

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

**REGULAR MEETINGS  
MONDAY, APRIL 13, 2009**

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 7:00 p.m. on Monday, April 13, 2009, with Councillor Cockrum presiding.

Councillor Brown recognized Pastor Joy Thornton, Greater St. Mark Baptist Church, who led the opening prayer. Councillor Brown then 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:

*29 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*0 ABSENT:*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Pfisterer recognized Speedway residents Scott Harris and Vince Noblet. Councillor Bateman recognized Mr. and Mrs. Kurt Benjamin. Councillor Lutz recognized the Ben Davis State Championship Girls Team. Councillor McHenry recognized the Guion Creek Middle School Academic Team. Councillor McQuillen recognized Pastor Joy Thornton. Councillor Gray recognized the new president of Local 416, Wayne Smith. Councillor Nytes recognized constituent Diana Hamilton. Councillor Speedy recognized Director of Public Works, David Sherman. Councillor Scales recognized Bud Myers, director of the Indianapolis Housing Agency.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 13, 2009, 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/Bob Cockrum  
President, City-County Council

April 1, 2009

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 3, 2009, a copy of a Notice of Public Hearing on Proposal Nos. 106-108, 2009, said hearing to be held on Monday, April 13, 2009, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Melissa Thompson  
Clerk of the City-County Council

April 2, 2009

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 3, 2009 – appropriates \$13,415,000 in the 2009 Budget of the Department of Public Works (Capital Asset Development Fund) for the purchase of new vehicles and equipment (funding includes revenue from an operating agreement with Covanta)

FISCAL ORDINANCE NO. 4, 2009 – approves a transfer of \$1,400,000 in the 2009 Budgets of the Department of Public Safety and the Indianapolis Metropolitan Police Department (Federal Grants Fund) to purchase personal protection equipment, portable radio batteries, and a bomb-sniffing dog, and for infrastructure enhancements for federally designated sites and contractual payments to the Health and Hospital Corporation and Capital Improvements Board

GENERAL ORDINANCE NO. 25, 2009 – amends the Code to establish a Capital Asset Development Fund as a sub-fund of the Consolidated County Fund

GENERAL ORDINANCE NO. 26, 2009 – amends the Code by adding a new article to establish the Marion County Domestic Violence Fatality Review Team

GENERAL ORDINANCE NO. 27, 2009 – authorizes a change in parking restrictions on the west side of Delaware Street between St. Clair and Sahm Streets (Districts 9, 15)

GENERAL ORDINANCE NO. 28, 2009 – authorizes intersection controls at South Kitley and East Julian Avenues (District 21)

GENERAL ORDINANCE NO. 29, 2009 – authorizes parking restrictions on both sides of Carlsen Avenue from Girls School Road to Tina Drive and Furman Avenue (District 13)

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GENERAL ORDINANCE NO. 30, 2009 – authorizes parking restrictions on both sides of Allisonwood Drive and Rymark Drive near 91st Street (District 5)

SPECIAL ORDINANCE NO. 4, 2009 – final bond ordinance authorizing the issuance of Variable Rate Demand Multifamily Housing Revenue Bonds in a principal amount not to exceed \$13,750,000 for the purpose of refunding the outstanding bonds which were issued to finance the acquisition, construction and equipping of a 248-unit multifamily housing residential rental project (Washington Point Apartments Project) at 625 Bellhaven Drive (District 21)

GENERAL RESOLUTION NO. 4, 2009 - approves the issuance of special taxing district bonds of the Fort Harrison Military Base Reuse District

SPECIAL RESOLUTION NO. 9, 2009 – recognizes George "Fred" Thompson

SPECIAL RESOLUTION NO. 10, 2009 – recognizes Michael Jefferson, II

SPECIAL RESOLUTION NO. 11, 2009 – recognizes the members and 50th Anniversary of the 1959 Crispus Attucks Tigers State Basketball Championship team

SPECIAL RESOLUTION NO. 12, 2009 – recognizes the Cardinal Ritter High School football team for winning the 2008 - 2009 Class "A" High School Football Championship

SPECIAL RESOLUTION NO. 13, 2009 – regards the spending of Federal Economic Recovery Funds

Respectfully,  
s/Gregory A. Ballard, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Cain moved, seconded by Councillor B. Mahern, to suspend the Rules with regard to Proposal No. 114, 2009 under Introductions and add this item to the agenda for action this evening by the Committee as a Whole due to a timing issue. The motion carried by a unanimous voice vote. President Cockrum stated that the proposal will be added as the last item of business under Final Adoption.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of March 23, 2009. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 137, 2009. The proposal, sponsored by Councillor McHenry, recognizes the Guion Creek Middle School 8th Grade Academic Team. Councillor McHenry read the proposal and presented representatives with copies of the document and Council pins. Coach Betsy Burke, team member Molly Sipes, and Principal Benjamin thanked the Council for recognizing the team's accomplishments. Councillor McHenry moved, seconded by Councillor Cain, for adoption. Proposal No. 137, 2009 was adopted by a unanimous voice vote.

Proposal No. 137, 2009 was retitled SPECIAL RESOLUTION NO. 14, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2009

A SPECIAL RESOLUTION recognizing the Guion Creek Middle School 8<sup>th</sup> grade Academic Team.

WHEREAS, with twenty-one schools competing at the 8<sup>th</sup> grade level, Guion Creek's Academic Team, coached by Ms. Betsy Burke, won the 2009 Marion County Academic Pursuit Tournament hosted by Belzer Middle School in Lawrence Township; and

WHEREAS, this team has had an outstanding record over the past three years. They won the sixth grade title while being coached by Mrs. Beth Rutz and as seventh graders, coached by Ms. Melanie Reinoehl, they were defeated in the final round by only one point; and

WHEREAS, in the seventh grade competition, the team answered so many questions that the reader ran out of questions before the time ended; and

WHEREAS, as eighth graders, the team received a note of congratulations from Ken Jennings of Jeopardy fame; 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 proudly recognizes Ms. Betsy Burke and the 8<sup>th</sup> grade Academic Team Guion Creek Middle School on winning the Academic Pursuit Tournament.

SECTION 2. The Council heartily congratulates team members: Adrian Cooper, Anna Dorner, Sam Drake, Rebecca Fortune, Ariana Hofer, Audrey Hull, Brandon Jones, Tzirel Leiser, Molly Sipes and Matthew Weinberg.

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. 138, 2009. The proposal, sponsored by Councillors Pfisterer, Lutz and McHenry, recognizes the Ben Davis Girls Basketball Team. Councillors Pfisterer, McHenry and Lutz read the proposal and presented representatives with copies of the document and Council pins. Coach Stan Bengé thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Lutz, for adoption. Proposal No. 138, 2009 was adopted by a unanimous voice vote.

Proposal No. 138, 2009 was retitled SPECIAL RESOLUTION NO. 15, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2009

A SPECIAL RESOLUTION recognizing the Ben Davis Girls Basketball Team.

WHEREAS, the Ben Davis Giants won the Indiana State Championship Title for the third time. They won their first title in 2000 at Hinkle Fieldhouse, the second title in 2001 at Conseco, and the third in 2009 at Lucas Oil Stadium; and

WHEREAS, This year's team is the first team in the state of Indiana to win 30 games and the second team at Ben Davis High School to win a National Championship; and

WHEREAS, the Giants attended the 2009 Hall of Fame Classic Tournament and the 2009 Ben Davis Holiday Classic Tournament, and achieved the following accomplishments in 2009: County Champions, MIC Conference Champions, Sectional Champions, Regional Champions, Semi-State Champions, Indiana State Champions, and National Girls Basketball Champions; and

WHEREAS, the team is lead by Head Coach Stan Bengé, who has an overall record of 468-125; three State Championships; four Semi-State Championships; ten Regional Championships; 21 Sectionals; nine MIC Championships and eight County Championships; and

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WHEREAS, in addition, Coach Bengé was named Coach of the Year in 1990, 1992, 2000, 2004 and 2009. He was also named the Indiana All-Star and Nate Smith National Coach of the Year in 2009; and

WHEREAS, with all the team's athletic accomplishments, their most honorable accomplishment is in academics. The team has a combined GPA of 3.3, with three of the players and one manager holding a 4.0 GPA or higher; 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 proudly recognizes head coach Stan Bengé, assistant coaches: Demetrius Dowler, Sara Strahm, Omega Harrington, Brian Elmore and Christie Alvey, and team members: Vivian Holcomb, Dee Dee Williams, Jordan Huber, Jazmine Windham, Janeé Kimball, Bria Goss, Demetria Nunley-Lash, Alexandria Bentley, Chanel Simmons, Brionna Arnold, Emily Huber, Shawnece Teague, Katie Kirschner and DeAirra Goss.

SECTION 2. The Council heartily congratulates the Ben Davis Giants Girls Basketball team on an outstanding athletic and academic career.

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. 42, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 42, 2009 on February 11, March 4 and March 25, 2009. The proposal, sponsored by Councillors Brown, Vaughn, Hunter and Malone, approves the Mayor's appointment of Scott C. Newman as the Director of the Department of Public Safety. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 42, 2009 was adopted on the following roll call vote; viz:

27 YEAS: *Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Vaughn*  
0 NAYS:  
2 NOT VOTING: *Brown, Speedy*

Proposal No. 42, 2009 was retitled COUNCIL RESOLUTION NO. 45, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2009

A COUNCIL RESOLUTION approving the Mayor's appointment of Scott C. Newman as the Director of the Department of Public Safety for a term ending December 31, 2009, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Scott C. Newman to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 2009; now, therefore:

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

SECTION 1. Scott C. Newman is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Safety for a term ending December 31, 2009, and until a successor is appointed and confirmed.

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

PROPOSAL NO. 105, 2009. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 105, 2009 on March 30, 2009. The proposal, sponsored by Councillor Smith, appoints Gordon Smith to the Indianapolis Housing Agency Board of Directors. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coleman said that he knows Mr. Smith personally and he is very knowledgeable and well-liked and will serve the city well on this board.

Councillor Smith moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 105, 2009 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn*  
*1 NAY: Sanders*  
*0 ABSENT:*

Proposal No. 105, 2009 was retitled COUNCIL RESOLUTION NO. 46, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2009

A COUNCIL RESOLUTION appointing Gordon Smith to the Indianapolis Housing Agency Board of Directors.

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

SECTION 1. As a member of the Indianapolis Housing Agency Board of Directors, the Council appoints:

Gordon Smith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 113, 2009. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$21,718 in the 2009 Budget of the County Administrator (Drug Free Community Fund) to fund the Kaleidoscope and Gallahue Mental Health grants, financed by a transfer from the Marion County Prosecutor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 114, 2009. Introduced by Councillors Cain, Evans, Lutz, MahernB, Moriarty Adams and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to postpone the filing deadline for Economic Statements of Interest for Councillors for 2009"; and the President referred it to the Ethics Committee.

PROPOSAL NO. 115, 2009. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Ezekiel David Woodruff to the

Wellfield Education Corporation Board"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 116, 2009. Introduced by Councillors Day and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$514,308 in the 2009 Budget of the Department of Parks and Recreation (Parks and Federal Grants Funds) to fund after school activities, trail system repairs and expansion, pool staff, monitoring costs of the Summer Food Program, and restoration and maintenance activities at area parks"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 117, 2009. Introduced by Councillors Day, Cain, Gray and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$1 million for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 118, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert L. Bingham to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 119, 2009. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$637,223 in the 2009 Budget of the Department of Public Safety (Federal Grants Fund) to implement re-entry programs for females incarcerated at Liberty Hall and males at the Plainfield Re-Entry Facility, financed by federal grants from the Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 120, 2009. Introduced by Councillors Moriarty Adams and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$58,185 in the 2009 Budget of the Marion Superior Court (Local, State and Federal Grants Funds) to fund the salary of a court reporter and recording equipment in Truancy Court, supplies and partial salary of personnel in Family Court, and monitors and equipment to be used as a paging system at the Juvenile Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 121, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the city's Edward Byrne Memorial Justice Assistance Grant application to obtain funds to assist efforts to prevent or reduce crime and violence"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 122, 2009. Introduced by Councillors Vaughn and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which transfers the park rangers division from the department of parks and recreation to the Indianapolis Metropolitan Police Department of the department of public safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 123, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Herb Bazemore to the Marion County Stormwater Management Technical Advisory Committee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 124, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mark F. Rumreich to the Marion County Stormwater Management Technical Advisory Committee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 125, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$3,250,000 in the 2009 Budget of the Department of Metropolitan Development (Federal Grants, Transportation and Consolidated County Funds) to fund various regional pavement, traffic and route planning activities with associated data gathering, financed by grants from the Federal Highway Administration, matching funds from the Department of Public Works, and contributions from partners and neighboring municipalities"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 126, 2009. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the McGregor Highlands subdivision (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 127, 2009. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Moeller Estates at Wildwood Farms, Sections 2, 4, 6 and 7 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 128, 2009. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Hanover subdivision, Sections 1 and 3 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 129, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Bluff View Meadows subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 130, 2009. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Resolution which defines and establishes a school zone on Illinois Street between 30th Street and 32nd Street (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 131, 2009. Introduced by Councillors Plowman and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to enhance the city's ability to enforce the provisions of Chapter 575, Environmental Public Nuisances, including amendments regarding high weeds and vegetation"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 132, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add a new Article VI in Chapter 261 establishing a Green Fleet Policy"; and the President referred it to the Public Works Committee.

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PROPOSAL NO. 133, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's nomination of Lillian Leona Frank to the City-County Ethics Commission"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 134, 2009. Introduced by Councillors Lutz and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's nomination of Peggy Boehm to the City-County Ethics Commission"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 135, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Mayor's nomination of Dan Ladendorf to the City-County Ethics Commission"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 136, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with respect to appropriations of funds from federal stimulus grants"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 144, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Tara Acton to the Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 139, 2009, and PROPOSAL NOS. 140-143, 2009. Introduced by Councillor Smith. Proposal No. 139, 2009 and Proposal Nos. 140-143, 2009 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on March 31 and April 1, 2009. 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. 37-41, 2009, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 37, 2009.  
2009-ZON-001  
710 NORTH SHORTRIDGE ROAD (*Approximate Address*)  
INDIANAPOLIS, WARREN TOWNSHIP  
COUNCIL DISTRICT # 21  
ROBERT STEVEN HOLLAND requests REZONING of 1.025 acres, from the C-S District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 38, 2009.  
2008-ZON-093  
3812 WEST TROY AVENUE AND 2953 SOUTH MCCLURE STREET (*Approximate Addresses*), INDIANAPOLIS, WAYNE TOWNSHIP  
COUNCIL DISTRICT # 19  
PATRICIA S. VEHORN requests REZONING of 0.324 acre, from the D-5 District, to the C-3C classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 39, 2009.  
2008-ZON-118

1617 CORD STREET, 4802, 4880, 4884, 4920, 4940 AND 4948 CRAWFORDSVILLE ROAD, 1638, 1652, 1714, 1802 AND 1818 GEORGETOWN ROAD, 1002, 1006, 1008, 1010, 1020, 1024, 1026, 1032, 1038, 1045, 1068, 1140, 1180, 1200, 1201, 1245, 1255, 1324, 1330, 1340, 1344, 1346, 1402, 1404, 1414, 1426, 1430, 1450, 1464, 1500, 1506, 1520, 1534 AND 1555 MAIN STREET, 1500 POLCO STREET, 4300 WEST 10<sup>TH</sup> STREET, 4940 WEST 11<sup>TH</sup> STREET, 4700, 4745, 4747, 4850, 4900, 4904, 4909, 4910, 4916, 4924, 4925, 4928, 4932 AND 4936 WEST 16<sup>TH</sup> STREET (*Approximate Addresses*)

CITY OF SPEEDWAY, WAYNE TOWNSHIP

COUNCILMANIC DISTRICT # 14

THE METROPOLITAN DEVELOPMENT COMMISSION requests REZONING of 34 acres, from the D-5, D-11, D-11 (FF) C-3, C-4, C-4 (FF), I-3-U and I-4-U Districts, to the SZ-1 classification to provide for Speedway Main Street District uses.

REZONING ORDINANCE NO. 40, 2009.

2008-ZON-119

1045, 1201, 1245, 1255, 1555 MAIN STREET, 1304 OLIN AVENUE, 1111, 1400, 1500 POLCO STREET, 3970, 3980, 4000, 4200, 4300, 4520, 4700 WEST 10<sup>TH</sup> STREET, 3805, 4501, 4513, 4601, 4665, 4725, 4745, 4747, 4790 WEST 16<sup>TH</sup> STREET (*Approximate Address*)

CITY OF SPEEDWAY, WAYNE TOWNSHIP

COUNCILMANIC DISTRICT # 14

THE METROPOLITAN DEVELOPMENT COMMISSION request(s):, REZONING of 382 acres, from the D-3, C-4, C-4 (FW) (FF), C-S, I-3-U and I-4-U District, to the SZ-2 classification to provide for Speedway Industrial District uses.

REZONING ORDINANCE NO. 41, 2009.

2009-ZON-004

4813 EAST RAYMOND STREET AND 2320 SLOAN AVENUE (*Approximate Address*)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 20

PLEASANT RUN CONGREGATION OF JEHOVAH'S WITNESSES, by Paul J. Carroll requests REZONING of 8.36 acres, from the D-A District, to the SU-1 classification to provide for religious uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 106, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 106, 2009 on March 25, 2009. The proposal, sponsored by Councillor Moriarty Adams, appropriates \$314,935 in the 2009 Budget of the Marion County Sheriff (Federal Grants Fund) to pay for bulletproof vests, improvements to the jail kitchen, medical facilities and security systems, and equipment for the tactical needs of deputies. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 7:39 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 106, 2009 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*

*0 NAYS:*

*1 NOT VOTING: Coleman*

Proposal No. 106, 2009 was retitled FISCAL ORDINANCE NO. 5, 2009, and reads as follows:

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CITY-COUNTY FISCAL ORDINANCE NO. 5, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) appropriating Three Hundred Fourteen Thousand Nine Hundred Thirty-five Dollars (\$314,935) in the Federal Grants funds for purposes of the Marion County Sheriff's Department and reducing certain other accounts for that agency, where applicable.

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 1.08 (b) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated to pay for bulletproof vests, improvements to the jail kitchen, medical facilities and security systems, and equipment for the tactical needs of deputies, all financed by federal grants.

SECTION 2. The sum of Three Hundred Fourteen Thousand Nine Hundred Thirty-five Dollars (\$314,935) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	143,476
3. Other Services and Charges	0
4. Capital Outlay	<u>171,459</u>
TOTAL INCREASE	314,935

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

The said additional appropriation is funded by Unappropriated revenues, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
Grant revenues supporting the appropriations in Section 3	<u>314,935</u>
TOTAL	314,935

SECTION 5. This appropriation includes \$14,949 of grant funds to purchase bullet proof vests, which requires an equal amount to be matched with local funds. The source of the required matching funds will be the Sheriff's existing 2009 appropriations from the County General fund.

SECTION 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 107, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 107, 2009 on March 25, 2009. The proposal, sponsored by Councillors Moriarty Adams and Pfisterer, appropriates \$94,782 in the 2009 Budget of the Marion Superior Court (Federal and Local Grants and Drug Free Community Funds) to fund salaries of two positions in the Community Court, partial salaries of personnel in the Drug Treatment Court, and six large screen monitors for a paging system at the Juvenile Court. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Moriarty Adams made the following amendment:

Mr. Chairman:

I respectfully move to amend Proposal No.107, 2009, as introduced, and before this council, be amended by the revisions to Section 4 by deleting the amounts stricken through and replacing by the highlighted amount, as shown below. This amendment corrects the funding source that is supporting the additional appropriation in the Marion Superior Court's Drug Free Community Fund appropriation.

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

<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	4,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	4,000

<u>MARION SUPERIOR COURT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	10,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	10,000

<u>MARION COUNTY PROSECUTOR</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	5,782
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	5,782

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>LOCAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>75,000</u>
	75,000

	<u>DRUG FREE COMMUNITY FUND</u>
<del>New revenues supporting the appropriations in Section 3</del>	<del><u>5,782</u></del>
	<u>5,782</u>

Councillor Lutz seconded the motion, and Proposal No. 107, 2009 was amended by a unanimous voice vote.

Councillor Lewis asked for consent to abstain from voting due to her working relationship with Drug Free Marion County. Consent was given.

President Cockrum called for public testimony at 7:43 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 107, 2009, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn  
 0 NAYS:  
 1 NOT VOTING: Lewis

Proposal No. 107, 2009 was retitled FISCAL ORDINANCE NO. 6, 2009, and reads as follows:

April 13, 2009

CITY-COUNTY FISCAL ORDINANCE NO. 6, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Seventy-Five Thousand Dollars (\$75,000) in the Local Grants Fund, Nine Thousand Seven Hundred Eighty-Two Dollars (\$9,782) in the Drug Free Community Fund, and Ten Thousand Dollars (\$10,000) in the Federal Grants Fund for purposes of the Marion Superior Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06(f) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the following: the salaries of a Resource Coordinator and a CSW Crew Leader for the Community Court and for the supplies, services and computer to support these two positions (\$75,000), financed by a Community Crime Prevention Task Force grant being appropriated in the Local Grants Fund; the partial salaries of personnel in the Drug Treatment Court (\$9,782), financed by a transfer and additional appropriation in the Drug Free Community Fund; and six large screen monitors to be used as a paging system at the Juvenile Court (\$10,000), financed by a transfer in the Juvenile Accountability Initiative Block Grant from the Indiana Criminal Justice Institute.

SECTION 2. The sum of Ninety-Four Thousand Seven Hundred Eighty-Two Dollars (\$94,782) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>LOCAL GRANTS FUND</u>
1. Personal Services	71,916
2. Supplies	1,864
3. Other Services and Charges	220
4. Capital Outlay	<u>1,000</u>
TOTAL INCREASE	75,000

<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	9,782
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	9,782

<u>MARION SUPERIOR COURT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>10,000</u>
TOTAL INCREASE	10,000

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

<u>MARION SUPERIOR COURT</u>	<u>DRUG FREE COMMUNITY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	4,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	4,000

<u>MARION SUPERIOR COURT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	10,000
4. Capital Outlay	<u>0</u>
TOTAL REDUCTION	10,000

MARION COUNTY PROSECUTOR

DRUG FREE COMMUNITY FUND

1. Personal Services	5,782
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL REDUCTION	5,782

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>LOCAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>75,000</u>
	75,000

SECTION 5. No local match is required for the Community Crime Prevention Task Force grant. This grant will fund two new FTEs, which were not originally accounted for in F.O. 54, 2008. The authorized full-time FTE count for the Superior Court will go from 746.00 to 748.00.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 142, 2008. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 142, 2008 on April 22, May 7, May 27, September 30 and November 11, 2008 and on March 10 and 31, 2009. The proposal, sponsored by Councillors Hunter, Plowman, Cardwell, McQuillen, Cain and Coleman, provides for the registration with the city controller of lobbyists and lobbying activity with respect to the City and County. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Sanders said that they have had significant discussion on this issue, but when she reads some of this language, she has questions about how some people who serve on this Council might have a conflict with a possible upcoming vote regarding the Capital Improvement Board. She asked for a differentiation between being an employee or having an engagement. Councillor Lutz said that he believes Councillor Sanders is referring to Councillor Vaughn. He happens to work for a firm who has a member on the Capital Improvement Board, but he is not sure there is any conflict with him personally, and that would have to be run by City Legal should that concern arise. He added that the Ethics Committee is discussing this issue as well, and this proposal does include Councillors.

Councillor Brown asked if Councillor Vaughn has any input on this proposal. Councillor Vaughn said that this is a disclosure proposal, and he does not have any equity interest in the profit of the firm for which he works, and he does not lobby on behalf of the city, and is not sure this will affect him.

Councillor Lutz moved, seconded by Councillor Cain, for adoption. Proposal No. 142, 2008, as amended, was adopted on the following roll call vote; viz:

April 13, 2009

20 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn

9 NAYS: Bateman, Brown, Evans, Gray, Lewis, Mansfield, Minton-McNeill, Oliver, Sanders

Proposal No. 142, 2008, as amended, was retitled GENERAL ORDINANCE NO. 31, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to provide for the registration of lobbyists and the reporting of lobbying activity with respect to the city and county.

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

SECTION 1. Title IV of the "Revised Code of the Consolidated City and County," regarding business and commercial regulations and licenses, hereby is amended by the addition of a NEW Chapter 909 to read as follows:

Chapter 909

**LOBBYISTS**

**Sec. 909-101. Definitions.**

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

*Advisory body* means an authority, board, commission, committee, task force, or other body designated by any name of the city or county government that is authorized to make only nonbinding recommendations.

*Agency* means an authority, board, branch, bureau, commission, committee council, department, division, office, service, or other instrumentality of city or county government that is established by statute, ordinance, executive order, or other law. The term *agency* includes the city-county council, office of the mayor, and the county offices of assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer. The term does not include state offices with county jurisdiction, which are the office of county prosecutor and the judges of the circuit court or superior courts.

*Agency action* means a decision of an agency regarding any of the following:

- (1) The drafting, filing, introduction, consideration, modification, enactment, or defeat of any proposal or other matter by the city-county council or by any committee thereof, or by a member or employee of the council acting in his or her official capacity;
- (2) The expenditure of city or county funds with respect to the award of a contract or lease, or any other financial arrangement under which such funds are distributed or allocated; or
- (3) The proposal, drafting, development, consideration, promulgation, amendment, rejection, or repeal of a rule, regulation, or policy by any agency.

*Appointee* means a person, other than an official or employee, who is elected or appointed to an agency or advisory body.

*Communication* means the exchange of any thoughts, messages, or information by contact in person, telephone, letter, telegraph, facsimile, electronic mail, text messaging, or any other form of transmission of information.

*Employer* means a person that principally employs a lobbyist. The term does not include a person that only retains or contracts with a lobbyist as an independent contractor and does not directly employ that lobbyist.

*Employee* means an individual, other than an official or appointee, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

*Engage or engagement* means any arrangement whereby a person receives financial consideration, in the form of salary, retainer, compensation, or other fee, for or on behalf of any employer or real party in interest to influence an agency action or conduct any lobbying activity.

*Financial arrangement* means the purchase or acquisition of any property, interest in property, service, or other asset of an agency valued in excess of ten thousand dollars (\$10,000).

*Lobbying activity* means action or communication made to promote, delay, oppose, or otherwise influence an agency action. The term does not include any of the following:

- (1) The application or negotiation of an award for any state or federal grant;
- (2) The resolution of any outstanding tax matter, including audits, assessments, administrative appeals, claims for refund, or collection activity;
- (3) Communication regarding the award of incentives related to an economic development project;
- (4) Paid advertising communications that are disseminated to the public by radio, television, or a newspaper or periodical of general circulation;
- (5) Any communications, including testimony submitted during public hearing or submitted in writing, at a meeting conducted pursuant to IC 5-14-1.5;
- (6) A response to a request for proposal, a bid, a request for quote, or other solicitation made by an agency in conformance with applicable public works or procurement statutes or rules promulgated thereunder;
- (7) Other public or private testimony or communications solicited by an agency; or
- (8) Action or communication made as a member of an advisory body.

*Lobbyist* means any individual who is primarily employed and receives payment, or who contracts for financial consideration, exceeding one thousand dollars (\$1,000) in any calendar year, for the purpose of engaging in lobbying activity. The term does not include any of the following:

- (1) An official, appointee, or employee who attempts to influence an agency action that is within the scope of the individual's official duties or employment;
- (2) An attorney or any other individual who represents a client in:
  - a. A public hearing; or
  - b. The investigation of a criminal or civil matter or ordinance violation;
- (3) A person who represents a religious organization for the purpose of protecting the organization's constitutional rights;
- (4) Any newspaper or other periodical of general circulation, book publisher, news wire service, or radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical or radio or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisement that directly or indirectly urge agency action if such newspaper, periodical, book publisher, radio or television station, or individual engages in no additional activities in connection with agency action;
- (5) A person whose communication with an agency is for the sole purpose of gathering information relating to a bid, procurement, permit, or public work that is produced in a public record;
- (6) An individual acting on his or her own behalf; or under Article 1, Section 31 of the Constitution of the State of Indiana who assembles together with other individuals for the common good or petitions an agency for redress of grievances;
- (7) An individual employed as a salesperson to sell goods and services; or

- (8) An individual who is invited by an agency or an official for the purpose of giving advice.

*Official* means the mayor or an individual who hold the county offices of the assessor, auditor, clerk, coroner, sheriff, surveyor, and treasurer.

*Person* means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company; or corporation whether or not operated for profit.

*Real party in interest* means the person on whose behalf the lobbyist is acting, if that person is not the employer.

**Sec. 909-102. Registration statement required.**

Within fifteen (15) working days after making any contact with an agency regarding an agency action, a lobbyist shall file with the office of finance and management a registration statement that contains the following information on a form provided by that office:

- (1) The name, business address, telephone number, electronic mail address, and occupation of the lobbyist;
- (2) The name, business address, telephone number, and electronic mail address of the:
  - a. Lobbyist's employer; and
  - b. Any real party in interest on whose behalf the lobbyist is acting, if it is different from the employer;
- (3) A brief description of the subject matter to which the engagement or engagements relate;
- (4) The identity of the agency or agencies to which the engagement or engagements relate; and
- (5) A verified statement that in the course of engaging in any lobbying activity, the lobbyist has read and will comply with Chapter 293 of this Code.

**Sec. 909-103. Annual report required; fee.**

(a) Not later than January Fifteenth of each year, a lobbyist shall file with the office of finance and management an annual report that contains the following information on a form provided by that office:

- (1) The name, business address, telephone number, electronic mail address, and occupation of the lobbyist;
- (2) The name, business address, telephone number, and electronic mail address of the lobbyist's principal employer;
- (3) The name, business address, and electronic mail address of each real party in interest represented by the lobbyist that has a continuing engagement described in the lobbyist's registration statement;
- (4) The total amount of payments received for each engagement during the previous calendar year;
- (5) A brief description of the subject matter for the lobbying activities in which the lobbyist was engaged during the previous calendar year;
- (6) The identity of the agency or agencies to which the lobbying activities during the previous calendar year were directed;
- (7) A description and the costs of any item of entertainment, food, drink, honoraria, travel expenses, and registration fees given or provided to an official, appointee, or employee; however, the following items need not be listed:
  - a. Items with a face value of less than twenty-five dollars (\$25); and
  - b. Items that are exempt under subdivisions (2) through (11) of Section 293-201(b);

and

- (8) A verified statement certifying that in the course of engaging in any lobbying activity during the previous calendar year, the lobbyist has read and complied with Chapter 293 of the Code.

(b) The fee for filing a registration under this section shall be one hundred dollars (\$100), and shall be deposited in the consolidated county fund.

**Sec. 909-104. Duty to report changed information and termination of engagement.**

(a) If there is a material change to any information contained in a registration statement or annual report under this chapter, the lobbyist shall file an appropriate written amendment with the office of finance and management within fifteen (15) days after the change occurs.

(b) Each lobbyist shall file a written notice of termination with the office of finance and management within fifteen (15) days after the end of an engagement; however, this does not relieve the lobbyist of the duty to file an annual report.

**Sec. 909-105. Review of statements and other documents.**

The office of finance and management shall review the accuracy of registration statements and other documents filed under this chapter, and may require the lobbyist to submit verified statements and other supporting documentation. The office of finance and management shall notify a lobbyist of any materially incorrect information or other deficiencies in the registration statements or other documents, and within thirty (30) days from receipt of such a notice, the lobbyist shall file an amended statement or other document that satisfies all requirements set forth in this chapter.

**Sec. 909-106. Availability of statements and other documents.**

(a) To facilitate public access to records regarding lobbying activity, the office of finance and management shall compile and maintain an index of all registration statements and other documents filed under this chapter.

(b) The office of finance and management shall preserve registration statements and other documents filed under this chapter for a period of at least four (4) years from the date of receipt.

**Sec. 909-107. Enforcement and penalties.**

In addition to controller's hearings and any penalties the controller may impose, including but not limited to suspension and revocation of registrations, a lobbyist's first violation of:

- (1) Failure to file a registration statement as required by Section 909-103 of the Code;
- (2) Failure to file an annual report as required by Section 909-104 of the Code;
- (3) Failure to report changed information or termination of engagement as required by Section 909-105 of the Code; or
- (4) Failure to file an amended statement or other document as required by Section 909-106 of the Code;

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.

SECTION 2. Section 293-102 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 293, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 293-102. Definitions.**

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

*Advisory body* means an authority, board, commission, committee, task force, or other body designated by any name of the city or county government that is authorized to make only nonbinding recommendations.

*Agency* means an authority, board, branch, bureau, commission, committee, council other than the city-county council, department, division, office, service, or other instrumentality of city or county government that is established by statute, ordinance, executive order, or other law. The term *agency* includes the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer. The term does not include any advisory body. The term does not include the city-county council or state offices with county jurisdiction, which are the office of county prosecutor and the judges of the circuit court or superior courts; however, all individuals excluded are invited to comply with this ethics code.

*Appointee* means a person, other than an official or employee, who is appointed to an agency, a municipal corporation, or a governmental entity in the county whose budget is subject to the review of the city-county council.

*Assist or assistance* means to help, aid, advise, or furnish information to a person, and includes an offer to assist.

*Business relationship* means:

(1) ~~d~~Dealings with an agency by a person who has:

~~(+)a.~~ A financial interest in a contract with, or purchase by, an agency; or

~~(2)b.~~ A license or permit requiring the exercise of judgment or discretion by the agency;

or

(2) Lobbying activity by a lobbyist, as those terms are defined in Section 909-101 of the code.

*Candidate for elected office* means a candidate for the office of mayor and the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, or treasurer.

*Compensation* means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

*Councillor* means a member of the city-county council.

*Employee* means an individual, other than an official or appointee, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis, or via an employment contract.

*Entertainment* means the free admission or token of admission to a sporting contest, concert, theatrical production, convocation, parade, convention, festival, or other similar show or presentation that is intended for the divertissement of members of the public upon paid admission.

*Ethics commission* refers to the city-county ethics commission created under Section 293-331.

*Fair market value* means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which objectively adequate consideration is provided.

*Financial interest* means an interest which will result in an ascertainable increase or decrease in the income or net worth of the councillor, official, appointee, or employee or a member of that individual's immediate family, but does not include an interest:

(1) Of a councillor, official, appointee, or employee in the common stock of a corporation unless the combined holdings in the corporation of the councillor, official, appointee, or employee, that individual's spouse, and that individual's dependent are more than one percent (1%) of the outstanding shares of the common stock of the corporation; or

(2) That is held as an asset in a blind trust.

*Immediate family* means an individual's spouse or dependent.

*Information of a confidential nature* means information obtained by reason of the position or office held, and which:

(1) A public agency is prohibited from disclosing under IC 5-14-3-4(a);

- (2) A public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or
- (3) Is not in a public record, but if it were, would be confidential.

*Official* means the mayor and the individuals who hold the county offices of the assessor, auditor, clerk, coroner, recorder, sheriff, surveyor, and treasurer.

*Person* means an individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental entity.

*Political activity* means taking action to support an individual in his or her campaign for elected office, or soliciting contributions for a political party or another candidate for any elected public office.

*Property* means money, real property, personal property, goods, supplies, services, deeds, trade secrets, contract rights, or other interests in or claims to wealth.

*Relative* means any person related as grandfather, grandmother, father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, uncle, aunt, husband, wife, son, daughter, stepchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, stepgrandchild, niece, or nephew.

*Represent* means to attend an agency proceeding, write a letter, or communicate with an official, appointee, or employee of an agency on behalf of a person.

*Sanctions* means any of the following actions:

- (1) Canceling a contract, or barring a person from entering into a contract with an agency for a certain period of time;
- (2) Making restitution or disgorgement;
- (3) Removal from office, appointment, or employment;
- (4) Barring an individual from future employment or appointment with the city or county for a certain period of time;
- (5) Revocation or suspension of a license, registration, or permit issued by an agency, including but not limited to a lobbyist registration under Chapter 909 of the code, or barring a person from obtaining such a license, registration, or permit for a certain period of time; or
- (6) Disciplinary action.

*Travel expenses* means the costs of transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by travel policies and procedures authorized by the city controller.

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding certain code provisions and civil penalties that may be paid through the ordinance violations bureau, hereby is amended by the addition of the language that is underscored, to read as follows:

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

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

Code Section	Subject Matter	Civil Penalty
293-321	Failure to file economic statement of interest - first offense	50.00
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

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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	20.00
431-314	Premises address violation--Second offense in calendar year	25.00
431-602	Bicycles--Second and subsequent violations regarding children under twelve	50.00
431-603	Unlawful operation of bicycle--First violation	50.00
431-702	Prohibited activity in roadways--First violation in twelve-month period	25.00
431-703	Interference with vehicular traffic--First violation in twelve-month period	25.00
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	20.00
441-318	Unlawful use of horn or sounding device	15.00
441-363	Unlawfully parked trailer	20.00
441-407	Display of unauthorized traffic controls	15.00
441-408	Interference with traffic control devices	15.00
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	15.00
611-501	Unlawful stopping of food vendor vehicle	15.00
611-502	Violation of noise restriction on food vendors	15.00
611-504	Failure of food vending vehicle to display required warnings	15.00
611-506	Unlawful vending from other than curbside of vending vehicle	15.00
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	20.00
621-108	Unlawful manner of parking	20.00
621-109	No required lights on certain parked vehicles	20.00
621-110	Violation of handicapped parking restrictions	100.00
621-111	Unlawful parking in handicapped parking meter zone	100.00
621-112	Unloading perpendicular to curb without permit	20.00
621-113	Unlawful use of bus stops and taxicab stands	20.00
621-114	Unlawful use of passenger and loading zones	20.00
621-115	Unlawful parking adjacent to certain buildings	20.00
621-116	Unlawful parking for display for sale or advertising	20.00
621-117	Unlawful parking for more than six (6) hours	20.00
621-118	Unlawful parking of commercial vehicles at night	20.00

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621-119	Unlawful parking in alleys or on certain narrow streets	20.00
621-120	Unlawful parking in designated special parking areas	20.00
621-121	Parking on certain streets where prohibited at all times	20.00
621-122	Stopping, standing or parking on streets where prohibited at all times	20.00
621-123	Parking on certain streets where prohibited at all times on certain days	20.00
621-124	Parking on certain streets when prohibited at certain times on certain days	20.00
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	20.00
621-203	Parking in excess of time permitted in parking meter zone	20.00
621-210	Parking in meter zone when temporarily prohibited	20.00
621-216	Overtime parking in metered parking space	20.00
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	20.00
621-405	Unlawful parking in certain mailbox zones	20.00
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	75.00
621-502	Unlawful obstruction of fire lane	75.00
631-102	In park after hours--First offense in calendar year	50.00
631-109	Alcohol in park--First offense in calendar year	50.00
645-528	Skateboard or similar play device--First offense in calendar year	50.00
<u>706-105</u>	<u>Water conservation violation--First offense in twelve-month period</u>	<u>100.00</u>
<u>706-105</u>	<u>Water conservation violation--Second offense in twelve-month period</u>	<u>250.00</u>
730-505	Civil zoning violations--First offense in calendar year	50.00
811-214	Alarm business failure to report monitoring information	100.00
811-311	First false alarm in calendar year after a year in which a warning was issued	25.00
811-311	Second false alarm in same calendar year as warning	25.00
811-311	Second false alarm in all other calendar years	50.00
811-311	Third false alarm in same calendar year as warning	50.00
811-311	Third false alarm in all other calendar years	75.00
811-311	Fourth false alarm in same calendar year as warning	75.00

811-311	Fourth false alarm in all other calendar years	100.00
811-704	Second faulty fire alarm in twelve-month period	25.00
811-704	Third faulty fire alarm in twelve-month period	50.00
811-704	Fourth faulty fire alarm in twelve-month period	75.00
Ch. 895	Horse-drawn carriage violation--First offense in twelve-month period	100.00
Ch. 903	Pedal cab violation--First offense in twelve-month period	100.00
931-305	Excessive parking charge at commercial parking facility--First offense in twelve-month period	100.00
996-77	No monthly taxicab certificate--First offense in twelve-month period	25.00
996-123	Failure to maintain public vehicle for hire--First offense in twelve-month period	25.00
996-124	Taxicab operator dress code violation--First offense in twelve-month period	25.00
996-126	Failure to display licenses or fare schedule--First offense in twelve-month period	25.00
996-138	Taxicab operator exceeding limitation on hours--First offense in twelve-month period	25.00

SECTION 4. The annual report filing requirement of Section 909-103 shall be effective on January 15, 2011.

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

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

SECTION 7. This ordinance shall be in effect on January 1, 2010, or upon its passage by the Council and compliance with Ind. Code § 36-3-4-14, whichever last occurs.

PROPOSAL NO. 82, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 82, 2009 on March 12, 2009. The proposal, sponsored by Councillors Hunter and Moriarty Adams, amends the Code with respect to sewer connection permit fees and sewer user rates and charges. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Minton-McNeill asked about the Crooked Creek project and how this will effect District 15. She said that she cannot support an increase in the rate if this area will not be covered. David Sherman, Director of the Department of Public Works, stated that this project was slated for further along in the future, but they found it was a more urgent need and the Belmont Interceptor project will provide more relief, with more septic systems and drainage being picked up. He said that they are on target and are focused on getting more homes and streets cleaned up. Councillor Minton-McNeill asked if there is a list of projects in this five-year plan. Mr. Sherman said that he can provide a copy to Councillor Minton-McNeill. Councillor Minton-McNeill asked if there is a different route to be less disruptive. Mr. Sherman said that they are trying to impact the least amount of homes as possible. There may be some traffic issues for a while, but studies have shown this to be the least intrusive. Councillor Minton-McNeill

asked if the projects will be done in the order they are listed in the plan. Mr. Sherman said that they will not. He said that this city is still way below other comparable cities in sanitary rates, and they did not qualify for as many stimulus dollars. Mr. Sherman said that the staff plans to be very responsive to Councillors.

Councillor Brown asked what the rate will be. Mr. Sherman said it will be \$1.93 in 2009 and will be up to \$2.12 in five years. Councillor Brown said that it will be approximately a 50% increase over five years. Mr. Sherman said it is a federal mandate and could have been over 100% increase.

Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 82, 2009 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn  
3 NAYS: Brown, Evans, Minton-McNeill

Proposal No. 82, 2009 was retitled GENERAL ORDINANCE NO. 32, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code with respect to sewer connection permit fees, and sewer user rates and charges.

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

SECTION 1. Section 671-22 of the "Revised Code of the Consolidated and County," regarding sewer connection permits, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 671-22. Connection permits.**

(a) *Permit required.* It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within the sanitary district without a valid sanitary sewer connection permit issued by the division of compliance, and the fine imposed for a violation of this provision shall not be less than one hundred dollars (\$100.00) for each day the violation continues; the city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the division of compliance. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with section 671-161 of this chapter. This shall in no way limit the issuance of a building permit subject to the approval of a sanitary sewer connection permit application.

(b) *Minimum elevations for gravity connection.* A sanitary sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) *Grease interceptors.* A grease interceptor meeting the requirements of the Indiana Fire Prevention and Building Safety Commission shall be installed in waste lines (building sewers) from establishments delineated in section 671-4(g). The design and location of the grease interceptor shall be submitted to the division of compliance for approval.

(d) *Permit fees; refunds.* The following permits and payment of the associated fees are required to make a connection to the city's sanitary or combined sewer system. The board of public works shall establish the amount of the following fees by regulation and may revise the amount of such fees but not more often than once each calendar year:

- (1) The building sewer permit inspection fee shall cover the costs of mandatory inspection by the division of compliance of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction;
- (2) The plan review fees shall cover the costs for the amount of time that is required for the division of compliance to administer and review plans submitted under this article for conformance with the department's standards and specifications;
- (3) The administrative fee shall cover the department's costs related to administration, planning, and review for the sewer service agreement; and
- (4) The baseline connection fee of two thousand five hundred dollars (\$2,500.00) per EDU will be assessed for all new connections to the sanitary or combined sewer system at the time of acquiring a building permit. A new connection would include new sewer service or modification of an existing sewer service agreement; however, replacement or repair of an existing individual building sewer that does not increase EDU's would not constitute a new connection.

The permit fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(e) *Modification of connection fee.* The board of public works may modify the connection fee by regulation as provided in subsection (d) of this section. The connection fee per EDU shall change annually subject to the automatic rate adjustment procedures outlined herein. To the extent that the Consumer Price Index increases from year to year, indexing of connection fees shall occur automatically. Increases shall be based upon annual average percent changes for the twelve (12) month period ending in October of each year for "The All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U. S. City Average, 1982-84=100\* as published on an unadjusted basis by the U. S. Bureau of Labor Statistics in November of each year, and shall become effective on January 1 of the ensuing calendar year. In no event shall the increase be less than zero (i.e., a negative value for the adjustment). The first increase in the connection fee, based on indexing, shall occur in 2010.

Example Increase Calculation:

October Previous Year (PY)CPI	208.936		October	Current
Year (CY)CPI	216.573			
$\text{Annual Increase \%} = \frac{\text{October CY CPI} - \text{October PY CPI}}{\text{October PY CPI}}$				
$3.66\% = \frac{216.573 - 208.936}{208.936}$				

Next Year Connection Fee = \$2500 \* 1.0366 = \$2,591.50 = \$2,590.00\*

*\*The connection fee will be rounded to the nearest \$10 increment.*

(f) *Applications.* An application for such connection permit shall be made on a form prescribed by the division of compliance and may require the following information:

- (1) Name and address of the owner;
- (2) The name, address and telephone number of the contractor;
- (3) Address and, if necessary, the legal description of the premises where the work is to be done;
- (4) Plans for the building sewer and connections, which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, including grease interceptor connection detail where applicable, materials of construction and installation method; and

- (5) Any other information as may be deemed reasonable and necessary by the administrator of the division of compliance to carry out the provisions of this chapter.
- (g) *Who may apply.*
  - (1) Application for a sewer connection permit shall only be made by the following:
    - a. A plumbing contractor licensed by the state and registered in accordance with Chapter 875 of this Code; or
    - b. A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of the department of metropolitan development. Surety bond requirements are met if the building sewer contractor has filed and maintains with the city a surety bond, as set forth in Chapter 875 of this Code. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Chapter 875 of this Code.
  - (2) The division of compliance may deny permits to any applicant who is currently in violation of this chapter or any other applicable regulations.
- (h) *Conformance with Indiana Fire Prevention and Building Safety Regulations.* All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules and regulations of the Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.
  - (i) *Expiration of permit by operation of law; extensions.* The connection permit shall expire by operation of law and shall no longer be of any force or effect if work is not initiated within one hundred eighty (180) days from the date of issuance of the permit. The administrator of the division of compliance may, however, for good cause shown in writing, extend the duration of the permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity. The fee for an extension under this subsection shall be thirty dollars (\$30.00), and the extension shall be confirmed in writing.
  - (j) *Provisions of chapter supplemental to other construction ordinances.* This chapter shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.
  - (k) *Enforcement of bond.* Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (g)(1)b. as follows:
    - (1) The corporation counsel of the city may initiate proceedings to forfeit a bond:
      - a. As a penalty for repeated Code violations by a contractor, his agents or employees; or
      - b. To indemnify the city against any loss, damage or expense sustained by the city by reason of the conduct of the contractor, his agents or employees.
    - (2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor has been given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.
  - (l) *Variance procedure.* The administrator of the division of compliance, after consultation with the engineering division of the department of public works, shall have the power to modify or waive any

minimum sanitary sewer design standard found in this article or in any regulations promulgated by the board pursuant to section 671-15 of this Code, which pertain to permits issued under this article. The administrator may grant such a variance if an applicant for a construction permit submits the request in writing and makes a substantial showing that:

- (1) A minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
- (2) An alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

If the administrator fails to respond within twenty (20) days from receipt of a written request for modification or waiver, such request shall be deemed to be denied. An applicant may appeal to the board a decision of the division of compliance which denies or partially denies a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days following the date of the decision. The board shall hear the request for the variance de novo, and in making a decision shall apply the standards set forth above.

(m) Exemption relative to work accomplished by or for certain governmental units. Permits as required by this section shall be obtained for sewer connection activity in the city accomplished by or for a governmental unit, and inspections relative to such sewer connection activity shall be allowed. Fees shall be required as specified by the board of public works, except for the following:

- (1) Sewer connection activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Sewer connection activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(n) *Notice of change in permit information.* After a permit has been issued, the permittee shall give prompt written notice to the division of compliance of any addition to or change in the information contained in the permit application.

(o) *Amendment of permits and plans.* After a permit has been issued, any material deviation or change in the information contained in the permit application or the plans shall be considered an amendment subject to approval by the administrator of the division of compliance. Prior to the time construction activity involving the change occurs, the permittee shall file with the division of compliance a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans. The division of compliance shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. The fee for the amendment of a permit shall be thirty dollars (\$30.00). Reinspection fees and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(p) *Transfer of permit.* A sanitary sewer connection permit may be transferred with the approval of the administrator of the division of compliance to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars (\$30.00) and the execution and filing of a form furnished by the division of compliance. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:
  - a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and
  - b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.

- (2) The transferee shall:
  - a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;
  - b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and
  - c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor, and shall be subject to any written orders issued by the administrator of the division of compliance. A permit for construction activity at a specified location may not be transferred to construction activity at another location.

- (q) *Revocation of permits.* The division of compliance may revoke a permit when:
  - (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or
  - (2) The application, plans or supporting documents reflect a lack of compliance with the requirements of this article.

The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(r) *Stop-work order.* The administrator of the division of compliance is empowered to issue an order requiring the suspension of the pertinent construction activity ("stop-work order") whenever the administrator determines that:

- (1) Construction activity is proceeding in an unsafe manner;
- (2) Construction activity is proceeding in violation of a requirement of this article;
- (3) Construction activity is proceeding in a manner which is materially different from the application, plans, or supporting documents; or
- (4) Construction activity for which a sanitary sewer connection permit is required is proceeding without such a permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is issued.

The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed. The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 2. Section 671-102 of the "Revised Code of the Consolidated and County," regarding the basis and calculation of sewer user charges, hereby is REPEALED.

SECTION 3. Chapter 671, Article IV of the "Revised Code of the Consolidated and County," regarding sewer user rates, charges and billing, hereby is amended by the addition of a NEW Sec. 671-102, to read as follows:

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

(a) The sewer user charge imposed by this article shall be based upon the monthly rates and charges as provided in this section.

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(b) All retail users of the City's wastewater collection and treatment facilities shall pay a fixed monthly base charge per connection and a variable treatment charge per 1,000 gallons as noted below. Each customer will pay a minimum monthly charge if the combined base and treatment charges are less than the monthly minimum charge.

Non-Industrial User Rates

	<u>Current</u> <u>Eff. 1/1/08</u>	<u>Phase I</u> <u>Eff. 5/1/09</u>	<u>Phase II</u> <u>Eff. 1/1/10</u>	<u>Phase III</u> <u>Eff. 1/1/11</u>	<u>Phase IV</u> <u>Eff. 1/1/12</u>	<u>Phase V</u> <u>Eff. 1/1/13</u>
<u>Metered Monthly rates:</u>						
<u>Minimum Charge (per month)</u>	\$ 13.74	\$ 15.22	\$ 16.86	\$ 18.67	\$ 20.68	\$ 22.90
<u>Base Charge</u>	\$ 5.13	\$ 5.68	\$ 6.29	\$ 6.97	\$ 7.72	\$ 8.55
<u>Treatment Charges / 1,000 gallons</u>						
<u>First 7,500 gallons</u>	\$ 2.3758	\$ 2.6312	\$ 2.9141	\$ 3.2274	\$ 3.5743	\$ 3.9585
<u>Over 7,500 gallons</u>	\$ 2.4976	\$ 2.7661	\$ 3.0635	\$ 3.3928	\$ 3.7575	\$ 4.1614

The non-industrial rates and charges shall be applied to all Residential, Commercial, Institutional and all non-industrial customers of the Sanitary District. The monthly base charge, together with the variable treatment charges, are subject to the minimum monthly charge noted above.

Industrial User Rates

	<u>Current</u> <u>Eff. 1/1/08</u>	<u>Phase I</u> <u>Eff. 5/1/09</u>	<u>Phase II</u> <u>Eff. 1/1/10</u>	<u>Phase III</u> <u>Eff. 1/1/11</u>	<u>Phase IV</u> <u>Eff. 1/1/12</u>	<u>Phase V</u> <u>Eff. 1/1/13</u>
<u>Metered Monthly rates:</u>						
<u>Minimum Charge (per month)</u>	\$ 14.15	\$ 15.67	\$ 17.35	\$ 19.22	\$ 21.29	\$ 23.58
<u>Base Charge (per month)</u>	\$ 5.13	\$ 5.68	\$ 6.29	\$ 6.97	\$ 7.72	\$ 8.55
<u>Treatment Charges / 1,000 gallons</u>	\$ 2.4976	\$ 2.7661	\$ 3.0635	\$ 3.3928	\$ 3.7575	\$ 4.1614
<u>Industrial Surveillance Rate - per 1,000 Gallons</u>	\$ 0.1189	\$ 0.1317	\$ 0.1459	\$ 0.1616	\$ 0.1790	\$ 0.1982
<u>Total Treatment &amp; Surveillance Rate - per 1,000 Gallons</u>	\$ 2.6165	\$ 2.8978	\$ 3.2094	\$ 3.5544	\$ 3.9365	\$ 4.3596
<u>Excessive Strength Surcharges - Per Pound:</u>						
<u>BOD in excess of 250 mg/l</u>	\$ 0.1621	\$ 0.1795	\$ 0.1988	\$ 0.2202	\$ 0.2439	\$ 0.2701
<u>SS in excess of 300 mg/l</u>	\$ 0.1831	\$ 0.2028	\$ 0.2246	\$ 0.2487	\$ 0.2754	\$ 0.3050
<u>NH<sup>3</sup> in excess of 20 mg/l</u>	\$ 0.8441	\$ 0.9348	\$ 1.0353	\$ 1.1466	\$ 1.2699	\$ 1.4064

The Industrial rates and charges shall be applied to all Industrial customers of the Sanitary District. The monthly base charge, together with the variable treatment charges, are subject to the minimum monthly charge noted above.

Septic Hauler and Fats, Oil & Grease Charges

	<u>Current</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>	<u>Phase IV</u>	<u>Phase V</u>
<u>Septic Hauler Rates</u>	<u>Eff. 1/1/08</u>	<u>Eff. 5/1/09</u>	<u>Eff. 1/1/10</u>	<u>Eff. 1/1/11</u>	<u>Eff. 1/1/12</u>	<u>Eff. 1/1/13</u>
<u>In County Septic Waste:: All usage - per 1000 gallons</u>	<u>\$50.12</u>	<u>\$ 55.51</u>	<u>\$ 61.48</u>	<u>\$ 68.09</u>	<u>\$ 75.41</u>	<u>\$ 83.52</u>
<u>In County Grease Waste:: All usage - per 1000 gallons</u>	<u>\$253.33</u>	<u>\$ 280.56</u>	<u>\$ 310.72</u>	<u>\$ 344.12</u>	<u>\$ 381.11</u>	<u>\$ 422.08</u>
<u>Out of County Septic Waste:: All usage - per 1000 gallons</u>	<u>\$75.10</u>	<u>\$ 83.17</u>	<u>\$ 92.11</u>	<u>\$ 102.01</u>	<u>\$ 112.98</u>	<u>\$ 125.13</u>
<u>Out of County Grease Waste:: All usage - per 1000 gallons</u>	<u>\$278.41</u>	<u>\$ 308.34</u>	<u>\$ 341.49</u>	<u>\$ 378.20</u>	<u>\$ 418.86</u>	<u>\$ 463.89</u>
<u>Fats, Oil &amp; Grease (FOG) Charges:</u>	<u>Current</u>	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>	<u>Phase IV</u>	<u>Phase V</u>
	<u>Eff. 1/1/08</u>	<u>Eff. 5/1/09</u>	<u>Eff. 1/1/10</u>	<u>Eff. 1/1/11</u>	<u>Eff. 1/1/12</u>	<u>Eff. 1/1/13</u>
<u>All Licensed Food/Cooking Facilities - Monthly Charge</u>	<u>\$ -</u>		<u>\$ 15.00</u>	<u>\$ 20.00</u>	<u>\$ 25.00</u>	<u>\$ 30.00</u>

(Description of Septic Hauler and FOG charges is noted below)

Septic Haulers:

Septic Haulers shall pay the above-noted metered rates and charges for septic waste and grease based upon the applicable In-County and Out-of-County customer rate classifications.

FOG – Licensed Food / Cooking Facilities:

Sanitary District customers that are by Ordinance required to be licensed as a food / cooking establishment shall be subject to a monthly charge for “Fats, Oil & Grease” (“FOG”). FOG charges (as noted in the table above) will support the additional costs of administering, monitoring, and treating the excessive strength waste associated with these establishments.

SECTION 4. Section 671-110 of the “Revised Code of the Consolidated and County,” regarding exceptions to rates and charges for sewer users, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 671-110. Exceptions.**

(a) In the case of one-, two- or multi-family residences, the billing for sewage service for the months of May, June, July, August and September shall be based upon the monthly average of the water used or delivered for the previous twelve (12) months of March and May through April. In the event ~~the monthly average of the water used or delivered for such previous twelve (12) months of March and April~~ is greater than the water used or delivered for the months of May, June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

(b) Where a metered water supply is used for fire protection as well as for other uses, the director may, at his/her discretion, make adjustments in the sewer user charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.

(c) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply.

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

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

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Minton-McNeill asked for consent to explain her vote. Consent was given. Councillor Minton-McNeill said that she is concerned that her constituents will not have their issues addressed in a timely function, and therefore she opposed the proposal.

Councillor Lutz asked for consent to explain his vote. Consent was given. Councillor Lutz said that this proposal will help take a 20-year project down to 10 years and take 700 homes off the septic tank system. He said that without doing this, the city would face astronomical fines per day, and he feels the department has done a good job getting the most bang for the buck.

Councillor Minton-McNeill asked if the \$2,500 is the cost to be connected to the sewer system. Councillor Hunter said that this is correct. Councillor Minton-McNeill asked if the homeowners will be made aware of this. Councillor Hunter said that the homeowners will pay to connect to the infrastructure, and the city will pay for the infrastructure.

Councillor Hunter asked for consent to explain his vote. Consent was given. Councillor Hunter said that he believes the fines and cost is much more palatable than what it could have been. He said that each Councillor should have received a package regarding this process, and if a Councillor did not get it, to let him know.

Councillor Oliver asked for consent to explain his vote. Consent was given. Councillor Oliver said that he voted to support the proposal, but hopes the director was listening to Councillor Minton-McNeill's concerns.

PROPOSAL NO. 103, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 103, 2009 on March 24, 2009. The proposal, sponsored by Councillor Pfisterer, amends the Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Cain, for adoption. Proposal No. 103, 2009 was adopted on the following roll call vote; viz:

*27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy*  
*1 NAY: Gray*  
*1 NOT VOTING: Vaughn*

Proposal No. 103, 2009 was retitled GENERAL ORDINANCE NO. 33, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses.

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

SECTION 1. Section 801-102 of the "Revised Code of the Consolidated City and County," regarding definitions used in Chapter 801, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 801-102. Applicability; definitions.**

(a) The provisions of this chapter shall apply to all businesses which are required under the following chapters of this title to be licensed by the controller, but shall have no application to businesses which may be franchised or licensed under this title by some authority other than the controller, or to other businesses.

(b) As used in those chapters of Title IV of the Code which provide for licensure by the controller, the following terms shall have the meanings ascribed to them in this section.

*Applicant* means the person who makes an application for a license, and who will be the licensee if the license is granted.

*Application* includes the words "registration form," and means the written form provided by the controller upon which a person may apply for a license, or register.

*Business* means and includes any kind of vocation, occupation, profession, enterprise or any other kind of activity (together with any equipment, vehicles or other personal property, and any premises used therein) which is conducted, directly or indirectly, in the city.

*City Controller* and *Controller* mean the Controller of the city appointed under section 202-201 of this Code, or his or her designee.

*Financial interest* means:

- (1) Any of the legal rights of ownership or beneficial interest in the profits of a business; or
- (2) Any portion of the legal rights of ownership in any partnership, corporation or other legal entity having any portion of such rights or beneficial interest;

equal to or greater than five (5) percent of the whole. "Financial interest" includes, but is not limited to, that interest held by stockholders and officers of corporations or similar business entities.

*Insignia* means any certificate, tag, badge, plate, card or emblem which may be issued by the controller as evidence that a license has been issued.

*License* includes the words "registration," "certificate of registration," and "permit," and means the privilege of carrying on a specified business in the city; however, registrations, permits and licenses each may be granted where specifically authorized by this Code.

*Licensee* includes the words "registrant" and "permittee," and means the person to whom a current license, registration or permit has been issued, and that person's agents and employees.

*Premises* means all real estate (including structures and fixtures affixed thereto) used in a business, together with all equipment, vehicles and other personal property used in that business.

*Public welfare* means the health, safety, prosperity and convenience of the inhabitants of the city, either as a whole or individually.

(c) Under the definitions provided in this section, all the rights, duties, responsibilities, conditions, restrictions, enforcement, and other procedures, including provisions for the suspension or revocation of licenses, which are provided in Title IV of this Code and which have general application to licenses and licensees, shall apply with equal force to registrations and registrants, and permits and permittees, unless the context in which the words "license" or "licensee" are used clearly indicates otherwise.

SECTION 2. 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 3. 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.

April 13, 2009

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

PROPOSAL NO. 114, 2009. The proposal, sponsored by Councillors Cain, Evans, Lutz, B. Mahern, Moriarty Adams and Smith, amends the Code to postpone the filing deadline for Economic Statements of Interest for Councillors for 2009"; and the President referred it to the Ethics Committee. Councillor Cain reported that the Ethics Committee has not yet finished drafting the ethics reporting form for Councillors, and since the filing date is May 1, 2009, the members of the committee propose to postpone the filing date so that two forms are not required. Councillor Cain moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 114, 2009 was adopted on the following roll call vote; viz:

*27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*1 NAY: Gray*  
*1 NOT VOTING: Brown*

Proposal No. 114, 2009 was retitled GENERAL ORDINANCE NO. 34, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending Division 2 of Article III of Chapter 293 of the Revised Code of the Consolidated City and County to postpone the filing deadline for Economic Statements of Interest for Councillors and staff for 2009 until July 1, 2009.

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

SECTION 1. Division 2 of Article III of Chapter 293 of the Revised Code of the Consolidated City and County be, and is hereby, amended by adding a new Sec. 293-326, to read as follows:

**Sec. 293-326. Councillors filing for 2009.**

The deadline for filing of Economic Statements of Interests under this division by councillors, the clerk of the council and employes of the council, is postponed until July 1, 2009, to allow time for the council ethics committee to adopt an alternative form under Sec. 293-323(a). If the alternative form is not adopted by such date, councillors and covered council staff shall file the form required by this division.

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

**NEW BUSINESS**

Councillor Gray thanked Chief Conley, IMPD, regarding the police's quick response to an incident in his district and a job well done.

Councillor Cain invited everyone to a Town Hall meeting tomorrow night at the Sterrett Center at 7:00 p.m.

**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 Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) Councillor Cain in memory of Robert J. Robertson; and
- (2) Councillor McQuillen in memory of Richard (Dick) Courtney; and
- (3) Councillor Pfisterer in memory of Robert F. Casse, Stephan Dreier, Charles Whiting, Thomas Stitt, William Owen, Robert Simmons, and Richard Boswell; and
- (4) Councillor Cockrum in memory of Frederick (Fred) Stegemoller and Lois E. Underhill; and
- (5) Councillor McQuillen and Cain in memory of Donald R. Knowles; and
- (6) Councillor Lewis, Minton-McNeill, Bateman and Evans in memory of John Hirschman; and
- (7) Councillor Gray in memory of Carol Ann Sayles-Smith and Roosevelt Williamson; and
- (8) Councillor Sanders in memory of Mary Rita Dakin and Elizabeth M. Robinson.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Robert J. Robertson, Richard (Dick) Courtney, Robert F. Casse, Stephan Dreier, Charles Whiting, Thomas Stitt, William Owen, Robert Simmons, Richard Boswell, Frederick (Fred) Stegemoller, Lois E. Underhill, Donald R. Knowles, John Hirschman, Carol Ann Sayles-Smith, Roosevelt Williamson, Mary Rita Dakin and Elizabeth M. Robinson. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:24 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 13th day of April, 2009.

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)