

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

**REGULAR MEETINGS  
MONDAY, OCTOBER 27, 2008**

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, October 27, 2008, with Councillor Cockrum presiding.

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

**ROLL CALL**

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

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

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Cardwell stated that Councillor Coleman's 8-year-old daughter was in an accident and broke both arms, and is in recovery from surgery at this time, and therefore wish Jessica a speedy recovery. Councillor McQuillen introduced Tom Shedlock, board member, and Laura Bramble, director of the Indianapolis-Marion County Public Library. Councillor Gray recognized Fire Chief Bill Brown. Councillor Oliver recognized Evangelist Brenda Weldon, Angela Johnson, and Denise Jackson.

**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, October 27, 2008, 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

October 14, 2008

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, October 17, 2008, a copy of a Notice of Public Hearing on Proposal Nos. 454-458, 2008, said hearing to be held on Monday, October 27, 2008, at 7:00 p.m. in the City-County Building.

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

October 17, 2008

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. 59, 2008 – appropriates \$50,000 in the 2008 Budget of the Marion County Election Board (Enhanced Access Fund) to fund the initiative of transitioning to a more convenient and secure on-line, electronic system for filing, securing, and reproducing past and future campaign finance documents

FISCAL ORDINANCE NO. 60, 2008 – appropriates and transfers \$29,000 in the 2008 Budget of Voter Registration (County General Fund) for the replenishment of funds used for the unanticipated Congressional District 7 special election and additional supply expenses due to increased registrations for the General Election

FISCAL ORDINANCE NO. 61, 2008 – appropriates \$320,000 in the 2008 Budget of the Department of Public Works (Non-Lapsing Federal Grants Fund) to fund Knozone education programs, partially funded by a pass through grant to the Indiana Department of Transportation from the Congestion Mitigation Air Quality program

FISCAL ORDINANCE NO. 63, 2008 – transfers \$220,000 in the 2008 Budget of the Department of Public Works (Transportation General Fund) to fund materials needed for a crack sealing project and for the purchase of salt in preparation for the coming snow season

GENERAL ORDINANCE NO. 84, 2008 – amends the Revised Code regarding the powers and duties of the Crime Prevention Advisory Board

GENERAL RESOLUTION NO. 15, 2008 – approves the issuance of bonds by the Town of Speedway Redevelopment Authority

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GENERAL RESOLUTION NO. 16, 2008 – approves the Installment Tax Payment Plan for certain real estate taxes

GENERAL RESOLUTION NO. 17, 2008 – authorizes the establishment of a self-insurance group health program for city and county employees

SPECIAL RESOLUTION NO. 38, 2008 - recognizes Joseph Wynns for thirty-four years of service to the Department of Parks and Recreation

SPECIAL RESOLUTION NO. 39, 2008 - recognizes Robert "Bob" A. Blazek for many years of service to his community

SPECIAL RESOLUTION NO. 40, 2008 - proclaims October 5-11, 2008 State Farm Indianapolis Fire Prevention Week

Respectfully,  
s/Gregory A. Ballard, Mayor

President Cockrum stated that Council members should all have copies of the proposed 2009 calendar of Council and Committee meetings. He asked members to look over that calendar and have any suggestions for changes in to the Clerk a week before the next Council meeting. He said that the intent is to vote on a schedule of Council meetings at the November 17, 2008 Council hearing.

### **ADOPTION OF THE AGENDA**

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

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of October 6, 2008. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 499, 2008. The proposal, sponsored by Councillor Evans, recognizes the El Puente Project. Councillor Evans read the proposal and presented a copy of the document and Council pin to representatives. Professor Jose Rosario thanked the Council for the recognition. Councillor Evans moved, seconded by Councillor Sanders, for adoption. Proposal No. 499, 2008 was adopted by a unanimous voice vote.

Proposal No. 499, 2008 was retitled SPECIAL RESOLUTION NO. 41, 2008, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2008**

A SPECIAL RESOLUTION recognizing the El Puente Project.

WHEREAS, El Puente is Spanish for “the bridge”, and the project is about mobilizing and empowering immigrant and non-immigrant Latino youth to achieve their potential by creating bridges to knowledge, opportunity, and resources; and

WHEREAS, the El Puente project was launched in 2001 and is a project of IUPUI’s School of Education’s Center for Urban and Multicultural Education (CUME), under the direction of Professor José R. Rosario; and

WHEREAS, the project began as a three-year demonstration project that aimed to build on “best practice” in the retention and postsecondary preparation of Latino youth in which 200 families in two Indianapolis public high schools and their feeder middle schools participated; and

WHEREAS, the project embraces the dreams and possibilities of Latino youth, stands for the fair and equal access that those youth need to realize their dreams and possibilities, and invites teachers, parents, and community members to forge a community of support for Latino youth as they learn, lead, and serve; and

WHEREAS, the project works in collaboration with Indianapolis area schools, and community members and organizations including: LaPlaza, Inc., Learn More Resource Center/Aprende Más, Pike Freshmen Center and High School, and George Washington Community School; and

WHEREAS, the mission of the El Puente project is to engage Latino youth in learning, leading, and serving, and to create a community of support that provides information and resources for enhancing opportunities for academic success and preparation for college or postsecondary education; encouraging students’ leadership and advocacy skills and engagement in school and community service; fostering students’ understanding of cross-cultural communication and globalization; and promoting parental involvement in their students’ education; and

WHEREAS, the El Puente project is committed to social justice, understands that the development of social and human capital depends on fair and equal access to educational opportunity, and believes that parents, schools, and communities share a special responsibility for supporting Latino youth as they struggle to choose a positive path and make something of themselves; 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 the El Puente project.

SECTION 2. The Council commends the El Puente project for its work and efforts to empower Latino youth with the necessary tools to be successful in all their endeavors.

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. 500, 2008. The proposal, sponsored by Councillors Cardwell and Pfisterer, recognizes and honors Dr. Rajiv Sood and the Richard M. Fairbanks Burn Center team at Wishard Hospital. Councillor Cardwell read the proposal and presented representatives with copies of the document and Council pins. Dr. Sood thanked the Council for the recognition. Councillor Cardwell moved, seconded by Councillor Day, for adoption. Proposal No. 500, 2008 was adopted by a unanimous voice vote.

Proposal No. 500, 2008 was retitled SPECIAL RESOLUTION NO. 42, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 42, 2008

A SPECIAL RESOLUTION recognizing and honoring Dr. Rajiv Sood and the Richard M. Fairbanks Burn Center team at Wishard Hospital.

WHEREAS, Dr. Sood graduated from Albany Medical College in New York and completed his Plastic Surgery Residency at the Cleveland Clinic Foundation in Cleveland, OH; and

WHEREAS, Dr. Sood later went on to a hand, nerve, and microsurgical fellowship at the Raymond Curtis Hand Center at John’s Hopkins Hospital in Baltimore, Maryland. He is board certified by the American Board of Plastic Surgery with added qualifications in hand and microsurgery; and

WHEREAS, Dr. Sood has achieved a prominent national and international reputation and is a well-known investigator and national leader in research and clinical experience in emerging technologies for

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skin replacement. He has won numerous awards, has been awarded multiple grants, and has written over 20 articles and 16 book chapters; and

WHEREAS, after completing his training, Dr. Sood joined the faculty of the Indiana University School of Medicine in Indianapolis, Indiana and became the Medical Director of the Richard M. Fairbanks Burn Center; and

WHEREAS, the burn center was dedicated in April of 2003, and is one of only 50 burn centers in the United States that is verified by the American College of Surgeons and the American Burn Association; and

WHEREAS, the burn center is regarded as one of the finest and most progressive burn centers in the United States. It was the first burn center in Indiana and is the only adult burn center that serves central and southern Indiana; and

WHEREAS, the burn center includes 11 intensive care patient rooms with state-of-the-art monitoring and environmental controls, two rooms for overnight guests, a new hydrotherapy area, a greatly expanded physical therapy room, a larger waiting area for family and loved ones, a children's play area, and a free-standing operating room; and

WHEREAS, more than 350 burn patients are treated as inpatients and approximately 1,500 are seen as outpatients at the burn center each year; and

WHEREAS, in addition to providing quality burn care, the burn center staff handles other wounds and provides a full range of plastic surgery services, regardless of payor source and has carried this concept forward on an international basis; 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 the contributions and accomplishments of Dr. Rajiv Sood to the health care community.

SECTION 2. The Council acknowledges the value and significance of the services offered by the Richard M. Fairbanks Burn Center and its staff to the State of Indiana.

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

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

PROPOSAL NO. 501, 2008. The proposal, sponsored by Councillor Plowman, recognizes Indianapolis Fire Department Stations 7 and 14. Councillor Plowman read the proposal and presented representatives with copies of the document and Council pins. Councillors Brown and Gray commended the firemen for their efforts and stated that they are proud to have served the Indianapolis Fire Department (IFD) Chief Brian Sanford thanked the Council for the recognition. Councillor Plowman moved, seconded by Councillor Gray, for adoption. Proposal No. 501, 2008 was adopted by a unanimous voice vote.

Proposal No. 501, 2008 was retitled SPECIAL RESOLUTION NO. 43, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 2008

A SPECIAL RESOLUTION recognizing Indianapolis Fire Department Stations 7 and 14.

WHEREAS, IFD Stations 7 and 14 are both tactical rescue stations and specialize in heavy extrication, dive, high angle rescues, among other disciplines; and

WHEREAS, Fire crews from IFD Stations 7 and 14 rescued three workers dangling from the M & I Bank building on Pennsylvania and Ohio Streets; and

WHEREAS, the men were working near the 28<sup>th</sup> floor when the scaffolding malfunctioned and plummeted them between the 12<sup>th</sup> and 14<sup>th</sup> floors of the building. Indianapolis fire rope rescue crews rappelled from the top of the 28-story building to rescue the workers; and

WHEREAS, one of the men held on to the scaffolding, and fire crews broke out a window to reach him and hoisted him to the top of the building. The other two men were suspended in the air by their safety harnesses for nearly two hours before being lowered onto the top of a nearby parking garage; and

WHEREAS, the rescues were completed just as a storm moved in and all three workers were transported to Methodist Hospital and were listed in stable condition; 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 Indianapolis Fire tactical rescue stations 7 and 14 for their diligent display of expertise.

SECTION 2. The Council commends the Indianapolis Fire Department, the chiefs, and all who contribute to successful performances in all rescue missions.

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. 502, 2008. The proposal, sponsored by Councillors Plowman and Day, recognizes Indianapolis Fire Captain Gary Henry. Councillor Plowman read the proposal and presented family members with copies of the document and Council pins. IFD Chief Sanford said that Captain Henry was all about service to his community and his country and will always be remembered for his heart and service. He asked everyone to keep the family in their thoughts and prayers. Mr. Henry's mother, Mrs. Caster, said that the only thing that surpasses her grief is her pride in his character and his service. She read an e-mail from her son upon visiting the Vietnam War memorial stating his pride in his calling to serve in the military. Councillor Plowman moved, seconded by Councillor Day, for adoption. Proposal No. 502, 2008 was adopted by a unanimous voice vote.

Proposal No. 502, 2008 was retitled SPECIAL RESOLUTION NO. 44, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 2008

A SPECIAL RESOLUTION recognizing Indianapolis Fire Captain Gary Henry.

WHEREAS, Captain Henry was born May 7, 1974, was a graduate of Whiteland High School and became a member of the Indiana National Guard at age 17 in 1991; and

WHEREAS, Captain Henry was appointed to the Indianapolis Fire Department on May 6, 1996 and served the fire department in many ways, including: Probationary Firefighter 1996-1997; Substitute Firefighter 1997-1998; assignment to Engine 19C in 1999; assignment to Engineer Medic Squad 7B in 2000; assigned as Rescue Coordinator in April, 2006; and was a Captain in the Special Operations Division, specializing as a Diver and Paramedic; and

WHEREAS, Captain Henry received Special Operations Hazardous Materials training in March, 2000; attended Special Operations River Rescue School in June, 2000; and completed a paramedic class in 2001; and

WHEREAS, Captain Henry was a sergeant in the Indiana National Guard, and was deployed to Iraq on January 10, 2008, where he was recently killed by a roadside bomb; and

WHEREAS, Captain Henry had a reputation for being very dependable, mixing well with his peers, as well as showing enthusiasm and dedication on the job; and

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WHEREAS, Captain Henry was known to be a dedicated family member, husband and father of three; 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 the life and contributions of Captain Gary Henry not only to the Indianapolis Fire Department, but also to his country.

SECTION 2. The Council wishes much comfort to the family of Captain Henry as they mourn his death, but celebrate his life.

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. 503, 2008. The proposal, sponsored by Councillor Cockrum, urges a parking meter blackout to encourage veterans and citizens to observe the November 11, 2008 Veterans Day activities. President Cockrum said that he was approached by a member of the Veterans Day planning committee to re-institute a blackout of parking meters on Veterans Day in order to encourage citizens to attend the day's events. President Cockrum moved, seconded by Councillor Day, for adoption. Proposal No. 503, 2008 was adopted by a unanimous voice vote.

Proposal No. 503, 2008 was retitled SPECIAL RESOLUTION NO. 45, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2008

A PROPOSAL FOR A SPECIAL RESOLUTION urging a parking meter blackout to encourage veterans and citizens to observe the November 11, 2008 Veterans Day activities.

WHEREAS, Veterans Day, originally called Armistice Day to commemorate the cease fire that ended the fighting of World War One, was expanded in 1954 to remember the sacrifices of all those who fought on the land, sea, and air to preserve America's freedom; and

WHEREAS, after a solemn ceremony, many veterans, bands, military equipment, high schools and other patriotic units will participate in an inspiring downtown parade ; and

WHEREAS, to encourage veterans and all citizens of Indianapolis to observe this Veterans Day ceremony and parade, the Council requests the Board of Public Works to issue a parking meter blackout on November 11, 2008; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the significance of Veterans Day 2008 and urges the city to forego parking meter revenues on that day as a salute of respect to all Americans who have worn a uniform of our Armed Forces.

SECTION 2. The Council also urges that on Tuesday, November 11, 2008, all schools, businesses, government agencies, and individual citizens pause, reflect upon, and give thanks for the important contributions and sacrifices of the servicemen and women who have honorably served our nation so well in the past and at the present time to keep the flag of the United States of America flying proudly over the land of the free and home of the brave.

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

SECTION 4. This resolution shall be in effect upon adoption and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 504, 2008. The proposal, sponsored by Councillor Cockrum, authorizes the President of the Council to give notice of the results of the referendum on township assessors. President Cockrum stated that rather than have the Council come back and vote to give notice of the results after the election, this gives the president of the Council that responsibility to give notice of the certified results to satisfy the requirements of House Bill (HB) 1001.

Councillor Sanders asked if this proposal covers only that particular referendum. Robert G. Elrod, General Counsel, stated that this is for the assessors' referendum only and happens this year and never again, unless the law is changed.

President Cockrum moved, seconded by Councillor Vaughn, for adoption. Proposal No. 504, 2008 was adopted by a unanimous voice vote.

Proposal No. 504, 2008 was retitled COUNCIL RESOLUTION NO. 107, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 107, 2008

A PROPOSAL FOR A COUNCIL RESOLUTION authorizing the President of the Council to give notice of the results of the referendum on township assessors.

WHEREAS, I.C. 36-2-15-11 requires the Council, as county legislative body, to notify the Department of Local Government Finance and the respective township assessors of townships where the referendum transfers their assessment duties to the county assessor; and

WHEREAS, such notification is an administrative function that the Council is required by statute to perform; and

WHEREAS, the Council has no discretion as to giving such notice; now, therefore:

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

SECTION 1. The President of the City-County Council is hereby authorized and directed on behalf of the Council, as county legislative body, to notify the Department of Local Government Finance and the respective township assessors of the results of any referendum which passes upon receipt of certified results of the referendum from the Clerk of the Circuit Court.

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

PROPOSAL NO. 407, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 407, 2008 on October 8, 2008. The proposal, sponsored by Councillor Vaughn, appoints Janelle Canaday to the Animal Care and Control Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Lutz, for adoption. Proposal No. 407, 2008 was adopted on the following roll call vote; viz:

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

Proposal No. 407, 2008 was retitled COUNCIL RESOLUTION NO. 108, 2008, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 108, 2008

A COUNCIL RESOLUTION appointing Janelle Canaday to the Animal Care and Control Board.

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 Animal Care and Control Board, the Council appoints:

Janelle Canaday

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 484, 2008. Councillor McQuillen reported that the Municipal Corporations Committee heard Proposal No. 484, 2008 on October 20, 2008. The proposal, sponsored by Councillors McQuillen and Day, appoints Marsha Dorsey to the Beech Grove Library Board. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McQuillen moved, seconded by Councillor Day, for adoption. Proposal No. 484, 2008 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 ABSENT: Coleman, Minton-McNeill, Pfisterer*

Proposal No. 484, 2008 was retitled COUNCIL RESOLUTION NO. 109, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 109, 2008

A COUNCIL RESOLUTION appointing Marsha Dorsey to the Beech Grove Library Board

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 Beech Grove Library Board, the Council appoints:

Marsha Dorsey

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. 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. 485, 2008. Introduced by Councillors Pfisterer and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$383,187 in the 2008 Budget of the Office of the Mayor (Federal Grants Fund) for a program to recruit leaders to implement education reform in the community in conjunction with the Indianapolis Center for Education Entrepreneurship, funded by a grant from the U. S. Department of Education"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 486, 2008. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$302,000 in the 2008 Budget of the Information Services Agency (Information Services Fund) to pay contractual

expenses related to technology initiatives not initially included in the agency's budget"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 487, 2008. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$5,000 in the 2008 Budget of the Franklin Township Assessor (County General Fund) to fund utilities and custodial services operating expenses"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 488, 2008. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$13,000 in the 2008 Budget of the Washington Township Assessor (County General Fund) to make payments for the third quarter facility rent from fiscal year 2006"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 489, 2008. Introduced by Councillors Plowman and MahernB. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 490, 2008. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$100,000 in the 2008 Budget of the Department of Parks and Recreation (Federal Grants Fund) to fund an increase in meals provided to children through the Summer Lunch Program, financed by reimbursements from the U.S. Department of Agriculture"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 491, 2008. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation of \$1,444,477 in the 2008 Budgets of the Departments of Public Works, Public Safety, Metropolitan Development and Parks and Recreation (Transportation General, IMPD General, Consolidated County and Parks General Funds) to offset expenses incurred due to the Federal Emergency Management Agency (FEMA) declared disasters that occurred between May 30 and June 7 of this year, funded by a federal grant from FEMA"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 492, 2008. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation of \$35,000 in the 2008 Budget of the Department of Public Safety (Consolidated County Fund) to purchase needed supplies and materials for the city's animal shelter and to provide pre-adoption spay/neuter services for animals in the shelter, funded by a transfer and grant from PetSmart Charities, Inc."; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 493, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$144,768 in the 2008 Budget of the Marion County Community Corrections Agency (Home Detention User Fee Fund) to cover additional salaries and benefits not originally budgeted for the Duvall Residential Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 494, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$100,000 in the 2008 Budget of the Marion County Prosecutor (Deferral Program Fee Fund) to provide funding for interlocal reimbursements to local law enforcement agencies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 495, 2008. Introduced by Councillors Moriarty Adams and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,406,000 in the 2008 Budget of the Marion Superior Court (County General and Cumulative Capital Improvement Funds) to fund completion of a west side office for Probation and the co-location of Traffic Court and the Court Violations Bureau, completion of build out of court space in the City-County Building, several information technology projects, and early payment of several 2009 obligations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 496, 2008. Introduced by Councillors Hunter, Moriarty Adams and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$290,000 in the 2008 Budget of the Department of Public Works (Consolidated County Fund) to fund the necessary maintenance services needed to continue to repair and maintain aging City/County vehicles through the end of the year"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 497, 2008. Introduced by Councillors Hunter, Moriarty Adams and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$802,105 in the 2008 Budget of the Department of Public Works (Consolidated County Fund) to offset expenses incurred due to an expanded scope of service and increases in wrecker and other fees for vehicles towed by the Indianapolis Metropolitan Police Department (IMPD), funded by revenues generated through the program"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 498, 2008. Introduced by Councillors Hunter, Moriarty Adams and Speedy. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,118,575 in the 2008 Budget of the Department of Public Works (Solid Waste Collection Fund) to fund chargeback payments for vehicle fuel and maintenance"; and the President referred it to the Public Works Committee.

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

PROPOSAL NOS. 505-512, 2008 and PROPOSAL NOS. 513-515, 2008. Introduced by Councillor Plowman. Proposal Nos. 505-512, 2008 and Proposal Nos. 513-515, 2008 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 16 and 17, 2008. 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. 123-133, 2008, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 123, 2008.  
2008-ZON-073 (Amended)  
2705 NORTH POST ROAD (Approximate Address) INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 18  
INTERNATIONAL CHURCH OF THE FOURSQUARE GOSPEL, by Andi M. Metzler, requests Rezoning of 0.495 acre, from the D-4 District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 124, 2008.  
2008-ZON-076

438 NORTH HIGHLAND AVENUE (Approximate Address) INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16  
MICHELLE LYN JOHNSON requests REZONING of 0.115 acre, from the C-2 District, to the D-8 classification to legally establish a single-family dwelling.

REZONING ORDINANCE NO. 125, 2008.  
2008-ZON-078

3712 LAFAYETTE ROAD (Approximate Address), INDIANAPOLIS  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 7  
S & A GROUP, LLC, by David Gilman, requests REZONING of 0.826 acre, from the D-4 District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 126, 2008.  
2008-ZON-079

3230 BETHEL AVENUE (Approximate Address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20  
SABRINA FLOWERS requests REZONING of 0.9 acre, from the D-A District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 127, 2008.  
2008-ZON-084

5804 EAST WASHINGTON STREET (Approximate Address), INDIANAPOLIS  
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21  
THE REESE APARTMENTS, LLC, by Christopher Piazza, requests rezoning of 0.26 acre, from the C-4 District, to the D-8 classification.

REZONING ORDINANCE NO. 128, 2008.  
2007-ZON-848

6041 EAST THOMPSON ROAD (Approximate Address), INDIANAPOLIS  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25  
BETTY PENNINGTON requests REZONING of 1.5 acres, from the D-P District, to the C-S classification to provide for the following uses: a single-family dwelling, all C-3 uses, temporary seasonal retail sales, retail sale of lawnmowers, atv's, scooters and detached accessory buildings, with a 2,475-square foot outdoor display area and three accessory buildings on display at one time.

REZONING ORDINANCE NO. 129, 2008.  
2008-ZON-835

2418 CENTRAL AVENUE (Approximate Address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9  
WESLEY MANNING JR. requests REZONING of 0.128 acre, from the C-1 District, to the D-8 classification to legally establish a two-family dwelling.

REZONING ORDINANCE NO. 130, 2008.  
2008-ZON-846

310, 316, 318, 326 AND 328 EAST BEECHER STREET (Approximate Address), INDIANAPOLIS  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19  
GUARANTEED ROOFING, INC., by Mary E. Solada, requests REZONING of 0.82 acre, from the D-5 and I-4-U Districts, to the I-2-U classification to legally establish light industrial uses.

REZONING ORDINANCE NO. 131, 2008.  
2008-ZON-074

8601 WEST MORRIS STREET (Approximate Address), INDIANAPOLIS  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13

October 27, 2008

INDIANAPOLIS POWER AND LIGHT COMPANY, by Eugene Valanzano, requests REZONING of 4.808 acres, from the D-A and SU-43 District, to the SU-18 classification to provide for the construction of a power substation.

REZONING ORDINANCE NO. 132, 2008.

2008-ZON-075

2848 AND 2852 NORTH CENTRAL AVENUE (Approximate Address), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

HABITAT FOR HUMANITY, by Nick Churchill, requests REZONING of 0.2388 acre, from the C-1 District, to the D-8 classification to provide for one- and two-family dwellings.

REZONING ORDINANCE NO. 133, 2008.

2008-ZON-842

8290 MICHIGAN ROAD (Approximate Address), INDIANAPOLIS PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

AARON RENTS, INC., by Thomas H. Engle, requests REZONING of 0.81 acre, from the C-S District, to the C-S classification to provide for C-1 uses and for the C-4 use "Appliance Store (major household)"

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

PROPOSAL NO. 316, 2008. Councillor Plowman reported that Proposal No. 316, 2008 was called out for public hearing on June 23, 2008. The proposal is a rezoning ordinance for Franklin Township, Councilmanic District 25, 4211 and 4133 Five Points Road (2007-ZON-029). The proposal was subsequently postponed at the full Council meetings on July 21, September 8, September 22 and October 6, 2008 to continue negotiations.

Councillor Plowman made the following motion:

Mr. President:

Remonstrators and petitioners continue to negotiate a compromise regarding Proposal No. 316, 2008 located at 4211 and 4133 Five Points Road and have agreed to a continuance until the December Council meeting. Therefore, I move that the public hearing on Proposal No. 316, 2008, Rezoning Case 2007-ZON-029, be postponed until December 8, 2008.

Councillor Speedy seconded the motion, and Proposal No. 316, 2008 was postponed until December 8, 2008 by a unanimous voice vote.

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 454, 456, 457 and 458, 2008 on October 8, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 454, 2008. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, approves an appropriation of \$13,445 in the 2008 Budget of the Department of Public Safety (Federal Grants Fund) to pay salaries and benefits for two civilian position that will serve to monitor the security cameras installed at the Emergency Operations Center. PROPOSAL NO. 456, 2008. The proposal, sponsored by Councillors Vaughn, Brown and Malone, approves an appropriation of \$1,860,656 in the 2008 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to reimburse expenses incurred by Indiana Task Force One during 2008 for assistance provided during the Indiana tornados and floods, tropical storms Dolly and Eduard, and hurricanes Gustav and Ike, financed by a grant from the Department of Homeland Security. PROPOSAL NO. 457, 2008. The proposal, sponsored by Councillors Vaughn, Moriarty Adams and Malone, approves an appropriation of \$90,700 in the 2008 Budget of the Marion County Justice Agency (State Law Enforcement Fund) to purchase automated external defibrillators that

will be placed in various locations within and outside of the City-County Building. PROPOSAL NO. 458, 2008. The proposal, sponsored by Councillors Vaughn and Malone, approves an appropriation of \$1,559,062 in the 2008 Budget of the Marion County Prosecutor (Federal Grants and State Grants Funds) to fund salaries, supplies and training for the Child Advocacy Center; victim advocate positions for various divisions; five teams of local law enforcement from six departments, overtime patrols to combat impaired driving and increase seat belt usage; increased enforcement efforts aimed at reducing crashes; and a program coordinator position, funded by various federal and state grants. By 5-0 votes, the Committee reported Proposal Nos. 454, 457 and 458, 2008 to the Council with the recommendation that they do pass and Proposal No. 456, 2008 to the Council with the recommendation that it do pass as amended.

President Cockrum called for public testimony at 7:46 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor McQuillen, for adoption. Proposal Nos. 454, 457 and 458, 2008 and Proposal No. 456, 2008, as amended, were adopted on the following roll call vote; viz:

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

Proposal No. 454, 2008 was retitled FISCAL ORDINANCE NO. 64, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 64, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (Fiscal Ordinance No. 78, 2007) appropriating Thirteen Thousand Four Hundred Forty-five Dollars (\$13,445) in the Federal Grants Fund, for the Department of Public Safety.

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 City-County Annual Budget for 2008, Section 1.01(j), be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, to pay salaries and benefits for two civilian positions that will serve to monitor the security cameras installed at the Emergency Operations Center, financed by a federal grant. This funding covers the period October 1 through December 31, 2008, while funding for 2009 has already been included in the 2009 budget for the department.

SECTION 2. The sum of Thirteen Thousand Four Hundred Forty-five Dollars (\$13,445) 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.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	13,445
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	13,445

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

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

FEDERAL GRANTS FUND

New revenues supporting the appropriations in Section 3	<u>13,445</u>
TOTAL	13,445

SECTION 5. There is no match required for these grants.

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. 456, 2008 , as amended, was retitled FISCAL ORDINANCE NO. 65, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 65, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating One Million Eight Hundred Sixty Thousand Six Hundred Fifty-Six Dollars (\$1,860,656) in the Federal Grant Fund for purposes of the Department of Public Safety, Fire Division, and reducing certain other accounts for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j-2) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to reimburse expenses incurred by Indiana Task Force One during 2008, including the tornados and floods in Indiana, tropical storms Dolly and Eduard and hurricanes Gustav and Ike, financed by a grant from the US Department of Homeland Security, Federal Emergency Management Agency.

SECTION 2. The sum of One Million Eight Hundred Sixty Thousand Six Hundred Fifty-Six Dollars (\$1,860,656) 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.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	335,117
2. Supplies	43,125
3. Other Services and Charges	1,472,037
4. Capital Outlay	10,000
5. Internal Charges	<u>377</u>
TOTAL INCREASE	1,860,656

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

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

FEDERAL GRANTS FUND

New revenues supporting the appropriations in Section 3	<u>1,860,656</u>
TOTAL	1,860,656

SECTION 5. There is no match required for this federal grant.

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. 457, 2008 was retitled FISCAL ORDINANCE NO. 66, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 66, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Ninety Thousand Seven Hundred Dollars (\$90,700) in the State Law Enforcement Fund for purposes of the Marion County Justice Agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 106 (d) of the City-County Annual Budget for 2008 be, and is hereby, amended to purchase automated external defibrillators (AED's) that will be placed in various locations within and outside of the City County Building, financed by fund balance.

SECTION 2. The sum of Ninety Thousand Seven Hundred Dollars (\$90,700) be, and the same is hereby transferred 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 COUNTY JUSTICE AGENCY</u>	<u>STATE LAW ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	5,200
4. Capital	<u>85,500</u>
TOTAL INCREASE	90,700

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

	<u>STATE LAW ENFORCEMENT FUND</u>
Unappropriated and unencumbered	
State Law Enforcement Fund	<u>90,700</u>
TOTAL	90,700

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

Proposal No. 458, 2008 was retitled FISCAL ORDINANCE NO. 67, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City County Fiscal Ordinance No. 78, 2007) appropriating One Million Four Hundred Twenty-Four Thousand Sixty-Two Dollars (\$1,424,062) in the Federal Grants Fund and One Hundred Thirty-Five Thousand Dollars (\$135,000) in the State Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in other accounts, 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 1.05 (c) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to pay for the following initiatives:

1. Child Interviewers

Grant in the amount of \$64,285 to fund 2.5 child interviewers located at the Child Advocacy Center. This is a continued program funded through a grant awarded by the Indiana Criminal Justice Institute. Matching funds in the amount of \$16,071 will come from the Prosecutor's Deferral Fund and is already appropriated in the 2008 budget.

2. Child Advocacy Center

Grant in the amount of \$135,000 to fund salaries, supplies, training, and child interviewing equipment upgrades at the Child Advocacy Center. This is a continued program funded through a grant awarded by the Indiana Department of Child Services. No matching funds are required.

3. Victim Advocates

Grant in the amount of \$182,388 to fund eight victim advocate positions for various divisions with the prosecutor's office. This is a continued program funded through a grant awarded by the Indiana Criminal Justice Institute through the U.S. Department of Justice Victims Crime Act Victim Assistance Grant. Matching funds in the amount of \$45,597 are already budgeted in the 2008 County General and Deferral funds.

4. FACT/OVWI Prosecutor

Grant through the Governor's Council on Impaired and Dangerous Driving in the amount \$219,889 which funds 5 teams of local law enforcement officers from 6 departments. These teams respond to any fatality or serious bodily injury crash in Marion County. The team also responds to all hit and run crashes. No match is required for this grant.

5. OPO/BCC

Grant through the Governor's Council on Impaired and Dangerous Driving the amount of \$285,000 to fund overtime patrols to combat impaired driving and increase seat belt usage in Marion County. Public information and education is also a vital part of this grant. No match is required for this grant.

6. DUI Indiana

Grant through the Governor's Council on Impaired and Dangerous Driving in the amount of \$350,000 to fund overtime patrols to combat impaired driving in Marion County. This enforcement includes Sobriety Checkpoints and Saturation Patrols. No match is required for this grant.

7. Aggressive Driving Enforcement Program

Grant through the Governor's Council on Impaired and Dangerous Driving in the amount of \$245,000 to focus on reducing crashes on local roadways and county interstates by increasing enforcement efforts in these areas. The enforcement will be a multi-agency effort between IMPD, Beech Grove, Lawrence, Speedway, Cumberland, and the Indiana State Police. No match is required for this grant.

8. Comprehensive Anti-Gang Initiative

Grant in the amount of \$77,500 to one program coordinator position. This program is funded through a grant awarded by the Indiana Criminal Justice Institute through the U.S. Department of Justice Bureau of Justice Assistance. No match is required for this grant.

SECTION 2. The sum of One Million Five Hundred Fifty-Nine Thousand Sixty-Two Dollars (\$1,559,062) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	538,757
2. Supplies	19,025
3. Other Services and Charges	863,280
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	1,424,062
<u>MARION COUNTY PROSECUTOR</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	103,434
2. Supplies	3,090
3. Other Services and Charges	28,476
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	135,000

SECTION 4. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following funds:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>1,424,062</u>
TOTAL	1,424,062
	<u>STATE GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>135,000</u>
TOTAL	135,000

SECTION 5. 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 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. No new full time equivalents (FTE) are being created as part of this proposal. The grant funds will pay for positions that currently exist within the Marion County Prosecutor's office.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - FINAL ADOPTION**

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 433 and 448, 2008 on October 8, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 433, 2008. The proposal, sponsored by Councillor Oliver, transfers \$100,000 in the 2008 Budget of the Marion County Coroner (County General Fund) to fund contractual forensic pathologist fees and legal fees. PROPOSAL NO. 448, 2008. The proposal, sponsored by Councillor Plowman, amends the Code to move hearings on inoperable vehicle violations from Environmental Court to an Alternative Law Judge. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Vaughn moved, seconded by Councillor Plowman, for adoption. Proposal Nos. 433 and 448, 2008 were adopted on the following roll call vote; viz:

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

Proposal No. 433, 2008 was retitled FISCAL ORDINANCE NO. 68, 2008, and reads as follows:

#### **CITY-COUNTY FISCAL ORDINANCE NO. 68, 2008**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating One Hundred Thousand Dollars (\$100,000) in the County General Fund for purposes of the Marion County Coroner 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 1.03 (d) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner to fund

contractual forensic pathologist fees and legal fees, financed by a transfer between characters in the Coroner's 2008 County General Fund appropriations.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby 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 CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	100,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	100,000

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

<u>MARION COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	100,000
3. Other Services and Charges	0
4. Capital	<u>0</u>
TOTAL DECREASE	100,000

SECTION 5. There is no local match required for this ordinance.

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

Proposal No. 448, 2008 was retitled GENERAL ORDINANCE NO. 85, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to categorize the outdoor storage of inoperable motor vehicles on private property as a parking violation and nuisance rather than an environmental public nuisance, and to clarify the application of definitions provided in Section 441-101.

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

SECTION 1. Article I of Chapter 431 of the "Revised Code of the Consolidated City and County," regarding general provisions with respect to streets, sidewalks and public ways, hereby is amended by the addition of a NEW Section 431-100, to read as follows:

**Sec. 431-100. Definitions.**

The terms used in this chapter shall have the meanings ascribed to them in Section 441-101 of the Code.

SECTION 2. Section 441-101 of the "Revised Code of the Consolidated City and County," regarding definitions used in Chapters 431, 611, 621, and 691, 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. 441-101. Definitions.**

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

*Alley* means and includes:

- (1) A public highway, either paved or unpaved, usually unnamed and without sidewalks, and being of varying widths upon to thirty (30) feet in width; occasionally having sidewalks, but differing from a public street in that it either intersects or is located within a city square or other tract of land, which is bounded on all or any side by public streets and is a secondary

way used primarily to afford access, ingress and egress for rear or side entrances to land or structures abutting thereon, although also open and used for vehicular and pedestrian traffic; provided, however, whenever any public alley has been or hereafter is designated as a street and given a name by ordinance, it shall be deemed to be a public street and shall be subject to the regulations applicable to streets, so long as such ordinance establishing it as a street remains in effect, but upon repeal thereof it shall resume its status of an alley; and

- (2) The general definition of an alley in subsection (1) shall control in all instances where such word is used in this Code, except when some other specific definition there is given and applied by any other chapter of this Code.

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

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

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

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

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

*Crosswalk* means and includes:

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

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

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

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

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

*Inoperable vehicle* means:

- (1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or

- (2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

*Intersection* means and includes:

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

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

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

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

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

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

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

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

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

*Park* means and includes, when prohibited;:

- (1) ~~¶~~The standing upon any public street or public place of a vehicle, whether occupied or not, other than temporarily and for not longer than five (5) minutes for the purpose of and while actually engaged in the loading or unloading of passengers; or temporarily and for not longer than twenty (20) minutes for the purpose of and while actually engaged in the loading or unloading of merchandise or property, but which is not so placed upon the street as unduly to obstruct traffic; or any vehicle so standing temporarily when disabled, if removed in thirty (30) minutes or upon order of a police or fire officer; and

(2) The storing, maintaining, or keeping an inoperable vehicle outdoors on private property.

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

*Pedestrian* means and includes any person afoot.

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

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

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

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

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

*Right-of-way* means the privilege of the immediate and preferential use of the highway.

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

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

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

*Stop* means, when required, a complete cessation of movement.

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

*Street or highway* means and includes:

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

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

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

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

*Traffic division* means the traffic division of the metropolitan law enforcement agency, or in the event a traffic division is not established or maintained, the term shall be deemed to refer to such agency.

*Trailers and tractors* means the same as the definitions therefor used by the general laws of the state.

*Truck* means and includes every motor vehicle designed, used or maintained primarily for the transportation of property.

*Vehicle* means and includes:

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

SECTION 3. Section 575-2 of the "Revised Code of the Consolidated City and County," regarding definitions used in Chapter 575 with respect to environmental public nuisances, 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. 575-2. Definitions.**

~~For the purpose of~~ As used in this chapter, the following terms shall have the ~~following~~ meanings ascribed to them in this section. The word "shall" is always mandatory and not merely directory.

- ~~(1)~~ *Authorized individual* means a designee of the director of the department of public works.
- ~~(2)~~ *City* means the Consolidated City of Indianapolis and Marion County.
- ~~(3)~~ *Environmental public nuisance* means:
  - ~~a.~~(1) Vegetation on private or governmental property which is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and which has attained a height of twelve (12) inches or more;
  - ~~b.~~(2) Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or which has been allowed to become a health or safety hazard;
  - ~~c.~~(3) A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
  - ~~d.~~(4) Property which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.
- ~~e.~~ *Property on which an inoperable vehicle is stored, maintained, or kept outdoors on private property in violation of any provision of this Revised Code.*
- ~~(4)~~ *Excluded property* means:
  - ~~a.~~(1) Cultivated land in commercial, domestic, agricultural or horticultural use;

- ~~b.(2)~~ An existing natural or developed forest which does not create a health or safety hazard;
  - ~~e.(3)~~ Vacant, open lands, fields or wooded areas more than one hundred fifty (150) feet from occupied property;
  - ~~d.(4)~~ A nature habitat area more than one hundred fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
  - ~~e.(5)~~ A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.
- ~~(5)~~ *Governmental property* means real estate which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- ~~(6)~~ *Equipment* means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.
- ~~(7)~~ *Inoperable vehicle* means:
- ~~a.~~ A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or
  - ~~b.~~ Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.
- ~~(8)~~ *Occupant* means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or entity who is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. Occupant shall include any lessee of the property.
- ~~(9)~~ *Owner* means the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located.
- ~~(10)~~ *Private property* means all real estate within the city except governmental property.
- ~~(11)~~ *Recipient* means the owner or occupant to whom notice of violation has been directed.
- ~~(12)~~ *Repeat violation* occurs when a property owner or occupant who has previously been issued notice of a similar environmental public nuisance for the same property or who has been found by a hearing or judicial officer to have allowed a similar environmental public nuisance to exist at the same property allows a subsequent similar environmental public nuisance to exist at that property within eighteen (18) months of the date of the previous notice or finding of violation, whichever is later. A repeat violation does not occur when multiple violations of subsection ~~575-2(3)d.~~ (4) of the definition of environmental public nuisance are alleged and:
- a. The owner or occupant can demonstrate that illegal dumping was the cause of the underlying violations; and
  - b. The owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

SECTION 4. Article I of Chapter 611 of the "Revised Code of the Consolidated City and County," regarding general provisions with respect to motor vehicles, hereby is amended by the addition of a NEW Section 611-100, to read as follows:

**Sec. 611-100. Definitions.**

The terms used in this chapter shall have the meanings ascribed to them in Section 441-101 of the Code.

SECTION 5. Section 611-203 of the "Revised Code of the Consolidated City and County," regarding certain vehicles declared to be a public nuisance, 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. 611-203. Certain vehicles declared a public nuisance.**

The following vehicles hereby are declared to be a public nuisance:

- (1) Any vehicle parked or left standing unattended upon any street or public place in the city in violation of any of the provisions of this Code or of any statute of the state~~, or~~;
- (2) ~~a~~Any vehicle known to have been stolen or wrecked and left standing on any street or public place, or any vehicle the operator of which is unable to move such vehicle by reason of his or her incapacity from injury or arrest~~, or~~;
- (3) Any inoperable vehicle that is stored, maintained, or kept in violation of Section 621-127 of this Code, and is not the property of a member of the armed forces of the United States who is on active duty assignment; and
- (4) ~~a~~Any vehicle upon which there is a police force hold or which has been involved in four (4) or more violations of traffic or parking ordinances of the city for which notices of traffic or parking violations have been issued pursuant to this chapter, which notices of traffic or parking violations have not been paid, presented for compromise payment or slated into court pursuant to this chapter, ~~is hereby declared to be a public nuisance.~~

SECTION 6. Article I of Chapter 621 of the "Revised Code of the Consolidated City and County," regarding general provisions with respect to streets, sidewalks and public ways, hereby is amended by the addition of a NEW Section 621-100, to read as follows:

**Sec. 621-100. Definitions.**

The terms used in this chapter shall have the meanings ascribed to them is Section 441-101 of the Code.

SECTION 7. Section 621-103 of the "Revised Code of the Consolidated City and County," regarding liability for illegal parking, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 621-103. Owner prima facie liable for illegal parking.**

(a) If any vehicle is found upon a street, alley, highway or public place in violation of any provision of this article, and the identity of the operator of the vehicle cannot be ascertained, the owner, or person in whose name the vehicle is registered, shall be prima facie liable for the violation.

(b) If a vehicle is found upon private property in violation of any provision of this article, the owner of record of the real property upon which the vehicle is located shall be prima facie liable for the violation.

SECTION 8. Article I of Chapter 621 of the "Revised Code of the Consolidated City and County," regarding general restrictions with respect to parking, standing and stopping of vehicles, hereby is amended by the addition of a NEW Section 621-127, to read as follows:

**Sec. 621-127. Inoperable vehicle on private property.**

It shall be a violation of this Code to store, maintain, or keep any inoperable vehicle outdoors on private property in a zoning district, the provisions of which do not specifically permit such a use. A person's first and second violations of this section in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's third and subsequent violations in a twelve-month period shall be subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

SECTION 9. Article I of Chapter 691 of the "Revised Code of the Consolidated City and County," regarding general standards for acceptance of improvement of public ways, hereby is amended by the addition of a NEW Section 691-100, to read as follows:

**Sec. 691-100. Definitions.**

The terms used in this chapter shall have the meanings ascribed to them is Section 441-101 of the Code.

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SECTION 10. 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 deletion of the language that is stricken-through, and 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
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
<del>391-303</del>	<del>Noisy house - First offense in calendar year</del>	<del>50.00</del>
407-103	Loitering--First offense in calendar year	50.00
407-201	Unlawful fireworks use, ignition or discharge - first offense	100.00
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

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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
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
<u>621-127</u>	<u>Unlawful outdoor storage of inoperable motor vehicle--First offense in a twelve-month period</u>	<u>50.00</u>
<u>621-127</u>	<u>Unlawful outdoor storage of inoperable motor vehicle--Second offense in a twelve-month period</u>	<u>250.00</u>
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

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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
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 11. 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 12. 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 13. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

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Councillor McQuillen reported that the Municipal Corporations Committee heard Proposal Nos. 450 and 451, 2008 on October 20, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 450, 2008. The proposal, sponsored by Councillors McQuillen and Malone, authorizes an excessive levy appeal for the Indianapolis Public Transportation Corporation. PROPOSAL NO. 451, 2008. The proposal, sponsored by Councillors McQuillen and Malone, authorizes an excessive levy appeal for the Indianapolis-Marion County Public Library. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor McQuillen moved, seconded by Councillor Malone, for adoption. Proposal Nos. 450 and 451, 2008 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 ABSENT: Coleman, Minton-McNeill, Pfisterer*

Proposal No. 450, 2008 was retitled SPECIAL RESOLUTION NO. 46, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2008

A PROPOSAL FOR A SPECIAL RESOLUTION authorizing an excessive levy appeal for the Indianapolis Public Transportation Corporation.

WHEREAS, IC 6-1.1-17-15 and IC 6-1.1-18.5-12 provide for appeals for relief from the maximum tax levies; and

WHEREAS, IC 6-1.1-17-5 requires the legislative body to authorize such appeals; and

WHEREAS, the tax levy for the Indianapolis Public Transportation Corporation are adopted by the City-County Council pursuant to IC 36-3-6-9(b); and

WHEREAS, the City-County Council has approved the 2009 Budget and Tax Levy which includes the request for an excess levy; now, therefore:

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

SECTION 1. The City-County Council authorizes an appeal for an excess levy by the Indianapolis Public Transportation Corporation as set forth in the petition attached to this resolution.

SECTION 2. The President of the City-County Council and Mayor of Indianapolis are hereby authorized to execute such appeal petition.

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

Proposal No. 451, 2008 was retitled SPECIAL RESOLUTION NO. 47, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2008

A PROPOSAL FOR A SPECIAL RESOLUTION authorizing an excessive levy appeal for the Indianapolis-Marion County Public Library.

WHEREAS, IC 6-1.1-17-15 and IC 6-1.1-18.5-12 provide for appeals for relief from the maximum tax levies; and

WHEREAS, IC 6-1.1-17-5 requires the legislative body to authorize such appeals; and

WHEREAS, the tax levy for the Indianapolis-Marion County Public Library are adopted by the City-County Council pursuant to IC 36-3-6-9(b); and

WHEREAS, the City-County Council has approved the 2009 Budget and Tax Levy which includes the request for an excess levy; now, therefore:

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

SECTION 1. The City-County Council authorizes an appeal for an excess levy by the Indianapolis-Marion County Public Library as set forth in the petition attached to this resolution.

SECTION 2. The President of the City-County Council and Mayor of Indianapolis are hereby authorized to execute such appeal petition.

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

PROPOSAL NO. 460, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 460, 2008 on October 8, 2008. The proposal, sponsored by Councillors Vaughn, Malone and Scales, amends the Code to clarify the enforcement procedures and penalties with respect to wild and dangerous animals, animals running at large, and the requirements of permanent identification and antirabies vaccinations for dogs and cats. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Speedy, for adoption. Proposal No. 460, 2008 was adopted on the following roll call vote; viz:

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

Proposal No. 460, 2008 was retitled GENERAL ORDINANCE NO. 86, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the enforcement procedures and penalties with respect to wild and dangerous animals, animals running at large, and the requirements of permanent identification and antirabies vaccinations for dogs and cats.

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

SECTION 1. Sections 531-101 and 531-102 of the "Revised Code of the Consolidated City and County," regarding definitions of terms used in Chapter 531 and animals at large prohibited, respectively, hereby are 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. 531-101. Definitions.**

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

*Animal* means any living, nonhuman vertebrate creature.

*Animal care and control division* means the animal care and control division of the department of public safety.

*At large* means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being.

*Colony* means a group of one (1) or more free-roaming cats, whether unmanaged or managed.

*Colony caretaker* means a person who provides food, water and shelter for free-roaming cats in a managed colony.

*Crime prevention dog* means and includes a dog which is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

*Dangerous animal* means any animal that:

- (1) ~~w~~Would constitute a danger to human life or property if it were not kept in the manner required by this chapter; ~~or~~
- (2) ~~h~~Has caused serious injury to a person without having been provoked by that person; ~~or~~
- (3) ~~a~~At a place other than its owner's or keepers property has:
  - a)~~2~~2 ~~e~~Chased or approached a person in a menacing fashion or apparent attitude of attack; or
  - b)~~2~~2 ~~a~~Attacked another domestic animal;or
- (4) ~~b~~Because of its training or behavior, is capable of inflicting physical harm or death to humans.

*Dog* means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves. Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

*Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

*Free-roaming cat* means any homeless, stray, wild or untamed cat.

*Kennel* means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

*Law enforcement animal* means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

*Managed colony* means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

*Monitored* means the animal or dog:

- ~~a~~(1) ~~i~~s controlled by means of a leash or other device held by a competent person, subject to the provisions of sections 531-401 and 531-728, which animal or dog is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command; ~~or~~
- ~~b~~(2) ~~i~~s on or within a vehicle being driven or parked; or
- ~~e~~(3) ~~i~~s confined as required by this chapter.

*Nonbite exposure* means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

*Own* means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

*Person* means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of section 531-401:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

~~*Potentially dangerous dog* means any dog that:~~

- ~~a. Causes injury to a person or domestic animal which is less severe than a serious injury; or~~
- ~~b. Chases or menaces a person or domestic animal without provocation; or~~
- ~~c. Runs at large in violation of subsection 531-102(e)(2).~~

*Provoke* means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

*Public safety board* means the board of public safety of the department of public safety.

*Serious injury*, for purposes of this chapter means any injury which results in a broken bone, lacerations severe enough to require multiple sutures, or to render cosmetic surgery necessary, or appropriate or death.

*Quarantining authority* means the department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

*Shelter* means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

*Veterinarian* means a person licensed to practice veterinary medicine in the state.

*Wild animal* means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or I-C-14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

**Sec. 531-102. Animals at large prohibited; penalties.**

~~(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city. An owner or keeper of an animal commits a violation of the code if that animal is at large in the city.~~

(b) Except as provided in subsection (c) of this section, section 531-501 or section 531-727, the first violation in any twelve-month period shall be subject to the owner an admission of violation and payment of a fine of not less than twenty five dollars (\$25.00) or greater than fifty dollars (\$50.00), and the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the code. ~~All~~ subsequent violations in a twelve-month period are subject to the enforcement procedures

provided in section 103-3 of the Code and a fine of not less than one hundred dollars (\$100.00) ~~or a maximum fine of not more than two hundred dollars (\$200.00)~~ per violation.

(c) If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property, it:

- (1) Attacks another animal; or
- (2) Chases or approaches a person in a menacing fashion or apparent attitude of attack;

then the violation shall be subject to the enforcement procedures and penalties provided in section 103-3 of the Code, and the fine imposed shall not be less than two hundred and fifty dollars (\$250.00), or five hundred dollars (\$500.00) if another animal or person is injured as a result of the animal's actions.

SECTION 2. Section 531-109 of the "Revised Code of the Consolidated City and County," regarding responsibility for animal attacks, 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. 531-109. Owner responsibility for animal attacks.**

(a) ~~It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack.~~ An owner or keeper of an animal commits a violation of the code if that animal attacks and injures a person who did not provoke the animal prior to the attack.

(b) It shall be a defense to prosecution under this section if:

- (1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or
- (2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

(d) The liability imposed by this section shall not reduce, substitute for or in any manner be deemed to be in derogation of the rights accorded victims of dog bite injury or property damages as provided for at I-C- 15-5-12, et seq. or by common law.

SECTION 3. Section 531-202 of the "Revised Code of the Consolidated City and County," regarding permanent identification of dogs and cats, 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. 531-202. Permanent identification of dogs and cats required.**

(a) A person who owns a dog or cat in the consolidated city and county shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

(b) The means of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision of this Code, and shall be either by means of:

- (1) A microchip implanted in the dog or cat or animal which bears a registered identification number, and which can be read by a standard microchip scanner; or
- (2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(c) Each veterinarian or other person in the consolidated city and county who implants microchips as contemplated in this section shall, at an interval of not less than once each month, send to the animal care and control division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers. Such records shall be available to animal care and control division without court order.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older which is kept in the consolidated city and county, and which does not bear a permanent means of identification as provided in this section. A violation of this section shall be ~~punishable as provided in section 103-3 subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of this Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00) or greater than one hundred dollars (\$100.00).~~

SECTION 4. Sections 531-301 and 531-302 of the "Revised Code of the Consolidated City and County," regarding antirabies vaccinations for dogs and cats and the requirement of a record tag, respectively, hereby are 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. 531-301. Antirabies vaccinations required for dogs and cats.**

(a) It shall be unlawful to keep a dog or cat or to provide food, water or shelter to a colony of free-roaming cats over the age of three (3) months in the city unless each cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

(b) A person's first violation of this section shall be punishable as subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations shall be subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

**Sec. 531-302. Record of antirabies vaccinations; tag required.**

(a) A veterinarian who administers an antirabies vaccination in the city shall, at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(b) Each owner of a dog or cat that is kept in the city shall cause the antirabies vaccination tag to be affixed to the animal's collar, and to be worn by the animal at all times. ~~A person who violates person's first violation of this subsection in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations in a twelve-month period shall be punishable as provided in section 103-3 of this Code.~~

(c) A veterinarian who administers an antirabies vaccination in the city to a free-roaming cat shall provide to the colony caretaker written documentation of the administration of the vaccine, which shall include the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(d) A colony caretaker of a colony of free-roaming cats must maintain at all times, for inspection by the enforcement authority as defined in section 531, article VII of this Code, a record of antirabies vaccination for all free-roaming cats within a colony. ~~A person who violates~~ person's first violation of this subsection in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103. A person's second and subsequent violations in a twelve-month period shall be punishable as provided in section 103-3 of this Code.

SECTION 5. Sections 531-501 and 531-502 of the "Revised Code of the Consolidated City and County," regarding wild animals and dangerous animals, their registration, and limitations on their ownership, respectively, hereby are 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. 531-501. Wild animal and dangerous animal determination, appeal rights and confinement requirements.**

(a) For purposes of this article, the ~~following~~ procedure, terms, and penalties provided in this section shall apply to wild animal and dangerous animal determinations, care requirements to be imposed, and actions by the animal care and control division.

(~~b~~) After an investigation, the administrator of the animal control and care division is authorized to make a determination whether an animal ~~or a dog~~ is, based upon the factors listed in section 531-101, dangerous or potentially dangerous and shall notify the owner of the animal in writing of that status. If the administrator has probable cause to believe that an animal is dangerous or potentially dangerous, the administrator may convene a hearing for the purpose of determining whether the animal in question shall be declared dangerous or potentially dangerous and to determine if the animal would pose a threat to public safety if returned to its owner or if specific conditions of care and treatment were not imposed on the return of the animal to its owner. Prior to the hearing, the administrator shall conduct or cause to be conducted an investigation and shall provide reasonable notice of the hearing to the owner.

(~~c~~) Following notice to the owner and prior to the hearing, if the administrator has probable cause to believe that an animal ~~or dog~~ is dangerous and may pose a threat to public safety, the administrator may obtain a search warrant pursuant to the laws of this jurisdiction and impound the animal ~~or dog~~ pending disposition of the case. The owner of the animal ~~or dog~~ shall be liable for the cost and expenses of keeping the animal.

(~~d~~) The hearing shall be held no less than five (5), and not more than ten (10) days, excluding holidays, Saturdays and Sundays, after service of notice upon the animal's owner. The hearing shall be informal and open to the public. The owner shall have the opportunity to present evidence as to why the animal ~~or dog~~ should not be declared dangerous or not pose a threat to public safety if returned to its owner. The administrator may present all issues for or against the owner of the animal regardless of whether the owner appears at the hearing.

(~~e~~) Within five (5) days after the hearing, the administrator shall notify the owner in writing of the determination.

(~~f~~) The owner may, within five (5) days after a determination that an animal is dangerous, bring a petition in this county seeking review of the determination. A decision by a court overturning the administrator shall result in the return of the ~~dog or~~ animal to the owner subject to the provisions of section 531-733.

(~~g~~) Confinement of a dangerous ~~dog or~~ animal ~~or potentially dangerous dog or animal~~ means confinement to a fenced yard from which the ~~dog or~~ animal may not escape by slipping under or over the fence or through an open gate or which would allow the animal to bite or to otherwise wound a person who may brush against or stick a hand or finger in, over or through the fence. Such an animal may be confined in an owner's home. The animal's confinement must be such as will prevent the animal from harassing neighbors or passersby and may not constitute either a sight, smell or noise nuisance.

(7) ~~The owner of a dangerous dog may not cause, suffer or allow it to go unconfined, unrestrained or to run at large on any public street or byway, right of way, or any municipally owned or public land or public building, at any time, or upon any private property without the permission of the owner of such private property.~~

(~~h~~) Any violation of this section shall subject the owner or person in possession of the animal to the enforcement provisions of section 103-3 of the Code, and the fine imposed shall not be less than five hundred dollars (\$500.00) for the first violation; not less than one thousand dollars (\$1,000.00) for a second violation; and upon a third violation, the animal shall be seized in accordance with section 531-721, et seq. If such violation results in the ~~dog~~ animal causing serious injury to any person, the court shall, upon request, order the animal forfeited and/or destroyed.

**Sec. 531-502. Wild animal, and dangerous animal; registration required; limitation on ownership.**

(a) It shall be unlawful for a person to own a wild animal or dangerous animal ~~or dangerous dog or potentially dangerous dog~~ in the city without first having registered the animal with the animal care and control division under this article; however, this section shall not apply to zoological parks or bona fide circuses or carnivals.

(b) It shall be unlawful for any person, ~~firm, corporation, organization or department~~ to own, possess or maintain more than two (2) dangerous ~~dogs or~~ animals at any time ~~within the bounds of~~ in the

~~consolidated city and county. This subsection shall not apply to duly licensed veterinarians and operators of duly licensed kennels as defined at section 531-101 that are registered under Chapter 836 of this Code whose possession is to either board temporarily or to provide treatment. Such ownership may be further restricted pursuant to the provision of section 531-733.~~

(c) It shall be unlawful for any person, ~~firm, corporation, organization or department~~ to own, possess or maintain any dangerous animal that is a dog within the bounds of in the consolidated city and county unless the ~~dangerous~~ dog has been spayed or neutered by a ~~licensed~~ veterinarian and ~~that~~ has been implanted with a microchip with a registered identification number.

SECTION 6. Section 531-507 of the "Revised Code of the Consolidated City and County," regarding penalties for violations of Chapter 531, Article V of the Code, 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. 531-507. Penalties.**

Except as otherwise provided in section 531-501 of the Code, ~~A~~ person who violates any provision of this article shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

SECTION 7. Section 531-728 of the "Revised Code of the Consolidated City and County," regarding additional restrictions on dangerous or nuisance animal owners, 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. 531-728. Additional restrictions on dangerous or nuisance owners or keepers of animals.**

(a) It shall be unlawful for any person who has been found in violation of sections 531-102 (at large), 531-103 (animals in heat), 531-109 (animal attacks), 531-204 (nuisance), 531-206 (unlawful use), 531-401 (care and treatment), 531-402 (abandonment), 531-404 (animal fights) or article V of this chapter, to own or keep more than two (2) dogs in the city or to own or keep any dog~~s~~:

- (1) That has not been spayed or neutered by a veterinarian; or
- (2) That has not been implanted with a microchip with a registered identification number.

(b) ~~It shall be unlawful for a~~ A person who has been found in violation of sections 531-102(c) (at large), 531-109 (animal attacks), 531-206 (unlawful use), 531-404 (animal fights) or article V of this chapter ~~to cause, suffer, or allow~~ commits a violation of the code if any dog owned or kept by that person ~~to be~~ is outside a structural enclosure sufficient to confine the dog without means of escape, unless the dog is on a leash and under the control of a competent adult.

SECTION 8. 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 deletion of the language that is stricken-through, and 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
321-1	Swimming in unguarded waters – first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load--First offense in calendar year	50.00
391-302	Unlawful noise--First offense in calendar year	50.00
<del>391-303</del>	<del>Noisy house – First offense in calendar year</del>	<del>50.00</del>
407-103	Loitering--First offense in calendar year	50.00
407-201	Unlawful fireworks use, ignition or discharge - first offense	100.00

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
<u>531-202</u>	<u>No dog or cat permanent identification--First offense</u>	<u>50.00</u>
<u>531-202</u>	<u>No dog or cat permanent identification--Second and subsequent offenses</u>	<u>100.00</u>
<u>531-301</u>	<u>No dog or cat antirabies vaccination--First offense</u>	<u>100.00</u>
<u>531-302</u>	<u>No antirabies vaccination tag on dog or cat--First offense in twelve-month period</u>	<u>25.00</u>
<u>531-302</u>	<u>No antirabies vaccination record for feral cat colony--First offense in twelve-month period</u>	<u>25.00</u>
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

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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
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
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 9. 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 10. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining 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 11. 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. 463, 2008. Councillor Hunter reported that the Public Works Committee heard Proposal No. 463, 2008 on October 16, 2008. The proposal, sponsored by Councillor Hunter, authorizes changes in parking restrictions at various locations in the downtown area for security reasons. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal No. 463, 2008 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 ABSENT: *Coleman, Minton-McNeill, Pfisterer*

Proposal No. 463, 2008 was retitled GENERAL ORDINANCE NO. 87, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 2008

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 621-121, Parking prohibited at all times on certain streets; Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets; Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours; Sec. 621-202, Parking meter zones designated.

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

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

*Pennsylvania Street*, on the west side, from a point 102 feet south of South Street  
to a point 241 feet south of South Street.

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

*Capitol Avenue*, on the west side, from Court Street to McCarty Street;

*Capitol Avenue*, on the east side, from a point 291 feet south of Washington Street to McCarty Street;

*Capitol Avenue*, on the west side, from McCarty Street to Maryland Street;

*Capitol Avenue*, on the west side, from Ohio Street to a point 380 feet south of Ohio Street;

*Delaware Street*, on both side, from Madison Avenue to Georgia Street;

*Ohio Street*, on the north side, from Illinois Street to Pierson Street;

*Ohio Street*, on the south side, from a point 95 feet west of the west curblin of Meridian Street to the west curblin of Meridian Street;

*Pennsylvania Street*, on the east side, from Michigan Street to North Street.

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

*Capitol Avenue*, on the west side, from Ohio Street to a point 323 feet north of Market Street;

*Capitol Avenue*, on the west side, from Market Street to Washington Street;

*Delaware Street*, on the east side, from Madison Avenue to Market Street;

*Delaware Street*, on the west side, from Madison Avenue to South Street;

*Delaware Street*, on the west side, from a point 444 feet north of South Street to Consec Court;

*Pennsylvania Street*, on both sides, from North Street to Michigan Street;

*Pennsylvania Street*, on the east side, from Consec Court to Madison Avenue.

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

ON ANY DAY EXCEPT SATURDAY  
AND SUNDAY  
From 6:00 a.m. to 9:00 a.m.

*Delaware Street*, on the west side, from Georgia Street to Maryland Street;

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ON ANY DAY EXCEPT SATURDAY  
AND SUNDAY  
From 6:00 a.m. to 9:00 a.m. and  
From 3:00 p.m. to 6:00 p.m.

*Capitol Avenue*, on the west side, from a point 380 feet south of Ohio Street to Court Street;

SECTION 5. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAY  
AND SUNDAY  
From 6:00 a.m. to 9:00 a.m.

*Delaware Street*, on the west side, from Consecoco Court to Maryland Street;

SECTION 6. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

*Capitol Avenue*, on the west side, from St. Clair Street to Court Street;

*Delaware Street*, on the east side, from Georgia Street to Maryland Street;

*Delaware Street*, on the west side, from Georgia Street to Michigan Street;

*Ohio Street*, on the south side, from Meridian Street to Delaware Street;

*Pennsylvania Street*, on the west side, from New York Street to a point 246 feet north of St. Clair Street;

*Pennsylvania Street*, on the east side, from Ohio Street to South Street.

SECTION 7. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-202, Parking meter zones designated, be and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

*Capitol Avenue*, on the west side, from St. Clair Street to Ohio Street;

*Delaware Street*, on the west side, from Consecoco Court to Michigan Street;

*Ohio Street*, on the south side, from Pennsylvania Street to Delaware Street;

*Pennsylvania Street*, on the east side, from Ohio Street to Consecoco Court;

*Pennsylvania Street*, on the west side, from New York Street to Michigan Street;

*Pennsylvania Street*, on the west side, from North Street to a point 246 feet north of St. Clair Street.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 464-467, 2008 on October 16, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 464, 2008. The proposal, sponsored by Councillor Lutz, authorizes speed limit changes within the Salem Creek subdivision (District 13). PROPOSAL NO. 465, 2008. The proposal, sponsored by Councillor Cockrum, authorizes intersection controls in The Groves of Camby Village, sections 1 and 2 (District 22). PROPOSAL NO. 466, 2008. The proposal, sponsored by Councillor Speedy, authorizes intersection controls in the Richmond Hill

subdivision, sections 1 and 2 (District 24). PROPOSAL NO. 467, 2008. The proposal, sponsored by Councillor Plowman, authorizes intersection controls in the Feather Trace subdivision (District 25). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Lutz, for adoption. Proposal No. 464, 2008 was adopted on the following roll call vote; viz:

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

Proposal No. 464, 2008 was retitled GENERAL ORDINANCE NO. 88, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

*Concert Lane*, from Concert Way to Orchestra Way, 20 mph.

*Allegro Drive*, from Composer Way to Allegro Way, 25 mph.

*Allegro Way*, from Allegro Drive to Timpani Way, 25 mph.

*Baritone Court*, from Salem Creek Boulevard to the east terminus, 25 mph.

*Composer Way*, from Timpani Way to Symphony Way, 25 mph.

*Concert Lane*, from Concert Way to Orchestra Way, 20 mph.

*Concert Way*, from Concert Lane to Orchestra Way, 25 mph.

*Orchestra Way*, from Blackmore Drive to Concert Way, 25 mph.

*Salem Creek Boulevard*, from Tenor Place to Morris Street, 25 mph.

*Symphony Place*, from Symphony Way to Concert Way, 25 mph.

*Symphony Way*, from Raceway Road to Symphony Place, 25 mph.

*Tenor Drive*, from Tenor Place to east terminus, 25 mph.

*Tenor Place*, from Tenor Way to Tenor Drive, 25 mph.

*Tenor Way*, from Tenor Place to the east terminus, 25 mph.

*Timpani Way*, from Composer Way to Allegro Way, 25 mph.

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

Proposal No. 465, 2008 was retitled GENERAL ORDINANCE NO. 89, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 2008

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
43	Hosta Way Hydrangea Ct	Hosta Way	Stop
43	Hosta Way Liberty School Ln	Hosta Way	Stop
43	Hosta Way Puckett Ln	Puckett Ln	Stop
43	Liberty School Ln Mooresville Rd	Mooresville Rd	Stop

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

Proposal No. 466, 2008 was retitled GENERAL ORDINANCE NO. 90, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 2008

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Alcona Dr Armada Dr	Alcona Dr	Stop
47	Alcona Dr Pomroy Dr	Alcona Dr	Stop
47	Andrusia Ln Towhees Dr	None	All-Way Stop
47	Armada Dr Fieldfare Way	Armada Dr	Stop
47	Fieldfare Way Towhees Dr	Towhees Dr	Stop
47	Flicker Ct Swift Ct Towhees Dr	Towhees Dr	Stop

47 Sherman Dr Sherman Dr Stop  
Towhees Dr

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

Proposal No. 467, 2008 was retitled GENERAL ORDINANCE NO. 91, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2008

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48	Brooks Bend Blvd Combs Rd	Combs Rd	Stop
48	Brooks Bend Blvd Whitaker Farms Ln	Brooks Bend Blvd	Stop
48	Jakes Pl Whitaker Farms Ln	Whitaker Farms Ln	Stop

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

PROPOSAL NO. 468, 2008. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 468, 2008 on October 14, 2008. The proposal, sponsored by Councillor Vaughn, amends the Code to increase penalties that can be imposed for Code violations from those dollar amounts currently provided to the maximum amounts permitted by statute. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Pryor asked for a projection on how much money this will raise. Councillor Lutz said that this simply sets a maximum amount and does not necessarily mean that is what individuals will be fined, and therefore, there is probably no way to know what additional monies might be raised.

Councillor Lutz moved, seconded by Councillor Vaughn, for adoption. Proposal No. 468, 2008 was adopted on the following roll call vote; viz:

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

Proposal No. 468, 2008 was retitled GENERAL ORDINANCE NO. 92, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to increase penalties that can be imposed for Code violations, from those dollar amounts currently provided to the maximum amounts permitted by statute.

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

SECTION 1. Section 103-3 of the "Revised Code of the Consolidated City and County," regarding general penalties for violations of the Code, 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. 103-3. General penalties for violations of Code.**

(a) Whenever in any chapter, article, division or section of this Code, or of any ordinances amendatory thereof or supplemental thereto;

(1) ~~The doing of any act, or the omission to do any act or to perform any duty, is declared to be a violation of this Code, or of any such amendatory or supplemental ordinance, or of any provision thereof, or is declared to be unlawful;~~ and

(2) ~~If there shall be no fine or penalty otherwise specifically prescribed or declared for any such violation, or for doing or for omitting to do any such act or to perform any such duty;~~

~~any person who shall be convicted of found to have committed any such violation, or of doing or of omitting to do any such act or to perform any such duty shall be fined, by way of a penalty therefor, not more than two thousand five hundred dollars (\$2,500.00) an amount not exceeding any limitation under IC 36-1-3-8 for each such violation, act or omission.~~

(b) In addition to the foregoing penalty, the city may enjoin or abate any violation of this Code by appropriate action.

SECTION 2. Section 103-51 of the "Revised Code of the Consolidated City and County," regarding admission of violations and payment of designated civil penalties, 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. 103-51. Violations subject to admission and payment.**

Violations of the Code (or ordinance) provisions set forth in the schedule in section 103-52 are designated as subject to admissions of violation and payment of the designated civil penalty ~~(if not more than one hundred dollars (\$100.00) in an amount not exceeding any limitation under IC 33-36-2-3 in accordance with the procedures of this article.~~

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

**SPECIAL SERVICE DISTRICT COUNCILS  
POLICE SPECIAL SERVICE DISTRICT  
SPECIAL ORDERS - PUBLIC HEARING**

President Cockrum convened the Police Special Service District Council.

PROPOSAL NO. 453, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 453, 2008 on October 8, 2008. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, transfers \$180,000 in the 2008 Budget of the Indianapolis Metropolitan Police Department (IMPD General Fund) to purchase supplies and materials needed for the balance of 2008, such as helicopter fuel, recruit and civilian uniforms, ammunition and supplies for recruit classes. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Hunter stated that he will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

President Cockrum called for public testimony at 8:02 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Speedy, for adoption. Proposal No. 453, 2008, as amended, was adopted on the following roll call vote; viz:

*25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn*

*0 NAYS:*

*1 NOT VOTING: Hunter*

*3 ABSENT: Coleman, Minton-McNeill, Pfisterer*

Proposal No. 453, 2008 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2008, and reads as follows:

**CITY-COUNTY POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2008**

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Police Special Service District Ordinance No. 1, 2007) transferring and appropriating One Hundred Eighty Thousand Dollars (\$180,000) for the Indianapolis Metropolitan Police Department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the Annual Budget of the Police Special Service District, and are hereby, amended by the increases and reductions hereinafter stated to allow the purchase of necessary supplies and materials for the balance of 2008, financed by transfers between characters.

SECTION 2. The sum of One One Hundred Eighty Thousand Dollars is hereby transferred and appropriated for the Indianapolis Metropolitan Police Department, for the purposes as shown in Section 3 by reducing the appropriated balance as shown in sections 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	180,000
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	180,000

SECTION 4. The following appropriation is hereby reduced:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	130,000
4. Capital Outlay	50,000
5. Internal Charges	<u>0</u>
TOTAL REDUCTION	180,000

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

PROPOSAL NO. 455, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 455, 2008 on October 8, 2008. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, appropriates and transfers \$805,070 in the 2008 Budget of the Indianapolis Metropolitan Police Department (Federal Grants Fund) for programs to train police officers on commercial vehicle, criminal and terrorist interdiction; for safety vests for sworn and civilians officers; for law enforcement equipment and technology enhancements; for investigations of scrap metal thefts; for specialized equipment and informant funds to investigate fraud in cooperation with the Indianapolis Housing Agency; and for various traffic safety programs to enforce traffic safety rules governing dangerous and impaired driving, seat belt laws, and to investigate serious crashes involving alcohol. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hunter stated that he will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

Councillor Nytes said that scrap metal thefts are becoming more prevalent, and she supports this proposal, as anything they can do to combat that problem is worth the effort. Councillor Vaughn agreed and said that he believes they are considering state legislation to enhance this enforcement effort.

President Cockrum called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Plowman, for adoption. Proposal No. 455, 2008 was adopted on the following roll call vote; viz:

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

Proposal No. 455, 2008 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2008, and reads as follows:

CITY-COUNTY POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2008

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Police Special Service District Ordinance No. 1, 2007) appropriating Eight Hundred Five Thousand Seventy Dollars (\$805,070) in the Federal Grants Fund, for the Indianapolis Metropolitan Police Department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the Indianapolis Metropolitan Police Annual Budget for 2008, Section 1, be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the following programs and activities, all financed by federal grants:

Advanced Commercial Vehicle, Criminal & Terrorist Interdiction Conference - \$164,000

In partnership with the Indiana Department of Homeland Security, funding has been awarded to the Indianapolis Metropolitan Police Department for the Advanced Commercial Vehicle, Criminal and Terrorist Interdiction Conference. Officers from across the State will be invited to attend this advanced training. This is the second conference to be presented by IMPD. Funding is through the Indiana Department of Homeland Security and there is no match.

Justice Assistance Grant - \$444,878.

This request seeks both an appropriation of new funds and a transfer between characters within the Justice Assistance Grants. A formula grant, funds are available to state and local law enforcement agencies to fulfill public safety needs under certain guidelines. IMPD shares funding with the Marion County Prosecutor in a long-standing agreement that also satisfies federal requirements. This ordinance seeks to transfer funds in the amount of \$60,372 from Character 4 in the JAG Grant, Years 1, 2 and 3 to Character 2 to purchase OSHA required safety vests for the police and civilian officers. Additionally, this request asks for appropriation in the amount of \$384,506 for the fourth year of funding - \$112,375 will be passed to the Marion County Prosecutor.

Indianapolis Housing Authority - \$20,000

This is a request for an appropriation in the amount of \$20,000 from the Indianapolis Housing Authority Federal Forfeiture Funds. The Housing Authority Fraud Unit in partnership with IMPD Downtown and North East District will use the funds for specialized equipment and informant funds.

National Insurance Crime Bureau - \$5,000

IMPD has received funding from the National Insurance Crime Bureau to assist with the investigation of scrap metal thefts. Funding will be used by the Crime Action Team for specialized crime initiatives.

DUI Task Force Indiana - \$63,575

IMPD received funding from the Marion County Traffic Safety Partnership for the 2008-2009 federal fiscal year to fund sworn officer overtime to conduct eight nights of multi-agency DUI enforcement, including a sobriety checkpoint each month.

Operation Pull Over/Big City County Belts - \$47,335

IMPD received additional funding from the Marion County Traffic Safety Partnership for the 2008-2009 federal fiscal year to fund sworn officer overtime to conduct seat belt and traffic enforcement during four blitz periods throughout the year.

Fatal Alcohol Crash Team - \$19,782

IMPD received additional funding from the Marion County Traffic Safety Partnership for the 2008-2009 federal fiscal year to fund sworn officer overtime to investigate Marion County crashes that involve alcohol causing death, serious bodily injury and hit and run fatal accidents. Additional funds will reimburse IMPD for half of the Fatal Alcohol Crash Team Coordinator's salary and benefits.

Aggressive Driving (formerly Fatal Crash Reduction Effort) - \$40,500

IMPD received additional funding from the Marion County Traffic Safety Partnership for the 2008-2009 federal fiscal year to fund sworn officer overtime to enforce traffic laws on Marion County highways in an effort to reduce aggressive driving behaviors.

SECTION 2. The sum of Eight Hundred Five Thousand Seventy Dollars (\$805,070) 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.

SECTION 3. The following additional appropriations are hereby approved:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	5,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	5,000

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	171,192
2. Supplies	0
3. Other Services and Charges	326,375
4. Capital Outlay	222,131
5. Internal Charges	<u>0</u>
TOTAL INCREASE	719,698

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>FEDERAL LAW ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	10,000
4. Capital Outlay	10,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	20,000

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	60,372
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	60,372

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

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

	<u>IMPD GENERAL FUND</u>
New revenues supporting the appropriations in Section 3	<u>5,000</u>
TOTAL	5,000

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>719,698</u>
TOTAL	719,698

	<u>FEDERAL LAW ENFORCEMENT FUND</u>
New revenues supporting the appropriations in Section 3	<u>20,000</u>
TOTAL	20,000

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	60,372
5. Internal Charges	<u>0</u>
TOTAL DECREASE	60,372

SECTION 5. There is no local match required for any these grants.

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.

President Cockrrum reconvened the City-County Council.

### **NEW BUSINESS**

Councillor Vaughn stated that with regard to Proposal No. 460, 2008, he omitted to mention that if owners do not have the money all up front to get their animal back, they can still get their animal back by paying in installments.

Councillor Smith invited those with children seeking a safe and monitored environment for Halloween to join him at the Harvest Prayer Center for Hallelujah night, where a free concert will be featured.

### **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) All Councillors in memory of Rosemary Bonham and James Davie; and
- (2) Councillor Hunter in memory of Glenn Buell; and
- (3) Councillor Gray in memory of Reverend Charles W. Harris, Sr.; and
- (4) Councillor Cain in memory of Joan Bynum; and
- (5) Councillor Sanders in memory of Earl Cross; and
- (6) Councillor Hunter in memory of James and Nancy McKinney.

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 Rosemary Bonham, James Davie, Glenn Buell, Reverend Charles W. Harris, Sr., Joan Bynum, Earl Cross, James and Nancy McKinney. 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 8:08 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 27th day of October, 2008.

*October 27, 2008*

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)

