

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, JUNE 5, 2023**

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 7:16 p.m. on Monday, June 5, 2023 with Councillor Osili presiding.

Councillor Lewis recognized Reverend Charles Harrison, Ten Point Coalition, who led the opening prayer and then invited all present to join him in the Pledge of Allegiance to the Flag led by the color guard of the American Legion Post 249.

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:

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 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 Assistant 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, June 5, 2023, 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

May 10, 2023

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, Yulonda Winfield, the following ordinances:

Journal of the City-County Council

FISCAL ORDINANCE NO. 4, 2023 – approves additional appropriations totalling \$15,360,000 in the 2023 City Non-Departmental and Office of Finance and Management Budgets (City General Sinking and Consolidated County Cumulative Capital Development-City Funds) to fund expenses associated with Circle City Forward and debt service

FISCAL ORDINANCE NO. 5, 2023 – approves additional appropriations totalling \$3,636,532 in the 2023 Budgets of Various City Agencies (Redevelopment General and Federal Stimulus COVID Funds) to expand the public art grant to the Indianapolis Arts Council, create affordable housing by investing in the Hodges Commons Apartments affordable housing project, support eviction prevention by reappropriating dollars for Emergency Rental Assistance previously provided by the State of Indiana, and support communities by funding the implementation costs of the International Marketplace Plan and Global Village Project

FISCAL ORDINANCE NO. 6, 2023 – approves an additional appropriation of \$3,000,000 in the 2023 Budget of the Department of Parks and Recreation (Federal Grants Fund) to finance infrastructure improvements at Graham Edward Martin Park, for afterschool physical education enrichment programming, and for arts and environmental education access programming, as awarded by Federal 2023 Community Project funding

FISCAL ORDINANCE NO. 7, 2023 – approves additional appropriations totalling \$5,013,815 in the 2023 Budgets of Various City Departments and County Agencies from opioid settlement funds, state and county grant funds, and various other funds to continue and expand the comprehensive Anti-Violence Plan

FISCAL ORDINANCE NO. 8, 2023 – approves additional appropriations totalling \$8,000,000 and transfers totalling \$2,223,464 in the 2023 Budget of the Department of Public Works (Stormwater General, Transportation General, and Capital Asset Development and Lifecycle Funds) to provide for the initial design and scoping costs of the projects included in the Safe Streets for All Federal grant application, a local grant match for the Federal Reconnecting Community grant to study the capping of Virginia Avenue, to fund the Capital Improvement Plan, and to align existing stormwater appropriations with contractual costs

GENERAL ORDINANCE NO. 23, 2023 – amends Chapters 740, 742, 743 and 744 of the Consolidated Zoning and Subdivision Control Ordinance for Indianapolis-Marion County with technical amendments and the addition of language regarding commercial parking lots

SPECIAL ORDINANCE NO. 5, 2023 – amends Special Ordinance No. 16, 2022, which approved the issuance of economic development tax increment revenue bonds for the Oddfellows Project (located at Washington and Pennsylvania Streets) to increase the maximum interest rate parameter to 8%, and approves and authorizes other actions in respect thereto

SPECIAL ORDINANCE NO. 6, 2023 - approves a payment in lieu of taxes (PILOT) for a new affordable housing project being financed in part with low-income housing tax credits known as Forty Six Flats, consisting of 173 apartment units, together with functionally related and subordinate facilities for low and moderate income individuals and families, located at 2511 East 46th Street (District 9)

GENERAL RESOLUTION NO. 13, 2023 – approves additional appropriations of \$2,582,322 from the Community Revitalization Enhancement District (CRED) Funds for various improvements benefitting the Lafayette Square, aka International Marketplace CRED District

GENERAL RESOLUTION NO. 14, 2023 – approves the statement of benefits of The Meritex Company and Meritex Decatur, LLC, an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 15, 2023 – authorizes the City Controller to make a public purpose grant in the amount of \$107,650 to the Arts Council of Indianapolis for the public arts grants program

SPECIAL RESOLUTION NO. 16, 2023 – recognizes the Chapelwood Elementary Robotics Teams

SPECIAL RESOLUTION NO. 17, 2023 – recognizes the Ben Davis ROTC Drill Teams

SPECIAL RESOLUTION NO. 18, 2023 – recognizes the Ben Davis Boys Basketball Championship Team

SPECIAL RESOLUTION NO. 19, 2023 – recognizes the Haitian Association of Indiana

SPECIAL RESOLUTION NO. 20, 2023 – recognizes the United Brotherhood of Carpenters

SPECIAL RESOLUTION NO. 21, 2023 - recognizes the attacks on young LGBTQIA+ Hoosiers and reaffirms the City of Indianapolis' commitment to their safety and freedom, and proclaims May 8, 2023 as "Transgender Youth and Family Safety Day"

s/Joseph H. Hogsett, Mayor

June 5, 2023

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Adamson made the following motion:

Mr. President:

I move to amend the agenda to advance Proposal No. 154, 2023 (currently under Introduction of Proposals) to the first item of business under “Special Orders – Final Adoption” for action this evening. This is a time-sensitive creation of a public health services fund authorized by recently passed State legislation.

Councillor Carlino seconded the motion, and the motion carried 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:

Without further objection, the agenda was adopted, as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of May 8, 2023. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 121, 2023. The proposal, sponsored by Councillor Lewis, recognizes Pastor A. Thomas Hill and Sharon Thomas-Hill for their creation and production of “Upon this Rock Passion Play.” Councillor Lewis read the proposal and stated that she will present the resolution to Pastor and Mrs. Hill at a later time. Councillor Lewis moved, seconded by Councillor Jackson, for adoption. Proposal No. 121, 2023 was adopted by a unanimous voice vote.

Proposal No. 121, 2023 was retitled SPECIAL RESOLUTION NO. 22, 2023, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 22, 2023

A SPECIAL RESOLUTION recognizing Pastor A. Thomas Hill and Sharon Thomas-Hill.

WHEREAS, Pastor A. Thomas Hill and Sharon Thomas-Hill have served the city of Indianapolis through their creativity and commitment to and through the production of “Upon This Rock Passion Play”; and

WHEREAS, their service through the Upon this Rock Passion Play has ministered to thousands and advanced God’s Kingdom through the art of telling the dramatic Gospel story of Jesus Christ; and

WHEREAS, the Upon this Rock cast and crew of over 300 community volunteers focuses on the life, death, burial and resurrection of Jesus Christ; and

WHEREAS, after 40-years of excellence in writing, designing, producing, growing, and excelling past challenges, the directors will retire the production with a grand and passionate exit, Easter weekend, 2023; and

WHEREAS, the ministry of UTR has brought together churches, musicals, volunteers, and hundreds of cast and choir members from across the city of Indianapolis and local and national artists; and

WHEREAS, Pastor A. Thomas and Sharon Thompson-Hill are recognized today for their unmatched sacrifice, service and achievement; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes Pastor A. Thomas Hill and Sharon Thomas-Hill for their creation and production of "Upon this Rock Passion Play".

SECTION 2. The Council heartily thanks Pastor A. Thomas Hill and Sharon Thomas-Hill for their service to the City of Indianapolis.

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

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

PROPOSAL NO. 165, 2023. The proposal, sponsored by Councillors Oliver and Osili, recognizes the American Legion Post 249. Councillor Oliver read the proposal and presented representatives with copies of the document and Council pins. Commander Marvin Boatright thanked the Council for the recognition. Councillor Oliver moved, seconded by Councillor J. Evans, for adoption. Proposal No. 165, 2023 was adopted by a unanimous voice vote.

Proposal No. 165, 2023 was retitled SPECIAL RESOLUTION NO. 23, 2023, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2023

A SPECIAL RESOLUTION recognizing American Legion Post 249.

WHEREAS, 1st Lt. Tilman H. Harpole, US Army 372 Infantry Regiment 93rd Division, served in Meuse-Argonne, France in 1918 and was killed in action on October 5, 1918; and

WHEREAS, 1st Lt. Tilman H. Harpole is buried in the Meuse-Argonne American Cemetery in Romagne, France, Plot 8, Row 41 and Grave 03; and

WHEREAS, 1st Lt. Tilman H. Harpole was awarded the World War I Victory Medal and World War I Silver Victory button; and

WHEREAS, on January 21, 1937, American Legion Post 249 was officially named after 1st Lt. Tilman H. Harpole. For the past 86 years Post 249 has been extending services to veterans and their families in the Indianapolis community. They have partnered with Indianapolis Public Schools, local churches and other veteran service organizations; and

WHEREAS, the 1st Lt. Tilman H. Harpole post consists of Legionnaires, Sons of Legion Squadron and the Auxiliary Unit; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the American Legion Post 249.

SECTION 2. The Council extends its gratitude to the American Legion Post 24 for their many contributions to bring a better quality of life to veterans and their families in the community, and wishes them success in future endeavors.

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

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

PROPOSAL NO. 166, 2023. The proposal, sponsored by Councillor Carlino, recognizes the 2023 Ben Davis University High School E-sports team for winning the Class 1A Super Smash Bros State Championship. Councillor Carlino read the proposal and presented representatives with copies of

June 5, 2023

the document and Council pins. Coach Robert Allenmann thanked the Council for the recognition. Councillor Carlino moved, seconded by Councillor McCormick, for adoption. Proposal No. 166, 2023 was adopted by a unanimous voice vote.

Proposal No. 166, 2023 was retitled SPECIAL RESOLUTION NO. 24, 2023, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2023

A SPECIAL RESOLUTION recognizing the 2023 Ben Davis University High School E-sports team for winning the Class 1A Super Smash Bros State Championship.

WHEREAS, Ben Davis University won the Class 1A State Championship at the IHSEN Super Smash Bros State Finals held in the E-sports Center at Ball State University on April 29, 2023; and

WHEREAS, Ben Davis University defeated Lawrenceburg High School 2-0 to take home the title of 2023 Class 1A Super Smash Bros State Championship, after an early lead in game two; and

WHEREAS, the Ben Davis University Super Smash Bros team ended the season with an undefeated, regular season record of 8-3-0; and

WHEREAS, the team members included Oladipo Oludugbagbe, Moubarak Mossi, Ry Hatton, Nathan Freeman, Kevin Mack, and Rahmale Cushingberry; and were led by Coach Robert Allenmann; and

WHEREAS, the Ben Davis University High School E-sports team is on the leading edge of the growing E-sports community, providing students with skills in leadership, teamwork, communication, and experience in emerging industries; now, therefore:

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

SECTION 1: The Indianapolis City-County Council proudly recognizes the 2023 Ben Davis University Super Smash Bros team for winning the Class 1A State Championship.

SECTION 2: The Council extends its congratulations to the team on their achievement and wishes them success in future endeavors, both athletically and academically.

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 36-4-14.

PROPOSAL NO. 167, 2023. The proposal, sponsored by Councillors Adamson, Potts and Brown, recognizes the 54th Anniversary of the Stonewall Riots and the June Celebration of Pride Month. Councillors read the proposal and presented representatives with copies of the document and Council pins. Jenny Boytz, Indy Pride president, thanked the Council for the recognition. Councillor Adamson moved, seconded by Councillor Potts, for adoption. Proposal No. 167, 2023 was adopted by a voice vote.

Proposal No. 167, 2023 was retitled SPECIAL RESOLUTION NO. 25, 2023, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2023

A SPECIAL RESOLUTION recognizing the 54th Anniversary of the Stonewall Riots and the June Celebration of Pride Month.

WHEREAS, LGBTQ+ people in Indianapolis have made, and continue to make, vital contributions to the city and to the state in every aspect, including in the fields of education, law, health, business, science, research, economic development, architecture, fashion, sports, government, music, film, politics, technology, literature, and civil rights; and

WHEREAS, LGBTQ+ people in Indianapolis serve as law enforcement officers, firefighters, and first responders in all of Marion County's public safety divisions; and

WHEREAS, LGBTQ+ people in the United States serve, and have served, the United States Army, Coast Guard, Navy, Air Force, and Marines honorably and with distinction and bravery; and

WHEREAS, LGBTQ+ people in the United States serve, and have served, in positions in the Federal Government and State and local governments, including as members of Congress, Governors, mayors, and city-county council members; and

WHEREAS, the demonstrators who protested on June 28, 1969, 54 years ago this year, following a law enforcement raid of the Stonewall Inn, an LGBTQ+ club in New York City, are pioneers of the LGBTQ+ movement for equality; and

WHEREAS, throughout much of the history of the United States, same-sex relationships were criminalized in many States and many LGBTQ+ people in the United States were forced to hide their LGBTQ+ identities while living in secrecy and fear; and

WHEREAS, on June 26, 2015, the Supreme Court of the United States ruled in *Obergefell v. Hodges*, 135 S. Ct. 2584, that same-sex couples have a constitutional right to marry and acknowledged that "[n]o union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family;" and

WHEREAS, LGBTQ+ people in Indiana face disparities in employment, healthcare, education, housing, and many other areas central to the pursuit of happiness in the United States; and

WHEREAS, 30 States have no explicit ban on discrimination based on sexual orientation and gender identity in housing or public accommodations, and 35 States have no explicit ban on discrimination against LGBTQ+ individuals in education; and

WHEREAS, LGBTQ+ youth are at increased risk of suicide, homelessness, and becoming victims of bullying and violence; and

WHEREAS, the LGBTQ+ community has faced discrimination, inequality, and violence throughout the history of the United States; and

WHEREAS, LGBTQ+ people in Indianapolis and across Indiana have fought for equal treatment, dignity, and respect; and

WHEREAS, LGBTQ+ people in Indianapolis have achieved significant milestones, ensuring that future generations of LGBTQ+ people in the city will enjoy a more equal and just society; and

WHEREAS, despite being marginalized throughout the history of the United States, LGBTQ+ people in Indianapolis and across the country continue to celebrate their identities, love, and contributions to the United States in various expressions; and

WHEREAS, the inclusion of LGBTQ+ people in Indianapolis continues to expand every day and LGBTQ+ people in Indianapolis remain determined to pursue equality, respect, and inclusion for all individuals regardless of sexual orientation and gender identity; now, therefore:

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

SECTION 1. The City-County Council supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, queer, and other sexual and gender minority people (referred to in this resolving clause as "LGBTQ+") people in Indianapolis and around the world.

SECTION 2. The Council supports efforts to ensure the equal treatment of all people in Indianapolis, regardless of sexual orientation and gender identity.

SECTION 3. The Council encourages the celebration of June as "LGBTQ+ Pride Month" in order to provide a lasting opportunity for all people in Indianapolis:

June 5, 2023

- (A) to learn about the discrimination and inequality that the LGBTQ+ community endured, and continues to endure; and
- (B) to celebrate the contributions of the LGBTQ+ community throughout the history of the city.

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. 168, 2023. The proposal, sponsored by Councillors Osili, Adamson, Lewis, Jackson, Jones, Evans, Oliver, Graves, Barth, Hart and Boots, recognizes the 2022-2023 commissioners for the Indianapolis Youth Commission. Councillors read the proposal and presented representatives with copies of the document and Council pins. Commissioners Allana Preston, Maria Diaz, and Dexter Patrick, and leader Donisha Posey thanked the Council for the recognition. Councillor Adamson moved, seconded by Councillor Graves, for adoption. Proposal No. 168, 2023 was adopted by a unanimous voice vote.

Proposal No. 168, 2023 was retitled SPECIAL RESOLUTION NO. 26, 2023, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2023

A SPECIAL RESOLUTION recognizing the 2022-2023 Indianapolis Youth Commission.

WHEREAS, on December 7, 2020, the Indianapolis City-County Council unanimously approved the creation of the Indianapolis Youth Commission with the purpose of engaging young leaders with the Council. The Indianapolis Youth Commission has been an invaluable asset to the City of Indianapolis that provides an opportunity for young leaders to participate in substantive discussions on the most significant issues they face; and

WHEREAS, the graduating Commissioners are Teleyah Brown, Amii Burnett, Arlen Bustamante-Primo, Lillie Day, Salematou Diaby, Maria Diaz, Alonzo Moore, Jimi Oluwatuyi, Dexter Patrick, Allana Preston, Nia Roberts, Averyion Shannon, and Tanyah Williams; and

WHEREAS, this year, the Indianapolis Youth Commission focused on mental health for Indianapolis youth. According to the Indiana Youth Institute in 2021, 30.7% of Indiana students reported that their mental health was “most of the time or always *not* good” with many students experiencing stress, anxiety, and depression; and

WHEREAS, the Commissioners engaged in courageous conversations around mental health with various Councillors, and civic and business leaders from the larger community. They are outstanding examples of citizens and role models, and our city is better off because of them; 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 recognizes the Indianapolis Youth Commission for its work during the past year and is committed to continuing to support and invest in programming for our youth, especially in mental health.

SECTION 2. Councillors extend their appreciation to the Commissioners of 2022 - 2023 for all they do for the community and their willingness to serve the city and wish them success in their future endeavors.

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

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

PROPOSAL NO. 122, 2023. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 122, 2023 on May 15, 2023. The proposal, sponsored by Councillor Lewis, appoints Rylan Hall to the Woodruff Place Economic Improvement Board. By a 9-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 122, 2023 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. 122, 2023 was retitled COUNCIL RESOLUTION NO. 56, 2023, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 56, 2023

A COUNCIL RESOLUTION appointing Rylan Hall to the Woodruff Place Economic Improvement District Board.

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

SECTION 1. As a member of the Woodruff Place Economic Improvement District Board, the Council appoints:

Rylan Hall

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.

PROPOSAL NO. 123, 2023. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 123, 2023 on May 15, 2023. The proposal, sponsored by Councillor Mowery, appoints Daniel T. Moriarty to the Metropolitan Development Commission. By an 8-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 123, 2023 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. 123, 2023 was retitled COUNCIL RESOLUTION NO. 57, 2023, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2023

A COUNCIL RESOLUTION appointing Daniel T. Moriarty to the Metropolitan Development Commission.

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 Metropolitan Development Commission, the Council appoints:

Daniel T. Moriarty

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. 148, 2023. Introduced by Councillor Mascari. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Wesley Jones as the Director of the Office of Audit and Performance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 149, 2023. Introduced by Councillors Mascari, Osili, Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$225,000 in the 2023 Budget of the Office of Corporation Counsel (Consolidated County Fund) to fund expenses associated with the hiring of attorneys detailed as Special Assistant United States Attorneys to focus on investigating and prosecuting gun crimes in Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 150, 2023. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Rusty Carr as the Director of the Department of Metropolitan Development"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 151, 2023. Introduced by Councillor Potts. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which amends Special Ordinance No. 7, 2022, which approved the issuance of economic development tax increment revenue bonds for the Shortee's Real Street Project (located at 96th Street and Westfield Boulevard) to increase the maximum interest rate parameter from 5% to 8%, and approves and authorizes other actions in respect thereto"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 152, 2023. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which amends Special Ordinance No. 1, 2022, which approved the issuance of economic development tax increment revenue bonds for the Indy Innovation Apartments Project (located at 1350 Waterway Boulevard) to increase the maximum interest rate parameter from 5% to 8%, and approves and authorizes other actions in respect thereto"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 153, 2023. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which amends Special Ordinance No. 5, 2022, which approved the issuance of economic development tax increment revenue bonds for the Motto Hotel Project (located at 1 N. Meridian Street) to increase the maximum interest rate parameter from 5% to 8%, and approves and authorizes other actions in respect thereto"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 154, 2023. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Resolution which provides authorization to the Health and Hospital Corporation of Marion County to establish a local public health services fund for Marion County authorized under Senate Enrolled Act 4, 2023"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 155, 2023. Introduced by Councillors Gray and Graves. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of general obligation bonds by the Health and Hospital Corporation of Marion County, Indiana in an aggregate principle amount not to exceed \$6,100,000, and approves an additional appropriation of the bond proceeds to be applied to the 2023-2024 Capital Improvement Projects, which consist of various

capital improvements and equipping projects at facilities owned or operated by the Health and Hospital Corporation, and paying other costs associated with the issuance of the bonds"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 156, 2023. Introduced by Councillors Robinson, Osili, Adamson and Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 451 of the Revised Code, regarding public health and welfare (specifically weapons), and adopts gun safety measures to take effect and be enforceable only upon the removal or repeal of restrictions imposed by state or federal law"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 157, 2023. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in the purchase of specified land by the Department of Public Works, located at 4720 Kingsway Drive, owned by MRE Investors, LLC, for the construction and maintenance of the Nickel Plate Trail project (District 9) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 158, 2023. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in the purchase of specified land by the Department of Public Works, located at 4740 Kingsway Drive, owned by Crossroads Rehabilitation Centers, Inc., for the construction and maintenance of the Nickel Plate Trail project (District 9) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 159, 2023. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in the purchase of specified land by the Department of Public Works, located at 2001 N. Olney Street, owned by DMC Real Estate Holdings, LLC., for the construction and maintenance of the Pogues Run Trail project (District 17) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 160, 2023. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which establishes interest in the purchase of specified land by the Department of Public Works, located at 3500 E. 20th Street, owned by Renascent Holdings, LLC., for the construction and maintenance of the Pogues Run Trail project (District 17) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 161, 2023. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends portions of Chapter 645-112 of the Revised Code, regarding public rights-of-way, to allow for the permitting of activities and the licensing of encroachments in greenway trail corridors"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 162, 2023. Introduced by Councillors Adamson and Barth. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 441 of the Revised Code to add a new Sec. 441-326, to allow for the establishment of greenway crossing speed limit zones "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 163, 2023. Introduced by Councillor McCormick. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves an interlocal cooperation agreement between the City of Indianapolis/Marion County and the Town of Avon, for the construction and operation of improvements to Raceway Road"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 164, 2023. Introduced by Councillor Barth. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes traffic controls at the intersection of North Illinois Street and West Hampton Drive (District 7)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 170-176, 2023 AND PROPOSAL NOS. 177-193, 2023. Introduced by Councillor Lewis. Proposal Nos. 170-176, 2023 and Proposal Nos. 177-193, 2023 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on May 8 and 22, 2023, 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. 41-64, 2023, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 41, 2023.

2023-ZON-009

5635 West 96th Street (*Approximate Address*)

Pike Township, Council District #1

Eric Sanquetti

Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

REZONING ORDINANCE NO. 42 2023.

2023-ZON-011

3019 North Gale Street (*Approximate Address*)

Center Township, Council District #17

Dewayne Michaels Group, LLC, by David E. Dearing

Rezoning of 0.14 acre from the SU-1 district to the D-5II district to provide for residential uses.

REZONING ORDINANCE NO. 43, 2023.

2023-ZON-017

1416 English Avenue (*Approximate Address*)

Center Township, Council District #17

Ebuka Unogu, by Mark and Kim Crouch

Rezoning of 0.08 acre from the D-5 district to the D-5II district.

REZONING ORDINANCE NO. 44, 2023.

2023-ZON-030

50 North Tibbs Avenue (*Approximate Address*)

Wayne Township, Council District #15

City of Indianapolis – Department of Metropolitan Development, by Jeffrey York

Rezoning of 12.07 acres from the I-2 and D-P (TOD) Districts to the D-10 (TOD) District to provide for multi-family residential development.

REZONING ORDINANCE NO. 45, 2023.

2023-CZN-804

1447 South East Street (*Approximate Address*)

Center Township, Council District #21

Jeremy Klausing, by Mark and Kim Crouch

Rezoning of 0.10 acre from the C-1 district to the C-3 district to provide for artisan food and beverage uses.

REZONING ORDINANCE NO. 46, 2023.

2023-CZN-810

809 Noble Street (*Approximate Address*)

Center Township, Council District #16
PADBROS, LLC, by Jynell D. Berkshire
Rezoning of 0.53 acre from the I-3 (RC) district to the D-8 (RC) district.

REZONING ORDINANCE NO. 47, 2023.
2023-CZN-813
6206 North Olney Street (*Approximate Address*)
Washington Township, Council District #3
Logan and Erika Burdick
Rezoning of 0.76 acre from the SU-2 district to the D-1 district.

REZONING ORDINANCE NO. 48, 2023.
2023-ZON-007
1311 East 9th Street (*Approximate Address*)
Center Township, Council District #17
Azure Davey
Rezoning of 0.14 acre from the I-3 district to the D-8 district.

REZONING ORDINANCE NO. 49, 2023.
2023-ZON-012
813 South Kenwood Street (*Approximate Address*)
Center Township, Council District #16
Aaron Jefferson, by Brent Bennett
Rezoning of 0.07 acre from the C-5 (RC) district to the D-8 (RC) district to provide for residential uses.

REZONING ORDINANCE NO. 50, 2023.
2023-ZON-018
1818 and 1822 Central Avenue (*Approximate Addresses*)
Center Township, Council District #11
Jason Wolfe
Rezoning of 0.34 acre from the C-3 district to the D-8 district.

REZONING ORDINANCE NO. 51, 2023.
2023-ZON-032
604, 710 North Sherman Drive, 3518 and 3722 East Michigan Street (*Approximate Addresses*)
Center Township, Council District #12
City of Indianapolis – Department of Metropolitan Development, by Eddie Honea
Rezoning of 26.47 acres from the C-S and MU-2 Districts to the C-S District to provide for mixed-use development, including light industrial, commercial, and residential development, per the development statement filed.

REZONING ORDINANCE NO. 52, 2023.
2023-ZON-033A (Amended)
1324 West 30th Street (*Approximate Address*)
Center Township, Council District #7
City of Indianapolis – Department of Metropolitan Development, by
Marleny Iraheta
Rezoning of 0.13-acre from the C-3 district to the D-5 district.

REZONING ORDINANCE NO. 53, 2023.
2023-ZON-033B (Amended)
870 Eugene Street (*Approximate Address*)
Center Township, Council District #11
PROP NO. 182, 2023 City of Indianapolis – Department of Metropolitan Development, by
Marleny Iraheta
Rezoning of 0.06-acre from the D-5 District to the D-5II District.

REZONING ORDINANCE NO. 54, 2023.
2023-ZON-033C (Amended)
909 North Pershing Avenue, 1210 & 1214 Udell Street, and 2520 & 2657 Burton Avenue (*Approximate Address*)
Center and Wayne Townships, Council Districts #11 and #7
City of Indianapolis – Department of Metropolitan Development, by Marleny Iraheta

June 5, 2023

Rezoning of 909 North Pershing Avenue, totaling 0.12-acre, from the C-1 District to the D-8 District.
Rezoning of 1210 & 1214 Udell Street, totaling 0.13-acre, from the I-2 District to the D-8 District.
Rezoning of 2520 & 2657 Burton Avenue, totaling 0.24-acre, from the I-2 (W-5) District to the D-8 (W-5) District.

REZONING ORDINANCE NO. 55, 2023.

2023-ZON-034A (Amended)

1441 Perkins Avenue, 216 Trowbridge Street and 38 & 58 South LaSalle Street (*Approximate Addresses*)

Center Township, Council Districts #12 and 21

City of Indianapolis – Department of Metropolitan Development, by Marleny Iraheta

Rezoning of 1441 Perkins Avenue, totaling 0.11-acre, from the C-1 District to the D-5 District. Rezoning of 216 Trowbridge Street, totaling 0.15-acre, from the I-3 District to the D-5 District. Rezoning of 38 & 58 South LaSalle Street, totaling 0.22-acre, from the I-3 (TOD) Districts to the D-5 (TOD) Districts.

REZONING ORDINANCE NO. 56, 2023.

2023-ZON-034B (Amended)

4406 East New York Street (*Approximate Address*)

Center Township, Council District #12

City of Indianapolis – Department of Metropolitan Development, by

Marleny Iraheta

Rezoning of 4406 East New York Street, totaling 0.08-acre, from the C-3 (TOD) districts to the D-8 (TOD) districts.

REZONING ORDINANCE NO. 57, 2023.

2022-CZN-864A

370 South Franklin Road (*Approximate Address*)

Warren Township, Council District #18

JAW Enterprises, LLC and M & K Warehouse Services, LLC, by

William T. Rosenbaum

Rezoning of 3.543 acres from the D-A district to the C-7 district.

REZONING ORDINANCE NO. 58, 2023.

2022-CZN-864B

370 South Franklin Road (*Approximate Address*)

Warren Township, Council District #18

JAW Enterprises, LLC and M & K Warehouse Services, LLC, by

William T. Rosenbaum

Rezoning of 3.45 acres from the D-A district to the I-2 district.

REZONING ORDINANCE NO. 59, 2023.

2022-CZN-868 (2nd amendment)

431 South Shortridge Road (*Approximate Address*)

Warren Township, Council District #18

PROP NO. 188, 2023 Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan

Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions.

REZONING ORDINANCE NO. 60 2023.

2022-CZN-874

202 Miley Avenue (*Approximate Address*)

Center Township, Council District #16

Miley Inc., by David Kingen and Emily Duncan

Rezoning of 1.95 acres from the I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space, Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

REZONING ORDINANCE NO. 61, 2023.

2023-CZN-806

818, 822, 826, 830, 834 and 838 Union Street, 831, 835 and 837

PROP NO. 190, 2023 Charles Street, and 23, 27 and 31 Sycamore Street (*Approximate Addresses*)

Center Township, Council District #16

The Redevelopment Group, by Russell L. Brown
Rezoning of 0.18 acre from the D-8 (RC) district to the CBD-2 (RC) district to provide for residential uses.

REZONING ORDINANCE NO. 62, 2023.
2023-CZN-809 (Amended)
2357 Dr Martin Luther King Jr Street (*Approximate Address*)
Center Township, Council District #11
PROP NO. 191, 2023 Grundy Memorial Chapel, Inc., by David Kingen
Rezoning of 0.70 acre from the C-1 district, to the MU-1 district to provide for a multi-family development.

REZONING ORDINANCE NO. 63, 2023.
2023-CZN-815
1945 Orange Street (*Approximate Address*)
Center Township, Council District #21
City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Park District One Approval to provide for new playground equipment, a rubberized play surface and sidewalks.
Rezoning of 0.6 acre from the D-5 (FF) district to the PK-1 (FF) district to provide for park uses.

REZONING ORDINANCE NO. 64, 2023.
2023-CZN-818
2810, 2826, 2834, 2838 and 2844 Ruckle Street (*Approximate Addresses*)
Center Township, Council District #9
Mapleton Fall Creek Development Corporation, by Andrea Townsend
Rezoning of 0.48 acre from the MU-2 district to the D-8 district.

PROPOSAL NO. 169, 2023. Introduced by Councillor Lewis. Proposal No. 169, 2023 is a proposal for Rezoning Ordinance certified by the Metropolitan Development Commission for denial on May 22, 2023. 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:

2022-CZN-872
4822 East Edgewood Avenue and 5820 South Emerson Avenue (*Approximate Addresses*)
Perry Township, Council District #24
IN Indianapolis Emerson, LLC, by Joseph Calderon
Rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development.

SPECIAL ORDERS - FINAL ADOPTION

President Osili stated that a motion was made earlier this evening to hear Proposal No. 154, 2023, a proposal for introduction this evening, as the first item of business under Special Orders-Final Adoption. He stated that there is a time sensitivity with regard to passage of this proposal, due to recently enacted legislation.

PROPOSAL NO. 154, 2023. The proposal, sponsored by Councillor Osili, provides authorization to the Health and Hospital Corporation of Marion County to establish a local public health services fund for Marion County authorized under Senate Enrolled Act 4, 2023. Paul Babcock, Health and Hospital Corporation, director, stated that there is a timing issue in creating this fund that was authorized by recent State legislation. Dr. Virginia Caine, Marion County Health Department, director, outlined various projects that this public health services fund would be used for.

Councillor Bain asked how this fund will be maintained and where the money will come from. Dr. Caine said that there would be some State funds, with a County match, and they are fully capable

June 5, 2023

of matching those funds. Councillor Bain asked if there would be a reduction of any services by diverting these funds. Dr. Caine responded in the negative.

Councillor Barth asked if he is correct in assuming that this separate fund will help them monitor these projects more carefully. Dr. Caine said that this is correct.

Councillor E. Evans asked if there are performance measures in place. Dr. Caine said that they have not yet been finalized, but they will be put into place, such as how many times restaurants can be inspected and follow-ups with violations, etc.

Councillor Carlino moved, seconded by Councillor Jackson, for adoption. Proposal No. 154, 2023 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. 154, 2023 was retitled GENERAL RESOLUTION NO. 16, 2023, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 16, 2023

PROPOSAL FOR A GENERAL RESOLUTION to provide authorization to the Health and Hospital Corporation of Marion County, Indiana, to establish a Local Public Health Services Fund for Marion County.

WHEREAS, on August 18, 2021, Executive Order 21-21 established the Governor's Public Health Commission, which charged the Governor's Public Health Commission to identify the funding challenges for the State's public health system and ways to address those challenges; and

WHEREAS, on August 1, 2022, the Governor's Public Health Commission issued a Report that recommended providing local health departments with stable, recurring, and flexible funding to build and sustain their foundational public health capacities; and

WHEREAS, the Indiana General Assembly adopted House Enrolled Act 1001, Public Law 201-2023, which included appropriations for a Local Public Health Fund to be used to establish a partnership responsibility between the state, local government, and health care providers for the provision of core public health services, including appropriations of \$75 million in fiscal year 2024 and \$150 million in fiscal year 2025 to provide direct funding to local health departments to provide core public health services; and

WHEREAS, the Indiana General Assembly adopted Senate Enrolled Act 4, Public Law 164-2023 implementing the funding recommendations within the Governor's Public Health Commission Report; and

WHEREAS, Senate Enrolled Act 4, Public Law 164-2023, repealed Indiana Code chapter 16-46-1, which established the Local Health Maintenance Fund, and enacted a new provision, Indiana Code § 16-46-10-1.5, which provides that each county shall establish a separate fund known as the Local Public Health Services Fund, which replaces the Local Health Maintenance Fund as the mechanism for local health departments to receive State funding; and

WHEREAS, Senate Enrolled Act 4, Public Law 164-2023 also included Indiana Code § 16-46-10-2.2, setting forth the requirements for a county to accept and distribute additional state public health services funding from the Local Public Health Fund; and

WHEREAS, the Health and Hospital Corporation of Marion County has and will continue to receive local public health funding and expend those funds through its Public Health Division and will continue to do so by creating the Local Public Health Services Fund authorized under the newly enacted Indiana Code §16-46-10-1.5, effective July 1, 2023; and

WHEREAS, Indiana Code § 36-3-6-9 empowers the City-County Council to review the operating and maintenance budgets and tax levies of The Health and Hospital Corporation of Marion County, established pursuant to Indiana Code § 16-22-8; now, therefore:

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

SECTION 1. As provided by Indiana Code § 16-46-10-1.5, the establishment of a Local Public Health Services Fund to receive Local Board of Health Funding from the State of Indiana for Marion County is approved.

SECTION 2. As the entity that approves the budget for the Health and Hospital Corporation of Marion County, authorization is provided to the Board of the Health and Hospital Corporation of Marion County to establish a Local Public Health Services Fund to receive Local Board of Health Funding from the State of Indiana for Marion County.

SECTION 3. The Health and Hospital Corporation of Marion County is authorized to accept and distribute additional public health funding from the State of Indiana to provide the delivery of core public health services to Marion County residents.

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

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 107, 109 and 110, 2023 on April 13, 2023. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 107, 2023. The proposal, sponsored by Councillor Osili, authorizes no turn on red restrictions at the intersection of 22nd and Delaware Streets (District 11). PROPOSAL NO. 109, 2023. The proposal, sponsored by Councillor E. Evans, authorizes no turn on red restrictions at the intersection of Shadeland Avenue and 71st Street (District 4). PROPOSAL NO. 110, 2023. The proposal, sponsored by Councillor Jones, authorizes no turn on red restrictions at the intersection of Palmer and Meridian Streets (District 16). By 11-0 votes, the committee reported the proposals to the full Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Jones, for adoption. Proposal Nos. 7, 2023 were 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. 107, 2023 was retitled GENERAL ORDINANCE NO. 26, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339 (c), Turns on red prohibited from specified street and direction, be, and the same is hereby amended by the addition of the following, to wit:

Street Vehicle Traveling Upon and Direction	Prohibited Intersection and Direction
22 nd Street, westbound	Delaware Street, northbound

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date

of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

Proposal No. 109, 2023 was retitled GENERAL ORDINANCE NO. 24, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339 (c), Turns on red prohibited from specified street and direction, be, and the same is hereby amended by the addition of the following, to wit:

Street Vehicle Traveling Upon and Direction	Prohibited Intersection and Direction
71 st Street, westbound	Shadeland Avenue, northbound
Shadeland Avenue, southbound	71 st Street, westbound

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

Proposal No. 110, 2023 was retitled GENERAL ORDINANCE NO. 25, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339 (c), Turns on red prohibited from specified street and direction, be, and the same is hereby amended by the addition of the following, to wit:

Street Vehicle Traveling Upon and Direction	Prohibited Intersection and Direction
71 st Street, westbound	Shadeland Avenue, northbound
Shadeland Avenue, southbound	71 st Street, westbound

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date

of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 111, 2023. Councillor Adamson reported that the Public Works Committee heard Proposal No. 111, 2023 on April 13, 2023. The proposal, sponsored by Councillors Osili, Jones and Adamson, authorizes no turn on red restrictions in the area bounded by 11th Street, Oscar Robertson Boulevard, 10th Street, White River Parkway West Drive, Interstate I-70 and Interstate I-65, except state highways (Districts 11, 16 and 17). By a 7-4 vote, the committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Barth asked to be added as a co-sponsor and stated that this is a good first step, but there is more work to be done for the safety of this city's pedestrians and cyclists.

Councillor Mowery asked if Proposal Nos. 107 and 110, 2023 are not within the boundaries of what is described in Proposal No. 111, 2023. Councillor Jones said that Proposal No. 110, 2023 is not within the original boundaries of Proposal No. 111, 2023, and due to a constituent concern and is located at Meridian and Palmer. Councillor Boots said that Proposal No. 109, 2023 is not within the boundaries described in the original Proposal No. 111, 2023. Councillor Osili added that Proposal No. 107, 2023 also was not included in the original Proposal No. 111, 2023. Councillor Mowery asked if Proposal Nos. 110 and 107, 2023 are included in the amendment, why they need to be done separately. Councillor Adamson said that they were introduced separately. Councillor Mowery said amending it tonight without sending it back to committee for further conversation makes this process more difficult.

Councillor Jackson asked to also be added as a sponsor and said that she is in favor of keeping all pedestrians safe, even though these do not affect her far eastside district. Councillor McCormick agreed and said that if this protects even one person, she is in favor of any step to keep everyone safe. She said that every district would like to see more sidewalks for pedestrians, as well.

Councillor Bain asked how many no-turn-on-red signs are to be installed in the proposal as introduced versus the amendment to be offered this evening. Brandon Herget, director, Department of Public Works (DPW), said that this will be pieced out and the proposal creates safety priority areas. It is not a blanket authorization on all intersections, but is for an area where DPW can review and deliberate whether a no-turn-on-red is warranted. Nathan Sheets, project manager, DPW, stated that there were 190 intersections identified in the introduced version. With the amendment, those would require that the department go back and make recommendations for signage. Therefore, no signs would be installed immediately. Councillor Bain asked if they would still, therefore, have to come back before the Council going forward. Mr. Sheets said that they would not have to come before the Council, but would have to be recommended by engineering, with notice posted 30 days in advance that signs were going up. Councillor Bain asked how this amendment meshes with HB 1050. He asked if this legislation goes into effect on July 1st, would the action taken this evening then be pre-empted. Matt Giffin, Corporation Counsel, said that while the State may have intended for this legislation to take effect upon passage, the interpretation is that it takes effect on July 1st as it relates to Marion County. The bill is written in a way that

prohibits the City and County from adopting an ordinance after July 1st. If this is adopted tonight, before July 1st, then it would not be pre-empted.

Councillor Adamson said that this amendment creates “possible” pedestrian zones. While Proposal Nos. 107, 109 and 110, 2023 authorized actual no-turn signs, Proposal No. 111, 2023 would indicate that the rest of these 190 locations “may” require signs.

Councillor Hart asked if this amendment impacts any other districts, or just the downtown area. Mr. Herget said that maps were distributed to all Councillors and they also have district-specific maps. These are all a part of the Indianapolis-Marion County pedestrian plan, which sets up pedestrian safety zones. Rusty Carr, Department of Metropolitan Development (DMD), stated that these areas are tier-one high priority areas indicating six zones with more crash data. He said that the pedestrian plan is forward-looking and a number of criteria was built into this Indy Moves Plan. Councillor Hart referred to the interpretation of crash analysis data and how staff determined that disallowing right turns on red lights would keep these accidents from happening. He said that he reviewed a report from 2010-2019, and it looks to him as if left-turn crashes highly supercede right-turn crashes. Mr. Sheets said that the no-turn-on-red also can be used to prohibit left turns on red at one-way intersections. He said that a 1.4% statistic, with 2,652 pedestrian-involved accidents, does not seem like a lot; but across the County, 25% of pedestrian-involved crashes were related to turning, compared with 55% in the downtown area. He said that this is more than double the likelihood that a pedestrian could be hit by a turning vehicle in the downtown area, compared to the rest of Marion County. He said that 15% of all pedestrian-involved crashes occur in the downtown area. Councillor Hart asked how many of those turning accidents happened on a red versus a green light. He said that this data analysis does not exist, so this changes the statistics and validity of the argument that no-turn-on-red signs will help combat this problem. He said that he does not believe they have enough accurate information to make an informed decision with true correlation of statistical figures. He said that this all seems like a hyperbolic reaction, with only 37 incidents in 10 years.

Councillor Boots said that he supports the proposal and there is evidentiary crash analysis nationally to support that no-turn-on-red signs help curb pedestrian and cyclist-involved accidents. He said that with new trails in several areas across the county, there are more walkers and cyclists, and they need to do what they can to prevent and mitigate pedestrian-related accidents.

Councillor Oliver said most people have lost faith in their right to cross the street. He asked how many of these zones are in school areas. He referred to the recent death of a student in Irvington who was using the crosswalk correctly. Mr. Carr said that the maps include East Washington Street and one of the safety zones is included on that map. He said that as neighborhoods change, pedestrian access will change, and the maps will change. Councillor Oliver asked how other municipalities address this issue. Mr. Carr said that he is not sure if other communities include pedestrian plans in their far-reaching plans.

Councillor Annee asked what constitutes a pedestrian safety area. Mr. Carr said that there are six identified priority areas where there have been the most impacts with pedestrian-involved vehicle crashes. Councillor Annee said that he does not think a blanket policy is the way to go. He said that they have passed three individual proposals to approve no-turn-on-red restrictions this evening, and he believes they need to continue to approve them individually.

Councillor Adamson said that he agrees that this is how it should be handled; however, that right and responsibility has been taken away from the local body by the State, and so this is the only other way to approach it. He moved, seconded by Councillor Jones, to amend Proposal No. 111,

2023 by deleting the language that is stricken-through and adding language that is underlined, to read as follows.

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339 (b), Turns on red prohibited.—~~Turns on red shall be prohibited for traffic signals within the boundaries listed below, be, and the same is hereby amended by the addition of the following deleting the language that is stricken-through and adding the language that is underlined as follows, to wit:~~

(b) Turns on red prohibited. Subject to subsection (d), turns on red shall be prohibited at intersections for with traffic signals within the boundaries listed below, except for on state highways or intersections otherwise under the jurisdiction of the Indiana Department of Transportation:

(1) All streets bounded by and including 11th Street/Oscar Robertson Boulevard/10th Street, White River Parkway West Drive, Interstate I-70, and Interstate I-65, ~~except state highways.~~

(2) All streets bounded by and including College Avenue, 62nd Street, Compton Street, and the White River.

(3) All streets located within any Tier 1 High Priority Area identified by the Indianapolis-Marion County Pedestrian Plan adopted by the metropolitan development commission as an element of the Comprehensive Plan for Indianapolis and Marion County.

(4) All streets located within any Pedestrian Safety Zone identified by the Indianapolis-Marion County Pedestrian Safety Action Plan adopted in 2018 under the auspices of the Indianapolis-Marion County Pedestrian Plan.

SECTION 2. ~~The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339, Prohibition on turns on red at certain locations, be, and the same is hereby amended by adding a new subsection (d) with the added language that is underlined as follows, to wit:~~

(d) Turns on red shall be prohibited at any intersection within the boundaries identified in subsection (b) when each of the following conditions are fulfilled:

(1) The prohibition of turns on red is either: (A) recommended by the engineering division of the department of public works based on public safety hazards posed by allowing turns on red at the intersection as identified in an engineering and traffic investigation, or (B) recommended by the fatal crash review team pursuant to section 441-601 of this Code;

(2) The department of public works posts a notice of the recommendation to prohibit turns on red at the intersection on its website at least thirty (30) days before posting signage; and

(3) The department of public works posts signs as described in subsection (a) at the intersection.

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

SECTION 4. ~~This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.~~Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be

June 5, 2023

declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

Proposal No. 111, 2023 was amended on the following roll call vote; viz:

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

Councillor Adamson moved, seconded by Councillor Jones, for adoption, as amended. Proposal No. 11, 2023, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 111, 2023, as amended, was retitled GENERAL ORDINANCE NO. 27, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339 (b), Turns on red prohibited, be, and the same is hereby amended by deleting the language that is stricken-through and adding the language that is underlined as follows, to wit:

- (b) Turns on red prohibited. Subject to subsection (d), turns on red shall be prohibited at intersections for-with traffic signals within the boundaries listed below, except for on state highways or intersections otherwise under the jurisdiction of the Indiana Department of Transportation:
- (1) All streets bounded by and including 11th Street/Oscar Robertson Boulevard/10th Street, White River Parkway West Drive, Interstate I-70, and Interstate I-65, except state highways.
 - (2) All streets bounded by and including College Avenue, 62nd Street, Compton Street, and the White River.
 - (3) All streets located within any Tier 1 High Priority Area identified by the Indianapolis-Marion County Pedestrian Plan adopted by the metropolitan development commission as an element of the Comprehensive Plan for Indianapolis and Marion County.
 - (4) All streets located within any Pedestrian Safety Zone identified by the Indianapolis-Marion County Pedestrian Safety Action Plan adopted in 2018 under the auspices of the Indianapolis-Marion County Pedestrian Plan.

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-339, Prohibition on turns on red at certain locations, be, and the same is hereby amended by adding a new subsection (d) with the added language that is underlined as follows, to wit:

- (d) Turns on red shall be prohibited at any intersection within the boundaries identified in subsection (b) when each of the following conditions are fulfilled:

- (1) The prohibition of turns on red is either: (A) recommended by the engineering division of the department of public works based on public safety hazards posed by allowing turns on red at the intersection as identified in an engineering and traffic investigation, or (B) recommended by the fatal crash review team pursuant to section 441-601 of this Code;
- (2) The department of public works posts a notice of the recommendation to prohibit turns on red at the intersection on its website at least thirty (30) days before posting signage; and
- (3) The department of public works posts signs as described in subsection (a) at the intersection.

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 124, 2023. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 124, 2023 on May 15, 2023. The proposal, sponsored by Councillor J. Evans, approves the statement of benefits of Sentry Ventures, LLC and Sentry BioPharma Services, Inc. as an applicant for tax abatement for property located in an economic revitalization area. By a 12-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 124, 2023 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. 124, 2023 was retitled GENERAL RESOLUTION NO. 17, 2023, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 17, 2023

PROPOSAL FOR A GENERAL RESOLUTION to approve the statements of benefits of Sentry Ventures, LLC and Sentry BioPharma Services, Inc. (collectively hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably

June 5, 2023

be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a real property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

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

SECTION 1. The Council hereby approves the Statement of Benefits that were submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Sentry Ventures, LLC and Sentry Biopharma Services, Inc.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14.

PROPOSAL NO. 108, 2023. Councillor Adamson reported that the Public Works Committee heard Proposal No. 108, 2023 on April 13, 2023. The proposal, sponsored by Councillor Adamson, authorizes turn restrictions at the intersections of College and Massachusetts Avenues and College Avenue and St. Clair Street (District 17). By an 11-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 108, 2023 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. 108, 2023 was retitled GENERAL ORDINANCE NO. 28, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 28, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-338, Required right turn, be, and the same is hereby amended by the addition of the following, to wit:

From southbound College Avenue to south-westbound Massachusetts Avenue;
From southbound College Avenue to westbound St. Clair Street;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 125-128, 2023 on May 18, 2023. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 125, 2023. The proposal, sponsored by Councillor Potts, authorizes parking restrictions on the east side of Compton Street near Broad Ripple Avenue (District 2). PROPOSAL NO. 126, 2023. The proposal, sponsored by Councillor Bain, authorizes parking restrictions on Division Street, between Sumner Avenue and Hanna Avenue (District 20). PROPOSAL NO. 127, 2023. The proposal, sponsored by Councillor Osili, authorizes traffic controls at the intersection of Burdsal Parkway and Riverside Drive (District 11). PROPOSAL NO. 128, 2023. The proposal, sponsored by Councillor Mowery, authorizes a speed limit reduction to 25 miles per hour along Hittle Drive, Betholm Drive and Callahan Streets (District 25). By 7-0 votes, the committee reported the proposals to the full Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Mowery, for adoption. Proposal Nos. 125-128, 2023 were 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. 125, 2023 was retitled GENERAL ORDINANCE NO. 29, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 29, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, standing and stopping restricted.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-124, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the addition of the following, to wit:

SCHOOL DAYS

From 7:00 a.m. to 4:00 p.m.

Compton Street, on the east side, from Broad Ripple Avenue to a point 639 feet south of Broad Ripple Avenue;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

June 5, 2023

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

Proposal No. 126, 2023 was retitled GENERAL ORDINANCE NO. 30, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 30, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-364 (e). – Vehicles on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Division Street; Sumner Avenue to Hanna Avenue;

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

Proposal No. 127, 2023 was retitled GENERAL ORDINANCE NO. 31, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 31, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416 Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
24	Burdsal Parkway Riverside Drive	Riverside Drive	Stop

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

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
24	Burdsal Parkway Riverside Drive	None	All-Way Stop

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date

of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

Proposal No. 128, 2023 was retitled GENERAL ORDINANCE NO. 32, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 32, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

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

Betholm Drive, from Southeastern Avenue to Thompson Road, 25 mph.

Callahan Steet, from Southeastern Avenue to Thompson Road, 25 mph.

Hittle Drive, from Southeastern Avenue to Thompson Road, 25 mph.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

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

PROPOSAL NO. 129, 2023. Councillor Adamson reported that the Public Works Committee heard Proposal No. 129, 2023 on May 18, 2023. The proposal, sponsored by Councillor Potts, approves the purchase of certain real estate interests by the Department of Public Works, located at 1231 East 91st Street, owned by Sepehr Nasiri and Ashley Batchelor Nasiri, for the Haverstick Regional Detention Basin project (District 2). By an 8-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Potts, for adoption. Proposal No. 129, 2023 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. 129, 2023 was retitled GENERAL RESOLUTION NO. 18, 2023, and reads as follows:

June 5, 2023

CITY-COUNTY GENERAL RESOLUTION NO. 18, 2023

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana (the "City") is the fiscal body of the City pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-10.5-1, *et seq.*, the City may purchase interests in land for a total price exceeding twenty-five thousand dollars (\$25,000) only after the City-County Council, as the fiscal body, passes a resolution to the effect that it is interested in making a purchase of the specified land; and

WHEREAS, the City, through its Department of Public Works ("DPW"), wishes to purchase fee simple title to the real estate described in Exhibit "A" attached hereto and incorporated herein (the "Real Estate"); and

WHEREAS, acquisition of the Real Estate is needed for the construction and maintenance of DPW Project Number SD-04-068, Haverstick Regional Detention Basin; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate; 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 hereby establishes that it has an interest in acquiring the Real Estate described in Exhibit "A" attached to and incorporated into the official copy of this Resolution on file with the Clerk of the Council.

SECTION 2. For purposes of Revised Code Sec. 151-66, the Real Estate is owned by Sepehr Nasiri and Ashley Batchelor Nasiri.

SECTION 3. DPW is directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate and to provide a copy of both appraisals to the Chair of the Public Works Committee of the City-County-Council.

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

PROPOSAL NO. 130, 2023. Councillor Adamson reported that the Public Works Committee heard Proposal No. 129, 2023 on May 18, 2023. The proposal, sponsored by Councillor Adamson, amends Sec. 561 of the Revised Code concerning drainage and stormwater management, to make several technical corrections and updates required by regulations of the Indiana Department of Environmental Management. By an 8-0 vote, the committee reported the proposal to the full Council with the recommendation that it do pass. Councillor Adamson moved, seconded by Councillor Mowery, for adoption. Proposal No.130, 2023 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. 130, 2023 was retitled GENERAL ORDINANCE NO. 33, 2023, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana (Revised Code), concerning drainage and stormwater management.

WHEREAS, the City of Indianapolis (City) is the permittee of a Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Individual Permit, Permit Number INS040001, issued by the Indiana

Department of Environmental Management (IDEM) with oversight by the United States Environmental Protection Agency (EPA); and

WHEREAS, the Indiana Department of Environmental Management (IDEM) issued the NPDES construction stormwater general permit (CSGP INRA00000) to regulate discharges of stormwater from construction activities into surface waters of the State of Indiana on December 9, 2021, effective December 18, 2021; and

WHEREAS, the City shall operate according to and seek additional legal authority as needed to enable compliance with the IDEM CSGP; and

WHEREAS, therefore, certain revisions to the Revised Code are required to update the City's stormwater management ordinances; now, therefore:

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

SECTION 1. Section 561-103 of the "Revised Code of the Consolidated City and County," regarding "Land alterations to be accomplished in accordance with drainage requirements," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 561-103. - Land alterations to be accomplished in accordance with drainage requirements.

Any land alteration must be accomplished in conformity with regulations adopted by the board of public works pursuant to this chapter and drainage ~~permit~~ requirements. Where any apparent conflict exists between drainage requirements of this chapter and similar requirements of any state or federal agency which has jurisdiction ~~of~~ over the work involved, the most stringent requirements shall be applicable. Except for the foregoing, compliance with any other applicable provision of law, ordinance or regulation shall not excuse noncompliance with this chapter.

SECTION 2. Section 561-221 of the "Revised Code of the Consolidated City and County," regarding "When drainage permits required; enforcement; exceptions," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- (a) Except for activity specified in subsection ~~(c)~~, it shall be unlawful for a person, partnership or corporation to undertake or accomplish any land alteration without having in force a written drainage permit obtained from the division of construction and business services. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of business and neighborhood services.
- (b) Soil disturbance on a levee, dam or within a levee or dam easement shall not be exempt from drainage permitting.
- ~~(b)~~ (c) The permit specified in subsection (a) shall not be required for:
 - (1) Excavation of cemetery graves;
 - (2) Refuse disposal sites where storm drainage is controlled by other regulations;
 - (3) Excavation for wells, excavation and backfills for poles, conduits, and wires of utility companies which result in land ~~disturbance~~ alteration 1,000 square feet or less;
 - (4) Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, that are backfilled;
 - (5) Ordinary cultivation of agricultural land including tilling and crop irrigation which does not result in a change in stormwater discharge location, volume or velocity at the property border;
 - (6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and-landscaping of land which result in land ~~disturbance~~ alteration of 1,000 square feet or less;
 - (7) Fill and grading of a former basement site after the demolition of a structure to conform the land to adjacent terrain pursuant to a wrecking permit obtained for that purpose;
 - (8) Fill of holes of less than 500 square feet caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
 - (9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, that does not exceed fifty (50) cubic yards per acre and does not obstruct or change drainage;

- (10) Maintenance of a drainage facility so that it will perform as it was designed and constructed which results in ~~disturbance of~~ land alteration of 1,000 square feet or less;
- (11) Installation of a septic system pursuant to a permit obtained for that purpose;
- (12) Repair or reconstruction of an existing driveway, in kind, pursuant to a permit obtained for that purpose;
- (13) Installation of building sewers pursuant to a permit obtained for that purpose;
- (14) An enlargement or exterior change of 200 square feet or less to an existing structure when no part of the structure or the enlargement or exterior change to the structure is located in an impacted drainage area;
- (15) Placement of an accessory structure that is 200 square feet in size or less to a one- or two-family dwelling and is not located on a permanent foundation;
- (16) Exterior changes to a structure that do not change the ground floor area of the structure, unless the roof of the building is part of a stormwater retention-detention system; or
- (17) Construction of a deck that extends over open ground at least eight (8) feet above grade or that is constructed so that water freely and directly flows through the deck to the ground below the deck.

(ed) The drainage permit must be obtained before any work is initiated, except for testing to determine procedures or materials.

SECTION 3. Section 561-223 of the "Revised Code of the Consolidated City and County," regarding "Application; issuance," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- (a) Application for a drainage permit shall be made to the division of construction and business services. The application shall be completed online or in writing on a form prescribed by the division.
- (b) A drainage permit shall be issued if:
 - (1) The person, partnership or corporation is eligible to apply for and obtain a drainage permit under section 561-222;
 - (2) The application required by this section and supporting information required by either section 561-224 or section 561-225 have been properly prepared and submitted;
 - (3) The drainage plan, together with supplemental information required by either section 561-224 or section 561-225 reflect compliance with drainage requirements;
 - ~~(4) A certificate of sufficiency of plan and a certificate of obligation to observe have been filed by a registered professional engineer, land surveyor or architect engaged in storm drainage design;~~
 - (54) If required by the administrator as assigned by the deputy director of the division, a bond has been posted pursuant to section 561-231;
 - (65) If required by the administrator as assigned by the deputy director of the division, a covenant has been executed pursuant to section 561-232;
 - (76) If required by the administrator as assigned by the deputy director of the division, an easement has been dedicated pursuant to section 561-233;
 - (87) If required by the administrator as assigned by the deputy director of the division, a drainage facility operations and maintenance manual has been recorded pursuant to Section 561-234; and
 - (98) The applicable fee, computed in accordance with Division 8 of Article II of this chapter, has been paid.

SECTION 4. Section 561-224 of the "Revised Code of the Consolidated City and County," regarding "Professional prepared and certified drainage plans," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- (a) A drainage plan fulfilling the requirements of this section shall be submitted to the division of construction and business services for approval before a drainage permit can be obtained to accomplish a land alteration, unless the land alteration is such that a drainage permit can be obtained in accordance with section 561-225. The drainage plan must be submitted in a manner determined by the administrator as assigned by the deputy director of the division and shall indicate in a precise way the work to be accomplished pursuant to the drainage permit. A copy of the drainage plan will remain on file in the division. The following information must be submitted for approval:
 - (1) *Construction features.* The drainage plan shall demonstrate and describe surface and subsurface drainage and include the following:
 - a. Scale; arrow; contours and USGS benchmarks: The drainage plan shall be drawn to scale, preferably one (1) inch per fifty (50) feet, and an arrow indicating north shall appear on each page. Existing land contours shall be shown, with one-foot contours for land with a slope

flatter than ten (10) percent, two-foot contours for slopes equal to or greater than ten (10) percent but flatter than twenty (20) percent, and five-foot contours for slopes equal to or greater than twenty (20) percent. A benchmark, which is easily accessible and relocatable, shall be shown. The benchmark may be assumed at the discretion of the administrator as assigned by the deputy director of the division if the area contains less than three (3) acres, but otherwise shall be determined by USGS datum.

- b. Location and vicinity map: A map that indicates the location and vicinity of the proposed land alteration shall be included in the drainage plan.
- c. Existing and proposed drainage facilities: The drainage plan shall show the locations of all existing and proposed drainage facilities. Storm drains, manholes and other structures shall be located in the plans by dimensions from traverse lines, property markers or road centerlines. Coordinates of manholes and bearings of storm drains shall be included and based either on the state's coordinate system or other acceptable horizontal and vertical datum. If applicable, the drainage plan should show the direction of flow, elevation of inverts, gradient and size of existing and proposed storm drains. The design calculations shall include the capacity of existing and proposed storm sewers.
- d. Plan and profile: The plan shall be shown at the upper portion of the drawing. The plan, generally, shall be drawn on a scale of one (1) inch equals fifty (50) feet. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to allow any pertinent information concerning the outfall channel to be shown. The storm drain and inlet profile shall generally be drawn on a scale of one (1) inch equals fifty (50) feet horizontal, one (1) inch equals five (5) feet vertical. Where a storm drain is located in an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm drain is located outside pavement or shoulder, the existing ground over the storm drain with proposed grading shall be shown. If the storm drain is to be constructed on fill, the profile of the undisturbed earth, at drain location, shall be shown.

(2) *Design calculations.* Design calculations are required as part of the drainage plan and shall specifically include:

- a. Estimation of stormwater runoff:
 - 1. Drainage area map (scale one (1) inch equals 200 feet) indicating contours at two-foot intervals and limits of one-hundred-year floodplain, where applicable, as well as the watershed and sub-watershed boundaries with their respective areas labeled;
 - 2. Weighted runoff coefficient computations; and
 - 3. Time of concentration computation indicating overland flow time and flow time in the swale, gutter, pipe and/or channel.
- b. Close conduit and open channel design computations:
 - 1. Size of pipe or channel cross section;
 - 2. Pipe or channel inverts and slope in percent;
 - 3. Roughness coefficient;
 - 4. Flowing velocities in feet per second; and
 - 5. Design capacity in cubic feet per second.
- c. Head loss computations in manholes and junction chambers;
- d. Inlet casting capacity computations.
- e. Hydraulic gradient computations, wherever applicable.
- f. Post-construction water quality calculations such as, but not limited to, design parameters.

Such design calculations shall conform to the standards of Article III, Division 5 of this chapter and all regulations promulgated thereunder.

(3) *Construction water quality information.* Adequate and appropriate construction stormwater quality controls including, but not limited to, erosion and sediment controls, dewatering filter, pollution prevention, concrete and cementitious washout containment, inlet protection, and other

information as required by ~~327 IAC 15-5 (Rule 5)~~, the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General ~~National Pollutant Discharge Elimination System (NPDES)~~ Permit administered by the State of Indiana, and regulations adopted by the board of public works pursuant to this chapter.

- (4) *Existing features.* Verification that existing water quality and quantity drainage facilities to remain anywhere on the parcel have been inspected and maintained to function as originally designed and permitted.
- (5) *Contaminated soils.* Inclusion of information regarding the presence, or lack thereof, of contaminated soils to be disturbed during construction and the impact from or to stormwater shall be included. Said information shall include the following:
 - a. The applicant shall consider implications of stormwater on existing contaminated soils and address this concern in the design and Technical Information Report.
 - b. The design shall provide measures to mitigate movement of contaminants off site and shall include the typical fate and transport of the contaminants present.
- (~~5~~6) *Additional information.* The administrator as assigned by the deputy director of the division shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.
- (~~6~~7) *Certification required.* All drainage plans submitted under this section must be certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design under whose supervision the plans were prepared. The certificate shall be in a form prescribed by the division.
- (b) The approval of a drainage plan by the division under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances that cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to and approved by the division as a precondition for obtaining a drainage permit. All conditions of the approval of a drainage plan shall be met prior to issuance of a permit. The administrator as assigned by the deputy director of the division of construction and business services may, for good cause shown in writing, extend the validity of the drainage plan approval for an additional period that is reasonable under the circumstances.

SECTION 5. Section 561-225 of the "Revised Code of the Consolidated City and County," regarding "When professional prepared and certified drainage plan not required," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- (a) A drainage plan that does not contain as much information as drainage plans prepared to fulfill the requirements of section 561-224 and that is not prepared or certified by a registered professional engineer, land surveyor or architect engaged in storm drainage design may be submitted when:
 - (1) No part of the parcel or property for which the drainage permit is required is in an impacted drainage area;
 - (2) The primary basis on which a drainage permit is required is the construction, enlargement or location, on a permanent foundation, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling;
 - (3) The project results in less than one-half (½) of an acre of land disturbance; and
 - (4) The project does not alter drainage patterns at the property boundaries.
- (b) The drainage plan must be submitted in a manner determined by the administrator as assigned by the deputy director of the division and shall indicate the nature and location of all work to be accomplished pursuant to a drainage permit. The drainage plan must be neat, accurate and readable. A copy of the drainage plan will remain on file in the division of construction and business services. The following information must be submitted for approval under this section:
 - (1) The legal description and the street address for the property;
 - (2) The dimensions and borders of the parcel;

- (3) The name and address of the owner;
- (4) An arrow indicating north;
- (5) Location of all existing and proposed improvements, structures and paved areas on the site;
- (6) Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations;
- (7) Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices and the direction of the flow; and
- (8) Adequate and appropriate stormwater quality controls including, but not limited to, erosion and sediment controls, dewatering filter, concrete and cementitious washout containment, pollution prevention, inlet protection and other information as required by regulations adopted by the board of public works pursuant to this chapter.

The drainage plan shall include information necessary to demonstrate conformity with all drainage requirements of Article III of this chapter. The plot map shall illustrate the surface drainage pattern of the site away from structures and the final distribution of surface water off-site, either preventing or planning for surface ponding.

- (c) The approval of a drainage plan by the division under this section shall be valid for a period of one (1) year from the date such approval was granted, or until the drainage permit for which the plan was submitted is issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved drainage plan or circumstances that cause the drainage plan to be inaccurate or incomplete, then a new or corrected drainage plan shall be submitted to and approved by the division as a precondition for obtaining a drainage permit. All conditions of the approval of a drainage plan shall be met prior to issuance of a permit. The administrator as assigned by the deputy director of the division of construction and business services may, for good cause shown in writing, extend the validity of the drainage plan approval for an additional period that is reasonable under the circumstances.
- (d) Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of a one- or two-family dwelling constructed in a subdivision for which a plat has been approved in accordance with Chapter 741, Article I of this Code, and for which a drainage plan meeting the requirements of section 561-224 has been approved and a permit issued under this chapter, so long as the permit applicant certifies that the land alteration shall be accomplished in compliance with the specifications and information found on the approved plat and on such drainage plan. Any deviations from the drainage provisions as approved in the plat and drainage plan for the subject plot must be submitted to the division for approval by the administrator of the division, and the administrator may require the submission of plans or other information relative to the deviation that may be required as a precondition to approval.
- (e) Notwithstanding other provisions of this section, submission of a drainage plan shall not be required as a precondition for obtaining a drainage permit in the instance of residential alterations which do not exceed 400 square feet and does not connect to the city storm sewer system. The administrator as assigned by the deputy director of the division of construction and business services may require the submission of plans or other information relative to the development as a precondition for issuance of a permit.

SECTION 6. Section 561-263 of the "Revised Code of the Consolidated City and County," regarding "Stop-work order," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- (a) Whenever the administrator as assigned by the deputy director of the division of construction and business services or his or her authorized representative discovers the existence of any of the circumstances listed below, he or she is empowered to issue an order requiring the suspension of all construction activities. The stop-work order shall be in writing and shall state to what construction activities it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place and one (1) copy shall be delivered to the permit applicant, and if conveniently possible to the person performing the construction activities and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which construction activities may be resumed. A stop-work order shall be issued if:
 - (1) Land alteration is proceeding in an unsafe manner;
 - (2) Land alteration is occurring in violation of a drainage requirement and in such manner that if land alteration is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation;
 - (3) Land alteration has been accomplished in violation of a drainage requirement and a period of time that is one-half (½) the time period in which land alteration could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted

- on the property in a conspicuous place or given to the person doing the land alteration, without the violation or noncompliance being corrected; ~~or~~
- (4) Land alteration for which a drainage permit is required is proceeding without a drainage permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required drainage permit is obtained;
 - (5) Construction activity is proceeding without the appropriate installation and maintenance of pollution prevention controls, including but not limited to, erosion and sediment controls, concrete and cementitious washout containment and trash containment; or
 - (6) Construction activity that results in prohibited discharges to a municipal separate storm sewer, combined sewer or surface water body defined as an environmental public nuisance by section 575-2 of this Code.

(b) This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

SECTION 7. Section 561-333 of the "Revised Code of the Consolidated City and County," regarding "Drainage to adequate receiving place," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

A drainage facility shall be constructed ~~provided~~ which allows drainage of water runoff from each-contributing watershed area and from each portion of the parcel to a place or places adequate to receive it.

SECTION 8. Section 561-383 of the "Revised Code of the Consolidated City and County," regarding "Duration of exposure; stabilization," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

The duration of time which an area remains exposed shall be kept to a practical minimum. The area shall be stabilized as quickly as practical. Areas with exposed soil shall be temporarily or permanently stabilized ~~if inactive for fifteen (15) days or more. Stabilization shall be initiated by the end of the seventh (7th) day the area was left idle. Stabilization must be completed within fourteen (14) days after initiation. Exposed soil that is at finish grade shall be permanently seeded within seven (7) days.~~

SECTION 9. Section 561-387 of the "Revised Code of the Consolidated City and County," regarding "State of Indiana General Construction Site Run-off National Pollutant Discharge Elimination System permit," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Projects subject to the provisions of the National Pollution Discharge Elimination System (NPDES) Rule 5, 327 IAC 15-5, or Construction Stormwater General Permit ~~general permit for discharges from construction activities~~ shall comply with all applicable permit requirements.

SECTION 10. Section 645-703 of the "Revised Code of the Consolidated City and County," regarding "Work in public rights-of-way," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

(a) All utilities desiring to work in, on, under or over the public right-of-way shall obtain all applicable permits as required in this article. In performing such work, the utilities shall be bound by the standards, regulations, procedures and guidelines set forth in this article except that:

- (1) A public utility shall not be required to file a performance bond with an application for a permit if the utility has on file with the permit section of the department of business and neighborhood services a statement signed by an officer of the utility wherein the utility agrees to indemnify the city against, and hold the city harmless from, any claim for damages arising out of the work of the utility (or persons, corporations or firms authorized by the utility) in a public right-of-way pursuant to any permit issued by the permit section of the department of business and neighborhood services. ~~public works.~~
- (2) A public utility shall not be required to file a written statement of insurance with an application for a permit if the utility has on file with the permit section of the department of business and neighborhood services the indemnification agreement specified in subsection (1) above.

- (3) A public utility shall not be required to obtain in advance any permit or permits to excavate within the public right-of-way or block or alter traffic patterns on any thoroughfare or street where such action:
- a. Is required in connection with making emergency repairs to underground, overhead or surface facilities;
 - b. Is necessary because service to one (1) or more customers has been interrupted or is in danger of being interrupted and the interruption may result in personal injury or property damage to the customer, utility or some third party; or
 - c. Is required to comply immediately with an order of a court or an agency having jurisdiction over the utility.

Whenever a utility performs work in accordance with this exception, it shall notify the department of public works maintenance section by telephone during normal duty hours or, if after normal duty hours or on holidays or weekends, the permit section of the department of business and neighborhood services where such notification will be recorded by a telephone recording device.

- (4) A public utility shall not be required to obtain a right-of-way excavation permit to perform work, including excavating, in a public right-of-way unless the utility will make an excavation in or under the paved surface within the right-of-way.
- (5) A public utility shall not be required to obtain parking meter block out and removal permits, provided the utility reports all blockages to the parking meter section of the department of public works and pays, on a monthly basis, the blockage charges due.

(b) All work including, but not limited to, the restoration of pavement, sidewalks or grass areas, shall be done by the utility at the expense of the utility, unless the city shall elect to do the work and charge the cost thereof to the utility. Such work shall be subject to the supervision and approval of the department of public works.

(c) Adequate and appropriate water quality measures including, but not limited to, erosion and sediment control, inlet protection, concrete and cementitious washout containment and dewatering filters, shall be implemented and maintained throughout the duration of the project to protect surface waters and the storm sewer system from pollutants.

(d) All disturbed areas shall be restored with vegetation or pavement, as applicable, to stabilize the site. Vegetation restorations shall include adequate seed and erosion protection, such as an erosion control blanket.

(e) Notice of work in public rights-of-way.

- (1) For purposes of this subsection, the terms "utility pole" and "wireless support structure" have the meaning set forth in House Enrolled Act 1318 (2015).
- (2) For purposes of this subsection, the term "residential area" shall mean any area zoned dwelling (zoning districts D-1, D-2, etc.) as set forth in the Indianapolis-Marion County zoning ordinance, as the same may hereafter be amended, replaced or recodified.
- (3) Except in an emergency where a failure to act immediately could lead to serious harm to public health or safety, at least twenty (20) days before placing a new utility pole or wireless support structure in a public right-of-way in a residential area, a utility or its contractor shall give notice to the department of public works. The notice shall be made electronically through email to the department of public works or access to the website of the department of public works. The notice shall contain a brief description of the work to be done, the expected timing for the work, and a contact telephone number for those who have questions about the work. At least ten (10) days before the work begins, the department of public works shall post the notice on its public website.
- (4) The notice requirement contained in subsection (3) does not apply to the replacement, repair or improvement of an existing utility pole or wireless support structure.

SECTION 11. Section 676-303 of the "Revised Code of the Consolidated City and County," regarding "Credits," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

(a) *Credit availability.*

- (1) *Residential.* A credit to the stormwater user fee imposed on residential parcels may be available, upon application to the department, for parcels that meets the following criteria:
 - a. A single residential credit up to, but not more than, twenty-five (25) percent is available to applicants who own and reside at a parcel and show that an approved stormwater management facility has been constructed and effectively implemented on the parcel. Approved stormwater management facilities eligible for the credit include:
 1. Rain gardens;
 2. On-site stormwater storage; and
 3. Vegetated filter strips.Application process: Details of the credit, including parameters and application procedures shall be set forth in the stormwater credit manual.
- (2) *Nonresidential.* A credit to the stormwater user fee imposed on nonresidential property may be available, upon application to the department, for parcels that meet one (1) or more of the following criteria:
 - a. Location in relation to major waterway. Credit shall be granted for applicant owned stormwater facilities based on the location of the property to a major waterway of the United States, if the property directly discharges its stormwater to that waterway in compliance with all requirements of the code, the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual, and state and federal regulations. White River, Fall Creek and Big Eagle Creek below Eagle Creek Reservoir shall be considered major waterways for the purposes of this section. A one (1) percent credit shall be granted from the total monthly stormwater user fee for each two (2) percent of the impervious area from the property that directly discharges to the major waterway. Application process: Details of the credit, including parameters and application procedures shall be set forth in the Stormwater credit manual.
 - b. Construction in compliance with or exceeding the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and the code. Credit shall be granted from the total monthly stormwater user fee for applicant owned stormwater facilities, such as retention/detention and water quality facilities, constructed either prior to the effective date or after the effective date of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual, if those facilities either meet or exceed:
 1. The requirements of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual; and
 2. The requirements of the code in effect at the time of construction.
 - c. Two-tiered credit availability for construction in compliance with or exceeding ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and the code. Property owners of applicant owned stormwater facilities, such as retention/detention and water quality facilities, eligible for credit under subsection (b) may, at their option, apply for either a Tier One or a Tier Two credit as set forth below. Details of the tier system and other matters relating to applying for and receiving credits shall be included in the stormwater credit manual.
 1. *Tier One.* Tier One credit is intended for construction of stormwater management facilities that meet the requirements of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and code. A ten (10) percent credit may be granted from the total monthly stormwater user fee for a parcel having approved stormwater facilities that meet the requirements of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and code. Application process: Detailed technical information shall be supplied by the owner and the owner's engineer. Such information shall include as-built data, routing the storm event for the two (2), ten (10), twenty-five (25), and one hundred (100) year-storm events, comparison of pre-development and post-development conditions, total storage volume and emergency spillway configuration. To receive a credit, stormwater facilities must provide control to a pre-development level for all the above storm events. Water quality volume and post construction treatment data shall be supplied. Tier One credits shall be granted as provided in the stormwater credit manual.
 2. *Tier Two.* Tier Two credit is intended for construction of stormwater management facilities that are designed and constructed to exceed the requirements of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and code. A thirty (30) percent credit may be granted from the total monthly stormwater user fee for a parcel having approved stormwater facilities that exceed the requirements of the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and code. Application process: Detailed technical information shall be supplied by the owner and the owner's engineer. Such information shall include as-built data, routing the storm event for the

- two (2), ten (10), twenty-five (25), and one hundred (100) year-storm events, comparison of pre-development and post-development conditions, total storage volume and emergency spillway configuration. To receive a Tier Two credit, approved stormwater facilities must provide both control to a pre-development level for all the above storm events and provide post construction stormwater quality treatment that exceeds the requirements detailed in the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual by ten (10) percent. A parcel may also qualify for stormwater credits for drainage basins that are designed utilizing the Modified Rational Method, which is detailed in the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual. Water quality volume and post construction treatment data shall be supplied. Tier Two credits shall be awarded as provided in the stormwater credit manual.
- d. Additional water quality and/or quantity control. An additional water quality and/or quantity control credit is intended to utilize the construction of approved Green Infrastructure (infiltrative) practices to reduce overall stormwater discharge volume from the property. An additional credit up to twenty (20) percent may be granted for an approved plan and successful construction and implementation of Green Infrastructure (infiltrative) practices that reduce discharge volume.
- Application process: Applicant must first qualify for either the Tier One or Tier Two credit to receive the additional water quality and/or quantity control credit. Final approved level of credit shall be based on an approvable plan that demonstrates the use of acceptable infiltrative practices approved by the department or the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual for the stormwater. Submission shall include design plans and details and hydrologic and hydraulic calculations necessary for review. Credit shall be granted as provided in the stormwater credit manual.
- e. Education. Education credit is intended to aid the department in the outreach and education compliance and reporting requirements of the National Pollutant Discharge Elimination System discharge permit. A credit up to five (5) percent credit may be granted from the total monthly stormwater user fee for a property owner implementing an approved stormwater quality awareness and education lesson plan for elementary through high school classes. This credit is limited to state recognized schools using state licensed instructors.
- Application process: Detailed lesson plan and implementation schedule shall be submitted to the department to determine eligibility for the education credit. The lesson plan shall be taught to elementary and middle school students by an instructor licensed by the State of Indiana. The application for credit may be submitted by an individual school or a school district or corporation. The credit shall be applied only to the BBUs of the educational building on the parcel where the instruction of the approved credit material takes place. Owner shall be required to submit reports regarding implementation of the plan on an annual basis to maintain the credit. Education credits shall be granted as provided in the stormwater credit manual.
- (3) All parcel owners may apply for and be eligible for credit under this section.
- (4) The descriptions in this section of circumstances in which credit may be granted are not intended to be all inclusive. The stormwater credit manual may allow credit for stormwater facilities and circumstances not described in this section.
- (5) The board, upon recommendation from the department, shall approve a stormwater credit manual. The department shall follow the provisions of the stormwater credit manual in reviewing and acting upon applications for credit. Copies of the stormwater credit manual shall be available from the department.
- (6) Each credit granted shall be conditioned on the continuing compliance with the design, operation maintenance and reporting requirements of the code, the ~~stormwater specification manual~~ Stormwater Design and Construction Specifications Manual and the requirements set forth in the most current Indianapolis Stormwater Credit Manual.
- (b) *Credit procedures.*
- (1) Application for credit or an appeal of a credit determination shall not constitute a valid reason for non-payment of the stormwater user fee for which a credit is being requested.
- (2) Application for credit shall be made on forms provided by the department and shall be accompanied by the applicable application submittal fee.
- (3) The board, upon recommendation of the department, may set reasonable credit application submittal and review fees. Such fees shall be reasonably related to the cost of reviewing credit applications.
- a. Application and/or renewal submittal fees shall not exceed four hundred fifty dollars (\$450.00) per application and shall include up to three (3) hours of review by the department. If an application requires more than three (3) hours of review by the department, the applicant shall reimburse the department for such additional review time at a rate not to exceed one hundred fifty dollars (\$150.00) per hour.
- b. Application submittal fees and all review fees for the education credit shall not exceed a total of three hundred dollars (\$300.00).

- (4) The department shall be responsible for reviewing credit applications and shall provide a written determination of the credit application within sixty (60) days of receipt of a complete credit application. The written determination shall set forth the effective date of the credit and any conditions applicable to receipt of an approved credit.
- (5) Appeals of credit determinations shall follow the procedures set forth in section 676-304 of this article.
- (c) *Maximum credit, effective date, expiration and termination.*
 - (1) The maximum total credit for any parcel shall be fifty (50) percent of the stormwater user fees assessed against the parcel.
 - (2) If granted by the department, a credit shall have an effective date as follow:
 - a. For credit applications approved on or between January 1 and/or on June 30 the effective date shall be July 1 of the same year; and
 - b. For credit applications approved on or between July 1 and/or on December 31 the effective date shall be January 1 of the following year.
 - (3) Credits approved by the department on or after the date of Council approval of the articles herein, shall expire, unless earlier terminated as provided in subsection (4), three (3) years from the effective date.
 - (4) Upon written notice to the property owner or other person designated by the property owner to receive such notice, the department may terminate a credit for good cause, including, but not limited to, the reasons set forth below. The department's termination of a credit may be appealed by following the review procedures set forth in section 676-304 of this article.
 - a. At the written request of the owner;
 - b. Property or land alteration that affects drainage or impervious area;
 - c. Change of ownership;
 - d. Failure to maintain facilities; and
 - e. Failure to report as required.
 - (5) If a credit expires or is terminated, the property owner may submit a new or renewal credit application subject to all conditions herein.
- (d) *Expiration of existing credits.*
 - (1) Credits approved by the department prior to the date of council approval of the articles herein shall expire on December 31, 2016.

SECTION 12. Section 741-311 of the "Revised Code of the Consolidated City and County," regarding "Stormwater," hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

- A. Stormwater drainage facilities are to be designed and constructed to meet the stormwater quality and quantity standards established in the Stormwater Design and Construction Specifications Manual ~~Stormwater Specifications Manual~~. The drainage facilities in the excluded cities of Lawrence, Speedway, and Southport are to be designed and constructed to meet the standards established for each of these jurisdictions.
- B. Major subdivisions in the Metro Context Area shall meet the stormwater quality and quantity standards using low-impact development techniques. However, residential subdivisions shall not use sand filters as a BMP.
- C. For projects where LID techniques are technically infeasible to meet stormwater quantity standards, the applicant shall provide a justification demonstrating why the use of LID techniques is not possible. Documentation of technical infeasibility shall include engineering calculations, geologic reports, hydrologic analyses, and site maps. In such case, LID stormwater management techniques shall still be used to meet water quality standards.
- D. All BMPs must be located within an easement. The easement must include access to the BMP for maintenance. The purpose of each easement shall be specified in the maintenance agreement. A copy of the easement should be included in the BMP operations and maintenance manual required by the Stormwater Design and Construction Specifications Manual ~~Stormwater Specifications Manual~~.
- E. Maintenance improvements. Facilities providing for the proper on-going maintenance of any stormwater drainage facility shall be provided. Signs indicating no-mow areas, fence demarcating boundaries of natural areas, species and informational markers, and grate markings are examples of such improvements.
- F. The responsibility of maintenance of stormwater facilities shall be as set forth by Section 561-21. "Maintenance of drainage facilities" of the Revised Code of the Consolidated City and County. Maintenance access shall be provided to stormwater facility as set forth to assure continuous operational capacity of the stormwater facility. Inspections and maintenance is the responsibility of the owner. Specific guidelines for maintenance can be found in the Stormwater Design and Construction Specifications Manual ~~Stormwater Specifications Manual~~ Chapter 100 Policy and Procedures and Chapter 700 Stormwater Quality.
- G. Erosion control provisions shall be provided in accordance with Chapter 561 of the Revised Code of the Consolidated City and County and Chapter 600 Erosion and Sediment Control of Stormwater Design and Construction Specifications Manual ~~the Stormwater Specifications Manual~~.

SECTION 13. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 14. 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 15. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 147, 2023. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 147, 2023 on May 15, 2023. The proposal, sponsored by Councillors Osili, Lewis, Jones and Adamson, approves the issuance of bonds by the Metropolitan Development Commission of the redevelopment district in an aggregate principal amount not to exceed \$625,000,000 for the construction, installation, and equipping of an approximately 800 guestroom convention center connected headquarters hotel, together with functionally related and subordinated facilities, appurtenances and improvements on the site commonly known as Pan Am Plaza. By a 9-3 vote, the committee reported the proposal to the full Council with the recommendation that it do pass.

Councillor Mowery said that as a Visit Indy board member, he understands the implications of not doing this project, but he cannot support the city owning a hotel competing against the private sector. He said that this sounds a bit socialist to him. He said he would like to see the project succeed, but does not agree with the city getting involved in hotel ownership.

Councillor Hart stated that he made his concerns known in committee, but he cannot in good conscience tell his constituents that this is what is best for his district. He said that improvements are needed in his district more than the need for another hotel downtown.

Councillor Bain asked if a feasibility study has been made public. Sarah Riordan, City Controller, said that it has not. Councillor Bain asked if the administration thinks it is appropriate to move forward without that. Ms. Riordan said that information was provided to Councillors before this meeting regarding feasibility in confidentiality, and she believes this information is sufficient for Councillors to make a decision.

Councillor E. Evans said that he previously had reservations about this project, but like when the convention expansion came before the Council, he did eventually vote for it; he has had conversations this past week that have answered most of his questions and put his concerns to rest. He still has some concerns with regard to wage levels, but with other developments in other areas of the city and the fact that these bonds are for one-purpose, cannot be used for anything else, and it is not taxpayer money, he is reassured enough to support it this evening.

Councillor Graves said that this project will provide jobs for low-barrier entry, and has the power to do so much more. He said that he hopes projects like these can begin the conversation that focuses on generating black wealth in this city to have a stronger black middle class and beyond. He said that he is proud of the collective work that has been done on minority participation, but would like to provide more opportunities for black business owners sitting at the ready in order to create generational wealth. He said that he would welcome the creation of a committee to promote black wealth in the City.

Councillor Gray said that he will support this proposal as he has great confidence in director Andy Mallon to make sure this project is a shining star in Indianapolis.

Councillor Jackson said that she supports unions in building projects like this, but they also need to look at who is going to maintain it, i.e. the hospitality piece. She said that these low-barrier entry jobs will provide a great opportunity, building an avenue and path for higher wages and meeting additional challenges to raise the bar in workforce development. She said that even though this project is downtown, it can benefit those she serves with job opportunities and plans for workforce development.

Councillor Jones thanked supporters in the audience this evening, and said that this is not just for downtown. Although it will help to make Indianapolis one of the top host cities in the country, it will also prompt innovative ideas, with partners listening, and the organized labor forces are also a part of this. She urged her colleagues to support the proposal.

Councillor J. Evans said that there has been a large attempt to manipulate this project and claim that taxpayers will be on the line for this project if the revenue does not support it. He said that this project is fully paid for by the revenue from the hotel, not taxpayer dollars. He said that every time the convention center business is expanded, they continue to fill up the convention space and the hotels. He said that this will bring more tourism, more jobs, more business for downtown hotels and restaurants, and will be a win-win for the city. He said that he is proud to support this proposal.

Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 147, 2023 was adopted on the following roll call vote; viz:

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

Proposal No. 147, 2023 was retitled GENERAL RESOLUTION NO. 19, 2023, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 2023

A GENERAL RESOLUTION of the City-County Council of the City of Indianapolis and Marion County, Indiana, approving of the issuance of bonds of the redevelopment district of the City of Indianapolis, Indiana.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acts as the redevelopment commission of the city of Indianapolis, Indiana (the “commission”), pursuant to the provisions of Indiana Code 36-7-15.1, as amended; and

WHEREAS, the commission is considering or is expected to consider the approval and authorization of the issuance of bonds of the redevelopment district of the consolidated city of Indianapolis, Indiana (the “district”), in one or more series or issues, in an aggregate principal amount not to exceed six hundred twenty-five million dollars (\$625,000,000) (the “bonds”), for the purpose of procuring funds to be applied to the construction, installation and equipping of an approximately 800 guestroom convention center connected headquarters hotel, together with functionally related and subordinated facilities, appurtenances and improvements on the site commonly known as Pan Am Plaza (the “hotel project”), together with expenses associated therewith and expenses in connection with or on account of the issuance of the bonds therefor, the principal of and interest on which shall be payable from available revenues generated from the operation of the hotel project; and

WHEREAS, the bonds shall be issued in an aggregate principal amount not to exceed six hundred twenty-five million dollars (\$625,000,000), shall have a term not to exceed forty-four (44) years pursuant to Indiana Code 36-3-5-8(d), and shall bear interest at a rate or rates not to exceed twelve percent (12.0%) per annum; and

WHEREAS, the City-County Council of the city of Indianapolis and Marion County, Indiana (the “city-county council”) now desires to approve the issuance of the bonds, pursuant to Indiana Code 36-3-5-8(b) and Indiana Code 36-3-6-9(c); now, therefore:

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

SECTION 1. The issuance of the bonds by the district to finance the hotel project is hereby approved in all respects.

SECTION 2. The maximum principal amount of the bonds of six hundred twenty-five million dollars (\$625,000,000), the maximum term of the bonds of forty-four (44) years, and the maximum interest rate for the bonds of twelve percent (12.0%) per annum, are each hereby approved.

SECTION 3. The city-county council does hereby acknowledge and approve (a) that the bonds may be purchased with the proceeds of one or more series of bonds to be issued by the Indianapolis Local Public Improvement Bond Bank (“bond bank bonds”); and (b) that one or more series of the bond bank bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of Indiana Code 5-1.4-5-4 and Special Ordinance No. 67, 1985, previously adopted by the city-county council on October 28, 1985 (the “1985 ordinance”) (provided, however, that not more than \$250,000,000 in principal amount of bond bank bonds will be supported by one or more debt service reserve funds that are subject to the provisions of Indiana Code 5-1.4-5-4 and the 1985 ordinance).

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

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) by All Councillors in memory of Susie Oliver Ross.
- 2) by Councillor Osili in memory of Lendoe "Man" Hayes, Darian Jamar Wiley, Olivia Katherine Brown, Rose White, Linda Flemister, Harry Vaden and Susan Engel Naus.
- 3) by Councillors Lewis and Osili in memory of Christopher Hull.
- 4) by Councillor Jones in memory of Robert Medsker.
- 5) by Councillor Mascari in memory of the Honorable Donald Joe Wright.
- 6) by Councillor Mowery in memory of Don Toons.

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 Susie Oliver Ross, Lendoe "Man" Hayes, Darian Jamar Wiley, Olivia Katherine Brown, Rose White, Linda Flemister, Harry Vaden, Susan Engel Naus, Christopher Hull, Robert Medsker, the Honorable Donald Joe Wright and Don Toons. 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 9:19 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 6th day of June, 2023.

June 5, 2023

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

A handwritten signature in black ink, appearing to be "V. H.", with a long horizontal stroke extending to the right.

President

ATTEST:

A handwritten signature in blue ink, appearing to be "L. K. ...", written in a cursive style.

Clerk of the Council

(SEAL)