

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

**REGULAR MEETINGS
MONDAY, AUGUST 2, 1999**

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 7:26 p.m. on Monday, August 2, 1999, with Councillor 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:

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

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

Councillor Boyd stated that Councillor Black was taken to Methodist Hospital last weekend and was doing better when he visited him this afternoon. The President stated that Councillor Borst is still recovering from his accident and is not able to attend this evening.

INTRODUCTION OF GUESTS AND VISITORS

Councillor McClamroch recognized former Deputy Auditor, William H. Lantz, III. Councillor Schneider introduced boy scouts Alex and Luke Mellinger. Councillor Gray recognized friend Lacey Johnson, and Carlie Mayes of the Indianapolis Recorder. Councillor Shambaugh stated that a sports facility will be dedicated in memory of Councillor Paul Jones at Oscar Charleston Park on August 16, 1999. An invitation will be mailed to each Councillor. The President recognized and

welcomed Councillor Tommie Jones, Paul's wife, who has been sworn in as his replacement on the Council for the remainder of his term. Councillor Golc recognized colleague Margaret Vannie. Councillor Short introduced 17th Ward Chairman Herman Johnson.

BUDGET MESSAGES

John Hall, Deputy Mayor

Thank you, President SerVaas, Majority Leader McClamroch, Minority Leader Boyd, and other Council members for allowing me to speak this evening. I welcome to the Council my childhood friend, Tommie Jones.

On behalf of the Mayor, I would like to thank the Council for their support and the opportunity to work together for eight years. Eight Years Ago when Steve Goldsmith came to office, Indianapolis was a growing community facing many new challenges. The Chamber's report "Getting Indianapolis Fit for Tomorrow" (GIFT report) showed that the city's infrastructure was faced with serious problems. There were major unfinished projects with large price tags (\$2 Billion) in the Circle Centre Mall and the United Airlines Maintenance Center. The city was faced with a struggling economy due to several factors: unemployment at 5.3%, the closing of Fort Benjamin Harrison and subsequent loss of 4500 jobs, urban flight of high paying jobs and tax paying residents, high tax rates, and skyrocketing Downtown vacancy rates.

The city was also faced with several Public Safety challenges. Major crime was filtering into Indianapolis from Chicago and Detroit. The city was on the brink of a major infiltration of crack cocaine and its violent culture. The police force at the time was not well-equipped technologically, and there were tenuous funding options for police and fire pensions.

Today, Indianapolis is a vibrant, expanding metropolis, "setting the standard for tomorrow." Over 3,000 visitors from state, local, and federal governments and public and private corporations from around the world have come to Indianapolis to study why we have been so successful. These representatives have come from major cities such as New York, Los Angeles, and Washington and from foreign governments such as Japan, Canada, and Israel. The city has received national awards from Ford Foundation and Arthur Andersen.

Why has this change come about? The city has managed \$1.3 billion in infrastructure improvements, far exceeding the levels recommended by the GIFT report. The unemployment rate has decreased to 2.3%. Economic development has been on the rise with 47,000 jobs created and 140,000 jobs retained. The city has received three AAA bond ratings from the top national agencies, an accomplishment achieved by no other major city. The city has garnered \$400 million in savings from competitive bidding of city contracts and has devoted \$29 million to affordable housing options. The Downtown area is now experiencing a low vacancy rate, and the City has encouraged over \$7 billion in private investment. The administration has placed great emphasis on developing vibrant neighborhoods and townships.

The administration has been able to achieve these goals while decreasing taxes. This is the City's fifth straight year of lower property tax rates, which is the lowest level in 18 years (since 1981). There has been no County Option Income Tax increase for 11 straight years.

Most importantly, we have improved city services at the same time...most notably, public safety. There are more police officers on the street, with 175 more planned in next year's budget. Arrests have risen by 75%, and total resources have increased by 31%. Technology is greatly improved through laptops, crime map/targeted sweeps, and a take-home car policy. Overall crime rates are down 7% since 1992, and murders are down drastically from this time last year...35%. The community is actively involved through programs like 10 point, National Business Road Coalition, and Community Crime Watch. As a result, today, we have a lower total crime index than nearly every other major Midwestern city.

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The major goals of the 2000 budget are to continue to make us prosper well into the 21st century, continue commitment to public safety and making our streets safe, lower taxes once again, improve the quality and efficiency of city services, and address new challenges for the 21st century. The total city budget is \$486 million, that is LESS dollar for dollar than the budget I was given in 1992. If budget would have grown at the same rate it did prior to my term in office it would be at \$603 million—that is a savings of \$117 million. For the fifth straight year, property taxes will decrease and it is the eleventh straight year without a COIT increase. A general fund balance of \$91.4 million could be used to fund unfunded mandates from state and enforce new local laws. Decisions regarding fund balances should be left to the next Mayor. The administration sees critical funding needs over 1999 in the following areas: \$7 million for housing initiatives, \$1.5 million for transportation, \$1 million for new technology, and \$.9 million for parks and recreation.

Most importantly, the 2000 Budget still emphasizes our two most important priorities: building better neighborhoods and commitment to public safety. More than \$1.35 billion has been spent on building better neighborhoods since 1992. The largest infrastructure investment has taken place in the city's history—without a tax hike. There have been targeted investments in seven high-risk neighborhoods. Through 2000, the milestones we will achieve are: over 2,100 miles repaved, only administration to do curb and sidewalk replacement with 1.65 million feet repaired, 3,500 homes connected to sanitary sewers, 141 bridges upgraded, combined sewer overflows for a sensible environmental protection. All of these to be accomplished without solid waste or sewer fee increases during my entire term. There has been and will continue to be a heavy investment in our parks and natural resources, through 2000. The administration has renovated 131 playgrounds, opened Salm Aquatics Center and Northeastway Aquatics Center, renovated 11 swimming pools, provided Day camp scholarships for low-income families, provided 82 miles of new nature trails, 29 miles of greenways, instituted the Riverside golf academy, and pedal boats, both never before provided by city government. There is \$25 million dedicated to parks in the 2,000 budget alone. For those who say we have mortgaged our future through debt: despite record investment, we have the best credit rating in the city's history—three AAA ratings, unmatched by other major cities. The percentage of our property taxes that go to pay the city's debt is down by 21% and at its lowest level in years. In total, another \$100 million in infrastructure investments are planned in 2000.

In regards to public safety, the city has funded an unprecedented strength of 1,090 IPD officers, over 100 more officers than when I took office and the highest level since 1970. The city will devote \$192.1 million to public safety in this year's budget, over \$51 million more than in 1992. Seventy-one percent of tax rates will go to public safety. Public safety workers represent 63.8% of total city workforce, up from 48.1% from when I took office. There are more police per resident than any other time. The administration has implemented innovative new programs like the Indianapolis Management Accountability Program and Indianapolis Violence Reduction Partnership and has funded police and fire pensions.

For Mayor Goldsmith's final budget, his goal is to turn over a vibrant economy and a healthy budget to his successor. His successor must face new challenges in the 21st century such as: continue to make government smaller and more efficient, reduce the tax burden on Indianapolis families and businesses, prevent flow of tax revenue across county lines, continue to provide high quality, low cost services to our residents, and make Indianapolis a hub for new business by providing a competitive, government-friendly environment for new companies to thrive.

Steve Goldsmith's vision was to start by rebuilding downtown, the heart of our city, and then bolster its soul, our neighborhoods. He recognized the importance of connection between downtown and neighborhoods and the fact that the administration must rely on our citizens and remove obstacles through programs such as the Front Porch Alliance and civil society. A healthy, productive city is the greatest boost to Public Safety.

Thank you for your time.

Martha Womacks, County Auditor

Mr. President, Members of the City-County Council, and Citizens of Marion County:

I could only wish for the amount of additional spending that the city is going to be able to fund in 2000. As all of you know from newspaper articles, the county has a debt to the State of Indiana due to the placement of juveniles at the Boys' and Girls' school. The charge for those juveniles has been increasing at a rate of approximately 20% per year. The percentage of increase since 1989 has been 498.6%. We anticipate that the bill for 1999 will be \$12,000,000, almost as much as the entire budget for the City of Lawrence.

Any additional programs, technological or otherwise, are being put on hold until resolution to this problem can be found. Many of those programs would save taxpayer dollars eventually and create greater efficiencies to our clients, the citizens of Marion County. However, there are development costs that are prohibitive right now.

The budget I am presenting to you this evening is going to be funded and there will not be an increase in taxes. We anticipate an increase in assessed valuation of 3.25% and a 3% increase in COIT.

My primary objective for the 2000 Budget is to give employees at least a cost of living increase. I believe our work force is terribly underpaid and keeping our employees as satisfied as possible is of great importance to me. We will increase salaries 2.5%. We are also planning to pay the increase in employee healthcare costs in 2000. The county will continue to contribute both the county and the employee's portion of PERF (Public Employee Retirement Fund) which amounts to 3% of the employees' pay by each for a total of 6%.

In meeting with each agency prior to the compilation of the budget book, we have indicated to them that there will be no new spending other than for the additional amounts for employees. You know the expression for young people being tempted by drugs to "just say no". That is what I tell myself before going into every meeting.

A couple of items in this year's budget will appear different from the past. One of those will be the increase in the Reassessment Fund as we move into the 2001 Reassessment. The other is that all information technology charges from county agencies will be reflected in my budget. It will appear as though my budget has gone up substantially whereas other agency budgets will be less. Consequently, the reductions in other budgets will be equal to the increase in mine.

In the coming year, I will work with others on the county side of Unigov to do the following:

1. Encourage all county agencies to tap non-tax resources that might be available to them such as grants. I commend both the Prosecutor's and Sheriff's Departments for being proactive in this effort. Paul Browne, Director of the Children's Guardian Home, has exemplified what can happen when public money can help to leverage private dollars. The two million dollars appropriated by you for the Guardian Home 2000 project has produced a remarkable five million additional private dollars for the modernization of this important county safe haven for children. This kind of creative initiative will be encouraged during my term as auditor.
2. Establish a task force to address the Boys' and Girls' School issue. I believe there must be a way to solve this increasingly enormous financial drain. We were unsuccessful during this past Legislative Session to get relief from the state. We will continue that initiative along with whatever innovative ideas come from the task force.
3. Explore ways of meeting the challenges within our offices through technological and/or other resources so that we can be more responsive to the needs of the public. My office has already begun to make all the forms from my office available on the Web. This may not seem like much, but it saves our mailing them out or someone having to come in to pick them up.

4. Continue to be aggressive in dealing with the jail population problem. The 2000 Budget includes an additional \$800,000 to provide for an additional forty-eight (48) prisoners in Jail II.

One of the major initiatives of the county which began in 1998 was to address the Y2K issue. We have made substantial progress and I am pleased to report that the critical applications are certified as Y2K compliant. I am particularly pleased that the property system is one of those and that will allow the Treasurer to send out tax bills so that we can fund this budget.

I look forward to working with county agencies and all of you who will be returning to carry out this budget. Thank you for your attention.

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 2, 1999, 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

July 20, 1999

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 21, 1999, and in the *Indianapolis Star* or the *Indianapolis News* on Thursday, July 22, 1999, a copy of a Notice of Public Hearing on Proposal Nos. 435-445 and 447-449, 1999, said hearing to be held on Monday, August 2, 1999, at 7:00 p.m. in the City-County Building.

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

July 23, 1999

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 78, 1999 - approves an increase of \$200,000 in the 1999 Budgets of the County Auditor and Marion County Superior Court, Juvenile Division (County Grants Fund) to fund a peer mediator position, a remedial reading instructor, and to pay for services provided by America Works, funded by a grant from Indianapolis Private Industry Council, Inc.

FISCAL ORDINANCE NO. 79, 1999 - approves an increase of \$45,000 in the Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund Project IMPACT funded by a grant from Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 80, 1999 - approves a reduction of \$1,295,000 in the 1999 Budget of the Department of Public Safety, Fire Division (City Cumulative Capital Development Fund) due to alternative financing arranged for the construction of Fire Station 14

GENERAL ORDINANCE NO. 79, 1999 - amends and recodifies provisions dealing with salary of county employees

GENERAL ORDINANCE NO. 80, 1999 - repeals certain obsolete provisions and recodifies other provisions dealing with railroad crossings

GENERAL ORDINANCE NO. 81, 1999 - amends the fee schedule for copies of public records made by the city or county

GENERAL ORDINANCE NO. 82, 1999 - authorizes parking restrictions on Vermont Street from Cleveland Street to East Street (District 22)

GENERAL ORDINANCE NO. 83, 1999 - authorizes multi-way stops for the Perry Manor Neighborhood (District 24)

GENERAL ORDINANCE NO. 84, 1999 - authorizes intersection controls for Westridge Village, Section 2 (District 18)

GENERAL ORDINANCE NO. 85, 1999 - authorizes intersection controls for Bel Moore Subdivision, Section 2 (District 23)

GENERAL ORDINANCE NO. 86, 1999 - authorizes intersection controls for Southern Springs, Sections 1, 2, and 3 (District 23)

GENERAL ORDINANCE NO. 87, 1999 - authorizes intersection controls for Creekbend Subdivision, Sections 1 and 2 (District 25)

GENERAL ORDINANCE NO. 88, 1999 - authorizes intersection controls for Allison Commons, Section 2 (District 4)

GENERAL ORDINANCE NO. 89, 1999 - authorizes intersection controls for Allison Heights, Section 2 (District 4)

GENERAL ORDINANCE NO. 90, 1999 - authorizes intersection controls for Eagles Landing, Sections 1, 2, and 3 (District 1)

GENERAL ORDINANCE NO. 91, 1999 - authorizes intersection controls for Fieldstone at Twin Creeks, Sections 3 and 4 (District 1)

GENERAL ORDINANCE NO. 92, 1999 - authorizes intersection controls for Brookstone at Twin Creeks, Sections 2 and 3 (District 1)

GENERAL ORDINANCE NO. 93, 1999 - authorizes intersection controls for Bayswater at Eagle Creek, Sections 3 and 4 (District 1)

GENERAL ORDINANCE NO. 94, 1999 - authorizes a multi-way stop at Grube Street and Linden Drive located in Southgate Farms Subdivision (District 20)

GENERAL ORDINANCE NO. 95, 1999 - authorizes parking restrictions on Emerson Avenue near Brookville Road (Districts 13, 15)

GENERAL ORDINANCE NO. 96, 1999 - authorizes a change in the speed limit on River Road and Brandt Road (District 3)

GENERAL RESOLUTION NO. 10, 1999 - approves an interlocal agreement between the City of Indianapolis and the City of Greenwood relating to roadway improvements on South County Line Road from Meridian Street to Shelby Street

SPECIAL ORDINANCE NO. 6, 1999 - a special ordinance for Roth Realty, LLC in an amount not to exceed \$3,160,000 to be used for the development and construction of a 65,000 square foot building and the acquisition of machinery, equipment or other fixtures to be located at 8940 Vincennes Circle for use in the Company's communications systems manufacturing business (District 1)

SPECIAL ORDINANCE NO. 7, 1999 - elects to fund MECA operations in calendar year 2000 with \$2 million of COIT revenue

SPECIAL ORDINANCE NO. 8, 1999 - a special ordinance for Partners in Action in an amount not to exceed \$11,220,000 to be used for the acquisition, renovation and upgrading of the existing 336-unit Fox Club Apartments located at 4401 South Keystone Avenue (Fox Club Apartments Project) (District 24)

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SPECIAL ORDINANCE NO. 9, 1999 - a special ordinance for Partners in Action in an amount not to exceed \$21,780,000 to be used for the acquisition, renovation and upgrading of the existing 588-unit Lake Nora Arms Apartments located at 9000 North College Avenue (Lake Nora Arms Apartments Project) (District 3)

SPECIAL RESOLUTION NO. 50, 1999 - commends Indianapolis and Scarborough/Toronto, Canada, for receiving a top international honor from Sister Cities International

SPECIAL RESOLUTION NO. 51, 1999 - determines the need to lease office space at 2188 East 54th Street for the Washington Township Assessor

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of July 19, 1999. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 482, 1999. The proposal, sponsored by Councillor Cockrum, congratulates Decatur Township's West Newton Elementary School for earning the "National Blue Ribbon Award." Councillor Cockrum read the proposal and presented representatives with copies of the document and Council pins. Principal Janet Larch thanked the Council for the recognition. Councillor Cockrum moved, seconded by Councillor Gilmer, for adoption. Proposal No. 482, 1999 was adopted by a unanimous voice vote.

Proposal No. 482, 1999 was retitled SPECIAL RESOLUTION NO. 52, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 1999

A SPECIAL RESOLUTION congratulating Decatur Township's West Newton Elementary School for earning the "National Blue Ribbon Award."

WHEREAS, the United States Department of Education annually chooses a limited number of schools to receive the "National Blue Ribbon Award"; and

WHEREAS, the Indiana Department of Education in November, 1998, selected the West Newton Elementary School of the Metropolitan School District of Decatur Township as one of only eight schools in the state to be nominated for the Award; and

WHEREAS, the West Newton Elementary School was one of only four schools in the State of Indiana to receive the "National Blue Ribbon Award" in May, 1999; and

WHEREAS, the Award is the most prestigious education honor in the nation and is based upon excellence in leadership, teaching, curriculum, student achievements, parent involvement, and community support; and

WHEREAS, the U. S. Department of Education, when evaluating nominations, looks for overall school quality, including challenging standards, curriculum, excellent teaching, ongoing professional development

by teachers and staff members, a safe and productive school environment, family and community partnerships that contribute to school quality, and high student performance on tests; and

WHEREAS, representatives of the school have been invited to a national ceremony in Washington, D.C. this fall; 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 congratulates Principal Janet B. Larch, Assistant Principal Angie Kiplinger, the teachers, staff, students, and parents of West Newton Elementary School for being selected as a "National Blue Ribbon School."

SECTION 2. The Council wishes the West Newton Elementary School family continued success in the education of the children of Decatur Township.

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. 499, 1999. The proposal, sponsored by Councillors Short, Moores, and Talley, recognizes the World Police and Fire Games. Councillor Short read the proposal and presented representatives with copies of the document and Council pins. Indianapolis Police Department (IPD) Officer Laura Kreiger and Chairman of the Games, Dan Moberly, thanked the Council for the recognition. Councillor Short moved, seconded by Councillor Talley for adoption. Proposal No. 499, 1999 was adopted by a unanimous voice vote.

Proposal No. 499, 1999 was retitled SPECIAL RESOLUTION NO. 53, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 1999

A SPECIAL RESOLUTION recognizing the World Police & Fire Games.

WHEREAS, the World Police & Fire Games was organized in 1995 to promote physical fitness, friendly competition, and a sense of global camaraderie for full-time police and fire public safety employees; and

WHEREAS, the competition by active duty and retired firefighters and police officers features traditional Olympic-style sports such as track and field and swimming, public safety-specific events such as S.W.A.T. and police dogs, and local and unique matches such as wrist wrestling, darts, rugby and golf; and

WHEREAS, the Games are conducted every-other year in odd numbered years, and have been held in Australia, Canada and in Sweden, but from June 8-16, 2001, it will be Indianapolis' turn to host 10,000 police and firefighters from over 50 nations who will be coming to the Crossroads of America to compete in 350 different events in 72 categories, along with a major trade show and educational seminars; and

WHEREAS, this Summer in Stockholm, Sweden's Games, Indianapolis' "Team Indy" of 15 career firefighters and 10 police officers represented the city well by earning 39 medals; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 25 local "Team Indy" police and firefighters who represented Indianapolis in the 1999 Stockholm, Sweden, World Police & Fire Games.

SECTION 2. All of this is a prelude for June, 2001, when this world event of public safety employees bring their Games to Indianapolis.

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

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 475, 1999. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code concerning the date of implementation of a newly adopted county employee salary schedule"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 476, 1999. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Resolution which increases the salary schedule for county employees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 477, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$55,000 and a transfer of \$50,000 in the 1999 Budget of Voter's Registration (County General Fund) to fund the Y2K upgrade and the printing of pollbooks, challenge lists, and 10-day runs for the November 1999 election, funded by a character transfer and a reduction in fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 478, 1999. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,449,592 in the 1999 Budget of the Office of Family and Children (Family and Children Fund) to pay the expenses that will be incurred in 1999, financed by fund balances"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 479, 1999. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2 million in the 1999 Budget of the Marion County Office of Family and Children (Family and Children Fund) to fund the expenses that will be incurred in 1999, financed by a transfer from the Welfare General Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 480, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines that the lease of 14,162 square feet of office space at 9245 North Meridian Street is needed for use by the Cooperative Extension Service"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 481, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,375 in the 1999 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to assist the Julian Center in funding their Respite Care Program for Children, funded by grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 483, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which is the annual

budget for the Police Special Service District for 2000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 484, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which is the annual budget for the Fire Special Service District for 2000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 485, 1999. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Service District Fiscal Ordinance which is the annual budget for the Solid Waste Collection Special Service District for 2000"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 486, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Revenue Bonds Debt Service Funds for 2000"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 487, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Marion County Office of Family and Children for 2000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 488, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Metropolitan Emergency Communications Agency for 2000"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 489, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for Indianapolis and Marion County for 2000"; and the President referred it to the Administration and Finance, Capital Asset Management, Community Affairs, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 490, 1999 and PROPOSAL NOS. 491-498, 1999. Introduced by Councillor Hinkle. Proposal No. 490, 1999 and Proposal Nos. 491-498, 1999 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 26, 1999. 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. 111-119, 1999, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 111, 1999.
99-Z-48
1301 WEST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

METROPOLITAN SCHOOL DISTRICT OF PERRY TOWNSHIP, by Louis H. Borgmann, requests a rezoning of 6.282 acres, being in the D-A District, to the C-S classification, to provide for a bus maintenance, service, parking and storage facility for a public school corporation.

REZONING ORDINANCE NO. 112, 1999.

99-Z-79

11201 PENDLETON PIKE (approximate address), CITY OF LAWRENCE.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

D.B. MANN DEVELOPMENT COMPANY, by Stephen D. Mears, requests a rezoning of 6.67 acres, being in the C-3 District, to the C-4 classification to provide for a regional shopping center.

REZONING ORDINANCE NO. 113, 1999.

99-Z-84

545 SOUTH EAST STREET (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

JOHN J. DOMONT, requests a rezoning of 0.29 acre, being in the I-3-U District, to the CBD-2 classification to provide for an art gallery, art studio and office, and a private residence.

REZONING ORDINANCE NO. 114, 1999.

99-Z-85

10540 EAST 25TH STREET (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5

DONALD HILL requests a rezoning of 9.784 acres, being in the D-A District, to the SU-3 classification to provide for a golf course.

REZONING ORDINANCE NO. 115, 1999.

99-Z-87

8255 CRAIG STREET (approximate address), INDIANAPOLIS.
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 4

BUCKEYES FANS INC. requests a rezoning of 3.276 acres, being in the C-S District, to the C-S classification to provide for a full-service restaurant and bar, with an amusement arcade.

REZONING ORDINANCE NO. 116, 1999.

99-Z-89

1751 CUMBERLAND ROAD (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

EASTGATE DEVELOPERS, INC., by Thomas Michael Quinn, requests a rezoning of 20.98 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 117, 1999.

99-CP-12Z(A)

3279 WINTHROP AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

LITTLE BETHEL MISSIONARY BAPTIST CHURCH, requests a rezoning of 1.5 acres being in the D-5 District, to the SU-1 classification to provide for an existing church and church-related community building and a rezoning of 0.17 acres from the D-5 District, to the I-2-U classification to provide for a driveway for an industrial use.

REZONING ORDINANCE NO. 118, 1999.

99-CP-12Z(B)

3279 WINTHROP AVENUE (approximate address), INDIANAPOLIS.
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

LITTLE BETHEL MISSIONARY BAPTIST CHURCH, a rezoning of 0.17 acre from the D-5 District, to the I-2-U classification to provide for a driveway for an adjacent and existing industrial use.

REZONING ORDINANCE NO. 119, 1999.

99-CP-24Z (99-DP-12)

1501 BRIDGEPORT ROAD (approximate address), INDIANAPOLIS.
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19
BAY DEVELOPMENT CORPORATION, by Michael D. Keele, requests a rezoning of 126.83
(±) acres, being in the D-A and SU-43 Districts, to the D-P classification to provide for single-
family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 362, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 362, 1999 on June 16, 1999, and it was postponed in Council on July 19, 1999. The proposal approves an increase of \$186,331 in the 1999 Budgets of the County Auditor and County Sheriff (County General Fund) to hire seven court line deputies for various courts, financed by fund balances. Councillor Dowden moved, seconded by Councillor Schneider, to postpone Proposal No. 362, 1999 until September 27, 1999. Proposal No. 362, 1999 was postponed by a unanimous voice vote.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 435-445, 1999 on July 28, 1999. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 435, 1999. The proposal approves an increase of \$5,000 in the 1999 Budget of the County Sheriff (State and Federal Grants Fund) to pay the overtime for one deputy assigned to the Operation Failed Chance Task Force, funded by a U.S. Marshals Task Force Grant. PROPOSAL NO. 436, 1999. The proposal approves an increase of \$500,000 in the 1999 Budgets of the County Sheriff and County Auditor (State and Federal Grants Fund) to fund 15 road deputies to continue road patrol duties (third year of the Law Enforcement Assistant Grant), funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 437, 1999. The proposal approves an increase of \$177,172 in the 1999 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to continue the comprehensive traffic safety program, funded by a grant from the Governor's Council on Impaired and Dangerous Driving. PROPOSAL NO. 438, 1999. The proposal approves an increase of \$185,011 in the 1999 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide funding for sexual assault examinations by the Centers of Hope (St. Francis, Wishard, Community East, St. Vincent, and Methodist Hospitals) and to provide 5% of the Grants Manager's salary, funded by a Indiana Criminal Justice Institute grant. PROPOSAL NO. 439, 1999. The proposal approves an increase of \$66,366 in the 1999 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide funds for operating costs for "A Child's Haven" (a waiting room for children of victims of domestic violence), and to pay 5% of the Grants Manager's salary, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 440, 1999. The proposal approves an increase of \$600,551 in the 1999 Budgets of the County Auditor, County Sheriff, Community Corrections, and Marion County Justice Agency (County Corrections Fund) to provide for the diversion of misdemeanant populations from state facilities, funded by County Corrections Funds from the State of Indiana. PROPOSAL NO. 441, 1999. The proposal approves an increase of \$445,100 in the 1999 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 442, 1999. The proposal approves an increase of \$24,000 in the Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund a grant for Big Sisters, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 443, 1999. The proposal approves an increase of \$161,140 in the 1999 Budgets

of the County Auditor and the Marion County Public Defender Agency (State and Federal Grants Fund) to continue the sentencing alternative project, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 444, 1999. The proposal approves an increase of \$96,908 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for police overtime to reduce drug dealing, violent crime, gang activity, domestic violence, and improve the perception of the Meadows area, funded by a federal grant. PROPOSAL NO. 445, 1999. The proposal approves an increase of \$23,899 in the 1999 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to pay for supplies, cell phones, and computer equipment for enhancing the Weed and Seed Site areas through the U.S. Marshall's Fugitive Task Force, funded by a federal grant. By majority votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Boyd asked if Proposal No. 444, 1999 provides increase in patrols just for the Meadows area. Councillor Dowden stated that this proposal is specifically for that particular community.

The President called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 435-445, 1999 were adopted on the following roll call vote; viz:

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

Proposal No. 435, 1999 was retitled FISCAL ORDINANCE NO. 81, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Five Thousand Dollars (\$5,000) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(y) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to provide for a one time reimbursement for one (1) deputy assigned to the United States Marshal Service for overtime incurred in Operation Failed Chance.

SECTION 2. The sum of Five Thousand Dollars (\$5,000) 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 SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>5,000</u>
TOTAL INCREASE	5,000

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>5,000</u>
TOTAL REDUCTION	5,000

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. 436, 1999 was retitled FISCAL ORDINANCE NO. 82, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the State and Federal Grants Fund for purposes of the County Auditor and County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(y) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and County Sheriff to continue the third year of the Law Enforcement Assistant Grant to continue 15 road deputies for road patrol.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services- Fringes	67,392
 <u>MARION COUNTY SHERIFF</u>	
1. Personal Services	336,959
4. Capital Outlay	<u>95,649</u>
TOTAL INCREASE	500,000

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>500,000</u>
TOTAL REDUCTION	500,000

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. 437, 1999 was retitled FISCAL ORDINANCE NO. 83, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Seventy-seven Thousand One Hundred Seventy-two Dollars (\$177,172) in the State and Federal Grants Fund for purpose of the County Auditor and 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 1.02(v) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of County Auditor and Prosecuting Attorney for the continuation of a comprehensive traffic safety program.

SECTION 2. The sum of One Hundred Seventy-seven Thousand One Hundred Seventy-two Dollars (\$177,172) 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	4,429
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	54,626
2. Supplies	3,000
3. Other Services and Charges	105,117
4. Capital Outlay	<u>10,000</u>
TOTAL INCREASE	177,172

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>177,172</u>
TOTAL REDUCTION	177,172

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. 438, 1999 was retitled FISCAL ORDINANCE NO. 84, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Eighty-five Thousand Eleven Dollars (\$185,011) 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 1.02(v) of the City-County Annual Budget for 1999 be, and is hereby amended by

the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to provide sexual assault examination by the Centers of Hope and to provide 5% of the Grants Manager's salary.

SECTION 2. The sum of One Hundred Eighty-five Thousand Eleven Dollars (\$185,011) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>185,011</u>
TOTAL INCREASE	185,011

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>185,011</u>
TOTAL REDUCTION	185,011

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. 439, 1999 was retitled FISCAL ORDINANCE NO. 85, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Sixty-six Thousand Three Hundred Sixty-six Dollars (\$66,366) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(v) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney for operating costs for "A Child's Haven" waiting room.

SECTION 2. The sum of Sixty-six Thousand Three Hundred Sixty-six Dollars (\$66,366) 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>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>66,366</u>
TOTAL INCREASE	66,366

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>66,366</u>
TOTAL REDUCTION	66,366

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. 440, 1999 was retitled FISCAL ORDINANCE NO. 86, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1999) appropriating an additional Six Hundred Thousand Five Hundred Fifty-one Dollars (\$600,551) in the County Corrections Fund for purposes of the Marion County Justice Agency, County Auditor, County Sheriff, and Community Corrections Agency and reducing the unappropriated and unencumbered balance in the County Corrections 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, Sections (b,y,z,bb) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor, County Sheriff, Community Corrections, and Marion County Justice Agency to provide for the diversion of misdemeanor populations.

SECTION 2. The sum of Six Hundred Thousand Five Hundred Fifty-one Dollars (\$600,551) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY CORRECTIONS FUND</u>
1. Personal Services- Fringes	4,000
 <u>COUNTY SHERIFF</u>	
2. Supplies	100,000
3. Other Services and Charges	317,870
 <u>COMMUNITY CORRECTIONS</u>	
3. Other Services and Charges	162,681
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	<u>16,000</u>
TOTAL INCREASE	600,551

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

	<u>COUNTY CORRECTIONS FUND</u>
Unappropriated and Unencumbered	
County Corrections Fund	<u>600,551</u>
TOTAL REDUCTION	600,551

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. 441, 1999 was retitled FISCAL ORDINANCE NO. 87, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(bb) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of County Auditor and Marion County Justice Agency to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities.

SECTION 2. The sum of Four Hundred Forty-five Thousand One Hundred Dollars (\$445,100) 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	44,297
 <u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	220,414
3. Other Services and Charges	<u>180,389</u>
TOTAL INCREASE	445,100

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>445,100</u>
TOTAL REDUCTION	445,100

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. 442, 1999 was retitled FISCAL ORDINANCE NO. 88, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999(City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Twenty-four Thousand Dollars (\$24,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 1999 be, and is hereby amended by

the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division for a grant to Big Sisters.

SECTION 2. The sum of Twenty-four Thousand Dollars (\$24,000) 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>MARION COUNTY SUPERIOR COURT</u>		
<u>JUVENILE DIVISION</u>		<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges		24,000
TOTAL INCREASE		24,000

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	24,000
TOTAL REDUCTION	24,000

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. 443, 1999 was retitled FISCAL ORDINANCE NO. 89, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional One Hundred Sixty-one Thousand One Hundred Forty Dollars (\$161,140) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Public Defender Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,u) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency to continue the sentencing alternative project.

SECTION 2. The sum of One Hundred Sixty-one Thousand One Hundred Forty Dollars (\$161,140) 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		14,363
<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>		
1. Personal Services		71,077
3. Other Services and Charges		55,200
4. Capital Outlay		20,500
TOTAL INCREASE		161,140

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>161,140</u>
TOTAL REDUCTION	161,140

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. 444, 1999 was retitled FISCAL ORDINANCE NO. 90, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Ninety-six Thousand Nine Hundred Eight Dollars (\$96,908) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to increase police overtime to reduce drug dealing, violent crime, gang activity, domestic violence and to improve the perception of the Meadows area.

SECTION 2. The sum of Ninety-six Thousand Nine Hundred Eight Dollars (\$96,908) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>POLICE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	<u>96,908</u>
TOTAL INCREASE	96,908

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>96,908</u>
TOTAL REDUCTION	96,908

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

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

Proposal No. 445, 1999 was retitled FISCAL ORDINANCE NO. 91, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Twenty-three Thousand Eight Hundred Ninety-nine Dollars (\$23,899) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Department of Public Safety, Police Division, to pay for supplies, cell phones, and computer equipment for enhancing the Weed and Seed Site areas through the U.S. Marshall's Fugitive Task Force.

SECTION 2. The sum of Twenty-three Thousand Eight Hundred Ninety-nine Dollars (\$23,899) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISION</u>	
	<u>FEDERAL GRANTS FUND</u>
2. Supplies	3,533
3. Other Services and Charges	5,877
4. Capital Outlay	14,489
TOTAL INCREASE	23,899

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	23,899
TOTAL REDUCTION	23,899

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

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

PROPOSAL NO. 447, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 447, 1999 on July 26, 1999. The proposal approves an increase of \$48,000 in the 1999 Budget of the County Recorder (Recorder's Perpetuation Fund) to fund the necessary purchases for Y2K compliance (contractual services, travel expense, hardware and software) financed by fund balances. Councillor Hinkle moved, seconded by Councillor Coughenour, to postpone Proposal No. 447, 1999 until August 30, 1999. Proposal No. 447, 1999 was postponed by a unanimous voice vote.

Councillor Boyd stated that he would like to see an update on the Year 2000 (Y2K) compliance situation in the near future. The President asked Councillor Curry, Chairman of the Y2K Subcommittee, to schedule such a presentation with the Council Clerk as an official communication at an upcoming meeting.

PROPOSAL NO. 448, 1999. The proposal approves an increase of \$750,000 in the 1999 Budget of the Department of Capital Asset Management (Advanced Wastewater Treatment Facilities

Reserve Fund) to fund improvements at the City's Advanced Wastewater Treatment Facility, financed by fund balances. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, to postpone Proposal No. 448, 1999 until August 30, 1999. Proposal No. 448, 1999 was postponed by a unanimous voice vote.

PROPOSAL NO. 449, 1999. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 449, 1999 on July 28, 1999. The proposal approves an increase of \$5,500,000 in the 1999 Budget of the Department of Capital Asset Management, Asset Management Division (Transportation General Fund, \$2,250,000; State Grants Fund, \$3,250,000) to reconstruct McCarty Street including an I-70 connector and widening of the McCarty Street/Meridian Street intersection, financed by state and local grants. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 449, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 449, 1999 was retitled FISCAL ORDINANCE NO. 92, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Five Million Five Hundred Thousand Dollars (\$5,500,000) in the Transportation General Fund and State Grants Fund for purposes of the Department of Capital Asset Management, Asset Management Division, and reducing the unappropriated and unencumbered balance in the Transportation General Fund and State Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Capital Asset Management, Asset Management Division, to reconstruct McCarty Street including an I-70 connector and widening of the McCarty Street/Meridian Street intersection.

SECTION 2. The sum Five Million Five Hundred Thousand Dollars (\$5,500,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF CAPITAL ASSET MANAGEMENT</u> <u>ASSET MANAGEMENT DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	2,250,000
TOTAL INCREASE	2,250,000

DEPARTMENT OF CAPITAL ASSET MANAGEMENT
ASSET MANAGEMENT DIVISION

STATE GRANTS FUND

4. Capital Outlay 3,250,000
TOTAL INCREASE 3,250,000

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

TRANSPORTATION GENERAL FUND

Unappropriated and Unencumbered
Transportation General Fund 2,250,000
TOTAL REDUCTION 2,250,000

STATE GRANTS FUND

Unappropriated and Unencumbered
State Grants Fund 3,250,000
TOTAL REDUCTION 3,250,000

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

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

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 399, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 399, 1999 on June 28, 1999. In Council, on July 19, 1999, the motion to adopt the proposal failed. The proposal, sponsored by Councillors Hinkle and Williams, urges support for full funding of the Community Development Block Grant program in the Year 2000. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Williams, for adoption. Proposal No. 399, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 399, 1999 was retitled SPECIAL RESOLUTION NO. 54, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1999

A SPECIAL RESOLUTION urging support for full funding of the Community Development Block Grant program in the Year 2000.

WHEREAS, the Community Development Block Grant (CDBG) is celebrating its 25th year; and

WHEREAS, CDBG's success is principally due to its utility and flexibility; and

WHEREAS, CDBG has previously provided cities and counties with annual funding to address their unique low-and moderate-income neighborhood revitalization needs; and

WHEREAS, CDBG has moved people from dependency to self-sufficiency and taxpaying status; and

WHEREAS, CDBG requires and fosters community participation in identifying community needs and targeting resources; and

WHEREAS, CDBG promotes public/private partnerships which leverage substantial private resources in affordable housing, and community and economic development; and

WHEREAS, CDBG fosters intergovernmental and multi-jurisdictional cooperation; and

WHEREAS, based upon the Department of Housing and Urban Development (HUD)'s most recent report to Congress, between Fiscal Year 1996 and Fiscal Year 1998, an estimated 14 to 17 million households benefited from the CDBG program; and

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 urges the United States Congress to fully fund the Community Development Block Grant program in the year 2000, at a minimum of the Fiscal Year 1999 level of \$4.75 billion as an investment in the future of America's communities.

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

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 44, 1999. Councillor Schneider reported that the Administration and Finance Committee head Proposal No. 44, 1999 on February 2, June 8, and July 27, 1999. The proposal amends the Code regarding registration and operation of horse-drawn carriages. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gilmer asked if Indianapolis Downtown, Inc. (IDI) is in favor of this amended proposal. Tamara Zahn, President of IDI, stated that she feels it is a good solution to administer a test period before adding more carriages Downtown.

Councillor Bradford asked if there are procedures and a registration process in place for the test period. Councillor Schneider stated that the carriages must already be registered with the Controller's Office to operate in Marion County, and a lottery will be conducted of those wishing to be included.

Councillor Gray asked if there is a big enough demand for these additional carriages that there will be registered carriages to fill the four positions. Councillor Schneider stated that there are several vendors ready to apply. Councillor Gray asked if these vendors already have equipment. Councillor Schneider stated that in order to apply, the actual carriage must be registered, so it is assumed most of them already have the equipment.

Councillor Short asked why the vendors holding eight Downtown licenses are excluded from the lottery. He stated that it might be beneficial to include them so that the four positions are filled. He stated that it does not seem fair to penalize businesses that have proved themselves in the Downtown market. Mark Mertz, Office of Corporation Counsel, stated that the Controller's Office already has applications from five companies with 12 carriages for the lottery. He stated that five have already passed inspection and are in the drawing. He stated that the issue of the two dominant companies competing in the lottery was discussed at length in the Committee, and it was

a policy matter decided by the Committee. Dave Certo, Regulatory Study Commission, stated that it is sound policy to keep the ordinance the same for the test period and then if it is proven that four additional carriages can operate safely Downtown, the ordinance can be changed as per the Council's wishes to include those dominant companies. Councillor Schneider stated that it was a simple decision not to amend the proposal further for the trial period. Councillor Short stated that he thinks this should be addressed after the trial period and a free market should be encouraged.

Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 44, 1999, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

3 ABSENT: Black, Borst, Moores

Proposal No. 44, 1999, as amended, was retitled GENERAL ORDINANCE NO. 97, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1999

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" to combine the registrations of horse-drawn carriages, horse-drawn carriage businesses, and coachmen into one registration, to impose a minimum fine for violations of the chapter, and to make certain other technical changes.

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

SECTION 1. Chapter 895 of the "Revised Code of the Consolidated City and County" 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:

Chapter 895

HORSE-DRAWN CARRIAGES AND ~~BUSINESSES~~

Sec. 895-1. ~~Horse-drawn carriage business;~~ Registration required.

It shall be unlawful for a person to operate, or cause to be operated, a horse-drawn carriage upon the streets of the city for the purpose of transporting persons for hire or as a contractual service, unless the ~~horse-drawn carriage business~~ carriage first is registered with the controller as provided in this chapter.

Sec. 895-2. Registration information required.

(a) Registrations of horse-drawn ~~carriage businesses~~ carriages shall be made with the controller on forms provided by the controller, and the registrant shall be the owner or operator of the carriage. In addition to ~~either the~~ information required by ~~this chapter~~ Section 801-203 of the Code, the registration shall contain the following information:

- (1) ~~The name and business address of the registrant, and if a corporation or partnership the name and address of any person who has a financial interest in such business;~~
- (21) ~~The number of carriages to be operated under the registration, and the seating capacity, manufacturer, and scale drawing or photograph of each carriage~~ to be registered;
- (2) The name, age, address, and state motor vehicle operator's license number of each person who will act as a coachman on any registered carriage, along with written evidence of such person's experience in driving a horse-drawn carriage, or his or her successful completion of a course in such driving given by a source approved by the controller, or both;

- (3) Whether the registrant has ever been convicted of a felony, if the registrant is an individual; whether any of the partners have been convicted of a felony, if the registrant is a partnership; and whether any of the officers or directors have been convicted of a felony, if the registrant is a corporation;
- (4) The site or sites off-street to be used to store, stable, and load carriages and horses; and,
- (5) A schedule of rates and charges to be made to passengers ~~which rates shall not be changed without ten (10) days prior written notice to the controller.~~

(b) The information on the registration form shall be verified under oath and include a written agreement by the registrant to operate the ~~business carriage~~, if registered, strictly in accordance with Section 895-58 of the Code, and to indemnify and hold harmless the city for all judgments, losses and expenses arising out of the operations permitted by the registration.

Sec. 895-3. Certificate of registration: issuance, term and renewal.

(a) Upon the receipt of a completed registration form, the qualification of the registrant's coachmen under Section 895-6 of this chapter, and the filing of a bond or insurance under Section 895-9 of this chapter, the controller shall issue a certificate of registration for each registered carriage.

(b) Registrations of horse-drawn carriages under this chapter shall be valid for a period of one (1) year, with an expiration date of June 30.

(c) If the controller finds that the registrant of a horse-drawn carriage remains qualified and has operated as required by this chapter, the controller shall renew the registration automatically and without application for renewal by the registrant, unless at the time of renewal the registration:

- (1) Has been revoked or suspended; or,
- (2) Is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings.

Sec. 895-34. Restrictions on hours of operation, and streets.

(a) It shall be unlawful for a person to operate a horse-drawn carriage ~~business to operate upon any public street in the city~~ between the hours of 6:00 a.m. and 9:00 a.m., or 3:00 p.m. and 6:00 p.m., except on Saturdays, Sundays and city holidays.

(b) The controller shall consult the directors of the city departments of capital asset management and public safety with respect to which public streets would be unsafe or inappropriate for use by horse-drawn carriages. Upon a finding that the operation of a horse-drawn carriage ~~business~~ would present a hazard to the public safety on certain city streets or ways or would otherwise jeopardize the public welfare, the controller shall by regulation prohibit the operation of horse-drawn carriages upon those streets.

(c) The operation of horse-drawn ~~carriage businesses~~ carriages upon any public street and at any time may be prohibited by the director of the city department of public safety when such operation would be inconsistent with other special events or public safety requirements, by giving forty-eight (48) hours' advance written notice of such prohibition.

Sec. 895-45. Designation of holding areas.

(a) The director of the city department of public safety, upon consultation with the director of the city department of capital asset management, may from time to time designate certain areas of the public right-of-way as holding areas for horse-drawn carriages, and the days and hours when such holding areas may be used exclusively by horse-drawn carriages. Such designations shall be made in consideration of the following:

- (1) Public safety issues, including the flow of pedestrian and motor vehicle traffic;
- (2) The suitability of such areas as places for horse-drawn carriages to pick up or discharge passengers, or to stop or stand when not carrying passengers; and,
- (3) The reasonable interests of adjacent residents and businesses.

(b) The city department of capital asset management shall cause appropriate signs to be placed at each end of holding areas designated under this section, indicating the days and hours when such holding areas may be used exclusively by horse-drawn carriages. ~~When so posted such signs are posted,~~ it shall be unlawful for a person to park, stop or leave standing a motor vehicle in such a holding area.

(c) No more than one (1) carriage owned or operated by the same registrant may stop or stand at the same time in a holding area designated under this section.

Sec. 895-6. Qualification of Coachmen.

(a) It shall be unlawful for a registrant under this chapter to cause, suffer or allow the operation of a horse-drawn carriage upon any public street in the city by a person, referred to in this chapter as a coachman, until the controller first investigates such person's character, and such person first demonstrates to the controller that he or she is:

- (1) Able to speak, read and write the English language;
- (2) The holder of a valid motor vehicle operator's license issued by the state;
- (3) Free of defective vision, defective hearing, and any other infirmities that would render the coachman unfit for safe operation of a public vehicle; and,
- (4) Free of alcohol or drug addiction.

(b) The controller may require the coachman to demonstrate the ability to drive a horse-drawn carriage and, by test or otherwise, the coachman's knowledge of the requirements of this chapter.

Sec. 895-7. Required construction and equipment of carriages.

It shall be unlawful for a registrant under this chapter to cause, suffer or allow the operation of a horse-drawn carriage upon any public street in the city unless such carriage shall:

- (1) Have spoked wheels no more narrow than one and one-fourth (1-1/4) inch, with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum;
- (2) Be equipped with taillights and rear turn signals;
- (3) Be equipped with front lights on both sides that will emit light to the front and side that will be visible from a distance of five hundred (500) feet;
- (4) Have attached to the rear of the vehicle a slow-moving vehicle sign approved by the state; and,
- (5) Not be larger in capacity than to transport six (6) passengers.

Sec. 895-58. General requirements of Operation of horse drawn carriage business.

Horse-drawn ~~carriage businesses~~ carriages shall be operated only in accordance with the following provisions.

- (1) A registrant shall give the controller written notice within ten (10) days after a registered carriage, or coachmen listed in the registration, is no longer used or employed by the registrant.
- (a2) A copy of the horse drawn carriage certificate of registration shall be displayed in all carriages used in such business. The controller shall issue one copy for each carriage identified in the registration.
- (b) Each carriage used in such business shall be registered under this chapter.
- (c3) Each carriage shall be operated by a coachman registered under this chapter, who shall carry an identification card or be wearing some type of visible identification, and have the certificate of registration on his or her person at all times when operating such carriage.
- (d) When carrying persons for hire or by contract, the carriage shall be operated only upon the streets and during the hours approved under Section 895-3 of the Code.

- (e4) Horse-drawn carriages shall pick up and discharge passengers only upon the curb lane, while lawfully parked at the curb.
- (f5) Horse-drawn carriages, when in motion, shall be operated only in the curb-most traffic lane on any public street, and the coachman shall obey all applicable state and local traffic and parking laws, ordinances and regulations.
- ~~(g) No horse drawn carriage shall be operated on a public street unless a valid bond or public liability insurance policy as specified in Section 895-6 of the Code is on file with the controller.~~
- (h6) Coachmen shall carry rate cards and exhibit them on demand. Rate cards shall also be affixed to the carriage in a prominent location so as to advise prospective clientele of the rates and fares. Rate cards shall bear the name and business address of the registrant, and a complete schedule of rates and fares, which shall be the same as those on file with the controller. It shall be the responsibility of the registrant to provide rate cards to all coachmen and affix same to the carriages. Registrants shall give the controller written notice at least ten (10) days prior to any change in the rates and fares.
- (i7) Horse-drawn carriage owners and operators shall maintain their horses in good health abiding by the rules of good animal husbandry. This shall include an annual health examination of each animal by a veterinarian of equine medicine licensed by the ~~S~~state of Indiana. A copy of such examination shall be submitted to the controller to be placed on file.
- (j8) Occupancy of a horse-drawn carriage shall not exceed the rated seating capacity of the carriage.
- (k9) No passenger shall be allowed to ride on any part of the carriage while in motion except seated inside the carriage.
- (110) Coachmen shall not solicit patronage in a loud tone of voice or in any manner to annoy or obstruct the movement of a person, or follow a person for the purpose of soliciting patronage.
- ~~(m11) Coachmen are prohibited from smoking while carrying passengers.~~
- (n12) All horses must be shod with horse shoes that are either a rubber compound shoe, a steel shoe with borium or Drill-Tek on the street-gripping surfaces, or other type of shoe approved for use the director of the city department of capital asset management.
- (o13) Each horse pulling a carriage on the city streets shall be equipped with manure-catching devices to prevent manure from falling to the street surface.
- (p14) Each carriage shall be equipped with a chemical to be poured over horse urine so as to break down and eliminate accumulated agents and odor, and coachmen shall use the chemical each time a horse urinates on the street surface.

Sec. 895-69. Public liability.

(a) Before the issuance of any certificate of registration or renewal of registration under this chapter, the registrant therefor shall post or maintain with the controller either an indemnity bond or a policy of public liability insurance, approved as to form by the corporation counsel and conditioned substantially that the registrant will indemnify and save harmless the city, its officers, agents and employees, from any and all loss, costs, damages or expenses, by reason of legal liability which may result from or arise out of the operation of a carriage for which a certificate of registration is issued, and that the registrant will pay any and all loss or damage that may be sustained by a person which results from or arises out of the illegal or negligent operation or maintenance of a carriage. The bond or policy of insurance shall be maintained in its original amount by the registrant at the registrant's expense at all times during the period for which the registration is in effect. In the event two (2) or more certificates of registration are issued to one registrant, one such bond or policy of insurance may be furnished to cover two (2) or more carriages and each bond or policy shall be of a type where coverage shall automatically be restored after the occurrence of any accident or event from which liability may thereafter accrue.

(b) The limit of liability upon any bond or policy posted under Subsection (a) of this section shall in no case be less than one hundred thousand dollars (\$100,000.00) for death or injury of one person, three hundred thousand dollars (\$300,000.00) for total liability for death or personal injury arising out of any one event or casualty, and fifty thousand dollars (\$50,000.00) for property damage.

(c) Any bond posted under this section shall be accompanied by good and sufficient sureties approved by the controller.

(d) The controller shall notify the registrant under this chapter of any claim of which the city has notice, where such claim arises from the operation or maintenance of any carriage.

(e) The failure to maintain the bond or policy required under this section throughout the entire term of a registration shall constitute a violation of the Code.

Sec. 895-710. ~~Certificate of registration; limitation on number of carriages in the downtown area.~~

~~(a) Upon receipt of a completed registration form under Section 895-2 of the Code, and the filing of a bond or insurance as required by Section 895-6 of the Code, the controller shall issue a horse drawn carriage business certificate of registration to the registrant unless the number of carriages approved for existing registrations equals or exceeds the number established in Subsection (b) of this section.~~

~~(ba) The council determines that to prevent disruption of the primary public uses of the city streets by pedestrians and motor vehicles, the number of carriages permitted in the downtown area should be limited. At no time shall the holders of horse drawn carriage business registrations be authorized to operate. The controller shall authorize no more than twenty (20) registered carriages in aggregate to operate in the area bounded by Harding Street White River on the west, Eleventh Street on the north, and I-65 and I-70 on the north, east and south, and no one registrant shall be authorized to operate more than eight (8) carriages in such area, referred to in this chapter as the downtown area. The authorization shall be in writing, and noted on a registrant's certificate of registration.~~

~~(cb) If there are registrants for more registrations than may be issued under Subsection (ba) of this section more than twenty (20) carriages are registered, the controller shall select registrations carriages to be authorized to operate in the downtown area by random method until the maximum is reached.~~

~~(c) No registrant or other person may own, operate, or have a financial interest in more than eight (8) carriages authorized to operate in the downtown area.~~

~~(d) If the registration of a carriage is revoked or suspended for a period of three months or more, or if the use of such carriage has been abandoned by the registrant, then an authorization for that carriage to operate in the downtown area shall terminate automatically. When such a termination occurs, the controller shall select, under the procedures provided by this section, another carriage to operate in the downtown area.~~

~~(e) It shall be unlawful for a registrant under this chapter to operate, or cause to be operated, a carriage in the downtown area unless the carriage is authorized to do so under this section.~~

Sec. 895-8. ~~Horse drawn carriages; registration required.~~

~~(a) No horse drawn carriage shall be operated upon the streets of the city for the purpose of transporting persons for hire or by contract unless the carriage first is registered with the controller.~~

~~(b) Only carriages constructed and equipped as follows may be registered:~~

~~(1) Carriages will have no less than one and one fourth (1-1/4) inch spoked wheels with a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum;~~

~~(2) All carriages will be equipped with taillights and turn signals on the rear of the vehicle;~~

~~(3) Carriages will be equipped with front lights on both sides that will emit light to the front and side that will be visible from a distance of five hundred (500) feet;~~

~~(4) Each carriage will be equipped with a slow moving vehicle sign approved by the State of Indiana and attached to the rear of the vehicle; and,~~

~~(5) No carriage shall be larger in capacity than to transport six (6) passengers.~~

~~(e) Upon approval of a registration and after inspection determines that the carriage complies with the requirements of this section, the controller shall issue a certificate of registration for such carriage.~~

~~Sec. 895-9. Coachmen; registration required.~~

~~(a) No person shall drive a horse drawn carriage carrying persons, for hire or by contract, without first being registered with the controller under this section.~~

~~(b) The registration of a coachman shall be made under oath to the controller and shall verify or establish that the coachman is:~~

- ~~(1) Able to speak, read and write the English language;~~
- ~~(2) The holder of a valid motor vehicle operator's license issued by the state;~~
- ~~(3) Free of defective vision, defective hearing, and any other infirmities that would render the coachman unfit for safe operation of a public vehicle; and,~~
- ~~(4) Free of alcohol or drug addiction.~~

~~(c) The coachman shall produce written evidence of experience in driving a horse drawn carriage, or successful completion of a course in such driving given by a source approved by the controller, or both, and shall, if requested, demonstrate his or her ability.~~

~~(d) The controller may require the coachman by test or otherwise to demonstrate his or her knowledge of the requirements of this chapter.~~

~~(e) The controller shall investigate the character of the coachman prior to issuing a certificate of registration.~~

~~(f) Upon approval of the coachman's registration, the controller shall issue a certificate of registration therefor.~~

~~Sec. 895-10. Registration term; renewal.~~

~~(a) All registrations of horse drawn carriage businesses, carriages and coachmen under this chapter shall be valid for a period of one (1) year, with an expiration date of June 30.~~

~~(b) If the controller finds that the registrant remains qualified and has operated as required by this chapter, the controller shall renew the registration automatically and without application for renewal by the registrant, unless at the time of renewal the registration:~~

- ~~(1) Has been revoked or suspended; or,~~
- ~~(2) Is the subject of administrative or judicial proceedings which have the potential to result in the revocation or suspension of the registration, in which case the registration may continue in effect until the conclusion of the administrative or judicial proceedings.~~

Sec. 895-11. Enforcement and penalties.

In addition to controller's hearings and any penalties the controller may impose, the first violation of any provision of this chapter in a twelve (12) month period, including but not limited to the operation upon any public street in the city of a horse-drawn carriage:

- (1) Which is not registered, or not in compliance with the requirements of Sections 895-7 and 895-8 of this chapter;
- (2) By a coachman who is not qualified under Section 895-6 of this chapter; and,
- (3) In the downtown area without authorization under Section 895-10 of this chapter;

shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Code. A person's second and subsequent violations in the twelve (12) month period are subject to the enforcement procedures and penalties provided in Section 103-3 of the Code.

SECTION 2. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding civil penalties and the ordinance violations bureau, hereby is amended by the deletion of the language which is stricken-through and by the addition of the language which is underscored, to read as follows:

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

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

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

621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
811-401	Second false alarm in twelve-month period	25.00
811-401	Third false alarm in twelve-month period	35.00
811-401	Fourth false alarm in twelve-month period	50.00
841-1	Operation of unregistered bicycle	7.50
895-4	Unlawful stopping, standing or parking in horse-drawn carriage holding area	25.00
Ch. 895	<u>Horse-drawn carriage violation - first offense in twelve month period</u>	<u>100.00</u>
Appendix D, Part 26, sec. 6	Civil zoning violations-first offense in calendar year	50.00

SECTION 3. The Controller, with the advice and consent of the director of the department of public safety and the manager of the regulatory study commission, hereby is authorized to provide a test program for the purpose of determining what effects on public safety and convenience would result from having more than twenty (20) horse-drawn carriages authorized to operate in the downtown area.

Notwithstanding the provisions of Sec. 895-7 (amended by this Proposal as Sec. 895-10), the test program shall consist of the controller's authorization of no more than four (4) additional carriages to operate on Fridays and Saturdays for a temporary period of four (4) consecutive weeks, and any other program elements mutually agreed to by the controller and the director. The controller shall select the additional carriages by random method from among all registered carriages which, on the effective date of this ordinance, are not authorized to operate in the downtown area; however, no registrant may own or have a financial interest in more than eight (8) carriages participating in the test program. Within forty-five (45) days following the conclusion of the test program, the controller and the manager of the regulatory study commission shall provide a written report of the results to the test program participants, relevant city officials and departments, and the chairman of the council's Administration and Finance Committee.

SECTION 4. 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 5. 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 6. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 351, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 351, 1999 on June 28, 1999, and again on July 26, 1999. The proposal addresses concerns of public safety and aesthetics associated with the current, unregulated placement of newsracks on the public rights-of-way, by the provision of modular newsracks in the Mile Square, and by the regulation of the placement, appearance, and maintenance of newsracks and newsstands in the City. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden asked if this affects only those boxes in the public right-of-way, and not those inside stores or hotels. Councillor Hinkle stated that this is correct.

Councillor Williams stated that she is very favorable to the concept of the modular newsracks, but she is still opposed to advertising signs on the backs of the modulators. She moved, seconded by Councillor Talley, to amend Proposal No. 351, 1999, by removing Sec. 645-813 (f). She stated that by removing this portion, it would challenge the administration to find other viable options to fund the modulators.

Councillor Schneider asked how Councillor Williams proposes the boxes be financed. Councillor Williams stated that she has not explored all the options fully, but there could be private contributions or corporate underwriting for civic event displays instead of the advertising. Councillor Schneider stated that he is opposed to the amendment because it completely eliminates any source of funding for the project.

Councillor Hinkle asked fellow Council members to defeat the motion to amend. He stated that the proposal has a 60-day delay in its effective date. He proposes that the President appoint an ad hoc committee to address and discuss alternative funding possibilities. This committee would then report back to the Council within 45 days and possibly offer an amendment at that time.

Councillor Short stated that he agrees with the idea of an ad hoc committee and is opposed to the amendment on the floor. He stated that every newsbox on the street now has advertising, which adds up to more than the one panel on the back of the modulators. He stated that to pass this proposal without a funding mechanism is ludicrous.

General Counsel Robert Elrod stated that the amendment was not submitted prior to the meeting in writing and as such, is technically against Council rules. He added that taking out this subsection, which creates an exception to the sign ordinance, needs to be thought through more carefully.

Councillor Bradford stated that he is against the amendment because there is no difference between advertising on the modulators and adopted medians, which are essentially advertising, as well. He stated that he supports the proposal as it is.

Councillor Schneider asked how Councillor Williams proposes controlling the civic events being advertised on the modulators. Councillor Williams stated that an exception to the sign ordinance would have to be applied for, which would govern this type of advertising. Councillor Schneider stated that without funding in place, the City would be closer to using tax dollars to fund the modulators. Councillor Williams stated that if it came down to the choice between advertising and tax dollars, the advertising clause could be amended back in before the ordinance takes effect. She stated that this would give the City administration the incentive needed to explore other options. Councillor Schneider stated that he is against the amendment.

Councillor Coughenour stated that while she is sympathetic for the need to limit advertising Downtown, she is opposed to using taxpayers' money for this project and cannot support the amendment without another funding source identified.

Councillor Gray asked who the members of the ad hoc committee would be. Councillor Hinkle stated that he would suggest the committee be made up of proponents both for and against the advertising, such as Councillors Boyd, Coughenour, Moores, Short, Williams and himself, with the President acting as an ex-officio member.

Councillor Williams stated that some members of City administration have been trying to get advertising into the Downtown area for some time and she wants a commitment from the staff to try and find a viable solution. She stated that it is difficult to rely on unsupportive staff members to come to a resolution.

Councillor Boyd stated that he supports Councillor Hinkle's recommendation that an ad hoc committee be formed. He stated that he will vote against the amendment, but wants to move forward with the idea of an ad hoc committee.

President SerVaas passed the gavel to Vice President McClamroch.

Councillor SerVaas stated that he sympathizes with the goal of Councillor Williams' amendment, but he believes the ad hoc committee is a better solution at this time. He stated that it would be detrimental to pass the proposal without a funding mechanism identified. He asked if Councillor Williams would be willing to withdraw her motion to amend if the Council were to proceed with the appointing of an ad hoc committee. Councillor Williams agreed and withdrew her motion to amend, and Councillor Talley withdrew his second.

Vice President McClamroch returned the gavel to President SerVaas.

The President appointed the ad hoc committee as those persons named by Councillor Hinkle and asked if anyone else on the Council would like to be involved in these discussions. Councillor Gray stated that he would like to be included. The ad hoc committee members appointed are: Councillor Hinkle as acting Chairman and Councillors Boyd, Coughenour, Gray, Moores, Short, and Williams.

Councillor Gray asked why the minority newspapers were not invited to recent meetings between Councillor Hinkle and the Indianapolis Star and News and USA Today. Councillor Hinkle stated that no one was prohibited from attending these meetings, but that the Star and News and USA Today were the only papers who opposed the proposal. The meetings were designed to formulate some compromises.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 351, 1999, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 351, 1999, as amended, was retitled **GENERAL ORDINANCE NO. 98, 1999**, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1999

A PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code regarding the placement and maintenance of individual newsracks, modular newsracks, and newsstands in the public rights-of-way.

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

SECTION 1. Chapter 645 of the "Revised Code of the Consolidated City and County," regarding public rights-of-way, is hereby amended by the addition of a new Article VIII regarding newsracks and newsstands in the public rights-of-way, to read as follows:

ARTICLE VIII. NEWSRACKS AND NEWSSTANDS

DIVISION 1. GENERAL PROVISIONS

Sec. 645-801. Findings and purposes.

- (a) The council hereby finds, as follows:
 - (1) The public rights-of-way historically have been used to circulate newspapers and other publications;
 - (2) The substantial growth in the number of newspapers and other publications has produced a significant increase in the number of individual newsracks located on the public rights-of way;
 - (3) The unregulated placement and maintenance of individual newsracks in the public rights-of-way interferes with the free and unimpeded use of such public rights-of-way, and threatens the health, safety and welfare of persons who use the public rights-of-way, including pedestrians, children, the aged, persons entering and leaving vehicles and buildings, drivers, persons performing essential utility, traffic control and emergency services, and persons with disabilities; and,
 - (4) The unregulated placement of multicolored, broken, rusted and abandoned individual newsracks of various shapes and sizes in the public rights-of-way significantly detracts from the aesthetic character of surrounding areas.

The council further finds that there is a need for reasonable time, place and manner guidelines regarding the installation, placement, size, appearance and maintenance of newsracks and newsstands in the public rights-of-way.

(b) Consistent with these findings, it is the purpose of this article to promote the health and safety of users of the public rights-of-way and to enhance the aesthetics of the city in a manner which may utilize newsracks and newsstands as a means of distribution of newspapers and other publications, so as to do the following:

- (1) Provide for pedestrian and driving safety and convenience;
- (2) Restrict unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress into and egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;
- (3) Provide for the safety of the public and property during windstorms and other inclement weather;
- (4) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes and access to locations used for public transportation purposes;
- (5) Replace, remove, or relocate individual newsracks that have created visual blight on the public rights-of-way or unreasonably detracted from the aesthetics of adjacent businesses, landscaping and other improvements;
- (6) Maintain and protect the values of surrounding properties; and,
- (7) Reduce unnecessary exposure of the public to personal injury and property damage.

It is also the purpose of this article to ensure a diversity of viewpoints consistent with the First Amendment to the United States Constitution, and to treat all newspapers and other lawful publications equally, regardless of their content.

Sec. 645-802. Definitions.

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

Abandoned means any individual newsrack, or compartment of a modular newsrack, that does not contain the newspaper or other publication specified therefor for more than four (4) consecutive days for a daily publication, eight (8) consecutive days for a weekly publication, sixteen (16) consecutive days for a biweekly

publication, thirty-two (32) days for a monthly publication, or sixty-four (64) days for a bimonthly publication. A newsstand shall be deemed abandoned if it is not open for business for a period of more than seven (7) consecutive days.

City controller and *controller* mean the controller of the city appointed under Section 202-201 of the Code.

Compartment means the individual space within a modular newsrack that dispenses one (1) newspaper or other publication, including the door, coin return mechanism and associated hardware.

Director means the director of the department of capital asset management.

Individual newsrack means and includes a newsrack designed with a single enclosed compartment to accommodate at any one time the display, sale, or distribution of like copies of a single newspaper or other publication, or which has more than one (1) compartment but does not exceed the dimensions of an individual newsrack as provided in Sections 645-813 or 645-814 of the Code.

Modular newsrack means a newsrack which is designed with multiple separate enclosed compartments to accommodate at any one time the display, sale, or distribution of multiple distinct and separate newspapers or other publications, and which exceeds the dimensions of an individual newsrack as provided in Sections 645-813 or 645-814 of the Code.

Modular newsrack district means and includes all public rights-of-way located within the area bounded on the north by the north right-of-way line of New York Street, on the east by east right-of-way line of Alabama Street, on the south by the north right-of-way line of the Consolidated Rail Corporation (Conrail) which runs through Union Station, and on the west by the west right-of-way line of West Street.

Modular newsrack provider means the person or other legal entity who is authorized under Section 645-811 of the Code to place and maintain modular newsracks upon the public rights-of-way.

Newspapers and other publications means and includes newspapers, periodicals, advertising circulars, and all other printed materials which may be distributed through the use of newsracks.

Newsrack means any unmanned, self-service or coin-operated box, container, storage unit or other dispenser located in or upon, or projecting onto, into, or over, any part of the public rights-of-way, and which is installed, used or maintained for the display, sale, or distribution of newspapers and other publications. Unless the context clearly indicates otherwise, *newsrack* includes both individual newsracks and modular newsracks.

Newsstand means any manned building, stand, booth or other structure located in or upon the public rights-of-way, and from which an attendant displays, sells or distributes newspapers or other publications.

Owner means the person or other legal entity which either owns a newsrack, or is responsible for its operation and maintenance.

Public rights-of-way means and includes all highways, streets, alleys, sidewalks, and other real property or easements, which are owned or controlled by the city or county, including the areas above and below such easements, and which are reserved or used for pedestrian or vehicular traffic.

Publisher means the person or other legal entity selling, displaying or distributing newspapers or other publications in a newsrack.

Regional Center means and includes all public rights-of-way located in the Regional Center, as established under Part 16 of Appendix D of the Code.

DIVISION 2. MODULAR NEWSRACKS AND INDIVIDUAL NEWSRACKS

Sec. 645-811. Provision of modular newsracks.

(a) In furtherance of the purposes of this chapter, the city by and through the office of city controller shall enter into a contract with one (1) modular newsrack provider, or otherwise provide, for the placement and maintenance of modular newsracks in the modular newsrack district; and, the city may enter into contracts with one (1) or more modular newsrack providers, or otherwise provide, for the placement and maintenance of modular newsracks in other areas of the city.

In the modular newsrack district, the contract shall provide that for a period of two (2) years following the effective date of this ordinance, the total number of compartments in modular newsracks

shall be substantially equivalent to the highest total number of individual newsracks known to have been maintained on the public rights-of-way in the modular newsrack district at any one time during the year preceding the introduction of this ordinance. After that period, the total number of compartments in modular newsracks in the modular newsrack district may be increased or decreased only on the basis of market supply or demand, or consistent with the purposes stated in Section 645-801 of the Code. The contract shall also ensure that modular newsracks shall be placed in locations throughout the district which afford easy, convenient service to pedestrians, but which do not obstruct or interfere with access to abutting properties, and which do not impede or endanger pedestrian, bicycle or vehicle traffic.

(b) A contract under this section would include, but not be limited to, the following terms and conditions:

- (1) In consideration of the placement and maintenance of modular newsracks, the city shall grant to the modular newsrack provider a license with respect to the real property where the modular newsracks will be placed;
- (2) A detailed description and photograph or scale drawing of the modular newsrack, including its dimensions, number of separate compartments, and method of attachment to the public rights-of-way;
- (3) A scale drawing or site plan for each modular newsrack, showing its placement relative to existing buildings, curbs and other fixtures and appurtenances in the surrounding public rights-of-way for a minimum of twenty-five (25) feet in any direction; and,
- (4) The terms of any contract between the modular newsrack provider and the publishers of such newspapers and other publications, including the method by which the modular newsrack provider determines the newspaper's or other publication's position within the modular newsrack.

(c) Prior to entering a contract under this section, the city may conduct such investigations, surveys, or test programs it deems reasonable or necessary to determine any of the following: whether modular newsracks would promote the stated purposes and requirements of this chapter, what different services, and modular newsrack styles and features, are offered by prospective modular newsrack providers; the degree of public acceptance and use of modular newsracks; and, the areas and exact locations where modular newsracks may be placed.

(d) After the controller and a prospective modular newsrack provider have agreed upon the terms and conditions of a contract under this section, but prior to entering the contract, the controller shall publish notice in accordance with IC 5-3-1 of a public hearing to be held before the city-county administrative board. The notice shall appear at least ten (10) days before the hearing is held, and state the date, place, and hour of the hearing, and a summary of the principal terms of the contract. The proposed contract shall be available for public inspection from the date of publication of notice through the end of the public hearing. The sole purpose of the public hearing is to receive public comment on the proposed contract, and all persons are entitled to be heard as to whether the city should enter into the contract. Based upon the public comments received at the hearing, and such other matters as the controller may consider, the proposed contract may be modified prior to its execution.

(e) It shall be unlawful to place or maintain a modular newsrack upon the public rights-of-way, except as provided in this section.

Sec. 645-812. Allocation of modular newsrack compartments.

(a) Each compartment in a modular newsrack shall contain copies of only one (1) newspaper or other publication, and have a door that is sized to fit and display such newspaper or other publication.

(b) The modular newsrack provider shall make available enough compartments in each modular newsrack to accommodate all publishers who initially wish to distribute their newspapers and other publications at that location, up to a maximum of twelve (12) compartments per newsrack in the modular newsrack district, and up to a maximum of eight (8) compartments per newsrack in the Regional Center. If more than twelve (12) publishers, or eight (8) publishers, respectively, wish to distribute newspapers or other publications at that location, then the modular newsrack provider shall allocate the compartments, as follows:

- (1) Priority shall be given to publishers who continuously have distributed newspapers or other publications in newsracks at that location for more than twelve (12) months before the effective date of this ordinance, as indicated by the publisher's affidavit provided to the modular newsrack provider;
- (2) Among publishers who have priority under this subsection, compartments shall be allocated first to newspapers and other publications issued at least five (5) days per week, second to newspapers and other publications issued between two (2) and four (4) days per week, third to newspapers and other

publications issued once a week, and fourth to newspapers and other publications issued less frequently;

- (3) If there are more compartments than publishers with priority under this section, then the modular newsrack provider shall allocate the remaining compartments among publishers who do not have priority, first to newspapers and other publications issued at least five (5) days per week, second to newspapers and other publications issued between two (2) and four (4) days per week, third to newspapers and other publications issued once a week, and fourth to newspapers and other publications issued less frequently;
- (4) Notwithstanding the requirements of this subsection, no newspaper or other publication may receive a second space in a modular newsrack until all other interested publishers have had the opportunity to have their newspaper or other publication allocated to a compartment;
- (5) Whenever additional compartments become available, they shall be allocated in the manner described in this subsection; and,
- (6) In the event two (2) or more publishers have equal priority under this subsection, then allocation shall be by lottery or other random method.

(c) The opportunity of publishers to have their newspapers and other publications distributed from a modular newsrack shall not be affected whatsoever by their content, consistent with the First Amendment to the United States Constitution.

Sec. 645-813. Physical characteristics and appearance of modular newsracks, and individual newsracks in the Regional Center.

(a) This section applies to individual newsracks located in the Regional Center on and after January 1, 2001, and to modular newsracks.

(b) Newsracks shall be constructed of a minimum of twenty-four (24) gauge steel; however, the use of galvanized steel is optional.

(c) Individual newsracks shall be either a Kaspar Sho-Rack model number 4916, with tray number MB1, MB2 or MB3 in conjunction with pedestal number MP2 or MP3, as manufactured by Kaspar Wire Works, Inc. (P. O. Box 1127, Shiner, Texas), or a K-Jack model number 50, with tray number 791, 792 or 793 in conjunction with pedestal number 806, as manufactured by K-Jack Engineering Company, Inc. (1522 West 134th Street, Gardena, California), or such other equivalent model which is of the same size, dimensions, materials and style as those specified in this subsection.

(d) Newsracks shall be dark green, matching the color and tint of "Pantone Matching System Color No. 553 C," a registered trademark of Pantone, Inc. (590 Commerce Boulevard, Carlstadt, New Jersey), with a forty (40) percent gloss factor.

(e) Newsracks shall be coated with electrostatically applied Powdura polyester powder with Sherwin Williams Slip-agents and Super Durable TBIC curing agent, or the equivalents thereof, for superior outdoor exposure qualities. Each cabinet component shall be placed in an oven heated to four hundred and ten (410) degrees Fahrenheit for thirty (30) minutes to ensure the coating's hardness. The coating shall be applied to a minimum thickness of five (5) mils (125 microns), and shall meet the following "American Society of Testing Materials" standards: for adhesion, ASTM D3359; for hardness, ASTM D3363; for impact, ASTM D2794; and for humidity, ASTM D2247.

(f) Modular newsracks may bear a single, commercial advertising sign, located only on the side of the modular newsrack which faces the nearest street; such sign shall not be larger than eighteen (18) square feet.

(g) Individual newsracks may not display any cardholders or advertising, but may display the trademark name or logo of the newspaper or other periodical being dispensed therefrom on the sides and back of the newsrack, but only within an area the maximum height of which is two (2) inches, and only in letters or symbols which are white or off-white in color.

Sec. 645-814. Physical characteristics and appearance of other individual newsracks.

(a) This section applies to individual newsracks which do not conform to the standards provided in Section 645-813 of the Code.

- (b) An individual newsrack shall have the following dimensions:
 - (1) The height shall be at least thirty-five (35) inches, but not greater than fifty (50) inches;
 - (2) The width, measured at the widest point, shall not be less than fifteen (15) inches or greater than twenty-five (25) inches; and,
 - (3) The depth, measured at the widest point, shall not be less than fifteen (15) inches or greater than twenty (20) inches.
- (c) An individual newsrack which is not bolted or attached permanently to the public rights-of-way shall be secured by a weighted base or pedestal to prevent the newsrack from being tipped over or upset by the elements or by minimal contact from passersby, or otherwise.
- (d) An individual newsrack may display the trademark name, colors and logo of the newspaper or other periodical being dispensed therefrom, but only within an area the maximum height of which is two (2) inches. An individual newsrack may display a rack card, located only on one (1) side of the exterior of the newsrack, to announce the news of the day or other appropriate information.
- (e) It shall be unlawful to own or maintain an individual newsrack upon the public rights-of-way which does not conform to the standards of either this section or Section 645-813 of the Code.

Sec. 645-815. Attachment of individual newsracks to the public rights-of-way; encroachment license required.

- (a) Each individual newsrack which is located in the Regional Center on January 1, 2001 or thereafter shall be bolted or attached permanently to the public rights-of-way in such a manner as to meet American Society of Civil Engineers (ASCE) wind load calculations, as evidenced by a certified engineer's report, including calculations and a certified engineer's drawing defining and/or illustrating the method of attachment to be used to meet or exceed a maximum of one hundred and ten (110) mile per hour wind velocity.
- (b) Each individual newsrack which is bolted or attached permanently to the public rights-of-way shall be licensed as an encroachment under the provisions of Article V, Division 3 of this chapter; however, because the city receives a valuable consideration from all such newsracks, the director shall waive the encroachment license fees for such newsracks, as provided in Section 645-579 of the Code.
- (c) Within ten (10) days after the owner of an individual newsrack files a petition for an encroachment license under Article V, Division 3 of this chapter, the affected department shall complete its investigation and recommendation to the controller, and the controller shall issue to the owner either the license, or a written notice of denial. A petition for an individual newsrack encroachment license may be denied only for the reason that:
 - (1) The petition for the license contains incorrect information; or,
 - (2) The placement of an individual newsrack on the public rights-of-way, as requested in the petition, does not comply with this division.

If the controller denies an encroachment license petition for an individual newsrack, the written notice shall state the specific reasons for the denial, and what specific actions, if any, would be necessary for the license to be issued.

- (d) An appeal under Section 645-578 of the Code with regard to an individual newsrack encroachment license or petition therefor, shall be heard within twenty (20) days following receipt of the appeal, unless the parties mutually agree to an extension of this time period. The parties shall be given at least ten (10) days advance written notice of the time and place of the hearing, and a reasonable opportunity to participate in the hearing. The council shall render its decision in writing within five (5) days after the hearing; a copy of the decision shall be delivered to the parties, and a certified copy shall be kept on file by the controller. The decision of the council may be appealed to a court of competent jurisdiction within thirty (30) days following the date the decision was issued, and such court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision by a judicial officer. Failure to file an appeal within the time period provided by this subsection shall constitute a waiver of the right to appeal.
- (e) Within five (5) days following the expiration of an encroachment license for an individual newsrack, the owner shall remove the newsrack and cause any necessary restoration or repair of the public rights-of-way to be made.

Sec. 645-816. Placement and location of individual newsracks.

(a) An individual newsrack shall be placed in a location which affords easy, convenient service to pedestrians, but which does not obstruct or interfere with access to abutting properties, and which does not impede or endanger pedestrian, bicycle or vehicle traffic. Accordingly, an individual newsrack shall not be placed as follows:

- (1) Within the modular newsrack district, or within a radius of two hundred and fifty (250) feet in any direction from a modular newsrack not located in the modular newsrack district;
- (2) Upon a sidewalk directly in front of an entrance to a building, or adjacent to a designated bus stop zone, loading zone, taxi stand, or handicapped parking space;
- (3) In such a manner as to obstruct sight lines at street intersections, within the triangle area formed by the street curb lines and a line connecting points twenty-five (25) feet from the intersection of the curb lines extended;
- (4) Within twelve (12) feet of a fire hydrant;
- (5) Within eight (8) feet of any METRO bus shelter, METRO bus sign in the direction of traffic flow, or within twenty (20) feet of any METRO bus sign in the direction against traffic flow;
- (6) Within six (6) feet of an alley, pedestrian crosswalk, curb cut, or sidewalk cafe;
- (7) Within thirty (30) inches of a street curb or curb line where parking is permitted, or within eighteen (18) inches of a street curb or curb line where parking is not permitted;
- (8) Within two (2) feet of a parking meter, mail box, bench, light post, planter, or tree (measured from the nearest edge of the tree grate); or,
- (9) In such a manner that the remaining free and open sidewalk width is not at least five (5) feet in the Regional Center, or less than three (3) feet in all other areas of the city.

(b) An individual newsrack shall not be placed against a building unless the building manager agrees to such placement in writing, the placement of the newsrack closer to the curb cannot be achieved consistent with the other placement restrictions provided in this section, and such placement does not impede pedestrian traffic.

(c) An individual newsrack shall not be chained or otherwise attached to any tree, bench, sign post or other fixture whatsoever.

(d) It shall be unlawful to own or maintain an individual newsrack upon the public rights-of-way in a manner which does not conform to the requirements of this section.

Sec. 645-817. Maintenance.

(a) The exterior of each newsrack shall bear a label which contains the name, address and telephone number of the owner. Such label shall be inconspicuous in size and color, and placed in such a location so as to be readily visible.

(b) Each newsrack shall have a self-closing, spring-loaded door for each enclosed compartment, and each newsrack which offers newspapers or other publications for sale shall be equipped with a functional coin-return mechanism which permits customers to secure an immediate refund if the door is inoperable. The door and coin return mechanisms of newsracks shall be maintained in good working condition, and the owner shall cause any malfunction in their operation to be repaired promptly.

(c) Each newsrack shall be maintained by its owner in a reasonably clean condition, and without limiting the generality of the foregoing, shall be free of dirt and grease, rust and corrosion in visible metal areas, graffiti, discolored or bare surfaces, chipped, faded, cracked and peeling paint, cracked, dented or broken components, pasted bills and other debris, including ruined or out of date publications.

(d) No newsrack shall be abandoned; however, in the event a newsrack is abandoned due to a labor action or strike affecting the distribution of newspapers and other publications dispensed from the newsrack, and the owner or publisher so notifies the director in writing, then the newsrack or compartment shall not be deemed abandoned or unserved until the labor action or strike is resolved.

Sec. 645-818. Insurance and indemnification.

(a) Each owner of a newsrack in the public rights-of-way shall provide to the director a current certificate of insurance, naming the city as an additional insured party, of a general liability or commercial general liability policy with a minimum limit of total coverage in the amount of three hundred thousand dollars (\$300,000.00) per occurrence combined single limit for bodily injury liability and property damage liability. The owner shall maintain the insurance described by this section so long as the owner owns or maintains a newsrack in the public rights-of-way, and the failure to do so shall be a violation of the Code.

(b) Each owner of a newsrack in the public rights-of-way shall agree to execute and deliver to the director a written agreement under which such person, in exchange for the permission to place a newsrack in the public rights-of-way, agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any loss, liability, or damage sustained by any person as a result of the placement or maintenance of a newsrack in the public rights-of-way.

Sec. 645-819. Notice of violation; hearing.

(a) With respect to any newsrack which has been abandoned, or does not comply with the requirements of this division, the city may issue a written notice of violation and an order to correct the violation. The notice shall be directed to the owner of the newsrack as listed thereon, by certified mail with return receipt requested, and shall include the following information:

- (1) The date of the notice, and a specific description of the violation;
 - (2) An order that the owner must correct the violation, or remove the newsrack from the public rights-of-way and make any necessary restoration or repair of the public rights-of-way, within seven (7) days after receipt of the notice;
 - (3) The procedure for the owner to dispute the notice of violation; and,
 - (4) The legal consequences of a failure to correct or dispute the violation in a timely manner.
- (b) Within seven (7) days after receipt of the notice, the newsrack owner shall:
- (1) Take all necessary measures to correct the violation by the performance of required maintenance, repair or otherwise;
 - (2) Remove the newsrack and make any necessary restoration or repair of the public rights-of-way; or,
 - (3) If the owner wishes to dispute the violation, the owner shall give written notice to the director, including a statement of the reasons the owner believes the newsrack was not in violation.

Upon the owner's failure to correct the violation or give notice to the director within the time period and in the manner provided in this subsection, the city may cause the newsrack to be removed from the public rights-of-way.

(c) Within twenty (20) days following receipt of a written notice to dispute the violation, the director shall conduct an administrative hearing to determine if the newsrack is in violation of this division, unless the parties mutually agree to an extension of this time period. The parties shall be given at least ten (10) days advance written notice of the date, time and place of the hearing, and a reasonable opportunity to participate in the hearing. The director shall conduct the hearing in the manner prescribed for adjudicative proceedings by IC 4-21.5-3-1 through 4-21.5-3-37, and the director may require that testimony be given under oath.

(d) Within five (5) days following a hearing, the director shall either affirm or rescind the notice of violation, and cause written notice of the decision and specific findings of fact to be served upon the parties. The decision of the director shall be subject to judicial review as provided by IC Chapter 4-21.5-5. If the notice of violation is affirmed, the decision shall include an order to correct the violation within thirty (30) days following the date of the decision, and specify what actions would be necessary to correct the violation. Upon the owner's failure to comply with such an order in a timely manner, the city may cause the owner's newsrack to be removed from the public rights-of-way; provided, however, that if the owner files a timely petition for judicial review, then removal of the newsrack shall be stayed pending final disposition of the judicial proceedings.

(e) The procedures provided by this section are supplemental to those of Section 103-3 of the Code, and do not affect the right of the city to initiate enforcement proceedings under that section for any violation of this division. Each day a newsrack remains abandoned or not in compliance with this division shall constitute a separate violation.

Sec. 645-820. Impoundment and other enforcement action.

(a) Notwithstanding any other provision of the Code, the city may cause to be removed from the public rights-of-way, without prior notice to the owner, a newsrack which:

- (1) Presents a clear and present danger to the public, or substantially impedes the use of the public rights-of-way by pedestrians;
- (2) Does not bear the name and address of the owner, or,
- (3) Is an individual newsrack located in the modular newsrack district.

Further, nothing herein shall impair the right of the city, acting through its authorized employees or agents, immediately and without notice, to place a fallen individual newsrack in its upright position, or to move such a newsrack that has had its position disturbed to its original and proper location.

(b) Within forty-eight (48) hours after a newsrack has been impounded under this section or Section 645-819 of the Code, the city shall give written notice of the impoundment to the owner, using the name and address listed thereon. If there is no name, address or telephone number listed on the newsrack, then the city shall make a reasonable effort to determine the owner, for the purpose of notifying such person of the impoundment. The notice shall inform such person of the procedure to claim the impounded newsrack, including the administrative cost of impoundment and storage, if any, the time within which the newsrack must be claimed, and the legal consequences of failure to claim the newsrack in a timely manner.

(c) The administrative costs to the owner of a newsrack which has been impounded are an impoundment fee of ten dollars (\$10.00) for each individual newsrack and forty dollars (\$40.00) for each modular newsrack, a storage fee of two dollars (\$2.00) per day for each individual newsrack and eight dollars (\$8.00) per day for each modular newsrack, and the actual cost of any necessary restoration or repair of the public rights-of-way. The fees provided by this subsection shall be paid to the city prior to the return of the newsrack to the owner.

(d) No sooner than thirty (30) days after the date of notice of impoundment, or thirty (30) days after the date of impoundment if there is no notice of impoundment, the city may dispose of any impounded and unclaimed newsrack under the procedures established by statute and ordinance for the disposal of property.

DIVISION 3. NEWSSTANDS

Sec. 645-831. Placement and location.

The placement and location of a newsstand shall be subject to the same considerations and restrictions prescribed for individual newsracks under Section 645-816 of the Code.

Sec. 645-832. Permit required.

It shall be unlawful for any person to erect, locate, construct, maintain or operate a newsstand on any public rights-of-way without first obtaining a newsstand permit therefor from the director. No charge shall be made for the permit, unless otherwise required by this Code. A permittee under this section shall not be required to obtain a transient merchant activity license under Chapter 987 of the Code, or an encroachment license under Article V, Division 3 of this chapter, for a newsstand.

Sec. 645-833. Application; issuance or denial.

(a) Application for a permit required by this division shall be made to the director on such form as required and provided by the director, and shall be signed by the applicant. The application shall contain the following information:

- (1) The name and address of the applicant;
- (2) A scale drawing or site plan showing the proposed location of the newsstand relative to existing buildings, curbs and other fixtures and appurtenances in the surrounding public rights-of-way for a minimum of twenty-five (25) feet in any direction;
- (3) A detailed description of the size, construction materials, and appearance of the proposed newsstand, including a scale drawing or color photograph, and the method by which the newsstand would be attached to the public rights-of-way;

(4) A statement that the permit shall be subject to the conditions and provisions contained therein and to all ordinances and regulations of the city; and,

(5) Such other information as the director deems appropriate and necessary.

(b) Within twenty (20) days after the director receives an application under this section, the director shall issue to the applicant either the permit, or a written notice of denial of the application. An application for a newsstand permit may be denied only for the reason that

(1) The application for the permit contains incorrect information; or,

(2) The placement of a newsstand on the public rights-of-way, as requested in the application, does not comply with this division, or is prohibited by law.

If the director denies a newsstand permit application, the written notice shall state the reasons for the denial, and specify what actions, if any, would be necessary for the permit to be issued.

(c) The denial of an application for a newsstand permit may be appealed to a court of competent jurisdiction within thirty (30) days following the date the denial was issued, and such court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision by a judicial officer. Failure to file an appeal within the time period provided by this subsection shall constitute a waiver of the right to appeal.

Sec. 645-834. Term and renewal; conditions.

(a) A newsstand permit shall have a term of one (1) year, expiring on the last day of December of each year, and may be renewed upon the same terms and conditions. Such permit shall state the name and address of the permittee and the location of the newsstand, and be posted in a prominent location on the exterior of the newsstand.

(b) A newsstand permit shall be issued upon the condition that the permittee shall:

(1) Conduct and maintain the newsstand in such a manner that it will not create a nuisance or become inimical to the public welfare, or detract from the aesthetic character of the surrounding area;

(2) Indemnify and save the city harmless against all liability which may result to the city in consequence of the granting of the permit and maintenance and use of the newsstand;

(3) Provide to the director a current certificate of public liability insurance in coverage amounts established by the corporation counsel, insuring the permittee and naming the city as an additional insured party throughout the term of the permit; and,

(4) Comply with all laws statutes, ordinances, and regulations promulgated thereunder, as well as any pertinent orders and decisions of public officials.

In addition, the director may make the permit subject to any reasonable conditions permitted by law, and which promote the stated purposes of this article.

(c) Within ten (10) days following the expiration or revocation of a newsstand permit, the owner shall remove the newsstand, and cause any necessary restoration or repair of the public right-of-way to be made; provided, however, that if the revocation of a permit has been appealed to a court of competent jurisdiction, then the removal of the newsstand shall be stayed pending final disposition of the judicial proceedings.

Sec. 645-835. Maintenance and operation.

(a) A newsstand shall not be abandoned, or left open but unattended. When a newsstand is not open for business, it shall be securely closed and locked, and all newspapers and other publications and goods which are susceptible to movement by the elements or by unauthorized persons shall be enclosed within the newsstand or otherwise removed by the permittee.

(b) A permittee under this division shall maintain the condition and appearance of a newsstand in the same manner prescribed for newsracks under Section 645-817 of the Code, and shall ensure that the public rights-of-way in the immediate area of the newsstand shall not become littered.

(c) Sales of newspapers and other publications shall not be accomplished by crying out or hawking.

(d) The opportunity for publishers to have their newspapers and other publications distributed from a newsstand shall not be affected whatsoever by their content; however, the sale or keeping at any newsstand of anything unlawful or obscene in character is prohibited, and a violation of the Code.

Sec. 645-836. Enforcement.

A person who violates any of the provisions of this division shall be subject to enforcement proceedings under Section 103-3 of the Code, and each day a newsstand remains in violation shall constitute a separate violation. Upon a finding of violation, the newsstand permit shall be revoked and the permittee shall be denied the privilege of obtaining another newsstand permit for a period of one (1) year.

SECTION 2. Section 645-529 of the "Revised Code of the Consolidated City and County," regarding permits for newspaper stands, hereby is REPEALED.

SECTION 3. Section 645-121 of the "Revised Code of the Consolidated City and County," regarding registrations by occupants of the public rights-of-way, 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 follow:

Sec. 645-121. Registration required.

(a) Except for those facilities exempted by subsection (b) of this section, each occupant shall file a registration statement described in ~~s~~Section 645-122 of the Code.

(b) The registration requirements of this ~~C~~chapter 645 shall not apply to the following:

- (1) ~~Newspaper stands, to the extent regulated by the consolidated city under section 645-529 of this Code~~ Newsracks and newsstands, to the extent regulated by Article VIII of this chapter;
- (2) Temporary signs, to the extent regulated by the ~~e~~consolidated city under ~~s~~Section 536-284 or Part 19 of Appendix D of the Code;
- (3) Public pay telephones, to the extent regulated by the ~~e~~consolidated city under Chapter 936 of the Code;
- (4) Carts, to the extent regulated by the ~~e~~consolidated city under ~~sections 961-101 through 961-604~~ Chapter 961 of the Code;
- (5) Sidewalk cafes, to the extent regulated by the ~~e~~consolidated city under Chapter 961 of the Code; and,
- (6) Facilities of a commercial mobile service provider as defined in 47 USC § 332(d)(1) to the extent, and only to the extent, that such facilities are located on sites within public rights-of-way that are specifically leased or licensed, exclusively or nonexclusively, to such provider by the ~~e~~consolidated city.

(c) Any entity or person having facilities referenced in subsection ~~645-121(b)~~ above of this section as well as other facilities within the public rights-of-way shall not be exempt from the registration requirements of this ~~C~~chapter 645 with respect to such other facilities.

SECTION 4. 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 5. 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 6. This ordinance shall be in effect sixty (60) days from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 357, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 357, 1999 on June 16 and July 28, 1999. The proposal was returned to Committee at the Council meeting on June 21, 1999. The Committee again heard the proposal on July 28, 1999. The proposal, sponsored by Councillors Dowden and Talley, provides procedures for victim notification of certain electronic monitoring violations. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Smith, to strike Proposal No. 357, 1999.

Councillor Talley stated that he is opposed to striking this proposal because it will save lives. He stated that it is more important to provide safety to citizens than it is to protect anonymity. He asked Council members not to strike the proposal, but to come up with more acceptable language to deal with legal issues.

Councillor Dowden stated that legal counsel advised that there are serious legal issues by passing language such as this. He stated that the process identified in the proposal is already in place, and striking the proposal will have no effect on the saving of lives.

Councillor Golc stated that Councillor Dowden is a co-sponsor of this proposal. He asked why Councillor Dowden felt this was good policy at the time he introduced the proposal. Councillor Dowden stated that he still feels it is good policy, but it is a duplication of efforts, as the system is already in place, and the legal issues are very compelling.

Councillor Coughenour moved, seconded by Councillor Gilmer, to end debate and move the previous question. The motion to end debate carried by the following roll call vote; viz:

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

Proposal No. 357, 1999 was stricken by the following roll call vote; viz:

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

PROPOSAL NO. 376, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 376, 1999 on June 28, 1999 and again on July 26, 1999. The proposal, sponsored by Councillor Smith, repeals and recodifies certain provisions dealing with burials and cemeteries. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Smith, for adoption. Proposal No. 376, 1999 was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Tilford

0 NAYS:

4 NOT VOTING: Golc, Hinkle, Talley, Williams

3 ABSENT: Black, Borst, Moores

Proposal No. 376, 1999 was retitled GENERAL ORDINANCE NO. 99, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1999

A GENERAL ORDINANCE repealing "Chapter 541 Cemeteries" of the Revised Code of the Consolidated City and County and recodifying section 541-1 and 541-2.

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

SECTION 1. Secs. 541-1 and 541-2 of the Revised Code of the Consolidated City and County be and are hereby recodified as secs. 403-8 and 403-9.

Sec. ~~541-1~~ 403-8. Interments to be made in cemeteries.

No dead body shall be interred within the city, except in regular cemeteries or burying grounds established or maintained for such purpose, and in accordance with the requirements of state law regulating burials.

Sec. ~~541-2~~ 403-9. Unauthorized burial or exhumation.

It shall be unlawful for any person to enter any cemetery or authorized burial place and there inter or exhume and remove any dead body, except under the direction and authority of the owner, manager or sexton of such cemetery or burial place.

SECTION 2. The remaining sections of Chapter 541 of the Revised Code of the Consolidated City and County be and are hereby repealed, which sections now read as follows:

~~Sec. 541-3. Promulgation and approval of rules and regulations.~~

~~Any person owning, maintaining or operating any cemetery within the city shall make and formulate the rules governing the cemetery, so far as they affect the public health, comfort or safety, and shall present a written copy thereof to the health and hospital corporation. The health and hospital corporation shall, within twenty (20) days from the time of any such presentation, examine and approve or reject any such rules. The health and hospital corporation shall approve any rule so presented which is valid and reasonable. In case any rule is rejected because of affecting the public health, comfort or safety, a substituted rule shall be formulated and presented so as to conform with the decision. All rules so presented shall be in force from and after the approval thereof by the health and hospital corporation, or from and after the time fixed in this section for the approval of such rules, if the health and hospital corporation fails to act thereon. In the case of a cemetery hereafter established within the city, no interment shall be made therein until the rules thereof shall have been presented to and approved by the health and hospital corporation as provided in this section in the case of existing cemeteries.~~

~~Sec. 541-4. Reserved.~~

Sec. 541-5. Premises in violation of chapter declared a nuisance.

~~Any cemetery, graveyard or burying ground that shall be located or used in violation of this chapter is declared to be a common nuisance, and the city or any citizen or any owner of ground adjacent to such cemetery may have the same abated as a common nuisance or may enjoin the location and use of any cemetery, graveyard or burying ground in violation of this chapter.~~

~~Sec. 541-6. Death certificate and burial permit.~~

~~It shall be unlawful for any person to remove or cause to be removed any dead human body from any place within the city to any place outside the city; or to cremate or deposit any dead human body in any vault within the city; or to inter or disinter, or in any manner dispose of, any dead human body or part thereof, without first filing in the office of the health and hospital corporation a certificate of death in the proper form as prescribed by the health and hospital corporation, or by law, and without first obtaining from the proper health officer a permit for such burial, removal or other disposition of any dead human body.~~

~~Sec. 541-7. Crematories.~~

~~(a) Generally. The health and hospital corporation may prescribe from time to time rules as to the location and management of crematories, as to the general character of retorts, furnaces or incinerators which may be used in any crematory within the city, and for the proper fumigation and sanitation of such premises or any instrumentality used in the process of cremation.~~

~~(b) Structures. It shall be unlawful for any person to erect or maintain any building or structure within the city for the purpose of cremating or destroying by fire any human body without first complying with all the rules of the health and hospital corporation with respect thereto. No existing building or structure shall be used, or altered, removed or repaired, for any of such purposes, without complying with such rules.~~

~~(c) Permission to cremate body. No person owning or operating a crematory within the city shall receive the dead body of any person for cremation until permission therefor has been obtained from the health and hospital corporation, which shall not issue the permit until the person in charge of the body shall have filed his request for the permit, stating therein the name, age, color and sex of the person and the number of the death certificate. In case the person died outside of the city and was brought into the city for cremation, the person in charge of the body shall also file with the health and hospital corporation the certificate of the health officer or attending physician of the place from which the body came, stating the disease or cause of death, or referring to the number of any certificate already on file in the city. It shall then be the duty of the health and hospital corporation to issue the permit unless, for any reason, it is satisfied the body should not be cremated, in which event it may refuse the permit. The fee for any permit so issued shall be fifty cents (\$0.50), to be paid by the applicant therefor.~~

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

PROPOSAL NO. 433, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 433, 1999 on July 26, 1999. The proposal amends the Wireless Communication Zoning Ordinance (99-AO-01)(Certified June 23, 1999). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Curry stated that he will cast a protest vote, because this issue should have been clarified earlier and he still has some trouble with some of the language.

Councillor Hinkle moved, seconded by Councillor Gilmer, for adoption. Proposal No 433, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 433, 1999 was retitled GENERAL ORDINANCE NO. 100, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1999

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 99-AO-01

THE WIRELESS COMMUNICATION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wireless Communication Zoning Ordinance, as amended, and fixing a time then the same shall take effect.

WHEREAS, IC 36-7-4 established the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana, ordinances for the zoning or districting of all lands within the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger, lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values and securing responsible development and growth; and,

WHEREAS, the wireless communications industry has produced new and changing technology not anticipated by the current zoning ordinances, but which requires regulation to protect land uses within the County; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; now, therefore:

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

SECTION 1. The Wireless Communications Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission docket number 98-A0-1), pursuant to IC 36-7-4 be amended by deleting the stricken-through language and inserting the underscored language in bold type to read as follows:

CHAPTER 1.00 PURPOSE AND APPLICATION

Sec. 1.10. Statement of purpose.

This ordinance creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner which provides comprehensive service to the community, which protects the community from clutter and design, which is compatible with existing and future land use, and which reinforces the need for an urban landscape which contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes to the industry which were not anticipated, will be considered in future amendments to this Ordinance.

The purpose of the wireless communications regulations set forth in this document shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors which are compatible with the adjacent land uses, to retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to non-residents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

Sec. 1.20. Application of regulations.

The regulations of this Ordinance shall apply to the location, erection, and maintenance of all wireless communications facilities (WCF) within Marion County, Indiana.

CHAPTER 2.00 GENERAL REGULATIONS

The provisions of this section shall apply to all wireless communications facilities in Marion County.

Sec. 2.10. Wall-mounted and roof-mounted WCF.

A. When permitted in D-A, D-S, D-1, D-2, D-3, D-4, D-5 and D-5II Districts, wall-mounted and roof-mounted WCF shall be in compliance with the following requirements:

1. WCF shall be no greater than 3 square feet in area, and no more than 6 inches deep (excluding antennae).
2. Antennae may extend no more than 24 inches from the wall or other surface to which it is mounted.
3. WCF shall be compatible with the color(s) of the wall on which they are located.
4. WCF shall be located in a place least obtrusive to public view.
5. Administrator's approval is required for all wall-mounted and roof-mounted WCF.

B. In all other districts, where permitted by this Ordinance, wall-mounted WCF shall be in compliance with the following requirements:

1. Wall-mounted WCF may extend a maximum 24 inches from the facade on which the WCF is located. The distance shall be measured from the point on the wall where the WCF is attached, at right-angles from the wall, to the furthest extension of the WCF.
2. Wall-mounted WCF shall be compatible with the color(s) of the wall on which they are located.
3. Wall-mounted WCF shall be designed to be compatible with the design and materials of the building on which the WCF will be attached, and located in a place least obtrusive to public view.
4. The total area of all wall-mounted WCF located on a facade shall not exceed 2% of the area of the facade on which the structure is located.
5. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.
6. Administrator's approval is required for all wall-mounted WCF.

Sec. 2.20. Landscaping.

A landscape yard shall be provided around the entire perimeter of a tower site to screen the fence and the equipment structure, exclusive of vehicular or pedestrian entrances. This yard shall be planted to provide a continuous landscape screen around the site. This may be done by one of the following methods:

A. *Shrubs.* Shrubs must have a minimum height of four feet and shall be planted at a maximum of four feet on center. The shrubs must be either evergreen shrubs or densely twigged deciduous shrubs.

B. *Deciduous ornamental trees or multi-stemmed trees.* Deciduous ornamental trees or multi-stemmed trees must have a dense branching pattern that extends to the ground and shall be a minimum size of 1 1/2 caliper inches at time of planting and shall be planted at a maximum of 10 feet on center.

C. *Evergreen trees.* Evergreen trees must have a dense branching pattern and shall be planted at a maximum of 12.5 feet on center.

D. *Existing trees and shrubs.* Existing trees and shrubs may be used to screen the site. If the existing vegetation does not form a continuous screen around the site or does not extend from the ground to a height of six feet, it must be supplemented with additional vegetation.

E. *Combination.* A combination of the above methods may be used, provided that the vegetation forms a continuous screen around the site or extends from the ground to a height of six feet.

F. *Maintenance.* Where multiple users of a site are involved, the owner of the site shall be responsible for the installation and maintenance of all landscaping.

The landscape yard shall be a minimum of 10 feet in width. If using method C., the yard shall be 20 feet in width to accommodate the larger width of the vegetation.

The minimum size of all required landscape plant materials, at the time of planting, including replacement trees and shrubs, shall be as required in Section 2.13, G., 1., g. of the Commercial Zoning Ordinance.

The required landscaping must be maintained at all times and replaced if it dies, for as long as the use remains.

The Administrator shall have the power to modify or waive any of the foregoing landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards.

Sec. 2.30. Guy anchorages.

Any guy anchorages shall not be located within any front, side or rear transitional yard, and in any event, shall be set back at least 30 feet from any lot line.

Sec. 2.40. Provisions for more than one user.

A. Sufficient land shall be secured by the initial WCF tower provider, to reserve adequate area for more than one equipment structure.

B. All towers shall be designed and constructed so that more than one wireless communications company may attach equipment to the tower. When applying for an Improvement Location Permit, the owner of the tower shall provide assurance that the tower is available for use by other wireless communications providers.

Sec. 2.50. More than one tower in a half-mile.

If any tower is proposed within 1/2 mile radius of another tower, prior to obtaining an Improvement Location Permit, the entity requesting the new tower must:

A. Identify all towers within 1/2 mile radius of the proposed tower; and

B. Provide information to the Administrator outlining the reason(s) those towers cannot be used for additional WCF.

If there is space available for additional WCF on any of those towers, as required by Section 2.40 of this Ordinance, or by previous variance condition or commitment, or if the reason(s) are found by the Administrator not to be justified, the Improvement Location Permit for the new tower shall not be granted.

Sec. 2.60. Existing towers.

Any tower which is legally established on the effective date of this Ordinance, may be used for wireless communication facilities, as long as the height is not increased, nor the location of the tower changed.

Sec. 2.70. Signs prohibited.

No lettering, symbols, images, trademarks, signs or advertising of any kind shall be placed on, or affixed to, any part of a tower or structure, other than as required by the Federal Aviation Administration,

by Federal Communications Commission or other agency regulations, or as required to protect public health and safety.

CHAPTER 3.00 SPECIFIC REGULATIONS

Sec. 3.10. Where permitted.

Wireless Communication facilities may be located in the zoning districts indicated on the following chart, subject to the standards referenced on the chart. Sites located within a locally-designated historic district are also subject to the requirements of Indiana Code Section 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of Indiana Code Section 36-7-11.2, and this Ordinance is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana Statutes.

Wireless Communications facilities may also be located:

- A. On signs as regulated by Section 3.50 of this Ordinance;
- B. In highpower electric transmission line easements or rights-of-way as regulated by Section 3.40 A of this Ordinance; and
- C. In public rights-of-way, as regulated by Section 3.40 B of this Ordinance.

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
D-A	Yes	Yes	No	No	5
D-S	Yes	Yes	No	No	5
D-1	Yes	Yes	No	No	5
D-2	Yes	Yes	No	No	5
D-3	Yes	Yes	No	No	5
D-4	Yes	Yes	No	No	5
D-5	Yes	Yes	No	No	5
D-5II	Yes	Yes	No	No	5
D-6	Yes	Yes	No	No	4
D-6II	Yes	Yes	No	No	4
D-7	Yes	Yes	No	No	4
D-8	Yes	Yes	No	No	4
D-9	Yes	Yes	No	No	4
D-10	Yes	Yes	No	No	4
D-P	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
C-1	Yes	Yes	No	No	4
C-2	Yes	Yes	No	No	4
C-3	Yes	Yes	No	No	4
C-3C	Yes	Yes	No	No	4
C-4	Yes	Yes	Yes	No	3
C-5	Yes	Yes	Yes	No	3
C-6	Yes	Yes	Yes	No	2
C-7	Yes	Yes	Yes	No	2
C-ID	Yes	Yes	Yes	No	2
C-S	Yes	Yes	(Note 2)	(Note 2)	(Note 2)
CBD-1	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-2	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-3	Yes (Note 3)	Yes (Note 3)	No	No	4
CBD-S	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
I-1 (U/S)	Yes	Yes	No	No	4
I-2 (U/S)	Yes	Yes	Yes	No	2
I-3 (U/S)	Yes	Yes	Yes	Yes	2
I-4 (U/S)	Yes	Yes	Yes	Yes	2

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
HD (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
UQ (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
PK-1	Yes (Note 8)	Yes (Note 8)	Restricted (Note 11)	No	(Note 11)
PK-2	Yes (Note 5)	Yes (Note 5)	(Note 9)	(Note 9)	(Note 9)
SU-1	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-2	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-3	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-5	Yes	Yes	Yes	Yes	1
SU-9	Yes (Note 5)	Yes (Note 5)	(Note 10)	(Note 10)	(Note 10)
SU-10	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-13	Yes	Yes	Yes	Yes	1
SU-18	Yes	Yes	Yes	Yes	1
SU-23	Yes	Yes	Yes	Yes	1
SU-28	Yes	Yes	Yes	Yes	1
SU-35	Yes	Yes	Yes	Yes	1
SU(all other)	Yes	Yes	No	No	4 (Note 7)

- Note 1: Provisions for wireless communications must be provided in the D-P development statement.
- Note 2: Provisions for wireless communications must be provided in the C-S rezoning ordinance. If no specific provisions were listed, wall and roof-mounted WCF are subject to height Category 4.
- Note 3: The appropriateness of the request will be evaluated in the Regional Center review process.
- Note 4: Provisions for wireless communications must be provided in the CBD-S rezoning ordinance.
- Note 5: The appropriateness of the request will be evaluated in the Special Districts review process.
- Note 6: Requires Special Exception.
- Note 7: Requires Administrator's Approval.
- Note 8: All WCF must be camouflaged to fit in with the surrounding environment. The appropriateness of the request will be evaluated in the Special Districts review process.
- Note 9: If proposed tower is within 500 feet of a dwelling, it requires special exception, where height will be determined. The height of wall and roof-mounted WCF, and towers will be determined in the Special Districts review process.
- Note 10: If proposed tower is within 500 feet of a Dwelling District, requires special exception, where height will be determined. Wall and roof-mounted WCF subject to height Category 4. Towers over 500 feet from a Dwelling District subject to height Category 1.
- Note 11: Generally, towers are highly discouraged from location in PK-1 Districts. In certain areas, however, a tower might be appropriate, because the land use of the specific PK-1 District might not be that typically considered a park. Towers might be permitted by special exception only on the following PK-1 sites: salt depositories; maintenance areas which are not readily accessible or visible to the public; existing or proposed sports facility lighting structures; within highpower electric transmission line easements; and in areas not readily accessible to the public on the periphery of parks adjacent to Federal Interstate Highways or active railroad lines.

Sec. 3.20. Height regulations.

A. Category 1 (CBD-1, CBD-2, SU-5, SU-13, SU-18, SU-23, SU-28, SU-35, SU-9 limited). No height restrictions.

B. Category 2 (C-6, C-7, C-ID, I-2, I-3, I-4).

1. In the C-6, C-7 and C-ID Districts, no height restrictions for free-standing WCF located 500 feet or more from a Protected District or a greenway.

In the I-2, I-3 and I-4 Districts, no height restrictions for free-standing WCF located 300 feet or more from a Protected District or a greenway.

2. Within 500 feet of a protected District or a greenway, in the C-6, C-7, and C-ID Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

Within 300 feet of a protected District or a greenway, in the I-2, I-3 and I-4 Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~.

Height may be increased to 20 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

- C. Category 3 (C-4, C-5).

1. Maximum height of 90 feet allowed for free-standing WCF located 500 feet or more from a Protected District or a greenway.

2. Within 500 feet of a Protected District or a greenway, the height for a free-standing WCF is limited to a maximum of 5 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~.

Height may be increased to 20 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

- D. Category 4 (D-6, D-6II, D-7, D-8, D-9, D-10, C-1, C-2, C-3, C-3C, C-S, CBD-3, I-1, SU limited).

1. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~.

Height may be increased to 20 feet greater than the ~~maximum existing~~ building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

2. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

- E. Category 5 (D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II).

Wall-mounted and roof-mounted WCF antennae may extend a maximum of 2 feet above the wall or roof on which they are located.

Sec. 3.30. Equipment structures for WCF.

- A. Commercial, Industrial, and Dwelling Districts

Equipment structures shall be located in compliance with the specific accessory structure requirements for the district in which the site is located.

- B. Central Business Districts.

Equipment structures are subject to the Regional Center approval process requirements.

C. Hospital Districts, University Quarter Districts, and Park Districts

Equipment structures are subject to the Special District approval process requirements for HD-1, HD-2, UQ-1, UQ-2 and PK-2 or special exception process as required for PK-1.

D. Special Use Districts.

1. Equipment structures shall not exceed 300 square feet in area, with a maximum height of 15 feet.
2. The location of equipment structures shall be subject to Administrator's Approval.

Sec. 3.40. Highpower electric transmission line easements or rights-of-way and public rights-of-way.

Wireless communications facilities may be located in highpower electric utility transmission line and substation easements or rights-of-way and public rights-of-way, under the following circumstances:

A. Highpower Electric Transmission Line Easements or Rights-of-way.

1. Existing Utility Structures - WCF may be located on existing utility structures, as long as the height of the WCF and the structure together is not more than 110% of the height of the existing structure.
2. New WCF Structures - New WCF structures shall only be located within the footprint of an existing utility structure (except in PK-1, where the location is subject to a special exception). WCF may be located on new structures, as long as the height of the WCF and the new structure together is not more than 110% of the height of the existing utility structure.
3. Design - Each WCF provider shall obtain written consent of the owner of the electric transmission line structure and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility structures.
4. Equipment structures for WCF - Equipment structures shall not exceed 300 square feet in area for each structure, with a maximum height of 15 feet.

B. Public Rights-of-way.

1. Local and Collector Streets (Any streets not indicated in the Official Thoroughfare Plan for Marion County, Indiana.)
 - a. Wireless communications facilities may be located on utility poles, as long as the pole is not increased in height.
 - b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.
 - c. Equipment structures for WCF- Equipment structures shall not exceed 8 square feet in area, with a maximum project of 2 feet from the utility pole, and shall be attached to the same utility pole as the WCF.
 - d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.
2. All other Streets (All streets indicated in the Official Thoroughfare Plan for Marion County, Indiana.)
 - a. WCF may be located on utility poles, as long as the height of the WCF and the pole together is not more than 110% of the height of the existing pole.

- b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.
- c. Equipment structures for WCF-
 - I. Interstate Highways - Equipment structures in rights-of-way of Interstate Highways shall not exceed 300 square feet in area, with a maximum height of 15 feet.
 - II. All other streets - Equipment structures shall not exceed 8 square feet in area.
- d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

Sec. 3.50. Signs.

Sign-mounted wireless communications facilities may be located on legally established signs under the following circumstances:

- A. WCF may be incorporated into a sign face, or located on a sign structure, as long as the sign face and structure are in compliance with all aspects of the Sign Regulations, for Marion County, Indiana, (71-AO-4, as amended). If the WCF is located on the outside of the sign face and structure, and is visible, the area of the antenna shall be included in the measurement of the sign area permitted by the Sign Regulations.
- B. Administrator's approval is required prior to installation of WCF on any sign or sign structure.
- C. Equipment structures for WCF shall not exceed 200 square feet in area, with a maximum height of 10 feet. Equipment structures shall be in compliance with Section 3.30 of this Ordinance.
- D. Where signs have been approved by variance, WCF may be integrated into the sign or sign structure, only if all parameters and conditions of the variance are met.

Sec. 3.60. Special exception.

Where wireless communications facilities are permitted by special exception, an application for a wireless communication facility must be filed with the Board of Zoning Appeals having jurisdiction. A public hearing and notice to adjoining property owners and registered neighborhood organizations is required in accordance with the Rules of Procedure of the Board of Zoning Appeals.

The Board may grant the Special Exception, only if the following conditions are met:

- A. The grant will not be injurious to the public health, safety, morals, convenience or general welfare, and
- B. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property and the surrounding community,
- C. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution, and
- D. The grant is consistent with the 1996 Telecommunications Act, and
- E. The grant is consistent with the statement of purposes as set forth in Section 1.10.

Written findings shall be adopted by the Board, after its decision has been rendered.

Sec. 3.70. Tower removal.

- A. Any tower which ceases to be used for a period of more than one (1) year shall be removed.
- B. Before obtaining an Improvement Location Permit for a tower, an applicant which is not also the owner of the property must provide recordable evidence of a written agreement (a lease, a memorandum of lease, an affidavit or other recordable instrument) between the WCF operator and the

property owner that the WCF operator has agreed to remove the tower as required by this Section 3.70 and further granting a right of access to the Department of Metropolitan Development to enforce this Section 3.70 and cause removal of the tower. If the Department of Metropolitan Development causes the removal of the tower, pursuant to this Section 3.70, the WCF operator, its successors, all other past users of the tower and the owner of the property upon which the tower is located shall be jointly and severally liable for the costs incurred by the Department of Metropolitan Development in accomplishing the removal.

C. Within thirty (30) days after use of a tower has ceased, the last user shall notify the Administrator of the discontinued use.

Sec. 3.80. Improvement location permit. An Improvement Location Permit application for a WCF shall include the following:

- A. Site and landscape plans, drawn to scale.
- B. A description of the WCF and its design.
- C. Documentation, establishing the structural integrity of the WCF.
- D. A statement that the WCF meets the standards of the American National Standards Institute.
- E. A statement regarding the availability of another WCF provider to use a tower, as required in Section 2.40.
- F. Proof of ownership of the proposed site, or property owner's consent to use the site for WCF.
- G. Copies or other evidence of any necessary easements.
- H. A map indicating the existing topography of the site.
- I. For a variance or special exception, a graphic or photographic representation shall be submitted, which shows the height of the WCF, in relation to its surroundings.

CHAPTER 4.00 DEFINITIONS

The words in the text of this Ordinance shall be interpreted in accordance with the following definitions.

1. *Accessory.* A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use to the primary structure and use, and is located on the same lot as the primary structure or use.
2. *Administrator.* Administrator of the Division of Neighborhood Services, of the Department of Metropolitan Development, or his/her appointed representative.
3. *Antenna.* A device used to collect or broadcast electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as satellite dishes.
4. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.
5. *Building height.* The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
 - a. the elevation of the highest adjoining sidewalk or ground surface within a 10 foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than 10 feet above lowest grade;
 - b. an elevation 10 feet higher than the lowest grade when said sidewalk or ground surface is more than 10 feet above the lowest grade.

6. *Camouflage.* A structural design or treatment, including colors, intended to conceal and make a WCF visibly compatible with the surrounding area.
7. *Equipment structure.* Any structure needed to house apparatus needed for the operation and maintenance of a wireless communication antenna, and located on the same site as the wireless communication antenna.
8. *Greenway.* A linear open space that connects parklands, improves recreational opportunities, and aids in the protection of wildlife and scenic regions. Greenways regulated by this ordinance are the responsibility of the Indianapolis Department of Parks and Recreation, as outlined in the Indianapolis City Code, Chapter 241, and shall include the corridors described in the Indianapolis Greenways Plan.
9. *Highpower electric transmission line.* A line segment in an electric utility system having an operating voltage of 69,000 volts or greater.
10. *Protected district.* Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For purposes of this Ordinance, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District, or SU-2 (School District).
11. *Right-of-way.* Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
12. *Structure.* A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
13. *Sign.* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.
14. *Sign structure.* Any structure, including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
15. *Tower.* A structure designed and intended to support one or more antennae. This term includes lattice-type structures, either guyed or self supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennae.
16. *Utility pole.* Any pole or structure utilized for electric, telephone, telegraph, cable television, radio, microwave, television services, street lights, other lighting standards, or comparable purposes.
17. *Wireless communications facility (WCF).* Any facility used by a licensed commercial wireless telecommunications provider to provide service, including, but not limited to cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the general public.
18. *WCF design package.* Information used to portray all visual aspects of wireless communications facilities, and the apparatus needed to attach it to a structure, including, but not limited to, dimensions, colors, and materials.

CHAPTER 5.00 STANDARDS OF ADMINISTRATOR'S APPROVAL

Where the Administrator has been given the authority to review and approve certain aspects of WCF, the following standards shall be considered:

1. The visual impact of the proposed WCF on the adjacent properties, and the community, as a whole.
2. The recommendations of the Comprehensive Plan or the most recently adopted Neighborhood Plan for the site in question.

3. Current trends in the WCF industry and their potential impact on the community.
4. Consistency with other designs approved in other areas of the City.
5. Compliance with the Telecommunications Act of 1996.
6. Necessary or desirable infrastructure requirements of the community.

The Administrator's decision may be appealed in accordance with the provisions of the Rules of Procedure of the Board of Zoning Appeals.

CHAPTER 6.00 EXCLUDED CITIES

Prior to applying for an Improvement Location Permit (ILP) for a WCF in an excluded city, the WCF provider shall provide a written letter to the excluded city, indicating their intent. The letter shall be mailed at least 5 days prior to applying for the ILP, and shall include the proposed location, type, and design of the WCF, and a contact person for the WCF provider. The WCF provider shall submit a copy of the letter, and proof of mailing with the application for the ILP.

CHAPTER 7.00

Sec. 7.10. Severability. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Sec. 7.20. Compliance. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

PROPOSAL NO. 434, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 434, 1999 on July 27, 1999. The proposal, sponsored by Councillor Massie, approves the investment of public funds in money market mutual funds. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 434, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 434, 1999 was retitled **COUNCIL RESOLUTION NO. 63, 1999**, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 1999

A COUNCIL RESOLUTION of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving the investment of public funds in money market mutual funds.

WHEREAS, IC 5-13-9-1 et seq. authorizes county treasurers and the fiscal officers of political subdivisions to invest public funds; and

WHEREAS, the City of Indianapolis and Marion County, Indiana ("the City" and "the County," respectively) have public funds which are eligible for investment pursuant to the provisions of I.C. 5-13 by the City Controller and the County Treasurer, respectively, and regularly exercise their powers to invest such funds pursuant to the provisions thereof; and

WHEREAS, IC 5-13-9-2.4 requires that any investment of public funds in money market mutual funds be approved and authorized annually by the fiscal body of such political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the City and the County and desires to authorize the City and the County to invest public funds in money-market mutual funds, subject to the limitations of IC 5-13-9-2.5; now, therefore:

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

SECTION 1. The Council does hereby authorize and approve the investment of public funds by the City and the County in investments commonly known as "money market mutual funds."

SECTION 2. Pursuant to IC 5-13-9-1, the County Treasurer is the investing officer of the County and the City Controller is the investing officer of the City.

SECTION 3. Investments authorized by this Resolution may not exceed fifty percent (50%) of the funds held by the investing officer and available for investment. This limitation does not apply to investments made by the County Treasurer between the date that is ten (10) days before each property tax installment is due, and the property tax settlement distribution date.

SECTION 4. The money market mutual funds must be in the form of securities of or interests in an open-end, no-load, management-type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, as amended (i.e., 15 U.S.C. Sec. 80a et seq).

SECTION 5. The portfolio of the investment company or investment trust described in Section 4 of this Resolution must be limited to the following: (1) direct obligations of the United States; (2) obligations issued by a federal agency, a federal instrumentality, or an enterprise sponsored by the federal government; or (3) repurchase agreements fully collateralized by obligations described in (1) or (2).

SECTION 6. The form of securities of or interests in an investment company or investment trust described in Section 4 of this Resolution must be rated as either: (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor; or (2) Aaa, or its equivalent, by Moody's Investors Service, Inc., or its successor.

SECTION 7. Investments made pursuant to this Resolution shall be made through depositories designated by the Indiana Board of Finance as depositories for state deposits.

SECTION 8. This Resolution shall expire one (1) calendar year from its adoption.

SECTION 9. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 446, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 446, 1999 on July 28, 1999. The proposal, sponsored by Councillor Borst, approves a transfer of \$30,000 in the 1999 Budget of the Forensic Services Agency (County General Fund) for unexpected costs involved in renovation of laboratory area to provide additional working space. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Bradford, for adoption. Proposal No. 446, 1999 was adopted on the following roll call vote; viz:

15 YEAS: *Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Jones, McClamroch, O'Dell, Shambaugh, Short, Tilford*

0 NAYS:

11 NOT VOTING: *Franklin, Golc, Gray, Hinkle, Massie, Moriarty Adams, Schneider, SerVaas, Smith, Talley, Williams*

3 ABSENT: *Black, Borst, Moores*

Proposal No. 446, 1999 was retitled FISCAL ORDINANCE NO. 93, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional Thirty Thousand Dollars (\$30,000) in the County General Fund for purposes of the Forensic Services Agency and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(x) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to fund the renovation of the laboratory area to provide additional working space.

SECTION 2. The sum of Thirty Thousand Dollars (\$30,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>30,000</u>
TOTAL INCREASE	30,000

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

<u>FORENSIC SERVICES AGENCY</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	<u>30,000</u>
TOTAL DECREASE	30,000

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 450 and 452-461, 1999 on July 28, 1999.

PROPOSAL NO. 450, 1999. The proposal, sponsored by Councillor Tilford, authorizes a traffic signal for Kroger located at 7100 East 10th Street (District 12). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Tilford, for adoption. Proposal No. 450, 1999 was adopted on the following roll call vote; viz:

20 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford

0 NAYS:

6 NOT VOTING: Golc, Hinkle, Moriarty Adams, Smith, Talley, Williams

3 ABSENT: Black, Borst, Moores

Proposal No. 450, 1999 was retitled GENERAL ORDINANCE NO. 101, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1999

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	10 th St Kroger Dr (7100 E)	None	Signal

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

Councillor Gilmer asked for consent to vote on Proposal Nos. 452-455, 1999 together. Consent was given.

PROPOSAL NO. 452, 1999. The proposal, sponsored by Councillor Talley, authorizes intersection controls for Maple Lane and Meadowlark Drive (District 14). PROPOSAL NO. 453, 1999. The proposal, sponsored by Councillor Borst, authorizes a multi way stop at Stop 11 Road, Rahke Road, and Katherine Drive (District 25). PROPOSAL NO. 454, 1999. The proposal, sponsored by Councillor Short, authorizes a multi way stop at Fletcher Avenue and Randolph Street (District 21). PROPOSAL NO. 455, 1999. The proposal, sponsored by Councillor Gilmer, authorizes a multi way stop at Conarroe Road and Gunnery Road (District 1). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal Nos. 452-455, 1999 were adopted on the following roll call vote; viz:

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

Proposal No. 452, 1999 was retitled GENERAL ORDINANCE NO. 102, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
14	Maple Ln Meadowlark Dr	Maple Ln	Stop

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

Proposal No. 453, 1999 was retitled GENERAL ORDINANCE NO. 103, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 1999

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>
45	Katherine Dr Stop 11 Rd	Stop 11 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>
45	Katherine Dr Stop 11 Rd Rahke 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. 454, 1999 was retitled GENERAL ORDINANCE NO. 104, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1999

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>
32	Fletcher Av, Randolph St	Fletcher Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	Fletcher Av, Randolph St	None	All Way Stop

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

Proposal No. 455, 1999 was retitled GENERAL ORDINANCE NO. 105, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1999

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>
1	Conarroe Rd Gunnery Rd	Conarroe 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>
1	Conarroe Rd Gunnery 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. 456, 1999. The proposal, sponsored by Councillor Brents, authorizes parking restrictions for Roanoke Street between Michigan Street and North Street (District 16). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 456, 1999 was adopted on the following roll call vote; viz:

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

Proposal No. 456, 1999 was retitled GENERAL ORDINANCE NO. 106, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1999

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:

Roanoke Street, on both sides, from Michigan Street to North Street

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

PROPOSAL NO. 457, 1999. The proposal, sponsored by Councillor Borst, authorizes parking restrictions on Hill Valley Drive from Meadowood Drive to Rahke Road (District 25). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 457, 1999 was adopted on the following roll call vote; viz:

21 YEAS: *Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford, Williams*

0 NAYS:

5 NOT VOTING: *Golc, Gray, Hinkle, Smith, Talley*

3 ABSENT: *Black, Borst, Moores*

Proposal No. 457, 1999 was retitled GENERAL ORDINANCE NO. 107, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets; and 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. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Hill Valley Drive, on the north side, from Mellowood Drive to Rahke Road

Hill Valley Drive, on the south side, from Rahke Road to Burn Court

SECTION 2. 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:

SUNDAYS

From 7:00 a.m. to 1:00 p.m.

Parish Lane, on the east side, from Hill Valley Drive to Mellowood Drive

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

PROPOSAL NO. 458, 1999. The proposal, sponsored by Councillor Williams, authorizes parking restrictions on New Jersey Street between Fort Wayne Avenue and Tenth Street (District 22). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do

pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 458, 1999 was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClanroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford, Williams

0 NAYS:

4 NOT VOTING: Golc, Hinkle, Smith, Talley

3 ABSENT: Black, Borst, Moores

Proposal No. 458, 1999 was retitled GENERAL ORDINANCE NO. 108, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 1999

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

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

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

New Jersey Street, on the east side, from Fort Wayne Avenue to Tenth Street

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

PROPOSAL NO. 459, 1999. The proposal, sponsored by Councillor Williams, authorizes a deletion of the weight restriction on Lockerbie Street, from East Street to Park Avenue (District 22). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 459, 1999 was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClanroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford, Williams

0 NAYS:

4 NOT VOTING: Golc, Hinkle, Smith, Talley

3 ABSENT: Black, Borst, Moores

Proposal No. 459, 1999 was retitled GENERAL ORDINANCE NO. 109, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 109, 1999

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 deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Lockerbie Street, from East Street to Park Avenue

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

PROPOSAL NO. 460, 1999. The proposal, sponsored by Councillor Cockrum, authorizes an increase in the speed limit on Decatur Boulevard between Heathrow Way and Thompson Road (District 19). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 460, 1999 was adopted on the following roll call vote; viz:

21 YEAS: *Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Short, Tilford*

0 NAYS:

5 NOT VOTING: *Golc, Hinkle, Smith, Talley, Williams*

3 ABSENT: *Black, Borst, Moores*

Proposal No. 460, 1999 was retitled GENERAL ORDINANCE NO. 110, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

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. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

35 MPH

Decatur Boulevard, from Heathrow Way to Thompson Road

Kollman Road, from Thompson Road 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. 461, 1999. The proposal, sponsored by Councillor Bradford, authorizes a change in the parking meter zones and manner of parking for Westfield Boulevard from College Avenue to Guilford Avenue (Districts 2, 7). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Bradford, for adoption. Proposal No. 461, 1999 was adopted on the following roll call vote; viz:

August 2, 1999

19 YEAS: Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Short, Tilford

0 NAYS:

7 NOT VOTING: Gole, Gray, Hinkle, Schneider, Smith, Talley, Williams

3 ABSENT: Black, Borst, Moores

Proposal No. 461, 1999 was retitled GENERAL ORDINANCE NO. 111, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-202, Parking meter zones designated; and Sec. 621-108, Manner of parking.

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

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

TWO HOURS

Westfield Boulevard, on the north side, from College Avenue to Guilford Avenue

SECTION 2. 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:

TWO HOURS

Westfield Boulevard, on the north side, from Guilford Avenue to a point 487 feet west of Guilford Avenue

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-108, Manner of parking, be and the same is hereby amended by the addition of the following, to wit:

(e) *Fifty-five degree angles*. Whenever parking is permitted on any of the following streets or parts thereof, parking at an angle of fifty-five (55) degrees to the curb, or if there is no curb, then to the line of the traveled roadway, shall be used, and vehicles shall not park otherwise thereon:

Westfield Boulevard, on the north side, from College Avenue to Guilford Avenue

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

NEW BUSINESS

Councillor Short stated that every two years the City of Indianapolis hosts a memorial service for the survivors of the USS Indianapolis. He stated that the event was this past weekend, and it was a wonderful service. He added that Councillor Gilmer is very instrumental in securing funding for the event, and he commended Councillor Gilmer for his efforts.

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 Councillor Short in memory of Thomas Catterson.

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 Thomas Catterson. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:19 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 2nd day of August, 1999.

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)