

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, MAY 10, 2021**

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, with the majority of members attending electronically via WebEx, in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, May 10, 2021 with Councillor Osili presiding from the Chamber.

Councillor Barth introduced Pastor John Russell, University United Methodist Church, who led the opening prayer. Councillor Barth then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

*4 PHYSICALLY PRESENT IN CHAMBER: Boots, Evans-E, Larrison, Osili
21 PRESENT ELECTRONICALLY VIA WEBEX: Adamson, Annee, Bain, Barth, Brown,
Carlino, Dilk, Evans-J, Graves, Gray, Hart, Jackson, Jones, Lewis, Mascari, McCormick,
Mowery, Oliver, Potts, Ray, Robinson
0 ABSENT:*

A quorum of twenty-five 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 the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 10, 2021, 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/Vop Osili
President, City-County Council

Journal of the City-County Council

April 19, 2021

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 23, 2021 a copy of a Notice of Public Hearing on Proposal Nos. 132 and 134, 2021, said hearing to be held on Monday, May 10, 2021 at 7:00 p.m. in the Public Assembly Room of the City-County Building.

Respectfully,
s/SaRita Hughes
Clerk of the City-County Council

April 19, 2021

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 7, 2021 – approves transfers and additional appropriations totalling \$2,693,500 in the 2021 Budget of the Office of Public Health and Safety (Consolidated County General and Federal Grants Funds) for the purposes of funding operations of the James E. Waters Jr. Community Mediation Center, non-congregate housing, and personal protective gear and additional supplies for the Community Violence Reduction Team

GENERAL ORDINANCE NO. 11, 2021 – authorizes intersection controls at Country Ridge Drive and Country View Court (District 6)

GENERAL ORDINANCE NO. 12, 2021 – authorizes intersection controls at 42nd Street and Carroll Road (District 14)

GENERAL ORDINANCE NO. 13, 2021 – authorizes operating restrictions at Kenwood Avenue and 38th Street (District 7)

GENERAL ORDINANCE NO. 14, 2021 – authorizes a speed limit reduction to 25 mph in The Woods at Liberty Park subdivision (District 18)

SPECIAL RESOLUTION NO. 19, 2021 – recognizes the 125th Anniversary of Lauck and Veldhof Funeral and Cremation Services

SPECIAL RESOLUTION NO. 20, 2021 – recognizes the service and leadership of IU President Michael A. McRobbie upon his retirement

SPECIAL RESOLUTION NO. 21, 2021 – condemns all forms of racist harassment, violence, or bias against the Asian American and Pacific Islander community

SPECIAL RESOLUTION NO. 22, 2021 – honors all those who contributed to the City of Indianapolis hosting a safe, successful NCAA men's basketball tournament

s/Joseph H. Hogsett, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

May 10, 2021

Councillor Brown made the following motion:

Mr. President:

I move to amend the agenda to advance Proposal No. 170, 2021 (currently in the Introduction of Proposals) to the first item of business under “Special Orders – Final Adoption” for action this evening. This is a time-sensitive ratification of public health orders related to the COVID-19 pandemic due to recently passed State legislation.

Councillor Barth seconded the motion, and the agenda was amended on the following roll call vote; viz:

24 YEAS: Adamson, Annee, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Gray

Without further objection, the agenda was adopted as amended.

President Osili stated that Proposal No. 170, 2021 will be placed on the agenda under Special Orders-Final Adoption.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of April 12, 2021. There being no further additions or corrections, the minutes were approved as amended.

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

PROPOSAL NO. 168, 2021. The proposal, sponsored by All Councillors, honors the victims and survivors of the mass shooting at the Indianapolis FedEx Ground facility on April 15, 2021, and the first responders and medical personnel who acted quickly to save lives. Councillors Bain and J. Evans read the proposal and Councillors Jones and Jackson expressed their heartbrokenness for the loss and appreciation for the first responders. Councillor J. Evans moved, seconded by Councillor Adamson, for adoption. Proposal No. 168, 2021 was adopted by a unanimous voice vote.

Proposal No. 168, 2021 was retitled SPECIAL RESOLUTION NO. 23, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2021

A SPECIAL RESOLUTION honoring the victims of the mass shooting on April 15, 2021.

WHEREAS, this Council affirms the right of every resident of Indianapolis and Marion County to live, work, worship, learn, play, and love whom they love free from violence; and

WHEREAS, the Council strongly condemns all forms of hatred that lead to violence, whether random or based in racism, xenophobia, sexism, or any form of discrimination or bias; and

WHEREAS, the Council remembers in deep sorrow the tragic loss of 8 souls taken in the mass shooting perpetrated on April 15, 2021, at the FedEx Ground facility in Indianapolis, Indiana; and

WHEREAS, the Council likewise remembers the 7 individuals physically injured in the attack, along with many survivors, family members, friends, loved ones, and coworkers left to cope with the emotional trauma inflicted by that horrific assault; and

WHEREAS, our community's brave first responders who responded to the scene of this shooting encountered scenes of violence and that will be forever seared into their memories; and

WHEREAS, members of the Indianapolis medical community fought to save the lives of those injured in the shooting by providing excellent emergency care; and

WHEREAS, mental health providers, counselors, and faith leaders have tended to the invisible wounds of the shooting for survivors, families, and first responders, and will continue to do so for decades to come; and

WHEREAS, the Council somberly recognizes the devastating and disproportionate impact of this mass shooting on our City's Sikh community, whose members have walked through their darkest hour with courage, dignity, and compassion; and

WHEREAS, this Council is resolutely committed to preserving the rights of residents, no matter their skin color, to practice the faith of their choosing without fear of harassment or violence; and

WHEREAS, the Council honors the lives and contributions of those killed in the attack on April 15, 2021; and

WHEREAS, Samaria Blackwell dreamed of someday joining the ranks of the Indianapolis Metropolitan Police Department and, at just 19, had already become a public servant through her work as a lifeguard for Indy Parks; and

WHEREAS, Karli Smith, also 19, had just earned her first paycheck from FedEx the night she was killed; Karli cherished her 9 siblings and her "beautiful mama", as she called her mother, and was the one who made everyone smile; and

WHEREAS, Avon native Matt Alexander, 32 years old; Matt had recently marked 10 years at FedEx but was most proud of having bought his own home 2 years ago in Avon, where he could be close to his parents and sister; and

WHEREAS, Amarjit Sekhon, 48, was known as the pillar of her household; she worked the night shift at FedEx to help support her two sons and her disabled husband and spent her Sundays praying at her Sikh temple; and

WHEREAS 50-year-old Jasvinder Kaur, was eagerly anticipating her 2-year-old granddaughter's birthday celebration on April 17th; instead, her family found themselves gathering that weekend to plan her funeral; and

WHEREAS, Amarjeet Kaur Johal, 66, was a mother and grandmother who would give a stranger the food off her plate if they were hungry and was called "Aunt" by many of her FedEx coworkers for the way she took special care of everyone; and

WHEREAS, after dedicating most of his life to the Sikh religion, 68-year-old Jaswinder Singh had worked at FedEx for less than a week and was so excited to be collecting his first paycheck in three decades that he was dressed and ready for work 3 hours before his shift began the night he was killed; and

WHEREAS, after retiring from a career as a mechanical engineer, 74-year-old United States Air Force Veteran John "Steve" Weisert took job at FedEx and was planning a 50th anniversary trip this November with his wife Mary; and

WHEREAS, the Council joins all residents of Indianapolis, and our Sikh neighbors in particular, in mourning each of these individuals and the joy they had yet to bring their families, loved ones, friends, coworkers, and to our City;

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

SECTION 1. The Council recognizes the strength of the Indianapolis community in showing compassion to all those affected by this event and refusing to allow this tragedy to define our City.

SECTION 2. The Council likewise honors the resilience of the Indianapolis Sikh community in its determination to respond to violence with the forces of faith and love.

May 10, 2021

SECTION 3. The Council commends the first responders and medical personnel whose swift action prevented further violence and loss of life.

SECTION 4. The Council affirms its commitment to rooting out all forms of hatred in our community, including and particularly those based on race, religion, ethnicity, gender, and orientation.

SECTION 5. The Council commits to constructive and open discussions about addressing workplace violence and increasing equity, diversity, inclusivity and social justice in the City of Indianapolis.

SECTION 6. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 169, 2021. The proposal, sponsored by Councillor Jackson, recognizes local food pantries, community centers, churches, and temples that have worked tirelessly to get much-needed food and resources to Indianapolis families throughout the COVID-19 pandemic. Councillors Lewis, Jackson, Adamson, Boots, Graves, and E. Evans read the proposal and recognized representatives participating online. Jennifer Vigran, chief executive officer of Second Helpings; and John Elliott, Gleaners Food Bank, thanked the Council for the recognition and all volunteers who helped to serve the community. Councillor Jackson moved, seconded by Councillor Boots, for adoption. Proposal No. 169, 2021 was adopted by a unanimous voice vote.

Proposal No. 169, 2021 was retitled SPECIAL RESOLUTION NO. 24, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2021

A SPECIAL RESOLUTION that recognizes local food pantries, community centers, churches, and temples that have worked tirelessly to get much-needed food and resources to Indianapolis families throughout the COVID-19 pandemic.

WHEREAS, the Indiana Hunger Network has reported that the need for food assistance by Marion County residents nearly doubled in response to the impact of the COVID-19 pandemic, with the total number the total number of meals provided by area nonprofits and federal nutrition programs rising from 11,850,916 in February of 2020 to 22,587,724 meals by June; and

WHEREAS, the Indiana Hunger Network similarly reported that the estimated number of meals required to meet total need also doubled in response to COVID-19, growing from approximately 380,000 meals needed per month in February of 2020 to nearly 740,000 meals per month required in June; and

WHEREAS, in Gleaners Food Bank in Indianapolis distributed nearly 8 million pounds of food in Spring 2020, more than twice the organization's usual amount; and

WHEREAS, researchers at the IUPUI Polis Center reported in November 2020 that "lack of food exacerbates all the other outcomes of poverty, including violence"; and

WHEREAS, in response to this need, a wide variety of food pantries, community centers, churches, temples, businesses, public agencies, nonprofit and grassroots organizations and thousands of workers and volunteers, including members of the Indiana National Guard and the Salvation Army have worked, often at great personal risk, to provide millions of meals to Indianapolis residents experiencing food insecurity during the COVID-19 pandemic; and

WHEREAS, between March 2020 and March 2021, the Midwest Food Bank distributed more than \$57 million worth of food relief to Indiana food pantries with the support of more than 2,500 Hoosier volunteers and Guard members who collectively provided more than 50,000 hours of service for food relief efforts; and

WHEREAS, in the same time period, 21,163 Gleaners Food Bank volunteers distributed 103 million meals to Central Indiana families, a number that represents 237% of the pre-pandemic need; and

WHEREAS, between March 2020 and March 2021, CICOA provided over half a million meals to older adults needing food assistance in Central Indiana; and

WHEREAS, volunteers at Second Helpings in Indianapolis logged more than 40,000 hours in that same period of time “rescuing” donated food from Second Helpings partners, including locally-owned Side Street Catering, Sahm’s Restaurant Group, and Cunningham Restaurant Group; and

WHEREAS, Second Helpings volunteers turned donated food into more than 2 million prepared meals and, including additional food pantry contributions, distributed the equivalent of more than 4 million meals to hungry families in Indianapolis, an 83% increase in food distribution since March 2020; and

WHEREAS, staff and volunteers from Indianapolis Public Schools collaborated with Gleaners Food Bank to provide thousands of family “meal boxes” at 22 school and community sites in the past year; and

WHEREAS, at the onset of the COVID-19 pandemic, Indy Parks shifted its 2020 programming almost overnight from recreation to hunger relief, leveraging 22 staff and 10 volunteers and partnerships with Keep Indianapolis Beautiful and Nine13 Sports to provide more than 200,000 children’s meals, 43,000 family meals, nearly 30,000 sandwiches, and 5,300 dry goods boxes to help feed almost 280,00 Indianapolis families since March of 2020; and

WHEREAS, these efforts represent just a fraction of the diligent work done by Indianapolis community centers and food pantries to address food insecurity among Marion County families; 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 commends each of the individuals and organizations who joined the effort to feed Marion County families during the COVID-19 pandemic.

SECTION 2. The Council extends its gratitude to these individuals and organizations for their service and sacrifice.

SECTION 3. The Council encourages all those with the ability and means to serve or donate to our city’s hunger relief efforts to continue to do so.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 145, 2021. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 145, 2021 on April 21, 2021. The proposal, sponsored by Councillor Osili, appoints Hope Tribble to the Indianapolis-Marion County Public Library Board of Trustees. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Larrison, for adoption. Proposal No. 145, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:

Proposal No. 145, 2021 was retitled COUNCIL RESOLUTION NO. 71, 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 71, 2021

A COUNCIL RESOLUTION appointing Hope Tribble to the Indianapolis-Marion County Public Library Board of Trustees.

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

SECTION 1. As a member of the Indianapolis-Marion County Public Library Board of Trustees, the Council appoints:

May 10, 2021

Hope Tribble

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2024. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 147, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$3,621,300 in the 2021 City Non-Departmental Budget (American Rescue Plan Fund) to fund response efforts addressing the COVID-19 pandemic, including programs to combat the secondary economic effects of the pandemic faced by residents, businesses and non-profits"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 148, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the director of the Department of Metropolitan Development and the Controller to enter into payment in lieu of taxes (PILOT) agreements with property owners who have received tax exemptions under IC 6-1.1-10-16"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 149, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 341 of the Code, adding a new Article III regarding waterway activities in and on the Downtown Canal"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 150, 2021. Introduced by Councillor Carlino. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$2,128,000 in the 2021 Budget of the Department of Parks and Recreation (Parks General Fund) to finance the final maturity payment of the existing 2014 Note related to capital improvements of the Eagle Creek Golf Course"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 151, 2021. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Lauren N. Rodriguez as the Director of the Office of Public Health and Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 152, 2021. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$50,000 in the 2021 Budget of the Marion County Coroner (Federal Grants Fund) for the purposes of additional grant awards for violent death reporting and sudden unexpected infant death investigations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 153, 2021. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves transfers and additional appropriations totalling \$48,898,000 in the 2021 Budget of the Department of Public Works (Transportation General, Stormwater General, City Cumulative, Parking Meter, and Solid Waste Collection General Funds) to finance design, construction and inspection of capital infrastructure projects, along with any unanticipated contractual costs"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 154, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 11th Street and Medford and Sharon Avenue (District 11)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 155, 2021. Introduced by Councillors Barth and Potts. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 54th Street and Kenwood Avenue (Districts 2, 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 170, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which public health orders related to the COVID-19 pandemic"; and the President referred it to the Committee of the Whole.

PROPOSAL NO. 171, 2021. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Brandon Fishburn to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 172, 2021. Introduced by Councillor Mascari. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Barbara Howard to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 173, 2021. Introduced by Councillor Mowery. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Joshua Bain to the City-County Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 174, 2021. Introduced by Councillor Mowery. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Gordon Smith to the Juvenile Detention Center Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 156, 2021, PROPOSAL NOS. 157-164, 2021, PROPOSAL NO. 165, 2021 and PROPOSAL NO. 166, 2021. Introduced by Councillor Lewis. Proposal Nos. 343-344, 2018 and Proposal No. 345, 2018 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on April 16, 20, 22, and 23, 2021, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 35-45, 2021, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 35, 2021.

2020-ZON-057

8639 AND 8415 WEST WASHINGTON STREET (*APPROXIMATE ADDRESSES*)

WAYNE TOWNSHIP, COUNCIL DISTRICT #22

GREGORY A. DOTSON

Rezoning of five acres from the C-3 and C-4 districts to the I-1 district.

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REZONING ORDINANCE NO. 36, 2021.

2021-ZON-005

6009 AND 6047 SOUTH EMERSON AVENUE (*APPROXIMATE ADDRESSES*)

FRANKLIN TOWNSHIP, COUNCIL DISTRICT #25

PRIDE INVESTMENT PARTNERS, LLC D/B/A LEO'S MARKET EATERY by Brian J. Tuohy

Rezoning of 5.00 acres from the D-A district to the C-4 district for a gas station/convenience store.

REZONING ORDINANCE NO. 37, 2021.

2021-ZON-010

3502 NORTH SHADELAND AVENUE (*APPROXIMATE ADDRESS*)

WARREN TOWNSHIP, COUNCIL DISTRICT #13

BARTON POOL, by Russell L. Brown

REZONING of 20.12 acres from the C-S district to the C-S district for a home repair/improvement contractor (including pools and related uses) with offices, showrooms, warehouse-distributions, fleet parking and indoor/outdoor storage of materials and equipment, with the TERMINATION of Commitments Two, Three, Four, Five, Six and Seven of 2007-ZON-841/2007-VAR-841, and the TERMINATION of Commitments One, Two, Three and Four of 2014-MOD-008. (The following Commitments for 2007-ZON-841/2007-VAR-841 would be terminated: All parking, storage, and maneuvering areas shall consist of asphalt, concrete, or other paving material to provide a dust-free surface and shall be completed within ten months of the completion of the trailer repair building. In the interim, no storage on gravel surfaces shall occur; Access drives/driveways to the mini-warehouses shall consist of asphalt, concrete, or other paving material, to provide a dust-free surface; A tree preservation area, measuring fifty-five (55) feet deep along the west property line and fifteen (15) feet deep along the south property lines, shall be maintained; A minimum six-foot masonry wall or solid fence shall be erected along the interior of the south and west transitional yards; Landscaping shall be planted and maintained within all required yards and transitional yards as required by the Commercial Zoning Ordinance; The commitments requested by the Department of Public Works related to general infrastructure, sanitary sewer and wastewater management, and storm water management, dated August 27, 2007. The following Commitments for 2014-MOD-018 would be terminated: All other commitments are hereby ratified and confirmed (for 2007-ZON-841/2007-VAR-841); A six foot (6') tall solid wall of fence shall be provided connecting the northern and southern ends of the westernmost buildings as shown on the site plan filed with the Department of Metropolitan Development and file-dated May 21, 2014 (the Site Plan); No access doors or access aisles shall be provided along the western side of the westernmost buildings, as indicated on the Site Plan; Auto, truck and bus repair and the 16.2 acres of outdoor vehicle storage associated therewith in connection with 2007-ZON-VAR-841 shall be prohibited; however, nothing shall prohibit vehicle/boat/RV camper storage associated with the self-storage/mini-warehouse use permitted by 2007-ZON-841/2007-VAR-841 as modified by 2014-MOD-008.)

REZONING ORDINANCE NO. 38, 2021.

2021-ZON-011 (AMENDED)

4220 WEST MICHIGAN STREET (*APPROXIMATE ADDRESS*)

WAYNE TOWNSHIP, COUNCIL DISTRICT #15

AZIZ ALBARATI by David Gilman

Rezoning of 0.34 acre from the D-5 district to the C-3 district.

REZONING ORDINANCE NO. 39, 2021.

2021-ZON-012

5316 EAST 16TH STREET (*APPROXIMATE ADDRESS*)

WARREN TOWNSHIP, COUNCIL DISTRICT #12

HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, by Andi M. Metzel of Taft Law

Rezoning of 0.17 acre from the HD-2 district to the D-5 classification for the construction of single-family residence.

REZONING ORDINANCE NO. 40, 2021.

2021-ZON-015

2614 AND 2618 WINTHROP AVENUE (*APPROXIMATE ADDRESSES*)

CENTER TOWNSHIP, COUNCIL DISTRICT #17

ONYX AND EAST, by Mark Forcum

Rezoning of 0.26 acre from the I-2 district to the D-8 district.

REZONING ORDINANCE NO. 41, 2021.

2021-ZON-018

4548 AND 4550 NORTH COLLEGE AVENUE (*APPROXIMATE ADDRESSES*)

WASHINGTON TOWNSHIP, COUNCIL DISTRICT #7

NINA ROBINSON AND PEANUT MONTESSORI, by Misha Rabinowitch and James A. Carter

Rezoning of 0.48 acre from the D-2 (W-5) district to the MU-2 (W-5) district.

REZONING ORDINANCE NO. 42, 2021.

2021-CZN-804

6230 AND 6280 NORTH COLLEGE AVENUE (*APPROXIMATE ADDRESSES*)

WASHINGTON TOWNSHIP, COUNCIL DISTRICT #2

KGBR, LLC by Joseph D. Calderon, Barnes and Thornburg LLP

Rezoning of 1.62 acres from the C-1 (FF) and C-4 (FF) district to the MU-2 (FF) district to provide for redevelopment of a mixed-use commercial building and parking garage.

REZONING ORDINANCE NO. 43, 2021.

2021-CZN-807

2326 PROSPECT STREET (*APPROXIMATE ADDRESS*)

CENTER TOWNSHIP, COUNCIL DISTRICT #17

D'ANDRE FOWLKES, by Mark and Kim Crouch

Rezoning of 0.11 acre from the C-4 district to the D-8 district.

REZONING ORDINANCE NO. 44, 2021.

2020-ZON-083

1318 South Lynhurst Drive (*Approximate Address*)

Wayne Township, Council District #22

Circle City Villages Inc., by Leon Longard

Rezoning of 1.65 acres from the D-3 district to the D-P district to provide for 18, 312-square-foot single-family dwellings at a density of 11 units per acre.

REZONING ORDINANCE NO. 45, 2021.

2021-ZON-014

1400 ENGLISH AVENUE (*APPROXIMATE ADDRESS*)

CENTER TOWNSHIP, COUNCIL DISTRICT #17

ONYX & EAST LLC by Michael Rabinowitch

Rezoning of 1.85 acres from the SU-1 district to the D-P district for 37 dwelling units, consisting of 31 single-family attached dwellings and six single-family detached dwellings at a density of 20 units per acre.

PROPOSAL NO. 167, 2021. Introduced by Councillor Lewis. Proposal No. 167, 2021 is a proposal for Rezoning Ordinance certified by the Metropolitan Development Commission for denial on April 20, 2021. The President called for any motions for public hearings on this zoning maps change. There being no motions for public hearings, the proposed ordinance, pursuant to IC 36-7-4-608, was denied by the City-County Council, the original copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

2021-ZON-001

7012, 7014 AND 7110 MADISON AVENUE; 1605 AND 1609 EAST SOUTHPORT ROAD; AND 7130

GRIFFITH ROAD (*APPROXIMATE ADDRESSES*)

PERRY TOWNSHIP, COUNCIL DISTRICT #24

TWG DEVELOPMENT LLC, by Joseph D. Calderon

Rezoning of 12.5 acres from the D-A, D-6, C-1, SU-1 (FW) (FF) and C-3 district to the D-8 (FW) (FF) district to provide for multi-family development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 132, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 132, 2021 on April 13, 2021. The proposal, sponsored by Councillor Osili, approves an additional appropriation of \$46,147,133 in the 2021 City Non-Departmental Budget (Consolidated County General Fund, City Community Justice Campus SubFund) to support planned expenditures related to the completion of the Community Justice Campus. By a 12-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor E. Evans asked how these funds will be used. Sarah Riordan, Indianapolis Bond Bank, stated that the fund was created in 2018 through unanimous approval by the Council to provide liquidity for credit, complete the project, provide for future lifecycle and maintenance costs, maintain the city's AAA rating, for credit enhancement, and to fund the debt service reserve fund. She said that \$37.5 million had to be funded up front and has to sit there until the project is completed, at which time, it will revert back to the city. She said that they will need every bit of it, as they have just \$100 million in the project fund, and will need this to finish the work they have left to do, but cannot access that until the project is completed. They funded this through cost savings over the past three years, because they knew they would need this extra cash. It is sort of like a bridge loan to themselves to finish the adult detention and court facilities.

The President called for public testimony at 8:09 p.m. There being no public comment or testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 132, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:

Proposal No. 132, 2021 was retitled FISCAL ORDINANCE NO. 8, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 8, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by appropriating a total of forty-six million one hundred forty-seven thousand one hundred thirty-three dollars (\$46,147,133) for the purposes of the City Non-Departmental.

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 its adoption, the City-County Annual Budget for 2021 is hereby amended by the increase hereinafter stated for purposes of the City Non-Departmental.

SECTION 2. The City Non-Departmental requests an additional appropriation totaling forty-six million one hundred forty-seven thousand one hundred thirty-three dollars (\$46,147,133) in the City Community Justice Campus fund, a subfund of Consolidated County General Fund, in character three to support the completion of the Community Justice Campus.

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
City Community Justice Campus Fund			46,147,133			46,147,133

SECTION 3. In support of the additional appropriation provided in Section 2, revenues totaling sixteen million three hundred eleven thousand two hundred eleven dollars (\$16,311,211) are to be transferred from the County Community Justice Campus fund to the City Community Justice Campus fund.

SECTION 4. With completion of the Community Justice Campus (CJC) project all balances remaining at the end of fiscal year 2021 in the City and County CJC funds will be transferred to the City Capital Asset Lifecycle and Development fund.

SECTION 5. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2021:

Fund	Estimated 2020 Year-End Balance	Projected 2021 Year-End Balance
City Community Justice Campus Fund	\$29,935,006	\$0
County Community Justice Campus Fund	\$7,611,667	\$0

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

PROPOSAL NO. 134, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 134, 2021 on April 14, 2021. The proposal, sponsored by Councillors Carlino, McCormick, Adamson, Osili, Barth and Evans, approves an additional appropriation of \$100,000 in the 2021 Budget of the Office of Public Health and Safety (Consolidated County General Fund) for the purpose of piloting a legal protection fund to provide immediate legal information, screenings, consultation, and representation to residents seeking asylum, pursuing citizenship, or those at risk of deportation. By an 8-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass

Councillor Hart said that he appreciates the intent, but with a limited number of dollars for public safety, he is not sure this spending is prudent, or where taxpayers would like to see them spent; as this is a federal issue. If there is an additional \$100,000 out there, he would rather see it go toward mental health to help reduce violent crime. Councillor Hart made the following motion:

Mr. President:

I move to amend Section 2 of Proposal No. 134, 2021, by deleting the language that is stricken-through and adding the underlined language, to read as follows:

SECTION 2. The Office of Public Health and Safety ~~requests~~ shall receive additional appropriations totaling One Hundred Thousand dollars (\$100,000) in character three of the Consolidated County General Fund for the purpose of piloting a legal mental health protection fund to provide immediate legal mental health information, screenings, treatment and therapeutic consultation, ~~and representation to residents seeking asylum, pursuing citizenship, or those at risk of deportation.~~

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Consolidated County General Fund			100,000			100,000

Councillor Mowery seconded the motion to amend.

Councillor Robinson asked his colleagues to support the proposal in its current form. He said that they are working on a new mental health process to offer in the next 30 days. He asked General Counsel Toae Kim to speak to the Council's authority to address this issue, as Councillor Hart alluded to the fact that it is a federal issue. Counsel Kim said that the Council has the authority to pass the proposal and spend the money as stated in the proposal.

Councillor Mowery said that he feels the constituency would feel there were bigger issues to tackle in this city, instead of putting illegal immigration at the forefront of other vital public safety issues, like mental health. He said that they can use philanthropic dollars for things like this, as many organizations seem eager to help; however, the taxpayers' dollars would be better spent elsewhere.

Councillor McCormick said that this is an issue of public health and public safety. She said that immigrants are residents, and some of them who are illegal came here with their parents, through no choice of their own. However, they are still contributing to this community, as families,

students, and workers. She agrees that mental health needs to be addressed, but hijacking this proposal is not the way to do it, and they should look for something going forward.

Councillor J. Evans said that he is unequivocally opposed to this amendment and does not respect the intent. He asked where these arguments were when the state took road and education funding and gave it to other entities. He said that when the federal government is not doing their job, it is up to this body to take it up and do what is right for their residents.

Councillor Hart said that he did not consider this amendment lightly, and he did his research and looked at what other cities were doing. He said that Denver started with \$100,000 and is now up to \$500,000. In New York, these types of initiatives are taking \$10 million away from the normal functions of public safety. He said that there are a lot of institutions offering this kind of help for immigrants today funded by philanthropic dollars, and he does not believe this is the best use of these dollars.

Councillor Larrison said that this is not a novel concept and should not be relegated to philanthropy. He said that the public defender's office was seen like this at first, but he does not see this as the local government stepping in where the federal government is not. It is about making the knowledge about services available to residents. They have ombudsmen who help small businesses at no cost, and he does not see how this is not the same.

Councillor E. Evans said that \$100,000 would not be nearly enough to address the mental health issue, as it is much bigger than that. They cannot settle for \$100,000 here and there, but need to look at the big picture when it comes to mental health.

Councillor Carlino moved, seconded by Councillor Adamson, to call the question and end debate on the motion to amend Proposal No. 134, 2021. The motion carried on the following roll call vote; viz:

22 YEAS: Adamson, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson
3 NAYS: Annee, Bain, Mowery

The motion to amend Proposal No. 134, 2021 failed on the following roll call vote; viz:

5 YEAS: Annee, Bain, Dilk, Hart, Mowery
20 NAYS: Adamson, Barth, Boots, Brown, Carlino, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

Lauren Rodriguez, director, Office of Public Health and Safety (OPHS), said that they are actually dedicating a total of \$150,000, and she asked the Council to support the proposal.

Councillor Mowery asked where the extra \$50,000 is coming from. Ms. Rodriguez said that this is Character 03 money that is available. Councillor Mowery asked if OPHS will be coming back to Council to ask for any additional appropriations later in the year. Ms. Rodriguez said that she is new to the director position and cannot speak to that at this time.

Councillor Annee asked if public defender Robert Hill is online. The Clerk answered in the negative. Councillor Annee asked if they have reached out to Public Defender Hill about maybe funneling this through the Public Defender's Office. No response was given. Councillor Annee asked if Ms. Rodriguez anticipates OPHS will be back before the Council in the next seven months to ask for an additional appropriation. Ms. Rodriguez said that she cannot speak to that at this time.

Councillor Annee said that he will be interested to see if the office does indeed have an extra \$50,000 to spend in this way.

Councillor McCormick said that she believes some conversations took place with the public defender's office. Brandon Herget, Chief Financial Officer and Policy Director for the Council, said that they did follow up with Mr. Hill, and he communicated in the committee meeting that this is a type of legal service that is not germane to what the public defender's office could provide, due to statute and jurisdiction of the county public defender.

Councillor Carlino said that they worked with the OPHS director, the Office of Finance and Management (OFM) and Council staff to push for that extra \$50,000, and it was a team effort. She said that she appreciates the director helping to find those extra funds sufficient for this pilot to measure the effectiveness of this program. She recognized Gurinder Hohl, chief executive officer for the immigrant welcome center.

Councillor Mowery asked if OFM has had any other appropriations for OPHS lately. Ken Clark, City Controller, said that the Mediation Center is going to be taken over by OPHS, which is a more appropriate place for that budget instead of the Prosecutor's Office. That required a transfer and additional appropriation to move that oversight. He added that additional funds were approved for the violence intervention team for a one-time expense for protective gear. Councillor Mowery asked if that was more than \$150,000. Mr. Clark said that it was more. Councillor Mowery asked why they did not use some of that \$50,000 in savings to fund that protective gear. Mr. Clark said that everything is a matter of priorities, and they are happy to discuss new initiatives with anyone who wants to discuss how to best invest dollars.

Councillor Potts said that one-tenth of one-tenth of one percent is not too much to dedicate to help families who had to flee their home country with their children to find a safe place to live. He said that every vote this body makes is an expression of their values, and he encouraged his colleagues to support the proposal.

The President called for public testimony at 8:50 p.m.

Gurinder Hohl, immigration welcome center, gave a brief summary of the economic impact those residents without documentation have had on this city in the past few years. In 2018, the Marion County immigrant population paid \$1.2 billion in taxes, and spent \$3.3 billion in the economy. He said that 25.3% have less than a high school education, while 17% have a bachelor's degree. These individuals help the economy engine as frontline workers, and one of three callers to the immigration center indicate that their legal needs are not being met. They cannot get the services they need, and these services are beyond the purview of the public defender or other free legal organizations.

Councillor Mowery asked the total amount of taxes paid in Marion County overall. Mr. Hohl said that he does not know, but there are 145,740 immigrants living in Marion County who pay federal, state and local taxes. Councillor Mowery said that he does think this would be a great philanthropic cause, but feels there are still better uses for taxpayer dollars.

Councillor McCormick moved, seconded by Councillor Carlino, for adoption. Proposal No. 134, 2021 was adopted on the following roll call vote; viz:

May 10, 2021

20 YEAS: Adamson, Barth, Boots, Brown, Carlino, Evans-E, Evans-J, Graves, Gray, Jackson,
Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson
5 NAYS: Annee, Bain, Dilk, Hart, Mowery
0 NOT VOTING:
0 ABSENT:

Proposal No. 134, 2021 was retitled FISCAL ORDINANCE NO. 9, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 9, 2021

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No.20, 2020) by the addition of appropriations totaling One Hundred Thousand dollars (\$100,000) for purposes of the Office of Public Health and Safety.

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

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption, the City-County Annual Budget for 2021 is hereby amended to reflect additional appropriations hereinafter stated for purposes of the Office of Public Health and Safety.

SECTION 2. The Office of Public Health and Safety requests additional appropriations totaling One Hundred Thousand dollars (\$100,000) in character three of the Consolidated County General Fund for the purpose of piloting a legal protection fund to provide immediate legal information, screenings, consultation, and representation to residents seeking asylum, pursuing citizenship, or those at risk of deportation.

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Consolidated County General Fund			100,000			100,000

SECTION 3. Upon approval of this, and other pending approvals, the 2020 year-end and projected 2021 year-end fund balances are as follows:

Fund	Projected 2020 Year-End Balance	Projected 2021 Year-End Balance
Consolidated County General Fund	\$240,499,227	\$231,224,552

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 170, 2021. The proposal, sponsored by Councillor Osili, ratifies public health orders related to the COVID-19 pandemic.

Dr. Virginia Caine, executive director, Marion County Health Department (MCHD), stated that Senate Bill #5, which was just passed, provides that local public health orders be enacted or approved by the legislative body. Although the Governor vetoed the bill, it was overridden by the House and Senate. She is asking the Council to swiftly take action, because as of today, this is an added requirement for a public health emergency order. She said that throughout the Covid-19 pandemic, MCHD has worked closely with state, federal and local officials to protect the health and economy of this community. She asked the Council to take swift action to ratify the latest public health orders to keep Marion County on track.

Councillor Mowery asked what restrictions Marion County will be left with if this does not pass tonight. Dr. Caine said that there would be no restrictions in place if these health orders are not ratified. Councillor Mowery asked if that would make Marion County on par with the state. Dr.

Caine said that she believes that is correct. Paul Babcock, Health and Hospital Corporation, said that the assumption is that restrictions in other counties are not in place, but other large counties, like Elkhart, are rushing to do the same as Marion County. He said that Indianapolis has a different urban demographic compared to some of their rural neighbors. Councillor Mowery asked if any of these counties are donut counties. Mr. Babcock responded in the negative and said that some of the donut counties had restrictions early on, but he does not know if they are in place at the moment. Councillor Mowery asked if the overridden veto means that no restrictions would be in place in Marion County. Mr. Babcock said that this is correct and the current public health orders would be null. Councillor Mowery asked if they pass this proposal, when will these public health orders expire, and how does it get decided when it is time to lift some of these restrictions. He asked if Dr. Caine says the mask mandate must remain, even if 100% of people are vaccinated; he asked if the Council has any recourse to rescind these public health orders. General Counsel Toae Kim said that the Council could offer a proposal to rescind their ratification.

Councillor Mascari thanked Dr. Caine and her staff and said that they have lost over 600,000 individuals to this virus and he supports Dr. Caine, as she knows more about this topic than he does.

Councillor Bain said that this proposal seems to be shifting the legislative body's authority to the public health department. He said that this is giving carte blanche authority to others. He said that there should be some guidelines as to how long these public health orders stay in effect and this body would be usurping all their responsibilities by giving rubber stamp authority to another autonomous body.

Councillor Lewis said that there are smart people on the Council, but there are no medical doctors on the Council. She said that, as leaders, they should get behind Dr. Caine, who has led them with grace while following the science. She said that she is the expert and this body should support her efforts.

Councillor E. Evans thanked Dr. Caine for her leadership and asked how long these might remain in effect. Mr. Babcock said that vaccines are run by the state and case rates and positivity rates are down, as vaccines have increased, and she believes an end is in sight. If it becomes prudent to enact more restrictions or lessen restrictions, those would come back before the Council; and the Council could rescind the public orders at any time.

Councillor J. Evans said that he appreciates Dr. Caine and all the work she has done for Marion County. He asked at what point they will take into account that full immunity may not happen because some simply choose not to get vaccinated. He asked at what point they will simply loosen the restrictions because there has been ample time for all residents to get vaccinated who choose to do so. Dr. Caine said that there are variant resistant strains that are more contagious and have different effects, and infectious droplets remain in the air. They will be as aggressive as they can to get everyone vaccinated by the end of August. Everyone, mainly children under 12, are not eligible for the vaccine, so 100% is not achievable at this time. But she believes there will be an increase in vaccines as people are educated and they get them into doctors' offices, since people are more likely to trust their doctor's advice. Mr. Babcock said that they will continue to follow the science and there is not date certain, and they will not set arbitrary dates.

Councillor McCormick said that those under 12, people with auto-immune diseases, and transplants are compromised populations and they still need to watch out for them.

Councillor Jackson thanked Dr. Caine and said that they need to continue to follow the science and protect those in Marion County who are not eligible for the vaccine.

Dr. Caine said that she is an optimistic person, and believes they can reach their goal, but it requires everyone participating in outreach and education. She said that they have received a \$1 million mini-grant to address vaccine hesitancy and access issues.

Councillor Mowery said that making blanket statements like follow the science is difficult. He asked what is so different about Marion County from their neighboring donut counties. Those residents are coming in, and Marion County residents are going out, and at some point they have to look at the effect these stricter restrictions are having on Marion County businesses. Dr. Caine said that the size of the county's population and density makes Marion county more vulnerable to being super spreaders to the smaller counties. The number of colleges are greater which also is a contributing factor. Councillor Mowery said that he can appreciate the differences, but they are still going back and forth across county lines.

Councillor J. Evans said that he is not insinuating that the county needs to be open right now, but there will come a time when everyone who wants a vaccine will have had the opportunity, and a decision will have to be made in spite of their choices.

Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 170, 2021 was adopted on the following roll call vote; viz:

19 YEAS: Adamson, Barth, Boots, Brown, Carlino, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Osili, Potts, Ray, Robinson
5 NAYS: Annee, Bain, Dilk, Hart, Mowery
1 NOT VOTING: Oliver
0 ABSENT:

Proposal No. 170, 2021 was retitled SPECIAL ORDINANCE NO. 3, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2021

A PROPOSAL FOR A SPECIAL ORDINANCE to ratify public health orders related to the COVID-19 pandemic.

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

SECTION 1. The City-County Council approves the following public health orders relating to the COVID-19 pandemic, issued by Dr. Virginia Caine pursuant to her statutory authority as the Director of the Marion County Public Health Department:

- Public Health Order 11-2021 (schools)
- Public Health Order 10-2021 (community corrections)
- Public Health Order 9-2021 (general social distancing requirements; mask mandate; business capacity restrictions)
- Public Health Order 6-2021 (court system)
- Public Health Order 8-2020 (non-congregate shelter)

SECTION 2. The City-County Council's approval of the above-listed Public Health Orders, which were issued pursuant to the independent statutory authority of the Director of the Marion County Public Health Department, shall continue to be valid after the current state of disaster emergency for COVID-19 declared by the Governor expires.

SECTION 3. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 133, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 133, 2021 on April 13, 2021. The proposal, sponsored by Councillor Osili, amends Chapter 135, Article VII, Division 4 of the Code regarding the capital asset development fund. By a 12-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Barth, for adoption. Proposal No. 133, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Annee, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Osili, Potts, Ray, Robinson

0 NAYS:

1 NOT VOTING: Oliver

Proposal No. 133, 2021 was retitled GENERAL ORDINANCE NO. 15, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2021

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Chapter 135, Article VII, Division 4, Capital Asset Development Fund.

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

SECTION 1. Chapter 135, Article VII, Division 4 of the Revised Code of the Consolidated City and County, be and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

DIVISION 4. CAPITAL ASSET LIFECYCLE AND DEVELOPMENT ~~CAPITAL PROJECT~~ FUND

Sec. 135-741. Created.

(a) There is hereby created a capital project fund, to be designated the "capital asset lifecycle and development fund". The fund shall be a capital project fund ~~capital project fund~~, in the office of finance and management.

(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 any fund or ever be diverted, directly or indirectly, in any manner to any other uses than for the purposes stated in subsection (c) of this division.

(c) The purpose of the fund is to provide funding for capital assets for city and county agencies and departments. Capital assets include the following:

- (1) Vehicles
- (2) Equipment
- (3) Buildings
- (4) Lease Agreements
- (5) Construction, and
- (6) Other items deemed appropriate by the city-county council.

(d) The office of finance and management shall administer the fund.

(e) Revenues for the fund may include the following:

- (1) Revenues from operating agreements between the city-county and outside contractors
- (2) Revenues from bond or lease reserve accounts upon termination of the reserve requirement
- (3) Remaining unappropriated balances in funds discontinued for use
- ~~(2)~~ (4) County option incomes taxes, and
- ~~(3)~~ (5) Other fees and revenues,

If so allocated by the city county council

(f) Expenses from the fund shall be appropriated by the city-county council in accordance with the procedures for expenditures of public funds and shall not lapse until the controller of the City of Indianapolis certifies to the city-county council that encumbered balances in the fund have been released.

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

PROPOSAL NO. 135, 2021. Councillor Brown reported that the Rules and Public Policy Committee heard Proposal No. 135, 2021 on April 4, 2021. The proposal, sponsored by Councillors Barth, Potts, Brown, McCormick and Boots, amends the Code to expand nonsmoking areas within the consolidated city to include public parks owned or leased by the city or county. By a 6-4 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Mascari said that he does support this proposal, but asked how it will be enforced. Councillor Barth said that 900 other cities have already enacted no smoking in parks and they are way behind. He said that when a young mother asked teens to quit smoking around her children on a basketball court, Indianapolis did not have her back, but now, with signage there is more strength to disallow the threat of second-hand smoke.

Councillor Mowery said that the city has over 200 parks, and less than 15 park rangers to enforce this. He said that signs are a great idea, but there is a fear for normal citizens and an inherent risk to asking a stranger to do something they do not want to do. Having a sign in place makes a person feel they have the right to say it, but if the person takes offense and it escalates, an unfortunate outcome could occur. He said that this is a good idea in theory, but it needs more public input and a better form of enforcement.

Councillor Boots said that any anti-smoking measure is a no-brainer in his opinion, and he urged his colleagues to support the proposal.

Councillor Gray said that there is open drinking allowed in the parks, as well as open guns, and all of these things kill people. If they were just prohibiting smoking on the playground area or under a shelter, he might be able to support it, but smokers are taxpayers, too, and if someone wants to walk through a park and have a smoke, that is their privilege. He said that he cannot support the proposal.

Councillor Hart said that there are more important things for police officers to monitor. The city puts signs up for speeding, and people still speed. Signs will not accomplish much. He said that this might be good in intent, but it fails in practicality due to lack of enforcement.

Councillor Jackson said that she is allergic to cigarette smoke and she can have an attack if she just walks by someone and is exposed, even though it is not her choice.

Councillor Barth listed a number of organizations that support this initiative and asked his colleagues for their support.

Councillor Brown moved, seconded by Councillor Barth, for adoption. Proposal No. 135, 2021 was adopted on the following roll call vote; viz:

18 YEAS: Adamson, Barth, Boots, Brown, Carlino, Evans-E, Evans-J, Graves, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Osili, Potts, Ray, Robinson
6 NAYS: Annee, Bain, Dilk, Gray, Hart, Mowery
1 NOT VOTING: Oliver

Proposal No. 135, 2021 was retitled GENERAL ORDINANCE NO. 16, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2021

A PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to expand nonsmoking areas within the consolidated city to include public parks owned or leased by the city or county.

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

SECTION 1. Sections 616-102 of the "Revised Code of the Consolidated City and County," is hereby amended by inserting the underlined text and deleting the stricken-through text, to read as follows:

Sec. 616-102. - Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(a) "*Ashtray*" means any receptacle that is used for disposing of smoking materials, including, but not limited to, ash and filters.

(b) "*Business*" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including, but not limited to, retail establishments where goods or services are provided to the public, and other entities where accounting, counseling, legal, medical, dental, engineering, architectural, or other professional services are delivered.

(c) "*Employee*" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services.

(d) "*Employer*" means a person, business, association, municipal corporation, trust, or nonprofit entity that employs the services of one or more individual employees.

(e) "*Enclosed area*" means all space closed in by a roof, ceiling, or other overhead covering of any material, and walls or other side coverings of any material on at least two sides with appropriate openings for ingress and egress.

(f) "*Health care facility*" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. The term "health care facility" shall include all waiting rooms, hallways, private rooms, semi private rooms, and wards within health care facilities.

(g) "*Place of employment*" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.

(h) "*Public park*" means property that is owned, leased, or operated by the city or county, or any of their offices, agencies or departments, that is used for any of the following: recreational facilities, athletic or recreational fields, tennis courts, basketball courts, swimming pools, bike paths, walking or hiking trails, wildlife and natural preserves, greenways, parks, dog parks, skate parks, amphitheaters, and any other similar uses, and including related buildings, facilities and improvements, together with parking lots, roadways, sidewalks and walkways abutting or adjoining the same. The term "public park" does not include: (i) city or county-owned golf courses and golf driving ranges; or (ii) property that is subject to a lease with the city or county where the city or county is the lessor and the term of the lease is greater than five (5) years.

~~(h)~~ (i) "*Public place*" means an enclosed area, whether owned publicly or privately, to which the public is invited or in which the public is permitted.

~~(j)~~ (i) "Retail tobacco store" means a retail store:

- (1) Utilized primarily for the sale of tobacco and tobacco-related products including, but not limited to, cigarettes, cigars, tobacco, pipes, cigarette paper, and lighters;
- (2) That is not licensed for the consumption of meals or alcoholic beverages on the premises or operated in conjunction with another business that is licensed for the on-premises consumption of meals or alcoholic beverages; and
- (3) In which the sale of tobacco and tobacco-related products accounts for not less than eighty-five (85) percent of the store's gross sales.

"Retail tobacco store" does not include a tobacco department of a larger commercial establishment such as a grocery store, department store, discount store or hotel.

~~(j)~~ (k) "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

~~(k)~~ (l) "Smoking" means the carrying or holding of a lighted cigarette, cigar, pipe, or any other lighted smoking equipment, the use of an electronic cigarette (also known as an e-cigarette), or the inhalation or exhalation of smoke from any lighted smoking equipment. "Smoking" does not include the burning of incense.

~~(l)~~ (m) "Sports arena" means sports pavilions, stadiums, athletic fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise or recreation, participate in athletic competition, or witness sports or other events.

SECTION 2. Sections 616-203 of the "Revised Code of the Consolidated City and County," is hereby amended by inserting the underlined text, to read as follows:

Sec. 616-203. - Prohibition of smoking in Indianapolis and/or Marion County owned facilities and public parks.

(a) Smoking shall be prohibited in all vehicles and enclosed areas in buildings owned, leased, or operated by the city or the county, or any of their offices, agencies, or departments if those vehicles or enclosed areas are used for any governmental function.

(b) Smoking shall be prohibited in all public parks.

SECTION 3. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Mowery stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Adamson in memory of Kelly Wensing; and
- (2) Councillor Lewis in memory of Dr. Frank Lloyd and Nancy Mallon; and
- (3) Councillors Brown and Ray in memory of Derrick Ransom; and
- (4) Councillor Hart in memory of Gerald Jerome Papenmeier; and
- (5) Councillor Osili in memory of John Lewis; and
- (6) Councillor Larrison in memory of Dustin Boyer; and

- (7) Councillor Annee in memory of Antonino "Tony" Cento; and
- (8) All Councillors in memory of Samaria Blackwell, Karli Smith, Matt Alexander, Amarjit Sekhon, Jasvinder Kaur, Amarjeet Kaur, Jaswinder Singh and John "Steve" Weisert.

Councillor Mowery moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Kelly Wensing. Dr. Frank Lloyd, Nancy Mallon, Derrick Ransom, Gerald Jerome Papenmeier, John Lewis, Dustin Boyer, Antonino "Tony" Cento, Samaria Blackwell, Karli Smith, Matt Alexander, Amarjit Sekhon, Jasvinder Kaur, Amarjeet Kaur, Jaswinder Singh and John "Steve" Weisert. 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 9:57 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 10th day of May, 2021.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.


President

ATTEST:



(SEAL)