street

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

Proposal No. 390, 2002 was retitled GENERAL ORDINANCE NO. 91, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-124, Parking prohibited during specified hours on certain days.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS
From 6:00 a.m. to 9:00 a.m.

Capitol Avenue, on the east side, from New York Street to Vermont Street

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

NEW BUSINESS

PROPOSAL NO. 423, 2002. The proposal, sponsored by Councillors Boyd, Moriarty Adams, Sanders, Horseman, Gibson, Conley, and Short, offers apology to all citizens and guests to our city for the disparaging characterizations made by two Council members.

Councillor Talley said that he asked earlier that Councillors Dowden and Massie be prohibited from voting on Proposal Nos. 423 and 424, 2002. President SerVaas said that he will allow these Councillors to vote as their conscience dictates. Councillor Talley moved, seconded by Councillor Gibson, to prohibit Councillors Dowden and Massie from voting on these proposals.

Councillor Schneider said that there are no names mentioned in Proposal No. 423, 2002, and in reading the proposal, he does not understand why Councillors Dowden or Massie would not be allowed to vote. President SerVaas said that he agrees with Councillor Schneider and he believes they should be allowed to vote and has already denied Councillor Talley's request.

Councillor Borst said that he has never heard such a motion before and he is not sure it is even in order to restrict elected Council members from voting on certain issues. President SerVaas said that he has already ruled this motion out of order. Councillor Talley said that he would like to appeal the ruling of the chair.

Councillor Boyd said that as the primary sponsor of Proposal No. 423, 2002, he is willing to let whoever wishes to vote, vote. He said that there are no specific names mentioned in this proposal and he believes this matter of voting should be addressed with regards to Proposal No. 424, 2002.

Mr. Elrod said that some Council members are trying to rule on something that is not yet at issue. He said that once a vote is taken, then a Council member can make an objection to an individual participating in the vote, and the objection can be ruled on at that time.

Councillor Boyd read Proposal No. 423, 2002 and moved, seconded by Councillor Sanders, for adoption.

Councillor Massie said that he is in favor of the proposal and as the author of this press release, he takes full responsibility for comments made. From the moment he realized that the terms he used in his letter were used as racial slurs, he began apologizing. He said that he would never want his name to be associated in the public media with that which he personally finds despicable. He said that he recognizes that motives and explanations are no good in a situation where people have been hurt, angered, and confused. He said that he wishes to re-issue his apology to this Council and to the community for using terms, however innocently intended, that were taken in a negative racial way. He said the only intent of his press release was to affirm police officers.

Councillor Dowden said that while he appreciates Councillor Massie's willingness to take all responsibility for the poor choice of words, he bears the blame with him as he also heard the letter and agreed to put his name on it. He said that he and Councillor Massie have made public apologies and regret their words being taken in a context other than intended.

Proposal No. 423, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: *Conley*

Proposal No. 423, 2002 was retitled COUNCIL RESOLUTION NO. 76, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2002

A COUNCIL RESOLUTION by the Indianapolis City-County Council offering apology to all citizens and guests to our city for the disparaging characterizations made by two Council members.

WHEREAS, the Indianapolis-Marion County City-County Council is the elected legislative body representing all the citizens of this great community; and

WHEREAS, as such, there is the reasonable expectation that this legislative body reflect the aspirations, values and attitudes of the citizens it represents; and

WHEREAS, the August 10, 2002 edition of "The Indianapolis Star" referenced comments made by two Councillors in which a portion of our population of citizens, as well as some visitors and guests, were referred to and characterized as "gorillas and thugs", a characterization that does not at all reflect the temperament and attitudes of mainstream Indianapolis; and

WHEREAS, responsible leadership requires that rather than spending time trying to determine and explain motives, the Council should go on record now as not condoning attitudes that might be represented by comments made by the two Councillors; and

WHEREAS, by passage of this resolution the Council and Councillors recognize their roles as conciliators and peacemakers rather than agitators and antagonists; 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 resolves that by passage of this resolution the Indianapolis City-County Council offers its apology to all citizens and guests to our city for the disparaging characterizations made by two of our number.

SECTION 2. Be it further resolved that the City-County Council reaffirms its commitment to diversity and inclusiveness and to providing the kind of atmosphere and environment that celebrates and promotes individual identity and dignity.

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. 424, 2002. The proposal, sponsored by Councillors Talley, Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Nytes, Sanders, and Short, is a council resolution of censure.

Councillor Talley read the proposal and reminded President SerVaas that he agreed earlier in the meeting to allow public testimony on this proposal. He said that the majority of the members of the minority caucus agreed to be co-sponsors on this proposal, but he said that both Councillor Moriarty Adams and Councillor Knox have asked to be excluded as co-sponsors. Councillor Talley said that while Councillor Massie has publicly apologized, it does not nullify consequences for his actions. He said that to this day Councillor Dowden has not apologized, but

rather just spoke about his misfortunate choice of words. Councillor Talley moved, seconded by Councillor Sanders, for adoption.

Councillor Coughenour said that the proposal just passed encouraged the Council to be conciliators and peacemakers rather than antagonists. She said that while two Council members may have done something that was ill-advised, it is still a country of free speech. She said that no actual rules of the Council have been broken as with the previous censure which has been referenced this evening, where a Rule of the Council was broken. She said that since these two individuals have apologized publicly to those they wronged and sent letters of apology as well, she does not understand why their apologies cannot be accepted. She moved, seconded by Councillor Schneider, to strike Proposal No. 424, 2002.

Councillor Talley reminded President SerVaas that he agreed to allow public testimony. President SerVaas said that while this proposal does not fall under Public Hearing, because the Committee process was circumvented, he will allow two individuals to provide public input. Councillor Gibson said that many members have stayed to testify and it is not fair to only allow two to speak.

Councillor Moriarty Adams said that it is unfortunate that the words of two colleagues have led the rest of the Council to vote on a resolution of censure tonight. She said that in a rush for political advantage, these colleagues transferred focus away from the issue at hand onto themselves by a tactless, insensitive poor choice of words. In an effort to right the wrong, an apology has been given. The redemptive value in this apology was best demonstrated in its acceptance by the Reverend Charles Williams, president of Indiana Black Expo. She said that she believes the apology was sincerely given, and she hopes that future comment and action by these two colleagues will demonstrate an understanding and appreciation for racial diversity. Therefore, she will not be voting to censure this evening.

Councillor Knox said that coming from a large family and being called just about every name he can imagine, he has learned the value of forgiveness when a person says they are sorry. He said that accepting an apology and offering forgiveness is what God teaches. He said that there are those walking around claiming to be Christians and even ordained ministers who refuse to accept an apology or offer forgiveness. He said, however, that he does accept the apology offered by Councillors Massie and Dowden and he will not vote for censure.

Councillor Black said that this country may have free speech, but he has been the recipient of some free speech that was simply inhumane and ignorant. He said that he does accept Councillor Massie's apology and believes it was sincere. However, he said that Councillor Dowden has never apologized. He said that he is tired of racial slurs and insults to human beings being excused by free speech.

Councillor Sanders said that earlier in the evening, the people in attendance were told they would be allowed to speak, and they have stayed this long and should be allowed to speak. She added that it is laudable that Councillor Massie has genuinely apologized, but behavior does not change without consequences.

Councillor Horseman said that she has no doubt Councillor Massie is apologetic and was even surprised to see his name attached to such name-calling. However, she said that this incident illustrates that Councillors need to educate themselves. She said that to say one apology to one individual is sufficient is not adequate, as the community is made up of many individuals. She

said that to say that they did not know that to call a black person a gorilla shows a lack of knowledge, and Councillors need to educate themselves.

Councillor Gibson said that he felt Councillor Massie's apology was sincere and also believes in his heart that Councillor Dowden is sorry, as well, even though he may not have communicated it as well as he should have. He said that the comments also condemned certain leaders for holding a town hall meeting, implying that it was wrong to accept public input. He said that it is wrong for any member of this body to condemn public input.

President SerVaas said that he will allow each individual who wishes to speak two minutes to share their thoughts this evening.

Reverend Reginald Jones said that he has been involved in efforts to ease racial tension under three previous mayors and he has given much of his time as a citizen to raise awareness and understanding. He said that while he would forgive both Councillors Massie and Dowden if they offered a personal apology, he cannot accept them being chairman of such important committees making decisions for this community. He said that he will campaign against re-election of these two Councillors, and there will be "thugs and gorillas" following their every move and insuring that they do not continue in this capacity and they have not begun to see the reality of "gorillas."

Councillor Massie said that he would like to take the opportunity to apologize directly to Rev. Jones and will take every opportunity to prove that he is sincere by future actions and words. Rev. Jones said that he accepts the apology on behalf of all "gorillas and thugs" and will relay this apology. Councillor Massie said that this statement was not addressed to individuals speaking at that meeting, and he hopes in the spirit of reconciliation something good can come out of this. Rev. Jones asked if Councillor Dowden is also willing to apologize. Councillor Dowden said that he has many times apologized and continues to regret the use of these terms that were misconstrued.

John McKillip, Chatham Arch resident, said that it is not just the minority community that were offended by these Councillors' comments. He said that while he feels censure is appropriate, he believes these Councillors should resign.

Elder Lionel Rush said he is offended by the blatant disregard of some of the members of this Council to exonerate out of hand the statements made without being black or knowing his culture. He said that it is easy to accept an apology when one is not the individual who was offended. He said that he is a theologian and a pastor and believes in forgiveness, but also believes there are consequences to actions. He said he expected these types of remarks from Councillor Dowden, and these words encourage the spirit that black people do not count and they are not quite human.

Theo Muhammed, citizen, said that Councillor Massie is the same person who put together the bill to get the community of Islam off the street. He said that these two Councillors should resign because they do not have a clue. He said that he does not accept their apology, because lip service means nothing to him. He added that there is zero tolerance for thieves and drug addicts, but not against the leaders of this City, and he cannot trust these individuals with his babies.

Willie Frank Middlebrook, citizen and local talk show host, said that he does not believe these apologies are sincere and the apologies are simply convenient at the time. He said that he is also offended about the way this body squelches thought using the excuse of political process. He said that this body seems to be accepting of derogatory comments toward minority individuals. He said that he believes censure is appropriate, but even more appropriate would be dismissal.

Don Miles, taxpayer, said that he loves Indianapolis and wants to encourage leaders to be less narrow-minded, as the citizens of this City should not be considered gorillas and thugs. He said that narrow-mindedness will keep dollars from being invested in this City.

State Representative William Crawford, chairman of the Board of the Indiana Black Expo, said that his board has not given him permission as to whether he should or should not accept these apologies. However, the Expo brings law-abiding people into this community to spend dollars and they are abused by this community. He said that these conventions are treated differently and his organization is considering filing suit. He said that they are discriminated against by many leaders in the City, and he supports censure in order to send a strong message that racism will not be tolerated.

Councillor Talley read a letter supporting censure from Russell Lloyd, Republican mayor of the City of Evansville, Indiana.

Councillor Coughenour withdrew her motion to strike Proposal No. 424, 2002, as a majority vote opposing the proposal will serve the same purpose.

The motion to adopt Proposal No. 424, 2002 failed on the following roll call vote; viz:

11 YEAS: Black, Boyd, Brents, Douglas, Gibson, Gray, Horseman, Nytes, Sanders, Short, Talley

15 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Knox, Langsford, McWhirter, Moriarty Adams, Schneider, SerVaas, Smith, Soards, Tilford

2 NOT VOTING: Dowden, Massie

1 ABSENT: Conley

Councillor Boyd said that he voted against the censure against former Councillor Cory O'Dell because he felt it was fairly non-substantive. He added that at that time he had asked the President to appoint a standing committee to review criteria for censure, and although he offered a resolution and it was accepted in Council, no action was ever taken. He said that as the body again finds themselves in this situation, he hopes that action will be taken soon.

Councillor Cockrum read a letter from the city clerk of the City of Scarborough, Canada, which informed the City of a resolution passed by their Council congratulating Indianapolis for their victory and hospitality during the vote.

Councillor Short said that the World Basketball Championships will be held for the first time in the United States here in Indianapolis beginning on Wednesday, September 8, 2002. He encouraged Councillors and public to attend.

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 Knox in memory of Daniel Joseph Fugate, James Melvin Payne, and Kenneth L. Pittman; and
- (2) Councillor Horseman in memory of Charles Fleetwood; and
- (3) Councillor Cockrum in memory of Gene Haflich; and
- (4) Councillor Langsford in memory of Sherry Langsford Peak and Sue M. Langsford Gehrich.

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 Daniel Joseph Fugate, James Melvin Payne, Kenneth L. Pittman, Charles Fleetwood, Gene Haflich, Sherry Langsford Peak, and Sue M. Langsford Gehrich. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:05 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 26th day of August, 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)