

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

**REGULAR MEETINGS
MONDAY, OCTOBER 17, 1994**

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 7:04 p.m. on Monday, October 17, 1994, with Councillor SerVaas presiding.

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

ROLL CALL

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

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

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 that 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.

Journal of the City-County Council

on Monday, October 17, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

October 4, 1994

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, October 6, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 518 and 546, 1994, to be held on Monday, October 17, 1994, at 7:00 p.m., in the City-County Building.

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

September 29, 1994

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

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

GENERAL ORDINANCE NO. 133, 1994 - amending the Revised Code concerning the divisions within the Department of Public Works

FISCAL ORDINANCE NO. 83, 1994 - to cover IPD and IFD needs from the Sanitation PILOT Reserve Fund

FISCAL ORDINANCE NO. 84, 1994 - Public Housing Division

FISCAL ORDINANCE NO. 85, 1994 - Revenue Bonds Debt Service Funds

FISCAL ORDINANCE NO. 86, 1994 - Marion County Office of Family and Children

FISCAL ORDINANCE NO. 87, 1994 - Metropolitan Emergency Communications Agency

FISCAL ORDINANCE NO. 88, 1994 - Combined Indianapolis and Marion County Budgets

FISCAL ORDINANCE NO. 89, 1994 - an appropriation to pay salary and wages for the remainder of the year for the Marion County Healthcare Center from the County General Fund in the amount of \$350,000 financed by a transfer between characters in that fund

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1994 - the annual budget for the Fire Special Service District for 1995

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1994 - the annual budget for the Police Special Service District for 1995

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1994 - the annual budget for the Solid Waste Collection Special Service District for 1995

GENERAL RESOLUTION NO. 7, 1994 - approving the schedule of charges for the care and maintenance of patients or residents of the Marion County Healthcare Center

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SPECIAL RESOLUTION NO. 66, 1994 - amending S.R. 20, 1994 (Inducement Resolution for EPI Printers, Inc.) by (i) extending the expiration date to April 30, 1995; (ii) deleting the address of 7340 East 68th Street and replacing it with the address of 7502 East 86th Street; and (iii) revising the definition of the Applicant to include V.I.B., Inc. (District 3)

SPECIAL RESOLUTION NO. 67, 1994 - an Inducement Resolution for Comar, Inc. to proceed with the acquisition, construction, installation and equipping of an approximately 105,000 square foot building to be located in the 4600 block of West 84th Street on approximately 7.92 acres of land which will be used by the Applicant for the manufacturing of custom glass and plastic packaging for use in the pharmaceutical, medical, diagnostic, healthcare, and cosmetics industries; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (District 1)

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of September 28, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 601, 1994. The proposal, sponsored by Councillors Coughenour and Rhodes, concerns unfunded mandates. Councillor Coughenour stated that many City governments throughout the country are introducing similar resolutions in response to the efforts of The National League of Cities, The National Association of Counties, and the Conference of Mayors in protesting unfunded federal mandates. Councillor Coughenour read the resolution. Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption. Councillor Schneider stated that there are many federal mandates that would be unwanted even if funding was provided. Councillor Coughenour agreed and stated that many of the mandates would probably be eliminated if the government had to provide funding. Proposal No. 601, 1994 was adopted by unanimous voice vote.

Proposal No. 601, 1994 was retitled SPECIAL RESOLUTION NO. 68, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 1994

A SPECIAL RESOLUTION on unfunded mandates.

WHEREAS, unfunded federal mandates on state and local governments have increased significantly in recent years; and

WHEREAS, federal mandates require cities and towns to perform duties without consideration of local circumstances, costs or capacity, and subject municipalities to civil or criminal penalties for noncompliance; and

WHEREAS, federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare and safety of municipal citizens; and

WHEREAS, excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers; and

WHEREAS, federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

WHEREAS, existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates; and

WHEREAS, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

WHEREAS, the National League of Cities, National Association of Counties and the Conference of Mayors, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, including a National Unfunded Mandates week, October 24-30, 1994; and

WHEREAS, Congress failed to take action concerning unfunded mandates in the recently adjourned session; 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 endorses the efforts of the National League of Cities, National Association of Counties and the Conference of Mayors, and supports working with them to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens.

SECTION 2. The Council resolves to continue our efforts to work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens

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. 602, 1994. The proposal supports the "I Have a Dream" National Youth Assembly. Councillor Jimison stated that for the last seven years the Federal King Commission has sponsored an "I Have a Dream" National Youth Assembly. The Commission is seeking a Midwestern City to host the event in 1995. This proposal supports Indianapolis as the host city for 1995. Councillor Jimison read the resolution and urged the Council to vote in favor of it. Councillor Jimison moved, seconded by Councillor Williams, for adoption. Proposal No. 602, 1994 was adopted by unanimous voice vote.

Proposal No. 602, 1994 was retitled SPECIAL RESOLUTION NO. 69, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 69, 1994

A SPECIAL RESOLUTION supporting the "I Have A Dream" National Youth Assembly.

WHEREAS, each year The Martin Luther King, Jr. Federal Holiday Commission sponsors a critically important "I Have A Dream" National Youth Assembly; and

WHEREAS, local sponsors are preparing a bid for Indianapolis to host the August, 1995, Assembly; and

WHEREAS, a thousand young people would be expected to attend the Assembly, which would combine education against violence, inspiration, and a positive experience for these youth; and

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WHEREAS, Indianapolis is an ideal location for this Assembly because of its excellent transportation network, hotels, points of interest, experience in hosting large conventions and conferences--and because of its motivated "Can do" residents; now, therefore:

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

SECTION 1. The Indianapolis City-County Council encourages the local organizers to make a strong and viable bid for Indianapolis to host the August, 1995, "I Have A Dream" National Youth Assembly.

SECTION 2. The Council urges all interested citizens to fully participate in bidding for, organizing and staging this important Assembly.

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

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 545, 1994. Introduced by Councillors Rhodes and Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by creating an incentive pay fund as a nonreverting fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 573, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$75,000 for technical assistance for maintaining service levels for the Information Services Agency financed by transferring other appropriations for that agency"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 574, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION determining the need to lease office space at Thomson Consumer Electronics, 600 North Sherman Drive, for the Department of Capital Asset Management's Asset Planning and Project Management Divisions"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 575, 1994. Introduced by Councillors Borst, Hinkle and Rhodes. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting the Metropolitan Development Commission to initiate and adopt amendments to the Central Business District Zoning Ordinance to prohibit off-track betting facilities unless zoned as a special use (SU 44)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 576, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$1,100 to pay for a new computer for the Superior Court, Criminal Division, Room Five, financed by transferring other appropriations for that court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 577, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$44,830 for the continued operation of the Victim

Assistance Program for the County Sheriff financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 578, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$22,119 for the continued operation of the Child Abuse Intervention Program for the County Sheriff financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 579, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$37,678 to pay for miscellaneous contractual amounts for the County Sheriff financed by transferring other appropriations for that department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 580, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$365,000 to pay for the continuation of a comprehensive traffic safety program in Marion County for the Prosecuting Attorney financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 581, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$122,759 for the continuation of the Victim Witness Program through the Prosecuting Attorney financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 582, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$28,454 to pay for the continuation of Salvation Army's Domestic Violence Program through the Prosecuting Attorney financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 583, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$7,385 for the continuation of Adult Protective Services through the Prosecuting Attorney financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 584, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$109,094 to study sentencing alternatives for drunk drivers for the Prosecuting Attorney financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

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PROPOSAL NO. 585, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$521,656 for the Community Corrections Agency financed by a state grant for home detention services for the Juvenile Division of the Superior Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 586, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting the Indianapolis-Marion County Building Authority to prepare specifications for provision of security services for the courts and to issue a request for proposals from private companies for such services"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 587, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving an amendment to the public lighting contract between the Indianapolis Power & Light Company and the City"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 588, 1994. Introduced by Councillor Jimison. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at Limestone Street and Michigan Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 589, 1994. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Kingsley Drive and 49th Street (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 590, 1994. Introduced by Councillors Rhodes and McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION requesting the Metropolitan Development Commission to initiate and adopt amendments to the Dwelling District Zoning Ordinance to prohibit residential group homes for the mentally ill from locating within 3000 feet of another such facility"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 591, 1994. Introduced by Councillors Coughenour and Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION rejecting certain regulations of the Board of Capital Asset Management"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 603, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Rules of Council with respect to public hearings on requests for additional appropriations"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 571, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 571, 1994 on October 6, 1994. The proposal amends S.R. No. 54, 1994 (Inducement Resolution for North American Laboratory Company in an amount not

to exceed \$3,000,000 for the acquisition, construction and equipping of an approximately 50,000 square foot building to be located at the southwest corner of 62nd Street and Guion Road which will be used for the manufacturing of a variety of dry mix products for the healthcare and food service industries) by revising the definition of the Applicant. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 571, 1994 was adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Golc, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Schneider, Shambaugh, Short, Smith, West, Williams

0 NAYS:

7 NOT VOTING: Beadling, Dowden, Gilmer, Gray, Jones, Ruhmkorff, SerVaas

Proposal No. 571, 1994 was retitled SPECIAL RESOLUTION NO. 70, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 1994

A SPECIAL RESOLUTION amending City-County Special Resolution No. 54, 1994 and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 54, 1994 (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by North American Laboratory Company (the "Company") and the Company has now advised the Indianapolis Economic Development Commission and the City that it wishes to have greater flexibility as it proceeds to structure the financing and accordingly has requested that the definition of the Applicant as contained in City-County Special Resolution No. 54, 1994 be amended by also including a to-be-formed corporation, partnership or limited liability company, the shareholders, partners or members of which will be existing shareholders of North American Laboratory Company (Ronald H. Stern, Michael R. Oestreicher, Diana Oestreicher and Phillip E. Himelstein) and that the project description contained in the Inducement Resolution remains unchanged in all other respects; and 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 finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended so that the definition of the Applicant reads as follows: "North American Laboratory Company or a to-be-formed corporation, partnership or limited liability company, the shareholders, partners or members of which will be existing shareholders of North American Laboratory Company (Ronald H. Stern, Michael R. Oestreicher, Diana Oestreicher and Phillip E. Himelstein)."

SECTION 2. The City-County Council further finds, determined, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

PROPOSAL NO. 572, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 572, 1994 on October 6, 1994. The proposal authorizes the

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City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1994 (Knob-in-the-Woods Project) in an amount not to exceed \$8,900,000 for F.C. Indianapolis L.P. for the acquisition, renovation and equipping of the existing 520 unit multi-family residential rental project known as Knob in the Woods apartments located at 2130 Waterford Place on approximately 66 acres of land. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst stated that this proposal was technically amended after being passed by the committee and all councillors have been provided with the changes. Councillor Borst moved, seconded by Councillor West, to adopt the technical amendment. The motion carried by a unanimous voice vote.

Councillor Borst moved, seconded by Councillor West, for adoption. Proposal No. 572, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Golc, Moriarty Adams

Proposal No. 572, 1994 was retitled SPECIAL ORDINANCE NO. 12, 1994 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 1994

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1994 (Knob-In-The-Woods Project), in the aggregate principal amount not to exceed \$8,900,000 (the "Bonds"), and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of F.C. Indianapolis L.P. (the "Company") has requested that the City of Indianapolis Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, renovation and equipping of the existing 520 unit multifamily residential rental project known as Knob in the Woods apartments located at 2130 Waterford Place, Indianapolis, Indiana on approximately 66 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, renovation and equipping of the Project by issuing its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1994 (Knob-In-The-Woods Project), in the aggregate principal amount not to exceed \$8,900,000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 5, 1994 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to an Indenture of Trust (the "Indenture") dated as of November 1, 1994 by and between the Issuer and National City Bank, Indiana, as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") dated as of November 1, 1994, between the Issuer, the Trustee, Washington Capital DUS, Inc., as Lender and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides that the proceeds of the Bonds shall be used to enable Washington Capital DUS, Inc. to make a mortgage loan to the Company and for the issuance of a Guaranteed Pass-through Certificate (the "PTC") by the Federal National Mortgage Association pursuant to which PTC, payments sufficient to pay the principal and interest on the Bonds and certain administrative expenses in connection with the Bonds, shall be made; and

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

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Financing Agreement, Indenture, Purchase Contract, Preliminary Official Statement, Regulatory Agreement, the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Eight Million Nine Hundred Thousand Dollars (\$8,900,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from payments to be made pursuant to the PTC and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to CS First Boston (the "Underwriter") that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

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SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Placement Agent at a price not less than 98% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed eight percent (8.0%) per annum. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the Underwriter, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 592, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on October 17, 1994." The Council did not schedule Proposal No. 592, 1994 for hearing pursuant to IC 36-7-4-608. Proposal No. 592, 1994 was retitled REZONING ORDINANCE NO. 130, 1994 and is identified as follows:

REZONING ORDINANCE NO. 130, 1994. 94-Z-105 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

707 BEACHWAY DRIVE (approximate address), INDIANAPOLIS.

LANDCO, INC., by Ray Good, requests the rezoning of 3.101 acres, being in the C-5 District, to the C-S classification to provide for a self-storage facility, with an office and resident manager on site.

PROPOSAL NOS. 593-600, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on October 17, 1994." The Council did not schedule Proposal Nos. 593-600, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 593-600, 1994 were retitled REZONING ORDINANCE NOS. 131-138, 1994 and are identified as follows:

REZONING ORDINANCE NO. 131, 1994. 94-Z-136 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

8625, 8647 WEST 21ST STREET (approximate address), INDIANAPOLIS.

DONALD C. SKILES, by Stephen D. Mears, requests the rezoning of 7 acres, being in the D-3 and D-A Districts, to the D-11 classification to provide for expansion of a mobile home park.

REZONING ORDINANCE NO. 132, 1994. 94-Z-132 (94-DP-5) WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.

1650 and 1651 GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.

JUSTUS HOMES, INC., by Thomas Michael Quinn, requests the rezoning of 149.73 acres, being in the D-A District, to the D-P classification to provide for a single-family residential development consisting of 137 lots, two-family residential development consisting of 38 structures and one single-family residence, and a two-family residential development consisting of 52 structures.

REZONING ORDINANCE NO. 133, 1994. 94-Z-142 (Amended) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

2253 RACEWAY ROAD (approximate address), INDIANAPOLIS.
REPUBLIC DEVELOPMENT CORPORATION, by James R. Nickels, requests the rezoning of 27.72 acres, being in the D-A District, to the D-4 classification to provide for residential subdivision development.

REZONING ORDINANCE NO. 134, 1994. 94-Z-124 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.

1582-1590 CENTRAL AVENUE (approximate address), INDIANAPOLIS.
ARCHITECTURAL SERVICES, INC. requests the rezoning of 1.2 acres, being in the C-4 District, to the D-8 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 135, 1994. 94-Z-152 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT # 14.

8808 EAST 42ND STREET (approximate address), LAWRENCE.
VININGS COURT LIMITED PARTNERSHIP, by James B. Burroughs, requests the rezoning of 19.7 acres, being in the D-3 District, to the D-8 classification to conform the existing multi-family development with the appropriate zoning classification.

REZONING ORDINANCE NO. 136, 1994. 94-Z-153 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.

9339, 9355, 9375 AND 9385 RAWLES AVENUE (approximate address), INDIANAPOLIS.
CHRISTOPHER and SEBRINA LOVE, JEFF and DARLENE COOPER, DENNY and SUNDAY CRISWELL, KENNETH MERRY request the rezoning of 19.496 acres, being in the D-A District, to the D-1 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 137, 1994. 94-Z-155 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 6.

3433 NORTH ILLINOIS STREET (approximate address), INDIANAPOLIS.
MARTIN LUTHER KING COMMUNITY DEVELOPMENT CORPORATION, by James B. Burroughs, requests the rezoning of 0.12 acre, being in the C-4 District, to the D-8 classification to provide for residential development.

REZONING ORDINANCE NO. 138, 1994. 94-Z-157 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 6.

4217 NORTH CENTRAL AVENUE (approximate address), INDIANAPOLIS.
SAINT JOAN OF ARC CATHOLIC CHURCH, by Cameron F. Clark, requests the rezoning of 1.5 acres, being in the D-4 District, to the SU-1 classification to conform zoning with an existing church use.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 26, 1994. The proposal, sponsored by Councillor Franklin, appropriates \$8,413 for the Superior Court, Criminal Division, Room Five, to fund an additional clerk's position. Councillor Dowden stated that he would yield to Councillor Franklin as to the action to be taken on this proposal. Councillor Franklin stated he would like to keep this proposal on the agenda. Councillor Dowden asked Robert Elrod, General Counsel, about the possibility of returning this proposal to "pending" and hearing it in November or December. Mr. Elrod stated that due to legal advertising requirements there may not be enough time before the end of the year to readvertise and hear this proposal if it is returned to "pending." Mr. Elrod suggested postponing the proposal until the second meeting in November. Councillor Dowden asked for consent to postpone this proposal until November 14, 1994. Councillor Franklin agreed. Consent was given.

PROPOSAL NO. 518, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 518, 1994 on September 21, 1994. The proposal, sponsored by Councillor Franklin, is an appropriation to pay for the Visiting Nurse Service as part of its Family Connection Center Program for the Domestic Relations section

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of the Court Administrator Agency from the State and Federal Grants Fund in the amount of \$25,600 financed by revenues from a state grant. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:37 p.m. Councillor Smith asked for consent to abstain to avoid the appearance of a conflict of interest. Consent was given. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 518, 1994 was adopted on the following roll call vote; viz:

23 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gray, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

6 NOT VOTING: *Black, Gilmer, Golc, Hinkle, Jimison, Smith*

Proposal No. 518, 1994 was retitled FISCAL ORDINANCE NO. 91, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-Five Thousand Six Hundred Dollars (\$25,600) in the State and Federal Grants Fund for purposes of the Domestic Relations section of the Court Administrator Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Domestic Relations section of the Court Administrator Agency to provide funding for the Visiting Nurse Service for fiscal year 1994-95 which is funded by the State and Federal Grants Fund.

SECTION 2. The sum of Twenty-Five Thousand Six Hundred Dollars (\$25,600) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COURT ADMINISTRATOR AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>\$25,600</u>
TOTAL INCREASE	\$25,600

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$25,600</u>
TOTAL REDUCTION	\$25,600

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

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

PROPOSAL NO. 546, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 546, 1994 on October 3, 1994. The proposal approves the issuance of a note by the City for the purpose of making advancements to the City Market Corporation to pay all or a portion of certain utilities expenses for the City Market accrued during the term of the lease. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Councillor Borst asked if this proposal pays expenses for 1994. Councillor Rhodes stated that this proposal will pay for delinquent expenses from 1993, current expenses for 1994, and expenses for 1995. Councillor Borst asked when repayment of this loan will begin. Councillor Rhodes stated that beginning in 1996 the City Market will repay the City and the City will repay the Bond Bank.

Proposal No. 546, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Coughenour, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
1 NAY: *Curry*
2 NOT VOTING: *Brents, Golc*

Proposal No. 546, 1994 was retitled SPECIAL RESOLUTION NO. 71, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 1994

A SPECIAL RESOLUTION approving the issuance of a note by the City of Indianapolis for the purpose of making advancements to The Indianapolis City Market Corporation pursuant to an amendment to lease agreement between the City of Indianapolis and the Indianapolis City Market Corporation for the purpose of allowing the City of Indianapolis, at its election, to pay all or a portion of certain utilities expenses for the City Market accrued during the term of the lease.

WHEREAS, the City of Indianapolis, by and through its Department of Administration has entered into a lease dated March 1, 1989 with The Indianapolis City Market Corporation, an Indiana not-for-profit corporation ("Lease"); and

WHEREAS, The Indianapolis City Market Corporation and, pursuant to City-County Special Resolution No. 6, 1994, the City of Indianapolis, have previously approved and entered into an amendment to the Lease to allow the City of Indianapolis, at its election, to pay all or a portion of the costs for electric, water, sewer, chilled water, steam and telephone utilities (the "Utility Costs") for the City Market accrued during the term of the Lease and prior to January 1, 1996; and

WHEREAS, the City of Indianapolis now desires to issue a note (the "Note") to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") pursuant to which the City will have access to a source of funds to provide for the Utility Costs; now, therefore:

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

SECTION 1. That the Note, in the form attached hereto as Exhibit A and with such changes as are approved by the Mayor and the Controller, is hereby approved, and the Mayor and the Controller are hereby authorized to execute and attest, respectively, the Note.

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SECTION 2. The Mayor, Controller and any other officers of the City are hereby authorized and directed to take any action they deem necessary or appropriate to effectuate the issuance of the Note, including, but not limited to, execution of any and all necessary appropriate documents.

SECTION 3. The proceeds derived from the issuance of the Note, together with any and all investment earnings thereon, shall be, and they hereby are, appropriated and, at the discretion of the Controller of the City, may be expended for the purpose of paying the Utility Costs. Such appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until January 1, 1996. Any surplus of such proceeds shall be used to prepay the Note. The Clerk is hereby authorized and directed to certify a copy of this Special Resolution, together with such other proceedings and actions as may be necessary to the Controller for purposes of reporting to the State Board of Tax Commissioners in compliance with IC 6-1.1-18-5.

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

EXHIBIT A

CITY OF INDIANAPOLIS LIMITED RECOURSE NOTE

Registered Owner: The Indianapolis Local Public Improvement Bond Bank Maturity Date: October 1, 1996, subject to extension to October 1, 1999

Principal Sum: \$450,000

FOR VALUE RECEIVED, the City of Indianapolis (the "Issuer"), a consolidated city of the first class with home rule powers located in Marion County, Indiana, hereby promises to pay, solely from the source and as hereunder provided, to The Indianapolis Local Public Improvement Bond Bank, as Registered Owner (the "Registered Owner") or its duly registered assignee, upon presentation of this Note (the "Note") on the Maturity Date, unless earlier prepaid, the Principal Sum of Four Hundred Fifty Thousand Dollars (\$450,000) or so much thereof as has been advanced from time to time from the dated date hereof through January 1, 1996 as evidenced by the Record of Advances attached hereto, and to pay interest at the rate of four percent (4%) on any advance from the date of delivery of such advance. All payments of principal and interest on this Note shall be made to the Registered Owner in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts by check, draft or wire transfer.

Interest shall be calculated on the basis of a thirty (30) day month and a year consisting of 360 days on such advances and shall be payable on October 1 and April 1 each year commencing April 1, 1995.

This Note has been issued to provide funds to the Issuer for the purpose of making further advancements to or for the benefit of The Indianapolis City Market Corporation ("ICMC") pursuant to the Lease Agreement between the Issuer and ICMC dated March 1, 1989, as amended by an Amendment to Lease Agreement dated January 26, 1994, which advancements and repayments of advancements to or for the benefit of ICMC are evidenced by a Promissory Note dated February 22, 1994 and executed by ICMC in favor of the Issuer (the "ICMC Note"). This Note is issued pursuant to and in full compliance with the constitution and laws of the State of Indiana, including particularly IC 5-1.4-8-6.

THE PRINCIPAL OF AND INTEREST ON THE NOTE CONSTITUTE A LIMITED OBLIGATION OF THE ISSUER, PAYABLE SOLELY FROM REPAYMENTS BY ICMC ON THE ICMC NOTE AND SECURED SOLELY BY THE ICMC NOTE. THE ISSUER HAS NOT PLEDGED ITS FULL FAITH AND CREDIT OR TAXING POWER TO THE PAYMENT OF THE NOTE AND THE NOTE SHALL NOT CONSTITUTE A GENERAL OBLIGATION OR INDEBTEDNESS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION.

The Issuer may, at its option and without premium or penalty, but with accrued interest, prepay this Note on any date, in whole or in part, upon five (5) days prior notice to the Registered Owner or its assignees.

It is hereby certified, recited and declared that all acts, conditions and things required by the constitution or statutes of the State of Indiana to exist, to have happened or to have been performed precedent to or in the execution, issuance, sale and delivery of this Note exist, have happened and have been performed, and that the issuance of this Note, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by said constitution or statutes.

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No recourse shall be had for the payment of the principal of or interest on this Note against any official, officers or employees of the Issuer past, present or future, under any constitutional provision, statute, rule of law, or by the enforcement of any assessment or by any legal or equitable proceedings or otherwise.

IN WITNESS WHEREOF, the City of Indianapolis, Indiana has caused this Note to be executed by the signature of its Mayor and attested to by the signature of its Controller, its corporate seal to be affixed, imprinted or reproduced hereon, and this Note to be dated and delivered this ___ day of October, 1994.

(SEAL) CITY OF INDIANAPOLIS
By: _____
Stephen Goldsmith, Mayor
ATTEST:

James H. Steele, Jr., Controller

The Indianapolis Local Public Improvement Bond Bank, as Registered Owner of the above Note, and the City of Indianapolis, Indiana, as Issuer of the Note, hereby agree and consent to an extension of the Maturity Date of the Note from October 1, 1996 to October 1, 1999, this ___ day of October, 1994.

[SEAL] CITY OF INDIANAPOLIS
By: _____
Stephen Goldsmith, Mayor
ATTEST:

James H. Steele, Jr., Controller

[SEAL] THE INDIANAPOLIS LOCAL PUBLIC
IMPROVEMENT BOND BANK
By: _____
Glenn Scolnik, Chairman
ATTEST:

James C. Snyder, Executive Director

Record of Advances

<u>Date</u>	<u>Amount Advanced</u>	<u>Principal Amount Repaid</u>	<u>Balance Outstanding</u>
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SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 245, 1994. The proposal appropriates \$58,971 for Community Corrections to provide additional security to supervise an increased number of inmates being housed in the Community Corrections Center. Councillor Dowden stated that the Public Safety and Criminal Justice Committee heard Proposal No. 245, 1994 on October 12, 1994. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor West, to strike. Proposal No. 245, 1994 was stricken by a unanimous voice vote.

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SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NOS. 455 and 515, 1994. Councillor West asked for consent to vote on these two proposals together. Consent was given. PROPOSAL NO. 455, 1994. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #6 and #18. PROPOSAL NO. 515, 1994. The proposal amends the Comprehensive Zoning Maps of Marion County by updating base maps #16, #17 and #40. Councillor West stated that the Metropolitan Development Committee heard Proposal Nos. 455 and 515, 1994 on September 29, 1994. By 4-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor West moved, seconded by Councillor Smith, for adoption. Proposal Nos. 455 and 515, 1994 were adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:

Proposal No. 455, 1994 was retitled GENERAL ORDINANCE NO. 134, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 134, 1994
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-8

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, Indiana which Ordinance includes the Comprehensive Zoning Maps of Marion County, INDIANA, as amended, and fixing a time when the same shall take effect.

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

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

SECTION 1. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to update specifically base maps #6 and #18 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land within the area noted on the four sections of base map #6 and the four sections of base map #18 are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby updating said Comprehensive Zoning Maps to include various rezonings by individual legal description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to March 11, 1994, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said MAPS in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning

Ordinance [62-AO-2] as amended) and the AIRSPACE DISTRICT MAP adopted as a part thereof, establishing the AIRSPACE DISTRICT as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Proposal No. 515, 1994 was retitled GENERAL ORDINANCE NO. 135, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 135, 1994
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-9

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, Indiana which Ordinance includes the Comprehensive Zoning Maps of Marion County, Indiana, as amended, and fixing a time when the same shall take effect.

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

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

SECTION 1. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended to update specifically base maps #16, #17 and #40 of said maps to include subsequent rezonings (which Comprehensive Zoning Maps, as amended, are attached hereto, incorporated herein by reference and made a part of this Ordinance); and all land within the area noted on the four sections of base map #16, the four sections of base map #17, and the four sections of base map #40 are hereby classified, divided and zoned in accordance with the zoning district classifications as designated upon said Comprehensive Zoning Maps, as amended, thereby updating said Comprehensive Zoning Maps to include various rezonings by individual legal description or map amendments adopted subsequent to Metropolitan Development Commission docket number 87-AO-2.

SECTION 2. The adoption of the Comprehensive Zoning Maps, as amended, shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the City-County Council subsequent to May 23, 1994, and thereafter legally effective (which rezoning by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said MAPS in a subsequent map updating amendment hereto).

SECTION 3. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, which includes the language of the former Airspace District Zoning Ordinance [62-AO-2] as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 4. The adoption of the Comprehensive Zoning Maps, as amended, shall not supersede, amend or repeal the Floodway and Floodway District Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 5. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

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PROPOSAL NO. 485, 1994. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 485, 1994 on October 13, 1994. The proposal amends the Code to permit Indianapolis to operate an air program in compliance with Title V of the Clean Air Act. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor West asked if beginning next year the Air Pollution Control Division will be funded on a fee basis instead of being subsidized by taxpayers. Michael B. Stayton, Director, Department of Public Works, stated that with the exception of a stationary source, the Air Pollution Control Division was completely funded by fees in 1994 and was again budgeted in 1995 to be completely funded by fees. Councillor West asked if the stationary sources will be funded in 1995. Mr. Stayton answered in the negative. Councillor West asked if the enforcement of burning leaves will still be paid by taxpayers. Mr. Stayton answered in the negative and stated that the areas not covered by this proposal are open burning and regulation of used car lots. Councillor Smith asked if this proposal will assist with refined metals. Richard L. Martin, Jr., Assistant Administrator, Department of Public Works, stated that refined metals will be a Title V source.

Proposal No. 485, 1994 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, Shambaugh, Short, Smith, West, Williams*
3 NAYS: *Borst, O'Dell, Schneider*
1 NOT VOTING: *SerVaas*

Proposal No. 485, 1994 was retitled GENERAL ORDINANCE NO. 136, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 136, 1994

A GENERAL ORDINANCE amending Chapter 4 of the Code dealing with air pollution control to clarify authority to implement a federal Environmental Protection Agency approvable operating permit program as mandated by Title V of the Clean Air Act of 1990 and to establish permit fees in connection with the program.

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

SECTION 1. Sec. 4-11 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-11. Definitions.

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

Actual emissions means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

Administrator means the assistant administrator of the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County or other designee of the director of the department of public works.

Air contaminant means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution. Air contaminant shall include "regulated air pollutant" as defined in 40 C.F.R. §70.2.

Air contaminant emitter or air contaminant source means any vehicle, process, facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating and powerplants and power stations, and buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, other institutional buildings, automobiles, trucks, tractors, buses, other motor vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

Air pollution means the presence or threatened discharge, from whatever source, of solid, semisolid, liquid or gaseous matter, or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

- (1) Injures or threatens to injure human, plant or animal life; or
- (2) Damages or threatens to damage property; or
- (3) Unreasonably interferes with the comfortable enjoyment of life and property.

Allowable emissions means the emissions rate as established in the applicable air pollution control permit issued by the division, calculated using the following factors:

- ~~(1) The maximum rated capacity;~~
- ~~(2) Year round operation (8,760 hours per year); and~~
- ~~(3) The most stringent emission limit applicable under federal, state or local air pollution control laws.~~

~~Allowable emissions may be limited further if the facility or source is subject to enforceable permit conditions that limit the operating rate, hours of operation or emission rate.~~

Ambient air means any outside air.

Asbestos abatement permit means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

Board means the Indianapolis Air Pollution Control Board.

Clean Air Act of 1990 means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

Construction permit means the written authorization that allows a person to construct, reconstruct or modify an air contaminant emitter.

Division means the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.

Effective date means the date on which an action takes effect. For permits issued pursuant to Article V of this chapter, the effective date is fifteen (15) days after the administrator signs and issues the permit. For all other actions, the effective date is when the person subject to the action receives written notice of the action.

Emission credit permit means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

Facility means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

Open burning or open fire means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

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Operating permit means the written authorization that allows a person to operate an air contaminant emitter.

Person means any individual, proprietorship, partnership, firm, company, corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

~~Potential emissions means the emission rate calculated using the following factors:~~

- ~~(1) The maximum rated capacity;~~
- ~~(2) The actual hours of operation; and~~
- ~~(3) Operation without air pollution control equipment, unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to normal operation.~~

Potential emissions means emissions of any one pollutant which would be emitted from a facility if that facility were operated without the use of pollutant control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum rated capacity unless hours of operation are limited by enforceable permit conditions and shall be calculated according to Federal emission guidelines in AP 42 -Compilation of Air Pollutant Emission Factors, or calculated based on stack test data or other data acceptable to the board.

Process means any action, operation or treatment that emits or is capable of emitting an air contaminant.

Regulation means the whole or any part of a board statement of general applicability that:

- (1) Has or is designed to have the effect of law; and
- (2) Implements, interprets or prescribes:
 - a. Law or policy; or
 - b. The organization, procedure or practice requirements of the board or division.

Source means one (1) or an aggregation of processes or facilities that are located on one (1) or more contiguous or adjacent properties and are owned or operated by the same person, or by persons under common control.

Title V operating permit means the operating permit required by Title V of the Clean Air Act of 1990.

Wood products means dry materials consisting of vegetation or wood which does not contain any other substance.

40 C.F.R. §70 shall mean 40 C.F.R. §70 as published in 57 Fed. Reg. 32,295 (July 21, 1992).

40 C.F.R. 72 shall mean 40 C.F.R. 72 as published in 58 Fed. Reg. 3650 (January 11, 1993) and 58 Fed. Reg. 15,634 (March 23, 1993).

SECTION 2. Sec. 4-21 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-21. Composition of board.

(a) The membership of the air pollution control board shall consist of the following persons appointed as provided:

- (1) A professional engineer, registered in the State of Indiana, knowledgeable and experienced in air pollution control, appointed by the mayor.
- (2) A physician, licensed in the State of Indiana, knowledgeable and experienced in toxicology or respiratory disease, appointed by the city-county council.

- (3) An attorney, admitted to the Indiana bar, appointed by the mayor.
- (4) A member knowledgeable and experience in solid waste disposal, appointed by the city-county council.
- (5) A member knowledgeable and experience in fuel technology and combustion, appointed by the mayor.
- (6) A member knowledgeable and experienced in process manufacturing appointed by the city-county council.
- (7) A member representing industry, appointed by the mayor.
- (8) A member representing labor, appointed by the city-county council.
- (9) A member representing the public at large, appointed by the mayor.

(b) As mandated by the Clean Air Act of 1990, members representing at least a majority of the board shall represent the public interest and shall not derive any significant portion of their income from persons subject to permits or enforcement orders under the Clean Air Act of 1990.

(c) As mandated by the Clean Air Act of 1990, all members shall disclose any potential conflicts of interest relating to permits or enforcement orders under the Clean Air Act of 1990.

SECTION 3. Sec. 4-50 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-50. Permit system.

(a) The board shall adopt regulations that create a permit system, and the division shall implement the permit system. The permit system shall contain two components:

- (1) The permit system mandated by Title V of the Clean Air Act of 1990, which shall include, permits required by Title IV of the Clean Air Act of 1990 (acid rain); and
- (2) Other permits as required by federal or state law or deemed by the board to be necessary to carry out the purposes of this chapter.

Regulations adopted by the board shall be revised in a timely manner to incorporate new requirements set forth in applicable state or federal air pollution control laws or regulations.

(b) That portion of the permit system mandated by Title V of the Clean Air Act of 1990, which shall include permits required by Title IV of the Clean Air Act of 1990 (acid rain) shall comply in all respects with that act and applicable federal regulations. In the event of a conflict between the federal regulations promulgated pursuant to Title V and those promulgated pursuant to Title IV, those federal regulations promulgated pursuant to Title IV shall govern.

(c) The permit system shall include adequate, streamlined and reasonable procedures for expeditiously administering the system.

(d) At a minimum, the permit regulations shall perform the following functions:

- (1) Require permits in order to construct new facilities or sources;
- (2) Require permits in order to modify or reconstruct existing facilities or sources;
- (3) Require permits in order to operate facilities or sources;
- (4) Require permits for processes and other air contaminant emitters, including, but not limited to, air curtain incinerators, asbestos abatement projects and sandblasting;
- (5) Require permits for claiming emission credits or allowances and establish procedures and requirements for obtaining and using emission credits or allowances, provided that such system shall

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not interfere with the federal sulfur dioxide allowance system established pursuant to Title IV of the Clean Air Act of 1990 (acid rain);

- (6) Establish minimum levels of emissions from a facility, source, process or other air contaminant emitter for which a permit and/or reporting is required;
- (7) Establish fixed terms for permits which terms shall be as follows:
 - a. Five (5) years for permits required by Title IV of the Clean Air Act of 1990 (acid rain); and
 - b. Not to exceed five (5) years for all other permits.
- (8) Establish the information necessary for complete permit applications and the procedures and time frames by which the applications' completeness shall be determined;
- (9) Establish procedures and time frames for division review of permit applications, including initial permit issuance, modifications or revisions and renewals;
- (10) Establish procedures and time frames for notice, public comment periods and public hearings, which procedures may include providing an opportunity to comment on the draft permit before it is issued. For permits required by Title V of the Clean Air Act of 1990, such procedures shall, as provided in 40 C.F.R. §70.7(h), require adequate procedures for public comment and a hearing on the draft permit, for initial permit issuance, significant modifications and renewals;
- (11) Require, when appropriate, reasonable tests and monitoring, including continuous emissions monitoring, and creation, submission to the division and retention of reports and records of tests, monitoring, production, maintenance or other matters relating to the quantity of emissions, the effectiveness of air pollution control equipment or compliance with this chapter and its regulations;
- (12) Provide, for permits required by Title V of the Clean Air Act of 1990, if the applicant has submitted a timely and complete application for an initial or renewal permit, but no final action has been taken on the application, the applicant's failure to have a permit is not a violation of this chapter or its regulations until after the division takes final action on the permit application.
- (13) Require, when necessary, that application forms, reports and compliance certifications shall contain certification by a responsible official of truth, accuracy and completeness.
- (14) For permits required by Title V of the Clean Air Act of 1990, allow issuance of a permit for a facility or source not in compliance with applicable requirements.
- (15) Require, when appropriate, submittal of a certified plan and schedule to attain and maintain compliance.
- (16) Require that no permit shall automatically issue, be renewed or modified because of failure of the division to take action on the application, or for any other reason.
- (17) Require that the division shall not issue a permit required by Title V of the Clean Air Act of 1990 if the Administrator of the United States Environmental Protection Agency makes a written objection within the time allowed under applicable federal law.
- (18) For permits required by Title V of the Clean Air Act of 1990, establish, consistent with the timing and other requirements of 40 C.F.R. §70.4(b)3 and 72.72(b)(5)(ii), an opportunity for judicial review of final action on a permit, by the applicant, any person who participated in the public participation process and any other affected person entitled to judicial review of such action under state law. The opportunity for judicial review so provided shall be the exclusive means for obtaining judicial review of the terms and conditions of such permits. Procedures regarding such opportunity for judicial review may be established by this chapter or by regulation of the board.
- (19) For permits required by Title V of the Clean Air Act of 1990, and solely for purposes of obtaining judicial review to require that action be taken by the division on the application without additional delay, provide that failure of the division to act on an initial or renewal application, or modification or revision, within the time periods specified in the Clean Air Act of 1990 is a final action of the administrator appealable directly to a court of competent jurisdiction.

- (20) Establish transfer procedures and renewal procedures and, for permits required by Title V of the Clean Air Act of 1990, provide that permits being renewed are subject to the same procedural requirements that apply to initial permit issuance;
- (21) Require that permits may be terminated, modified, or revoked and reissued for cause and establish causes for such actions.
- (22) Provide, for permits required by Title V of the Clean Air Act of 1990, if the permit holder has submitted a timely and complete application for renewal, but no final action has been taken on the application, all the terms and conditions of the permit, including any application shield granted by 4-50(d)(12), shall remain in effect until the renewal permit has been issued or denied.
- (23) Require that permits required by Title V of the Clean Air Act of 1990 shall be reopened and revised before expiration of the permit when the following conditions exist:
 - a. Additional federal requirements become applicable to a facility or source with a permit which allows at least three (3) more years of continued operation. However, a permit does not have to be revised if the additional requirements will not become effective until after the date the permit expires. A permit revision to address additional requirements must be completed by the division not more than eighteen (18) months after the adoption of the additional requirements; or
 - b. Additional requirements become applicable to the permit under the acid rain program. Upon approval by the United States Environmental Protection Agency, an excess emissions offset plan shall be considered to be incorporated into the permit; or
 - c. The division or the United States Environmental Protection Agency determines that:
 1. the permit contains a material mistake; or
 2. inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d. The division or the administrator of the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable federal requirements as defined in 40 C.F.R. §70.2.
- (24) Require that all permits shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
- (25) Establish procedures for determining if information (other than the contents of a permit required by Title V of the Clean Air Act of 1990 or emissions data) maintained by the division, if made public, would divulge methods or processes entitled to protection as trade secrets and assuring security of information so determined to be entitled to confidentiality.
- (26) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing changes to be made without requiring a permit revision if the permit holder has been issued an operating permit or is operating without a permit but has made a timely and complete application for a permit and if:
 - a. the changes are not modifications under any provision of Title I of the Clean Air Act of 1990;
 - b. the changes do not exceed emissions allowable under the permit, whether expressed as a rate of emissions or as total emissions; and
 - c. the permit holder provides the division with written notification at least seven (7) days before the proposed changes are made. However, the board, by regulation, may provide a different time period for notifications that involve emergency situations.
- (27) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing reasonably anticipated alternate operating scenarios identified in the permit application and approved by the division.
- (28) For permits required by Title IV of the Clean Air Act of 1990 (acid rain):

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- a. establish a "permit shield" from enforcement action as provided in 40 C.F.R. 72.51;
- b. provide that a complete permit application shall be binding and enforceable as a Title IV (acid rain) permit from the date of submission of the application until issuance or denial of the permit; and
- c. allow exemptions for certain new units and retired units as provided in 40 C.F.R. 72.7 and 72.8.

(2729) Require that all permits be consistent with all local, state and federal air pollution control laws and regulations;

(2830) Require that all permits not interfere with attainment of local, state or federal air quality standards.

(e) The permit regulations may:

- (1) Establish procedures for general permits covering numerous sources as provided in 40 C.F.R. §70.6(d).
- (2) Establish a limited "permit shield" from enforcement action as provided in 40 C.F.R. §70.6(f).
- (3) Allow changes not addressed or prohibited by a permit required by Title V of the Clean Air Act of 1990, provided such changes are not subject to any requirements under Title IV or are not modifications under any provision of Title I of that act.
- (4) Establish procedures for trading emission increases and decreases under certain circumstances as provided in 40 C.F.R. §70.4(b)(12)(ii).
- (5) Allow issuance of a permit with a future effective date.
- (56) Perform any other function not specified in this subsection or subsection (d) if such function is reasonably necessary for efficient operation of the permit program or reasonably necessary to protect the public health or welfare or ensure compliance with local, state or federal air pollution control laws and regulations.
- (7) Establish limited liability for failure to obtain a permit under certain circumstances, provided that, any such regulation shall be consistent with, and no more permissive than, Ind. Code 13-10-4-1.

(f) No permit required by the Clean Air Act of 1990 for a solid waste incineration unit, as that term is defined in Section 129 of that Act, may be issued by an agency, instrumentality or person that is also responsible, in whole or in part, for the design and construction or operation of the unit.

SECTION 4. Section 4-50(A) of the Code of Indianapolis and Marion County, Indiana is hereby added by inserting the language underlined as follows:

Sec. 4-50(A). Judicial review of final permit action for permits required by Title V of the Clean Air Act of 1990.

(a) Right to judicial review. Judicial review of a final permit action for permits required by Title V of the Clean Air Act of 1990 may be requested by the permit applicant, any person who participated in the public participation process pursuant to Regulation XVII-1 or any other affected person.

(b) Time for filing petition. Petitions for judicial review must be filed with a court of competent jurisdiction no later than thirty (30) days after a final permit action. Notwithstanding the preceding requirement, petitions for judicial review of a final permit action can be filed more than thirty (30) days after the final permit action if:

- (1) The petition is based on new grounds that arise more than thirty (30) days after the final permit action;
- (2) The petition is filed not more than thirty (30) days after the new grounds arose;
- (3) The new grounds are based on new information that was not available and could not by due diligence have been discovered and produced within thirty (30) days after the final permit action.

If the final permit action being challenged is the administrator's failure to take final action, a petition for judicial review may be filed any time before the administrator denies the permit or issues the final permit.

(c) Final permit action defined. For purposes of this section, "final permit action" shall mean a decision of the board regarding a permit required by Title V of the Clean Air Act of 1990 and made pursuant to an appeal made to the board under section 4-80. Notwithstanding the preceding definition, failure of the administrator to act on an initial or renewal application or modification or revision of a permit required by Title V of the Clean Air Act of 1990 within the time periods specified in Regulation XVII-1 is a final permit action which may be appealed directly to a court of competent jurisdiction, solely for the purpose of obtaining judicial review to require that action be taken on the application without additional delay.

(d) Exclusive means. The opportunity for judicial review described in this section shall be the exclusive means for obtaining judicial review of the terms and conditions of permits required by Title V of the Clean Air Act of 1990.

SECTION 5. Section 4-51 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-51. Permit conditions.

(a) The administrator may establish or modify permit conditions on any permit issued pursuant to this chapter and its regulations. The conditions may be imposed to ensure compliance with this chapter or with any regulation adopted by the board. Conditions may take the form of emission limits or technology requirements, including, but not limited to, maximum achievable control technology emission limits as provided for in the Clean Air Act of 1990 and as determined on a case-by-case basis, testing and monitoring, including continuous emissions monitoring, reporting and recordkeeping requirements, operation and maintenance programs or any other requirement necessary to ensure compliance with air pollution control laws and regulations and to protect the public health or welfare.

(b) The administrator may impose permit conditions more stringent than regulations adopted by the board or when no such regulation applies only if:

- (1) The conditions are necessary to ensure compliance with local, state or federal air pollution control laws and regulations; or
- (2) The permit holder has violated local, state or federal air pollution control laws or regulations and the conditions are consistent with the terms of a compliance program agreement, agreed order, consent decree, court order or some other enforceable mechanism used to resolve the violations; or
- (3) The conditions are reasonably necessary to protect the public health or welfare.

(c) The administrator may modify permit conditions at any time after permit has been issued only if:

- (1) The administrator has consulted with the permit holder of the modification and the reasons for modification in writing;;
- (2) The administrator notifies the permit holder of the modification and the reasons for the modification in writing;; and
- (3) The administrator complies with all other applicable procedures required by law or regulation.

(d) Permit conditions imposed by the administrator ~~on permits not required by Title V of the Clean Air Act of 1990~~ may be appealed to the Board pursuant to section 4-80 of this chapter.

SECTION 6. Section 4-52 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-52. Permit fees.

(a) Purpose. This section 4-52 establishes permit fees due to the division ~~in calendar year 1994~~ at levels necessary to continue the process of developing and administering for Marion County the permit program required by Title V of the Clean Air Act of 1990. ~~The fees set by this section are interim level fees which will~~

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~~be examined annually as a part of the development of a federally enforceable Title V operating permit program.~~
This section 4-52 and section 4-54 also establish all other types of permit fees due to the division.

(b) Application fees. The division shall collect an application fee of one hundred dollars (\$100.00) whenever a person submits an application to:

- (1) Obtain a construction permit;
- (2) Obtain an operating permit;
- (3) Obtain an asbestos abatement permit;
- (4) Obtain an emission credit permit;
- (5) Change the name of the permittee on a permit issued by the administrator;
- (6) Transfer a permit to a new owner of the air contaminant emitter subject to a permit;
- (7) The application fee for (1) through (6) above is waived if:
 - a. A permittee has already obtained a construction permit, and is submitting an application for an initial operating permit;
 - b. A permittee is renewing an operating permit;
 - c. A permittee is renewing an asbestos abatement permit;
 - d. A permittee is renewing an emission credit permit.
 - e. A permittee has already obtained an operating permit and is submitting an application for an initial Title V operating permit.
- (8) If a permittee is applying simultaneously for permits for several facilities at the same source, the permittee shall pay a single application fee.

(c) Construction permits. The division shall collect a fee for reviewing plans and issuing a construction permit.

- (1) Base fees.
 - a. The fee for each facility with potential emissions of any one (1) pollutant less than ten (10) tons per year shall be eight hundred dollars (\$800.00).
 - b. The fee for each facility with potential emissions of any one (1) pollutant of ten (10) tons per year or greater but less than twenty (20) tons per year shall be twelve hundred dollars (\$1200.00).
 - c. The fee for each facility with potential emissions for any one (1) pollutant of twenty (20) tons per year or greater, but less than twenty-five (25) tons per year shall be one thousand eight hundred dollars (\$1,800.00).
 - d. The fee for each facility with potential emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year shall be four thousand five hundred dollars (\$4,500.00).
 - e. The fee for each facility with potential emissions of any one (1) pollutant of one hundred (100) tons per year or greater shall be six thousand five hundred dollars (\$6,500.00).
 - f. Facilities which elect to be subject to board Regulation IX-2 (Enhanced New Source Review) shall not be subject to the fees in subsections a. through e., but instead shall pay a fee of three thousand five hundred dollars (\$3,500.00).

(2) In addition to fees collected under paragraph (1) above, the division shall collect all applicable fees specified in a. through g. below.

- a. The fee for each review involving a facility or facilities subject to federal, state, or local new source performance standards shall be five hundred dollars (\$500.00) per standard.
- b. The fee for each review involving a facility or facilities subject to federal, state, and local national emission standards for hazardous air pollutants shall be five hundred dollars (\$500.00) per pollutant.
- c. The fee for each public notice required as a part of a construction permit review shall be three hundred dollars (\$300.00).
- d. The fee for each facility subject to best available control technology (BACT), maximum achievable control technology (MACT) or lowest achievable emission rate (LAER) shall be three thousand dollars (\$3,000.00) per pollutant for each applicable pollutant.
- e. The fee for each facility subject to generally achievable control technology (GACT) shall be one thousand dollars (\$1,000.00) per pollutant for each applicable pollutant.
- f. The fee for each facility subject to modeling analysis shall be four thousand dollars (\$4,000.00) per pollutant for each applicable pollutant, except where such analysis is performed by the division, in which case the fee shall be six thousand dollars (\$6,000.00) per pollutant for each applicable pollutant.
- g. The fee for each facility which has federally enforceable permit restrictions to allow the facility to be exempt from federal Prevention of Significant Deterioration or Nonattainment New Source Review requirements shall be one thousand dollars (\$1,000.00) per permit.

(d) Operating permits. This part (d) shall not apply to gasoline dispensing facility operating permits, portable air curtain incinerator and portable sandblasting operation operating permits and sources which are required to pay Title V operating permit fees pursuant to sections (e) or opt-out fees pursuant to section (f).

(1) Initial and annual fee. The division shall collect a fee for the initial issuance of an operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The total fee shall be the per facility fee specified in subpart (2) below, plus the source category fee or fees specified in subpart (3) below, if applicable. The total fee, exclusive of the source category fees in subparts (3)c and (3)d, shall not exceed three thousand three hundred dollars (\$3,300.00).

(2) Per facility fees.

- a. The fee for each facility with no allowable emissions of any ~~one (1)~~ single pollutant ~~less~~ greater than twenty-five (25) tons per year shall be two hundred and fifty dollars (~~\$200~~ \$250.00).
- b. The fee for each facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year, shall be ~~seven~~ nine hundred fifty dollars (~~\$750~~ \$900.00).

(3) Source category fees.

- a. The fee for each source with actual emissions of seventy-five (75) tons per year or greater shall be one thousand ~~two~~ five hundred dollars (~~\$1,200~~ \$1,500.00).
- b. The fee for each source with actual emissions of twenty-five (25) tons per year or greater but less than seventy-five (75) tons per year shall be ~~eight hundred~~ one thousand dollars (~~\$800~~ \$1,000.00).
- c. The fee for each source subject to federal, state or local national emission standards for hazardous air pollutants shall be two thousand dollars (\$2,000.00).

- d. The fee for each source subject to federal, state or local new source performance standards shall be two thousand dollars (\$2,000.00) per standard.
- (4) The fees set forth in section (d)(2) and (3)(a) and (b) shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1995.
- a. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all United States consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.
- b. The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1995 shall be used.

~~(e) 1994 fees for sources required to obtain Title V operating permits.~~

~~(1) In calendar year 1994, sources which, according to 40 C.F.R. § 70.3 and applicable state and local regulations, will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, shall pay an annual fee in accordance with the highest applicable fee set forth in Table 1 in subsection (3) of this section. If a source contains facilities that fit into more than one industry category, the administrator shall assess the fee from the one applicable category that most reasonably represents the cost of regulating the sources. The fees in Table 1 are per plant fees.~~

~~(2) The following definitions apply to Table 1 in subsection (3) of this section:~~

~~Major source has the meaning set forth in 40 C.F.R. § 70.2.~~

~~Regulated air pollutant has the meaning set forth in 40 C.F.R. § 70.2.~~

~~(3) In Table 1 below the Standard Industrial Classification Manual (1987) has been used to define categories for assessment of fees. Two digits refer to a major group, three digits refer to an industry group and four digits refer to the industry number.~~

TABLE 1

~~(1) Aerospace Manufacturing \$5,475~~

~~Major sources whose industry group number is:
372 Aircraft and Parts~~

~~(2) Cement Manufacturing \$27,375~~

~~Major sources whose industry group number is:
324 Cement, Hydraulic or
327 Concrete, Gypsum, and Plaster Products~~

~~(3) Synthetic Organic Chemicals less than 500 tons \$24,450
per year of total actual regulated air pollutant emissions~~

~~Synthetic Organic Chemicals greater than 500 tons \$49,050
per year of total actual regulated air pollutant emissions~~

~~Major sources whose industry group number is:~~

~~282 Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and other Manmade Fibers, except Glass or~~

~~284 Soap, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations or~~

~~289 Miscellaneous Chemical Products~~

~~(4) Inorganic Chemicals \$11,625~~

~~Major sources whose industry group number is:
281 Industrial Inorganic Chemicals~~

~~(5) Surface Coaters except Metal Parts \$13,650~~

~~Major sources whose primary source of air emissions is from coating surfaces and the major group number is:~~

- ~~20 — Food and Kindred Products or~~
- ~~24 — Lumber and Wood Products, except Furniture or~~
- ~~25 — Furniture and Fixtures or~~
- ~~26 — Paper and Allied Products or~~
- ~~27 — Printing, Publishing and Allied Industries or~~
- ~~30 — Rubber and Miscellaneous Plastic Products or~~
- ~~32 — Stone, Clay, Glass and Concrete Products or~~
- ~~33 — Primary Metal Industries or~~
- ~~34 — Fabricated Metal Products, except Machinery and Transportation Equipment or~~
- ~~35 — Industrial and Commercial Machinery and Computer Equipment or~~
- ~~36 — Electronic and other Electrical Equipment and Components, except Computer Equipment or~~
- ~~37 — Transportation Equipment or~~
- ~~38 — Measuring, Analyzing, and Controlling Instrument; Photographic, Medical and Optical Goods; Watches and Clocks or~~
- ~~39 — Miscellaneous Manufacturing Industries~~

~~(6) Coaters of Metal Parts \$11,625~~

~~Major sources whose primary source of air emissions is from coating metal parts and the major group number is:~~

- ~~33 — Primary Metal Industries or~~
- ~~34 — Fabricated Metal Products, except Machinery and Transportation Equipment or~~
- ~~35 — Industrial and Commercial Machinery and Computer Equipment or~~
- ~~36 — Electronic and Other Electrical Equipment and Components, except Computer Equipment or~~
- ~~37 — Transportation Equipment or~~
- ~~38 — Measuring, Analyzing, and Controlling Instrument; Photographic, Medical and Optical Goods; Watches and Clocks or~~
- ~~39 — Miscellaneous Manufacturing Industries~~

~~(7) Manufacturing of Fiberglass Products \$11,700~~

~~Major sources whose industry group number is:~~

- ~~222 — Broadwoven Fabric Mills, Manmade Fiber and Silk or~~
- ~~329 — Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products~~

~~(8) Degreasers — \$5,475~~

~~Major sources whose primary source of air emissions is from degreasers and the major group number is:~~

- ~~30 — Rubber and Miscellaneous Plastic Products or~~
- ~~34 — Fabricated Metal Products, except Machinery and Transportation Equipment or~~
- ~~37 — Transportation Equipment or~~
- ~~38 — Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks or~~
- ~~39 — Miscellaneous Manufacturing Industries or~~
- ~~97 — National Security~~

~~(9) Diesel Engines Test Cells \$5,475~~

~~Major sources whose industry group number is:~~

- ~~351 — Engines and Turbines or~~
- ~~362 — Electrical Industrial Apparatus~~

~~(10) Asphalt Plants — \$8,250~~

~~Major sources whose industry group number is:~~

- ~~295 — Asphalt Paving and Roofing Materials~~

~~(11) Motor Vehicle Manufacturing less than 500 tons per — \$13,650~~

~~year of total actual regulated air pollutant emissions~~

~~Motor Vehicle Manufacturing greater than 500 tons — \$46,650,~~

~~per year of total actual regulated air pollutant emissions~~

~~Major sources whose industry group number is:~~

- ~~323 — Glass Products, Made from Purchased Glass or~~
- ~~371 — Motor Vehicles and Motor Vehicle Equipment or~~

- ~~379 — Miscellaneous Transportation Equipment~~
- (12) ~~Electronic Manufacturing \$13,650~~
Major sources whose primary business is electronic manufacturing and the industry group number is:
~~354 — Metalworking Machinery and Equipment or~~
~~361 — Electric Transmission and Distribution Equipment or~~
~~362 — Electrical Industrial Apparatus or~~
~~365 — Household Audio and Video Equipment, and Audio Recordings or~~
~~367 — Electronic Components and Accessories or~~
~~369 — Miscellaneous Electrical Machinery, Equipment, and Supplies or~~
~~372 — Aircraft and Parts or~~
~~382 — Laboratory Apparatus and Analytical, Optical, Measuring, and Controlling Instruments~~
- (13) ~~Food Processing less than 500 tons per year of \$8,250~~
total actual regulated air pollutant emissions
~~Food Processing greater than 500 tons per year of \$34,125~~
total actual regulated air pollutant emissions
Major sources whose major group number is:
~~20 — Food and Kindred Products~~
- (14) ~~Foundries/Smelters with a melt rate less than 20 tons per hour \$11,625~~
~~Foundries/Smelters with a melt rate greater than 20 tons per hour \$30,075~~
Major sources whose industry group number is:
~~332 — Iron and Steel Foundries or~~
~~334 — Secondary Smelting and Refining of Nonferrous Metals or~~
~~336 — Nonferrous Foundries or~~
~~349 — Miscellaneous Fabricated Metal Products or~~
~~356 — General Industrial Machinery and Equipment or~~
~~369 — Miscellaneous Electrical Machinery, Equipment and Supplies or~~
~~371 — Motor Vehicles and Motor Vehicle Equipment~~
- (15) ~~Metal Furniture Manufacturing \$13,725~~
Major sources whose primary business is manufacturing metal furniture and whose industry group number is:
~~355 — Special Industry Machinery and Equipment, except Metalworking Machinery or~~
~~371 — Motor Vehicles and Motor Vehicle Equipment or~~
~~372 — Aircraft and Parts~~
- (16) ~~Wood Furniture Manufacturing \$13,650~~
Major sources whose primary business is manufacturing wood furniture and whose industry group number is:
~~243 — Millwork, Veneer, Plywood, and Structural Wood Members or~~
~~249 — Miscellaneous Wood Products or~~
~~251 — Household Furniture or~~
~~253 — Public Building and Related Furniture or~~
~~254 — Partitions, Shelving, Lockers and Office and Store Fixtures or~~
~~393 — Musical Instruments~~
- (17) ~~Crude Oil Storage Facilities \$5,475~~
Major sources whose industry group number is:
~~131 — Crude Petroleum and Natural Gas~~
- (18) ~~Gasoline Terminals \$5,475~~
Major sources whose industry group number is:
~~291 — Petroleum Refining or~~
~~517 — Petroleum and Petroleum Products~~
- (19) ~~Gas Turbines \$8,250~~
Major sources whose industry group number is:
~~351 — Engines and Turbines or~~
~~492 — Gas Production and Distribution~~

- (20) ~~Glass Manufacturing \$16,500~~
Major sources whose industry group number is:
~~322 Glass and Glassware, Pressed or Blown~~
- (21) ~~Grain Elevators \$5,475~~
Major sources whose industry group number is:
~~204 Grain Mill Products or~~
~~515 Farm Product Raw Material~~
- (22) ~~Waste Facility \$5,475~~
Major sources whose industry group number is:
~~478 Miscellaneous Services Incidental to Transportation~~
- (23) ~~Municipal Solid Waste Incinerator \$38,550~~
Major sources as defined in Section 129(g) of the Clean Air Act of 1990
- (24) ~~Lead Smelter \$30,075~~
Major sources whose industry group number is:
~~334 Secondary Smelting and Refining of Nonferrous Metals~~
- (25) ~~Industrial Boilers less than 250 tons per year of \$8,250~~
~~total actual regulated air pollutant emissions~~
~~Industrial Boilers 250 to 500 tons per year of \$16,500~~
~~total actual regulated air pollutant emissions~~
~~Industrial Boilers greater than 500 tons per year \$19,275~~
~~of total regulated air pollutant emissions~~
- ~~Major sources not elsewhere classified and whose primary emissions are from steam generating boilers from a wide range of industrial classifications including, but not limited to, hospitals, colleges, universities and correctional institutions.~~
- (26) ~~Metal Parts Manufacturing \$6,825~~
Major sources whose primary business is manufacturing metal parts and whose major group number is:
~~25 Furniture and Fixtures or~~
~~33 Primary Metal Industries or~~
~~34 Fabricated Metal Products, except Machinery and Transportation Equipment or~~
~~35 Industrial and Commercial Machinery and Computer Equipment or~~
~~36 Electronic and Other Electrical Equipment and Components, except Computer Equipment or~~
~~37 Transportation Equipment~~
- (27) ~~Coal Mines \$7,500~~
Major sources whose industry group number is:
~~122 Bituminous Coal and Lignite Mining~~
- (28) ~~Coal Handling \$8,250~~
Major sources whose industry group number is:
~~124 Coal Mining Services~~
- (29) ~~Quarries \$5,475~~
Major sources whose industry group number is:
~~141 Dimension Stone or~~
~~142 Crushed and Broken Stone, Including Riprap or~~
~~328 Cut Stone and Stone Products or~~
~~329 Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products~~
- (30) ~~Paint Manufacturing \$5,475~~
Major sources whose industry group number is:
~~285 Paints, Varnishes, Lacquers, Enamels, and Allied Products~~
- (31) ~~Pharmaceuticals less than 500 tons per year of \$13,650~~
~~total actual regulated air pollutant emissions~~

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~~Pharmaceuticals greater than 500 tons per year \$49,050
of total actual regulated air pollutant emissions
Major sources whose industry group number is:
283 — Drugs~~

- ~~(32) Plastics Manufacturing less than 250 tons per \$13,650
year of total actual regulated air pollutant emissions
Plastics Manufacturing 250 to 500 tons per year \$29,325
of total actual regulated air pollutant emissions~~

~~Plastics Manufacturing greater than 500 tons per \$43,725
year of total actual regulated air pollutant emissions
Major sources whose primary source of air emissions is from plastics manufacturing and whose
industry group number is:
308 — Miscellaneous Plastics Products or
364 — Electric Lighting and Wiring Equipment or
371 — Motor Vehicles and Motor Vehicle Equipment or
373 — Ship and Boat Building and Repairing or
379 — Miscellaneous Transportation Equipment~~

- ~~(33) Rubber Parts Manufacturing \$6,825
Major sources whose industry group number is:
310 — Tires and Inner Tubes or
306 — Fabricated Rubber Products, not elsewhere classified or
371 — Motor Vehicles and Motor Vehicle Equipment~~

- ~~(34) Polyurethane Foam Production \$6,825
Major sources whose industry group number is:
282 — Plastics Material and Synthetic Resins, Synthetic Rubber, Cellulosic and other Manmade
Fibers, except Glass or
308 — Miscellaneous Plastics Products~~

- ~~(35) Pulp Paper — \$16,500
Major sources whose industry group number is:
262 — Paper Mills or
265 — Paperboard Containers and Boxes or
267 — Converted Paper and Paperboard Products, except Containers and Boxes~~

- ~~(36) Refineries 20,000 to 50,000 bbl/day \$16,500
Refineries greater than 50,000 bbl/day \$71,400
Major sources whose industry group number is:
291 — Petroleum Refining or
517 — Petroleum and Petroleum Products~~

- ~~(37) Utilities less than 65 MW \$12,300
Utilities greater than 65 MW \$35,700
Major sources whose industry group number is:
491 — Electric Services~~

- ~~(38) Rotogravure/Flexographic Printing \$16,500
Major sources whose primary source of air emissions is from printing and whose industry group
number is:
265 — Paperboard Containers and Boxes or
267 — Converted Paper and Paperboard Products, except Containers and Boxes or
275 — Commercial Printing~~

- ~~(39) Primary Aluminum Production \$69,825
Major sources, not including industrial boilers, whose industry group number is:
333 — Primary Smelting and Refining of Nonferrous Metals~~

- ~~(40) Steel Production less than 2,000,000 tons per year capacity \$49,425
Steel Production greater than 2,000,000 tons per year capacity \$138,525~~

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Major sources that produce steel by Open Hearth, Basic Oxygen Furnace, Basic Oxygen Process, or Electric Arc Furnace, whose industry group number is:

331 — Steel Works, Blast Furnaces, and Rolling and Finishing Mills

Sources which operate coke ovens must pay additional fees according to subdivision (42).

~~(41) Wood Products \$16,500~~

~~Major sources whose industry group number is:~~

~~243 — Millwork, Veneer, Plywood, and Structural Wood Members or~~

~~254 — Partitions, Shelving, Lockers, and Office and Store Fixtures~~

~~(42) Coke Oven Battery \$29,550~~

~~Major sources whose industry number is:~~

~~4925 — Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Distribution. In addition to the above fee each coke oven battery shall pay the actual cost incurred in performing inspections required by 40 C.F.R. §63, Subpart L. As used in this subpart "Coke Oven Battery" shall have the meaning set forth in Board Regulation X.~~

~~(43) Hazardous Air Pollutants \$3,300~~

~~Major sources that are only major due to hazardous air pollutants listed in Section 112(b) of the Clean Air Act of 1990.~~

~~(44) Not Elsewhere Classified 100 to 250 tons per year \$8,250~~

~~of total actual regulated air pollutant emissions~~

~~Not Elsewhere Classified 250 to 500 tons per year \$11,625~~

~~of total actual regulated air pollutant emissions~~

~~Not Elsewhere Classified 500 to 1000 tons per year \$21,900~~

~~year of total actual regulated air pollutant emissions~~

~~Not Elsewhere Classified greater than 1000 tons \$32,100~~

~~per year of total actual regulated air pollutant emissions~~

~~Major sources which are not classified in subdivisions (1)~~

~~through (43) above are subject to the fees in this subdivision.~~

END OF TABLE I

~~(4) — During calendar year 1994, a source which, according to 40 C.F.R. § 70.3 and applicable state and local regulations will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, but notifies the administrator in writing of the intent to opt out of the requirement to obtain a Title V operating permit by accepting in a federally enforceable state or local operating permit physical or operational limits on the source's capacity to emit air pollutants, and reasonably demonstrates to the administrator the ability to so opt out, is not subject to the fee schedule set forth in Table I of section (e)(3) and instead is subject to the fee schedule set forth in section (d).~~

~~The board shall adopt regulations establishing procedures for obtaining a federally enforceable operating permit from the division.~~

~~An application fee of three thousand five hundred dollars (\$3,500.00) and an annual administrative fee of one thousand five hundred dollars (\$1,500.00) shall be due to the division as set forth in such regulations.~~

~~(e) Fees for 1995, 1996 and subsequent years for sources required to obtain Title V operating permits.~~

~~(1) Beginning in calendar year 1995, sources which, according to 40 CFR, §70.3 and applicable state and local regulations, will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, shall pay an annual fee as set forth in subsection 2 of this section.~~

~~(2) A source's annual fee shall be calculated as follows:~~

~~a. Each source shall pay a base fee of two thousand five hundred dollars (\$2,500.00) and shall pay an additional fee of thirty-seven dollars (\$37.00) per ton for each ton of regulated pollutant emitted, provided that, no source shall pay more than one hundred fifty thousand~~

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dollars (\$150,000.00), or, if a source emits more than one hundred (100) tons per year of NO_x and more than one hundred (100) tons per year of VOC and is located in an area designated as serious or severe nonattainment for ozone in accordance with the Clean Air Act of 1990, the source shall pay no more than two hundred thousand dollars (\$200,000.00). The administrator shall exclude from the fee calculation the amount of each source's actual emissions of any regulated pollutant that the source emits in excess of four thousand (4000) tons per year. As used in this section, "regulated pollutant" shall have the meaning set forth in board Regulation XVII-I, Section I(31).

- b. During the years 1995 through 1999 inclusive, any affected unit under Section 404 of the Clean Air Act of 1990 shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following:

Fifty thousand dollars (\$50,000.00) shall be submitted upon billing for an electric power plant containing a Phase I affected unit, as identified in Table A of Section 404 of the Clean Air Act of 1990 or for a substitution unit as determined by U.S. EPA in accordance with Section 404 of the Clean Air Act of 1990.

- c. Municipal solid waste incinerators with a capacity greater than two hundred fifty (250) tons per day shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following:

Twenty-five thousand dollars (\$25,000.00) shall be submitted upon billing.

- d. In addition to the fees established under subsection (2)(i), coke oven batteries shall pay the actual cost incurred in performing inspections required by 40 CFR §63, Subpart L, not to exceed one hundred twenty-five thousand dollars (\$125,000.00). As used in this subsection, "coke oven battery" shall have the meaning set forth in board Regulation X.

- (3) The annual emission statement submitted during the previous calendar year as required by 326 IAC 2-6 or an equivalent board regulation shall be the basis for determining total tons of actual emissions of each regulated pollutant. If an annual emission statement is not required or if more information is needed to accurately determine a source's emissions for a regulated pollutant, the administrator may require that the source report annual emissions using procedures acceptable to the administrator.

- (4) After review of a source's annual emission statement and all other available information, the administrator shall calculate the total emissions to be included in the fee. No source shall be required to pay more than a single dollar-per-ton fee during any billing period for any one (1) ton of pollutant emitted. If the source disputes the calculation of total actual emissions used to determine the fee, the source shall remit the total fee billed, less the amount attributable to the disputed emissions and shall provide calculations or other data supporting the disputed emissions within thirty (30) days of receipt of the billing. The administrator shall review the information submitted and make a final determination of the total fee due. The source shall pay any remaining fee due within fifteen (15) days of receipt of the revised billing.

- (5) The fees set forth in section (2)(i) shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1995.

- a. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all United States consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

- b. The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1995 shall be used.

- (6) Beginning in 1995, the administrator shall present a report to the board by August 15 of each calendar year. The report shall include the following information regarding the Title V permit program for the previous year:

- a. The number of sources in Marion County required to obtain Title V operating permits, including those choosing to opt-out of the requirement to obtain a Title V operating permit by

accepting in a federally enforceable permit physical or operational limits on the source's capacity to emit air pollutants;

- b. The number of such permit applications received by the division;
- c. The number and timeliness of final permit actions taken by the division;
- d. The adequacy of the fees collected by the division to fund the Title V operating permit program;
- e. An accounting of the monies deposited in the Air Pollution Control Program Fund, distinguishing fees used to fund the Title V operating permit program from other monies.

Based upon the report, the board may recommend that this section be amended to revise the fees to ensure that the fees collected are sufficient to cover the direct and indirect costs of the Title V operating permit program, and are used for no other purpose.

- (7) Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the division's and IDEM's relative Title V operating permit program roles and responsibilities, a portion of the fees collected by the division may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

(f) Fees for sources "opting-out" of requirement to obtain Title V operating permits. Notwithstanding section (e), sources which according to 40 CFR §70.3 and applicable state and local regulations will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County may opt-out of the requirements to obtain a Title V operating permit and to pay the Title V fees set forth in section (e) by: 1) accepting in a federally enforceable state or local operating permit ("FESOP") limits on the source's capacity to emit air pollutants, or 2) electing to be subject to federally enforceable state or local rules limiting the source's capacity to emit air pollutants ("Source Specific Operating Agreements"). The board shall adopt regulations establishing procedures for obtaining FESOP permits and Source Specific Operating Agreements. Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the division's and IDEM's relative Title V operating permit program rules and responsibilities, a portion of the fees collected by the division may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

- (1) FESOP permit fees. An application fee of three thousand five hundred dollars (\$3,500.00) and an annual administrative fee of one thousand five hundred dollars (\$1,500.00) shall be due to the division from sources which file FESOP applications and are issued FESOP permits as set forth in the FESOP regulation adopted by the board. A source's obligation to pay operating permit fees set forth in section (d) or Title V operating permit fees set forth in section (e) and/or (f) pending issuance of the FESOP permit, or upon denial of the FESOP application, shall be as set forth in such regulations.
- (2) Source Specific Operating Agreement fees. An application fee of five hundred dollars (\$500.00) shall be due to the division from sources electing to be subject to the Source Specific Operating Agreement regulation adopted by the board.

(g) Gasoline dispensing facility operating permits. The division shall collect a fee for the initial issuance of a gasoline dispensing facility operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. As used in this subpart "gasoline dispensing facility" shall have the meaning set forth in Board Regulation IV-3.3.

- (1) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant less than twenty-five (25) tons per year shall be ~~forty~~ seventy-five dollars (~~\$40~~ 75.00).
- (2) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant of twenty-five (25) tons or greater per year shall be two hundred dollars (\$200.00).

(h) Portable air curtain incinerator and portable sandblasting operation operating permits. The division shall collect a fee for the initial issuance of a portable air curtain incinerator or portable sandblasting operation operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal

of an operating permit. The fee for each air curtain incinerator or portable sandblasting operation shall be two hundred fifty dollars (\$250.00).

(ih) Fire training facility permit. The division shall collect an annual fee of fifty dollars (\$50.00) for each fire training facility permitted pursuant to this chapter.

(ji) Emission credit permits. The division shall collect a fee of ~~two~~ five hundred dollars (~~\$200~~ \$500.00) for the initial issuance of an emission credit permit and an annual administrative fee for each succeeding year of two hundred dollars (\$200.00) for the maintenance of an emission credit permit.

(kj) Asbestos abatement permits. The division shall collect a fee of four hundred fifty dollars (\$450.00) for the initial issuance of an asbestos abatement permit and an annual administrative fee for each succeeding year of four hundred fifty dollars (\$450.00) for the maintenance and renewal of an asbestos abatement permit.

SECTION 7. Section 4-55 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-55. Air Pollution Control Program Fund.

(a) Effective in fiscal year 1993, there is hereby created a special fund to be designated as the "air pollution control program fund", in the division of finance, under the controller.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner, to any other uses than developing and administering the operating permit program requirements of Title V of the Clean Air Act of 1990, performing ambient air quality monitoring, evaluating compliance with requirements of this Chapter, any regulation adopted by the Board or any permit issued by the division and other uses related to prevention, abatement and control of air pollution as authorized by this Chapter.

(c) The fund shall include one hundred fifty-seven thousand seven hundred dollars (\$157,700.00) from consolidated county in calendar year ~~1994~~ 1995, all permit fees and testing and monitoring fees, including any penalties and interest thereon, required to be collected by the division by section 4-52 and section 4-54, any grants from state or federal governmental agencies, any gifts and donations intended for the fund and monies recovered, exclusive of court costs, from enforcement actions brought pursuant to Article VI of this Chapter.

(d) The division shall provide a separate accounting for those permit fees in the fund required to be collected by the division by Title V of the Clean Air Act of 1990. (Title V operating permit program fees). The accounting shall be sufficient to demonstrate that such permit fees are being used solely to cover the reasonable, direct and indirect costs of the Title V operating permit program. Such costs may include, but are not limited to the following activities:

- (1) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;
- (2) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;
- (3) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;
- (4) Implementing and enforcing the terms of any permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;
- (5) Emissions and ambient monitoring;
- (6) Modeling analyses, or demonstrations;
- (7) Preparing inventories and tracking emissions; and

- (8) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program as required by section 507 of the Clean Air Act of 1990.

(e) Monies from this reserve fund shall be appropriated in accordance with the procedures for expenditure of public funds.

SECTION 8. Section 4-56 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-56. Fees payable to Controller; non refundable; waiver; unpaid fees.

(a) All fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.

(b) All fees established pursuant to this chapter are non refundable. If the permit is denied or revoked or the plant or facility is shut down, the fees shall neither be refunded nor applied to any subsequent application or reapplication. Fees paid annually may be pro rated by the division on a monthly basis.

(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable fees established by this chapter will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board. The board may reduce any fee required to be paid to the division in connection with an operating permit required by ~~Title V~~ of the Clean Air Act of 1990 to take into account the financial resources of small business stationary sources as defined in Section 507(c) of that act.

(d) All fees established pursuant to this chapter and its regulations shall constitute a debt due to the Consolidated City of Indianapolis and Marion County. Failure to pay fees when due is a violation of this chapter and its regulations for which the division may take enforcement action as specified in Article VI of this chapter. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay fees as required in this chapter.

SECTION 9. Sec. 4-80 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-80. Appeals of administrative actions.

(a) Right of appeal. Any person affected by an action of the administrator defined by paragraph (b) of this section as an action appealable to the board, may appeal to the board for relief from the action, or intervene in such appeal brought by another affected person. An appeal to the board is a prerequisite to judicial review for all actions defined by paragraph (b) as actions appealable to the board. Judicial review may be sought directly from actions of the administrator defined by paragraph (c) as actions not appealable to the board.

(b) Actions appealable to the board. Any action of the administrator, except actions described in paragraph (c), may be appealed to the board.

(c) Actions not appealable to the board. The following actions of the administrator are actions not appealable to the board:

- (1) An emergency order issued pursuant to section 4-67 of this chapter is an action not appealable to the board.
- (2) For a notice of violation (issued pursuant to section 4-60 of this chapter) which is referred to the corporation counsel for civil enforcement (pursuant to section 4-62 of this chapter), a person may appeal to the board only for an interpretation of the regulation, permit or order allegedly violated.
- (3) Pursuant to section 4-50(d)(19), for permits required by Title V of the Clean Air Act of 1990, failure of the division to act on an initial or renewal application, or modification or revision, within the time periods specified in that act is an action not appealable to the board.

(ed) Procedures for making an appeal.

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- (1) Within fifteen (15) days of the effective date of the administrator's action, the appellant shall submit to the administrator a written request to appeal to the board. The request shall be addressed to the board and shall state the basis for the appeal and the relief desired.
- (2) At the time of filing, the appellant shall post a fee of twenty-five dollars (\$25.00) to cover the administrative cost of the hearing. The fee shall be refunded only if the appeal is sustained. The board may waive the fee upon a showing of economic hardship.
- (3) Submitting a request to appeal stays the administrator's action until the board renders a final decision on the appeal.

(de) Hearing.

- (1) No later than fifteen (15) days after the request to appeal is filed, the administrator shall schedule a hearing before the board. The hearing shall be not later than sixty (60) days after the request to appeal is filed, unless the board grants a continuance. The administrator shall notify the appellant of the hearing date in writing.
- (2) At the hearing the parties to the appeal may present evidence and cross-examine witnesses. The board may establish time limits and procedures for presenting evidence, cross-examination and argument. The appellant has the burden of proving that the administrator's action should be modified or reversed. Upon hearing the evidence presented, and no later than sixty (60) days after the hearing is concluded, the board shall affirm, modify or reverse the administrator's action. The board may order either party to act in accordance with its decision.

(ef) Effect of the board's decision. The decision of the board shall be binding on the parties unless reversed or otherwise modified by a court of competent jurisdiction.

SECTION 10. (a) The expressed or implied repeal or amendment by this ordinance or 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.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining 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 adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in full force and effect upon passage and compliance with IC 36-3-4-14.

PROPOSAL NO. 516, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 516, 1994 on September 29, 1994. The proposal approves the transfer of certain territory located at approximately 3600-4200 9th Avenue from the Consolidated City of Indianapolis to the City of Beech Grove. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Coughenour, for adoption. Proposal No. 516, 1994 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Jimison

Proposal No. 516, 1994 was retitled GENERAL ORDINANCE NO. 137, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 137, 1994

A GENERAL ORDINANCE approving transfer of certain territory from the Consolidated City of Indianapolis to the City of Beech Grove.

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

SECTION 1. The owners of the real estate described in Section 2 of the ordinance having petitioned the City of Indianapolis to disannex such territory and having petitioned the City of Beech Grove to annex such territory, the transfer of such territory from the Consolidated City of Indianapolis to the City of Beech Grove is hereby approved, effective upon the City of Beech Grove approving such transfer.

SECTION 2. Sec. 111-1 of the "Revised Code of the Consolidated City" be and is hereby amended to reflect the change in boundaries of the Consolidated City by adding a new paragraph (7) reading as follows:

"(7) Disannexation to City of Beech Grove. The following territory is transferred to the City of Beech Grove:

Part of the Southwest Quarter of Section 28, Township 15 North, Range 4 East and part of the Northwest Quarter of Section 33, Township 15 North, Range 4 East in Marion County, Indiana, described as follows:

Commencing at the northwest corner of said northwest quarter; thence on an assumed bearing of South 00 degrees 12 minutes 12 seconds East along the west line of said northwest quarter a distance of 714.01 feet to the Beginning Point; thence continuing South 00 degrees 12 minutes 12 seconds East along said west line a distance of 215.00 feet; thence South 72 degrees 24 minutes 17 seconds East a distance of 89.63 feet; thence North 72 degrees 17 minutes 17 seconds East a distance of 402.67 feet; thence North 46 degrees 26 minutes 06 seconds East a distance of 372.14 feet; thence South 48 degrees 00 minutes 48 seconds East a distance of 266.00 feet; thence North 88 degrees 00 minutes 00 seconds East a distance of 195.00 feet; thence North 78 degrees 00 minutes 00 seconds East a distance of 70.00 feet; thence South 72 degrees 00 minutes 00 seconds East a distance of 235.00 feet; thence South 27 degrees 53 minutes 37 seconds East a distance of 303.46 feet; thence South 23 degrees 00 minutes 00 seconds West a distance of 135.00 feet; thence South 40 degrees 00 minutes 00 seconds East a distance of 92.96 feet; thence North 00 degrees 18 minutes 05 seconds West parallel with the west line of said southwest quarter a distance of 1309.35 feet to the south line of said southwest quarter; thence continuing North 00 degrees 18 minutes 05 seconds West parallel with the west line of said southwest quarter a distance of 1987.62 feet; thence South 88 degrees 38 minutes 02 seconds West parallel with the north line of said southwest quarter a distance of 1129.08 feet; thence South 02 degrees 49 minutes 35 seconds East a distance of 367.07 feet; thence South 22 degrees 32 minutes 53 seconds West a distance of 550.00 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 100.00 feet; thence South 27 degrees 26 minutes 56 seconds East a distance of 205.00 feet; thence South 04 degrees 46 minutes 33 seconds East a distance of 355.27 feet; thence South 50 degrees 35 minutes 22 seconds East a distance of 130.00 feet; thence South 35 degrees 39 minutes 26 seconds East a distance of 478.00 feet to the north line of said northwest quarter; thence South 16 degrees 21 minutes 31 seconds West a distance of 405.00 feet; thence South 32 degrees 58 minutes 38 seconds West a distance of 410.00 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 400.00 feet to the Beginning Point. Containing 72.574 acres, more or less.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14 and approval by the City of Beech Grove of the annexation of the territory.

SECTION 4. The clerk shall file a copy of the ordinance, upon adoption, with the designated official of the State Board of Tax Commissioners and with the Clerk of the Circuit Court of Marion County.

PROPOSAL NO. 547, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 547, 1994 on October 3, 1994. The proposal is an appropriation from the Property Reassessment Fund in the amount of \$786 to pay for

necessary moving expenses for the Franklin Township Assessor financed by transferring other appropriations for that agency. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 547, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Gray, Hinkle, Jimison, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
3 NOT VOTING: *Borst, Gilmer, Jones*

Proposal No. 547, 1994 was retitled FISCAL ORDINANCE NO. 92, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Seven Hundred Eighty-Six Dollars (\$786) in the Property Reassessment Fund for purposes of the Franklin Township Assessor and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (p) of the City-County Annual Budget for 1994, be and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Franklin Township Assessor to pay the Building Authority's invoice for the costs incurred during move from Suite 1142 to Suite 1122.

SECTION 2. The sum of Seven Hundred Eighty-Six (\$786) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services and Charges	<u>786</u>
TOTAL INCREASE	786

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

<u>FRANKLIN TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
4. Capital Outlay	<u>786</u>
TOTAL REDUCTION	786

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

PROPOSAL NO. 549, 1994. Councillor Giffin reported that the Parks & Recreation Committee heard Proposal No. 549, 1994 on October 17, 1994. The proposal amends the Revised Code to reflect the new organizational structure of the Department of Parks and Recreation. Due to the fact that there were many people who felt that this proposal should not be accelerated for final consideration due to unresolved questions, the Committee voted to hold the proposal in Committee for a subsequent hearing.

PROPOSAL NO. 550, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 550, 1994 on October 12, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$13,950

to purchase supplies and Department Case Management Software for the Superior Court, Criminal Division, Probation Department, financed by transferring other appropriations for that agency. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 550, 1994 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, Shambaugh, Short, Smith, West, Williams*

1 NAY: *Borst*

3 NOT VOTING: *Black, Dowden, SerVaas*

Proposal No. 550, 1994 was retitled FISCAL ORDINANCE NO. 93, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Thirteen Thousand Nine Hundred Fifty Dollars (\$13,950) in the State and Federal Grants Fund for purposes of the Superior Court, Criminal Division, Probation Department, and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (mm) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of creating funds for supplies which was previously overlooked when grant appropriated and transferring remaining funds for purchase of Department Case Management Software.

SECTION 2. The sum of Thirteen Thousand Nine Hundred Fifty Dollars (\$13,950) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, PROBATION DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	3,000
4. Capital Outlay	<u>10,950</u>
TOTAL INCREASE	13,950

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, PROBATION DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>13,950</u>
TOTAL DECREASE	13,950

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

PROPOSAL NO. 551, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 551, 1994 on October 12, 1994. The proposal, sponsored by Councillor Franklin, is an appropriation from the County General Fund in the amount of \$708 for the Superior Court, Criminal Division, Room Two, to pay for lease and maintenance expenses of copier equipment financed by transferring other

appropriations for that court. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 551, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Beadling, Golc

Proposal No. 551, 1994 was retitled FISCAL ORDINANCE NO. 94, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Seven Hundred Eight Dollars (\$708) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Two, and reducing certain other appropriations for that Court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (gg) of the City-County Annual Budget for 1994, be and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Room Two, to fund the lease and maintenance expenses of copier equipment.

SECTION 2. The sum of Seven Hundred Eight Dollars (\$708) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM TWO</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	708
TOTAL INCREASE	708

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM TWO</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	403
4. Capital Outlay	305
TOTAL DECREASE	708

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

PROPOSAL NO. 552, 1994. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 552, 1994 on October 13, 1994. The proposal signifies the City's intent to improve its rate of solid waste diversion from landfills. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour stated that the part of the comprehensive education program for solid waste diversion from landfills will include: paid and donated television and radio ads, a speakers bureau, a comprehensive brochure, direct mail, public affairs programs, feature articles, news releases, videos for community organizations, and development of two lesson plans for school grades K-8. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Councillor Rhodes stated that improving the solid waste diversion

needs to be a voluntary program in order to succeed. He also stated that in order to create a larger recycled market, consumers need to demand products made from recycled materials. Proposal No. 552, 1994, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams

2 NAYS: Borst, O'Dell

2 NOT VOTING: Dowden, Smith

Proposal No. 552, 1994, as amended, was retitled SPECIAL RESOLUTION NO. 72, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 1994

A SPECIAL RESOLUTION signifying the City's intent to improve its rate of solid waste diversion from landfills.

WHEREAS, prior to passage of HEA 1240, IC 13-7-1-1, the City developed a long-term comprehensive solid waste management plan, including the construction of a waste-to-energy facility, which has resulted in diversion of 57% of solid waste from landfills; and

WHEREAS, in 1992, the Mayor formed the Indianapolis Solid Waste Citizens' Advisory Committee (ISWCAC) to develop recommendations on how to achieve the state reduction goals of 35% by 1996 and 50% by 2001 as outlined in HEA 1240; and

WHEREAS, the ISWCAC recommendations to meet the 1996 reduction goal of 35% include a variable rate program whereby homeowners would pay according to the number of bags or containers set at the curb, city-wide curbside recycling and separate yard waste collection, among other programs, at a cost of an estimated additional \$3-5 per month per homeowner; and

WHEREAS, the ISWCAC recommendations to meet the 2001 reduction goal of 50% calls for expansion of the 1996 programs as well as addition of a construction and demolition waste diversion program, and increased special waste diversion, among other programs, at a cost of an estimated additional \$5-7 per month per homeowner; and

WHEREAS, in 1994, the Mayor directed the Department of Public Works to formulate an alternative, more cost effective waste reduction plan that would allow the City to achieve a 35% reduction in waste disposal by January 1, 1996, without an increase in funding; and

WHEREAS, the Department proposed that if the City maintained its existing waste disposal reduction programs, banned the collection and final disposal of grass clippings effective January 1, 1995, expended commercial recycling activities, and implemented a comprehensive education program, then the City could achieve 35% waste disposal reduction without a funding increase; and

WHEREAS, the Department has not yet developed specific programs to meet the reduction goal of 50% by 2001 without additional funding; and

WHEREAS, a proposal to ban collection and final disposal of grass clippings has been introduced to the Council; and

WHEREAS, the Public Works Committee has been reviewing the Department's proposed diversion strategy and issues related to achieving the state reduction goals and has conducted public hearings on these matters; and

WHEREAS, the Public Works Committee's extensive review of the matter raised the question of whether the City should endeavor to meet the State's waste reduction goals since the goals are not mandatory and whether additional funding should be pledged to the achievement of these goals; and

WHEREAS, the Public Works Committee has listened to numerous comments from the public concerning all of the issues involved, reviewed the recommendations of the Indianapolis Solid Waste Citizens Advisory

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Committee, and reviewed the recommendations of the Department of Public Works for the 1994-1996 diversion strategy including the grass ban; and

WHEREAS, because the City has formulated a long term comprehensive solid waste management plan that has resulted in a 57% diversion from landfilling, the Public Works Committee recommends that the City use best efforts to improve its diversion rate from landfilling by developing and implementing a comprehensive education program to inform residents on solid waste programs including solid waste diversion programs and the benefits of mulching yard waste.

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

SECTION 1. The Council finds that the that the City has a long-term comprehensive solid waste management plan in place and therefore the City should continue to strive to improve its rate of diversion of solid waste from landfills through the development and implementation of a comprehensive education program to inform residents on solid waste programs including solid waste diversion programs and the benefits of mulching yard waste and the continuation of existing solid waste diversion programs.

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

PROPOSAL NO. 561, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 561, 1994 on September 29, 1994. The proposal, sponsored by Councillors Williams and West, amends the Code to establish criteria for determining the eligibility of neighborhood development corporations and other nonprofit corporations for sales and grants of real property. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved, seconded by Councillor Williams, for adoption.

Councillor Beadling asked if there is a time frame for the property to be returned to the City if there is no compliance with the terms of the agreement. Mr. West stated that State law reads that the property will be returned if it has not been utilized within five years. Mr. Elrod stated that the State law reads that the property will be returned if housing has not been provided on the parcel within five years. Councillor Beadling asked if there is any way the property could be returned sooner than five years. Mr. Elrod stated that the Metropolitan Development Commission can execute an agreement with whatever time limit they feel is necessary.

Proposal No. 561, 1994, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams
2 NAYS: Borst, Schneider
1 NOT VOTING: Dowden

Proposal No. 561, 1994, as amended, was retitled GENERAL ORDINANCE NO. 138, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 138, 1994

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County to establish criteria as required by IC 36-7-15.1-15.1(i) and IC 36-7-15.1-22.5(f) for determining the eligibility of neighborhood development corporations and other nonprofit corporations for sales and grants of real property under IC 36-15.1-15.1 and IC 36-7-15.1-22.5(e)(3).

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

SECTION 1. Chapter 2, Article 8 of the Code of Indianapolis and Marion County, Indiana is hereby amended by adding a new section to read as follows:

Sec. 2-515.5. Determination of eligibility of neighborhood development corporations and nonprofit corporations for sales and grants of real property under IC 36-7-15.1-15.1 and IC 36-7-22.5(e)(3).

(a) When disposing of real property by sale or grant under IC 36-7-15.1-15.1 or IC 36-7-15.1-22.5(e)(3) the Metropolitan Development Commission shall only sell or grant to a nonprofit corporation or neighborhood development corporation, meeting the following criteria:

- (1) it shall have as a major corporate purpose and function, the provision of housing for low or moderate income families within the geographic area in which the parcel of property is located;
- (2) it shall have been established for at least one year; and
- (3) it shall have agreed to comply with the terms of a "project development agreement" in the form determined by the Metropolitan Development Commission, which shall require among other terms, that prior to the transfer of title to the real estate to it:
 - (A) all affected, registered neighborhood associations will have been notified and either agreed to the project or have been granted the opportunity for hearing before the Commission, and
 - (B) an acceptable and feasible financial plan for the intended redevelopment has been presented to and approved by the director or the director's designee.

(b) The City-County Council of the City of Indianapolis and of Marion County, Indiana determines, that so long as they operate in compliance with the criteria in subsection (a), the following nonprofit corporations and neighborhood development corporations meet the criteria established herein:

- (1) Business Opportunity Systems Community Development Corporation
- (2) Community Action of Greater Indianapolis
- (3) Concord Community Development Corporation
- (4) Eastside Community Investments, Inc.
- (5) Indianapolis Neighborhood Housing Partnership
- (6) King Park Area Development Corporation
- (7) Mapleton-Fall Creek Housing Development Corporation
- (8) Martindale-Brightwood Community Development Corporation
- (9) Martin Luther King Community Development Corporation
- (10) Meridian Kessler Development Corporation
- (11) Near North Development Corporation
- (12) Riley Area Revitalization Program
- (13) Southeast Neighborhood Development, Inc.
- (14) United Northwest Area Development Corporation
- (15) West Indianapolis Development Corporation
- (16) Westside Community Development Corporation
- (17) Williams, Howard, Wright, Inc.
- (18) Habitat for Humanity
- (19) Historic Landmarks Foundation

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

PROPOSAL NO. 562, 1994. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 562, 1994 on October 13, 1994. The proposal amends the Code dealing with the collection of grass. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Coughenour moved, seconded by Councillor Schneider, to strike. Proposal No. 562, 1994 was stricken by a majority voice vote.

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Councillor Gilmer asked for consent to vote on Proposal No. 570, 1994 at this time. Consent was given.

PROPOSAL NO. 570, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 570, 1994 on October 5, 1994. The proposal, sponsored by Councillor SerVaas, amends the Code by authorizing a traffic signal for Michigan Road and the entrance to Lowe's (8440 N.) (District 2). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Greg Henneke, Director, Department of Capital Asset Management (DCAM), stated that DCAM is aware of the concern of having too many curb cuts in this very congested area. DCAM has examined the area and determined that work can be done on both sides of the street to reserve ground to interconnect future and existing parking lots with Cub Foods (east of Lowe's) and College Park Plaza (northeast of Lowe's). Councillor Gilmer moved, seconded by Councillor Mullin, for adoption. Proposal No. 570, 1994 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Gray

Proposal No. 570, 1994 was retitled GENERAL ORDINANCE NO. 140, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 140, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
3, Pg. 7	Michigan Rd, Lowe's (8440 N entrance)	None	Signal

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 519, 520, 521, 522, 523, 524, 556, and 557, 1994 on October 5, 1994.

PROPOSAL NOS. 519, 520, 521, 522, 523, 524, 556, and 557, 1994. Councillor Gilmer asked for consent to vote on these eight proposals together. Consent was given. PROPOSAL NO. 519, 1994. The proposal, sponsored by Councillor Giffin, amends the Code by authorizing a multi-way stop at Phoenix Drive and Southwest Drive (District 19). PROPOSAL NO. 520, 1994. The proposal amends the Code by authorizing a stop sign for Shore Drive at Shore Terrace (District 1). PROPOSAL NO. 521, 1994. The proposal, sponsored by Councillor Rhodes, amends the code by authorizing a multi-way stop at Beach Avenue, 79th Street and Lincoln Boulevard (District 7). PROPOSAL NO. 522, 1994. The proposal, sponsored by Councillor Hinkle, amends the Code by authorizing a multi-way stop

at Bauman Street and West Lake Road (District 18). PROPOSAL NO. 523, 1994. The proposal, sponsored by Councillor Smith, amends the Code by authorizing a multi-way stop at Frye Road, Shelbyville Road and Matthews Road (District 23). PROPOSAL NO. 524, 1994. The proposal, sponsored by Councillor Beadling, amends the Code by authorizing a multi-way stop at Bowline Drive and Skipjack Drive (District 5). PROPOSAL NO. 556, 1994. The proposal, sponsored by Councillor Smith, amends the Code by authorizing a stop sign at McGregor Road and Joyce Street (District 23). PROPOSAL NO. 557, 1994. The proposal, sponsored by Councillor Williams, amends the Code by authorizing a multi-way stop at New Jersey Street and 13th Street (District 22). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal Nos. 519, 520, 521, 522, 523, 524, 556, and 557, 1994 were adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Gray*

Proposal No. 519, 1994 was retitled GENERAL ORDINANCE NO. 141, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 141, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
37, Pg. 7	Southwest Dr Phoenix Dr	Southwest Dr	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
37, Pg. 7	Southwest Dr Phoenix Dr	None	All Way Stop

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

Proposal No. 520, 1994 was retitled GENERAL ORDINANCE NO. 142, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 142, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
15, Pg. 3	Shore Dr, Shore Ter	Shore Ter	Stop

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

Proposal No. 521, 1994 was retitled GENERAL ORDINANCE NO. 143, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 143, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4, Pg. 1	Beach Av, Lincoln Blvd	Lincoln Blvd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
4, Pg. 1	Beach Av, Lincoln Blvd	None	All Way Stop

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

Proposal No. 522, 1994 was retitled GENERAL ORDINANCE NO. 144, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 144, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22, Pg. 2	Bauman St, West Lake Rd	Bauman St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22, Pg. 2	Bauman St, West Lake Rd	None	All Way Stop

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

Proposal No. 523, 1994 was retitled GENERAL ORDINANCE NO. 145, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 145, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48, Pg. 2	Frye Rd, Shelbyville Rd, Matthews Rd	Shelbyville Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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, Pg. 2	Frye Rd, Shelbyville Rd, Matthews Rd	None	All Way Stop

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

Proposal No. 524, 1994 was retitled GENERAL ORDINANCE NO. 146, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 146, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
7, Pg. 2	Bowline Dr & Skipjack Dr	Skipjack Dr	Stop

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SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
7, Pg. 2	Bowline Dr & Skipjack Dr	None	All Stop

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

Proposal No. 556, 1994 was retitled GENERAL ORDINANCE NO. 147, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 147, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
49, Pg. 2	McGregor Rd, Joyce St	Joyce St/ McGregor (SWB)	Yield

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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>
49, Pg. 2	McGregor Rd, Joyce St	Joyce St/ McGregor (SWB)	Stop

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

Proposal No. 557, 1994 was retitled GENERAL ORDINANCE NO. 148, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 148, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37	New Jersey St & I3th St	New Jersey St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 37	New Jersey St & 13th St	None	All Stop

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

PROPOSAL NO. 526, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 526, 1994 on October 5, 1994. The proposal, sponsored by Councillors Schneider and Rhodes, amends the Code by authorizing a traffic signal at 86th Street and Haverstick Road (Districts 3, 7). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch stated that Haverstick Road is very close to Keystone Avenue and there is not much room for the stoppage of cars. Councillor Schneider asked for consent to postpone this proposal for further study. Councillor Rhodes agreed. Councillor O'Dell asked for consent to return this proposal to committee for further study. Councillor Gilmer agreed. Consent was given to return Proposal No. 526, 1994 to committee.

PROPOSAL NO. 527, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 527, 1994 on October 5, 1994. The proposal, sponsored by Councillor Golc, amends the Code by changing the speed limit on Tibbs Avenue from Kentucky Avenue to Washington Street (District 17). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal No. 527, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
2 NAYS: *Black, Curry*
1 NOT VOTING: *Gray*

Proposal No. 527, 1994 was retitled GENERAL ORDINANCE NO. 149, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 149, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-136, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

40 MPH

Tibbs Avenue, from
Kentucky Avenue to Washington Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

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35 MPH

Tibbs Avenue, from
Kentucky Avenue to Washington Street

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

PROPOSAL NO. 529, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 529, 1994 on October 5, 1994. The proposal, sponsored by Councillor Giffin, amends the Code by authorizing parking restrictions on Farnsworth Street, on both sides, from Holt Road to a point 1,000 feet east of Holt Road (District 19). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Giffin, for adoption. Proposal No. 529, 1994 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Gray

Proposal No. 529, 1994 was retitled GENERAL ORDINANCE NO. 150, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 150, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-267, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby, amended by the addition of the following, to wit:

Farnsworth Street, on both sides,
from Holt Road to a point 1000 feet east of Holt Road

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

PROPOSAL NO. 530, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 530, 1994 on October 5, 1994. The proposal, sponsored by Councillor Williams, amends the Code by authorizing parking restrictions on Roosevelt Avenue, on both sides, from 17th Street to Tipton Street (District 22). Councillor West asked if this proposal was amended to include "no stopping or standing." Councillor Gilmer answered in the affirmative. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Williams stated that the amendment of "no stopping or standing" gives the police more authority to keep people from stopping or standing in that area. The Police Department requested this amendment as an aid in eliminating drug dealing in this area. Councillor Franklin stated that if drug dealing is the problem in this area, the drug dealers should be arrested instead of forcing them to move elsewhere. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 530, 1994, as amended, was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

1 NAY: *Franklin*

3 NOT VOTING: *Black, Brents, Gray*

Proposal No. 530, 1994, as amended, was retitled GENERAL ORDINANCE NO. 151, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 151, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, 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:

Roosevelt Avenue, on both sides,
from Seventeenth Street to Tipton Street

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

PROPOSAL NO. 553, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 553, 1994 on October 5, 1994. The proposal, sponsored by Councillors O'Dell and Ruhmkorff, amends the Code by authorizing a traffic signal at Post Road and 18th Street (Districts 12, 13). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor O'Dell, for adoption. Proposal No. 553, 1994 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Gray*

Proposal No. 553, 1994 was retitled GENERAL ORDINANCE NO. 152, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 152, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 14	Post Rd, 18th St	Post Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 14	Post Rd, 18th St	None	Signal

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

PROPOSAL NO. 554, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 554, 1994 on October 5, 1994. The proposal, sponsored by Councillor Coughenour, amends the Code by authorizing a traffic signal at East South County Line Road and Sherman Drive (District 24). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 554, 1994 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West,

0 NAYS:

5 NOT VOTING: Beadling, Black, Gilmer, Gray, Williams

Proposal No. 554, 1994 was retitled GENERAL ORDINANCE NO. 153, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 153, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47, Pg. 3	County Line Rd, Sherman Dr	County Line Rd	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, 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, Pg. 3	County Line Rd, Sherman Dr	None	Signal

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

PROPOSAL NO. 555, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 555, 1994 on October 5, 1994. The proposal, sponsored by Councillor Hinkle, amends the Code by authorizing a traffic signal at Country Club Road and 21st Street (District 18). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 555, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Gilmer, Gray, Short*

Proposal No. 555, 1994 was retitled GENERAL ORDINANCE NO. 154, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 154, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22, Pg. 5	Country Club Rd, 21st St	None	All Way Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
22, Pg. 5	Country Club Rd, 21st St	None	Signal

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

PROPOSAL NO. 558, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 558, 1994 on October 5, 1994. The proposal, sponsored by Councillor Brents, amends the Code by authorizing changes in parking restrictions for various downtown streets (District 16). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 558, 1994 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Gray*

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Proposal No. 558, 1994 was retitled GENERAL ORDINANCE NO. 155, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 155, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets; and Sec. 29-270, Parking prohibited during specified hours on certain days.

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

SECTION 1. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Sec. 29-268, 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:

New York Street, on both sides,
from West Street to Senate Avenue

North Street, on both sides,
from Delaware Street to Alabama Street

SECTION 2. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Sec. 29-270, Parking prohibited during specified hours on certain days, be, and the same is hereby, amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS
from 7:00 a.m. to 6:00 p.m.

New York Street, on both sides,
from West Street to Senate Avenue

North Street, on both sides,
from Delaware Street to Alabama Street

Pennsylvania Street, on the east side,
from Ohio Street to a point 314 feet north of Ohio Street

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

PROPOSAL NO. 559, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 559, 1994 on October 5, 1994. The proposal, sponsored by Councillor Beadling, amends the Code by authorizing a change in the speed limit on Sunnyside Road from 75th Street to Fox Road; and on Fox Road from Sunnyside Road to Oaklandon Road (District 5). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Beadling, for adoption. Proposal No. 559, 1994 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Giffin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

1 NAY: Franklin

2 NOT VOTING: Gilmer, Gray

Proposal No. 559, 1994 was retitled GENERAL ORDINANCE NO. 139, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 139, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-136, 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 "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

40 MPH

Sunnyside Road,
from 75th Street to Fox Road

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

35 MPH

Sunnyside Road,
from 75th Street to Fox Road

Fox Road,
from Sunnyside Road to Oaklandon Road

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

OLD BUSINESS

Councillor Schneider asked about the status of Proposal No. 361, 1994. Councillor West stated that Proposal No. 361, 1994 was introduced in July in anticipation of having a hearing before the budget and handling the proposal after the budget was completed. On the day of the hearing, August 1, 1994, the matter was recast in a new format. After the budget the Metropolitan Development Committee began working on the new format. A hearing will be held on the matter within the next 30 days. The President requested that Councillor West announce and circulate the appropriate hearing date and time.

Councillor Williams commended City officials for a job well done in hosting the Indiana Association of Cities and Towns Annual Conference.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd stated that he has been asked to offer the following motions for adjournment by:

- (1) Councillor Beadling in memory of Rodney E. Toliver and Wayne Weisheit,
- (2) by himself in memory of Leah K. Fairfield, Ernest McGruder, Matthew Sims, Harry J. Coyne, and Oscar Don Overby,
- (3) Councillor Coughenour in memory of Gary Arnold, and
- (4) Councillor Shambaugh in memory of Sally McCammack.

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Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Rodney E. Toliver, Wayne Weisheit, Leah K. Fairfield, Ernest McGruder, Matthew Sims, Harry J. Coyne, Oscar Don Overby, Gary Arnold, and Sally McCammack. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:22 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-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of October, 1994.

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)