

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, APRIL 4, 2022**

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 7:08 p.m. on Monday, April 4, 2022 with Councillor Osili presiding.

Councillor Lewis introduced Leroy Lewis, Jr., Associate Pastor, Mt. Paran Baptist Church, who led the opening prayer. Councillor Lewis then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

25 PRESENT: 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.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Oliver asked for a moment of silence in recognition of the sacrifice of Officer Breana Leath who fell in the line of duty with IMPD last year, and all others who have given their lives to keep this community safe. President Osili also acknowledged that today is the 54th anniversary of the assassination of Martin Luther King, Jr.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 4, 2022, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Vop Osili
President, City-County Council

Journal of the City-County Council

March 7, 2022

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 11, 2022 a copy of a Notice of Public Hearing on Proposal Nos. 87 and 88, 2022, said hearing to be held on Monday, April 4, 2022 at 7:00 p.m. in the Public Assembly Room of the City-County Building.

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

March 14, 2022

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 18, 2022 a copy of a Notice of Public Hearing on Proposal Nos. 85, 86 and 91, 2022, said hearing to be held on Monday, April 4, 2022 at 7:00 p.m. in the Public Assembly Room of the City-County Building.

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

March 21, 2022

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 25, 2022 a copy of a Notice of Public Hearing on Proposal Nos. 87 and 88, 2022, said hearing to be held on Monday, April 4, 2022 at 7:00 p.m. in the Public Assembly Room of the City-County Building and a copy of a Notice of Public Hearing on Proposal No. 92, 2022, said hearing to be held at a meeting of the Metropolitan and Economic Development Committee on Monday, April 11, 2022 at 5:30 p.m. in the Public Assembly Room of the City-County Building.

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

March 14, 2022

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 1, 2022 – approves the 2022 Budget of the Greater Virginia Avenue Corridor Economic Improvement District

FISCAL ORDINANCE NO. 2, 2022 – approves the 2022 Budget of the Woodruff Place Economic Improvement District

SPECIAL ORDINANCE NO. 1, 2022 – approves the issuance of developer-backed tax increment finance (TIF) bonds in an amount not to exceed \$12,500,000 for the proposed Indy Innovation Apartments, a new mixed-use development, including a multi-family housing facility, amenities, and commercial retail space, in the previously established 16 Tech Innovation district (now in the

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proposed separate allocation area to be known as the Indy Innovation Apartments LLC economic development area), located at 1350 Waterway Boulevard (District 11)

SPECIAL ORDINANCE NO. 2, 2022 – approves the issuance of developer-backed tax increment financing (TIF) bonds in an amount not to exceed \$12,321,000 for the proposed Stutz Factory Building redevelopment mixed-use development, including retail and dining space, coworking space, event space, and fitness/lifestyle space, located at 1060 North Capitol Avenue (District 11), in the proposed Stutz 1 economic development and allocation areas

GENERAL RESOLUTION NO. 3, 2022 – approves the amounts, locations, and programmatic operation of certain projects to be funded from the Community Development Grant Funds

GENERAL RESOLUTION NO. 4, 2022 – approves expenditures of \$750,000 from the Community Revitalization Enhancement District's Industrial Development Fund for calendar year 2022 for use within the Lafayette Square Community Revitalization Enhancement District (CRED)

GENERAL RESOLUTION NO. 5, 2022 – authorizes the removal of property from the Consolidated Downtown allocation area and creation of the Indy Innovation Apartments, LLC Allocation area

GENERAL RESOLUTION NO. 6, 2022 – establishes the Stutz 1 Economic Development and Allocation Areas, to allow tax increment bond financing for the Stutz 1 mixed-use redevelopment project, located at 1060 North Capitol Avenue (District 11), which will include retail and dining space, coworking space, event space, and fitness/lifestyle space

GENERAL RESOLUTION NO. 7, 2022 – approves the statement of benefits of Stanley Epler LLC, an applicant for tax abatement for property located in an economic revitalization area

SPECIAL RESOLUTION NO. 8, 2022 – recognizes March 2022 as Disabilities Awareness Month in Indianapolis

SPECIAL RESOLUTION NO. 9, 2022 – recognizes the life and legacy of Maurice Young in bringing hope to the homeless

SPECIAL RESOLUTION NO. 10, 2022 – condemns the Russian invasion of Ukraine and urges steadfast support for the Ukrainian people

s/ Joseph H. Hogsett, Mayor

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. 139, 2022 (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 approval to opt back in to the state-conducted settlement of pending opioid litigation.

Councillor Lewis seconded the motion and the motion carried by a unanimous voice vote.

Councillor Adamson made the following motion:

Mr. President:

I move to amend the agenda to advance Proposal Nos. 137 and 138, 2022 (currently under Introduction of Proposals) to the first items of business under “Special Orders – Priority Business” for action this evening. While loading zone establishments are similar to rezoning ordinances as they are certified to the Council by the Board of Public Works, they do require a roll call vote for ratification. I, therefore, move that Proposal Nos. 137 and 138, 2022 be placed under Special Orders – Priority Business for action this evening.

Councillor Carlino seconded the motion and the motion carried by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of March 7, 2021. There being no additions or corrections, the minutes were approved as distributed.

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

Councillor Lewis asked for consent to hear Proposal Nos. 140 and 141, 2022 together. Consent was given.

PROPOSAL NO. 140, 2022. The proposal, sponsored by Councillors Lewis, Mowery and Robinson, agrees to support and provide resources necessary for the City of Indianapolis to host the National Collegiate Athletic Association ("NCAA") Final Four Women's Basketball Championship. PROPOSAL NO. 141, 2022. The proposal, sponsored by Councillors Lewis, Mowery and Robinson, agrees to support and provide resources necessary for the City of Indianapolis to host the National Collegiate Athletic Association ("NCAA") Final Four Men's Basketball Championship. Councillors read the proposal and presented representatives with copies of the document and Council pins. Melissa Thompson, Indianapolis Sports Corporation, thanked the Council for their support. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal Nos. 140 and 141, 2022 were adopted by a unanimous voice vote.

Proposal No. 140, 2022 was retitled SPECIAL RESOLUTION NO. 11, 2022, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2022

PROPOSAL FOR A SPECIAL RESOLUTION agreeing to support and provide resources necessary for the City of Indianapolis to host the National Collegiate Athletic Association ("NCAA") Final Four Women's Basketball Championship.

WHEREAS, the Consolidated City of Indianapolis-Marion County ("City of Indianapolis") is a city respected for its strong sports environment and identity; and

WHEREAS, this image as a sports city has helped identify the City of Indianapolis as a progressive city and has been a key factor in recruiting business to the area, as well as offering more alternatives for recreation and enjoyment to its residents and visitors; and

WHEREAS, the national headquarters of the NCAA is located in the City of Indianapolis; and

WHEREAS, colleges and universities in the City of Indianapolis and the rest of the State of Indiana have long and successful histories playing basketball; and

WHEREAS, the City of Indianapolis is desirous of hosting the NCAA Women's Basketball First Round, Second Round, Regional, and Final Four games between 2027 and 2031; and

WHEREAS, the Women's Final Four offers the opportunity to work collaboratively with the NCAA to create positive experiences for its student-athletes, participant institutions, fans and the community; and

WHEREAS, the Women's Final Four serves as an economic force that can accelerate the development and/or improvement of local infrastructure, enhance community pride, and generate millions of dollars in economic impact; and

WHEREAS, the City of Indianapolis is the ideal location for the NCAA Women's Final Four because its downtown provides a unique and hospitable environment and destination for teams and visitors; and

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WHEREAS, the NCAA has requested a declaration of support from the City of Indianapolis and certain guarantees concerning the performance of reasonably necessary governmental services in connection with the NCAA Women's Final Four; and

WHEREAS, it is fitting and proper that the Council will be enthusiastically poised to responsibly and effectively consider the needs and requests of the NCAA for planning the Women's Final Four if the bid is awarded to the City of Indianapolis; now, therefore:

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

SECTION 1. The City of Indianapolis welcomes the NCAA Women's Final Four to its jurisdiction and to that end declares its full support of the efforts to have the City of Indianapolis selected as the site for the NCAA Women's Final Four between 2027 and 2031.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

Proposal No. 141, 2022 was retitled SPECIAL RESOLUTION NO. 12, 2022, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2022

PROPOSAL FOR A SPECIAL RESOLUTION agreeing to support and provide resources necessary for the City of Indianapolis to host the National Collegiate Athletic Association ("NCAA") Final Four Men's Basketball Championship.

WHEREAS, the Consolidated City of Indianapolis-Marion County ("City of Indianapolis") is a city respected for its strong sports environment and identity; and

WHEREAS, this image as a sports city has helped identify the City of Indianapolis as a progressive city and has been a key factor in recruiting business to the area, as well as offering more alternatives for recreation and enjoyment to its residents and visitors; and

WHEREAS, the national headquarters of the NCAA is located in the City of Indianapolis; and

WHEREAS, colleges and universities in the City of Indianapolis and the rest of the State of Indiana have long and successful histories playing basketball; and

WHEREAS, the City of Indianapolis is desirous of hosting the NCAA Men's Basketball First Round, Second Round, Regional, and Final Four games between 2027 and 2031; and

WHEREAS, the Men's Final Four offers the opportunity to work collaboratively with the NCAA to create positive experiences for its student-athletes, participant institutions, fans and the community; and

WHEREAS, the Men's Final Four serves as an economic force that can accelerate the development and/or improvement of local infrastructure, enhance community pride, and generate millions of dollars in economic impact; and

WHEREAS, the City of Indianapolis is the ideal location for the NCAA Men's Final Four because its downtown provides a unique and hospitable environment and destination for teams and visitors; and

WHEREAS, the NCAA has requested a declaration of support from the City of Indianapolis and certain guarantees concerning the performance of reasonably necessary governmental services in connection with the NCAA Men's Final Four; and

WHEREAS, it is fitting and proper that the Council will be enthusiastically poised to responsibly and effectively consider the needs and requests of the NCAA for planning the Men's Final Four if the bid is awarded to the City of Indianapolis; now, therefore:

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

SECTION 1. The City of Indianapolis welcomes the NCAA Men's Final Four to its jurisdiction and to that end declares its full support of the efforts to have the City of Indianapolis selected as the site for the NCAA Men's Final Four between 2027 and 2031.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 50, 2022. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 50, 2022 on March 29, 2022. The proposal, sponsored by Councillor Mascari, appoints Brad Vogelsmeier to the Greater Virginia Avenue Corridor Economic Improvement District Board. By a vote of 9-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 50, 2022 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. 50, 2022 was retitled COUNCIL RESOLUTION NO. 42, 2022, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2022

A COUNCIL RESOLUTION appointing Brad Vogelsmeier to the Greater Virginia Avenue Corridor 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 Greater Virginia Avenue Corridor Economic Improvement District Board, the Council appoints:

Brad Vogelsmeier

SECTION 2. The appointment made by this resolution is for a term ending June 30, 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. 90, 2022. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 90, 2022 on March 29, 2022. The proposal, sponsored by Councillor Mascari, appoints Nick Baxter to the Greater Virginia Avenue Corridor Economic Improvement District Board. By a vote of 9-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 90, 2022 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. 90, 2022 was retitled COUNCIL RESOLUTION NO. 43, 2022, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2022

A COUNCIL RESOLUTION appointing Nick Baxter to the Greater Virginia Avenue Corridor 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 Greater Virginia Avenue Corridor Economic Improvement District Board, the Council appoints:

Nick Baxter

SECTION 2. The appointment made by this resolution is for a term ending June 30, 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. 80, 2022. Councillor Oliver reported that the Parks and Recreation Committee heard Proposal No. 80, 2022 on March 10, 2022. The proposal, sponsored by Councillor Osili, appoints Yecenia Tostado to the Indianapolis Greenways Development Committee. By a vote of 7-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Oliver moved, seconded by Councillor Adamson, for adoption. Proposal No. 80, 2022 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. 80, 2022 was retitled COUNCIL RESOLUTION NO. 44, 2022, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 44, 2022

A COUNCIL RESOLUTION appointing Yecenia Tostado to the Indianapolis Greenways Development Committee.

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

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council appoints:

Yecenia Tostado

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2025. 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. 124, 2022. Councillor Oliver reported that the Parks and Recreation Committee heard Proposal No. 124, 2022 on March 10, 2022. The proposal, sponsored by Councillor Osili, reappoints T. Carlos Simpson to the Indianapolis Greenways Development Committee. By a vote of 7-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Oliver moved, seconded by Councillor Lewis, for adoption. Proposal No. 124, 2022 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, 2022 was retitled COUNCIL RESOLUTION NO. 45, 2022, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 45, 2022

A COUNCIL RESOLUTION reappointing T. Carlos Simpson to the Indianapolis Greenways Development Committee.

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

SECTION 1. As a member of the Indianapolis Greenways Development Committee, the Council reappoints:

T. Carlos Simpson

SECTION 2. The reappointment made by this resolution is for a term ending December 31, 2023. 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. 84, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 84, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, approves the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of parking citations. By a vote of 10-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Mascari moved, seconded by Councillor Lewis, for adoption. Proposal No. 84, 2022 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. 84, 2022 was retitled COUNCIL RESOLUTION NO. 46, 2022, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 46, 2022

A COUNCIL RESOLUTION approving the Mayor's appointment of John C. Krause as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County", a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of John C. Krause to serve as hearing officer at the pleasure of the Mayor for a term of one (1) year and until a successor is appointed; now, therefore:

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

SECTION 1. John C. Krause is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year and until a successor is appointed.

SECTION 2. This resolution shall be in effect upon adoption and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 118, 2022. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 118, 2022 on March 23, 2022. The proposal, sponsored by

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Councillor Robinson, reconfirms the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender. By a vote of 10-0-1, the Committee reported the proposal to the full Council with a do pass recommendation.

Councillor Boots asked for consent to abstain from voting to avoid the appearance of a conflict of interest. Consent was given.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 118, 2022 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Boots

Proposal No. 118, 2022 was retitled COUNCIL RESOLUTION NO. 47, 2022, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 47, 2022

A COUNCIL RESOLUTION reconfirming the Marion County Public Defender Board's nomination of Robert J. Hill as the Chief Marion County Public Defender.

WHEREAS, pursuant to Section 286-4 of the "Revised Code of the Consolidated City and County," the Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the confirmation of the City-County Council and subject to reconfirmation thereafter; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of Robert J. Hill to continue serving as Marion County Chief Public Defender; now, therefore:

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

SECTION 1. Robert J. Hill is hereby reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 123, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Terry Morris to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 126, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Whitley Yates to the Equal Opportunity Advisory Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 127, 2022. Introduced by Councillors Mascari and Annee. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$50,000 in the 2022 Budget of the Marion County Auditor (Marion County General Fund) increasing the public purpose grant to the Marion County Fair Board for additional capital

improvements needed to fairground facilities"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 128, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Craig Mince to the City Market Corporation Board of Directors"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 129, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Barato Britt to the Board of Business and Neighborhood Services"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 130, 2022. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 741 of the Consolidated Zoning and Subdivision Ordinance concerning stormwater management to comply with NPDES permit"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 131, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of developer-backed TIF bonds for Indy PropCo, LLC in a maximum aggregate principal amount not to exceed \$9,200,000 for the proposed Motto Hotel project within the proposed King Cole economic development allocation area, consisting of the acquisition, renovation and rehabilitation of the vacant approximately 47,000 square foot King Cole building at 1 North Meridian Street for reuse as a 116-unit hotel, multiple full-service restaurants and bars, and other amenities including public art "; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 132, 2022. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Larry Bates to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 133, 2022. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joseph Wynns to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 134, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Lori Kaplan to the Indianapolis Greenways Development Committee"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 135, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Fred Pervine to the Emergency Services Agency Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 136, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Patrice Abduallah to the Citizens' Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 137, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Resolution which ratifies a loading zone on Ohio Street near Meridian

Street established by the board of public works"; and the President referred it to the Committee of the Whole Committee.

PROPOSAL NO. 138, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Resolution which ratifies a loading zone on Norwood Street near Virginia Avenue established by the board of public works"; and the President referred it to the Committee of the Whole Committee.

PROPOSAL NO. 139, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Resolution which exercises the City's authority to opt back in to state-conducted settlement of pending opioid litigation"; and the President referred it to the Committee of the Whole Committee.

PROPOSAL NO. 157, 2022. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 152 of the Revised Code concerning council district boundaries"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 159, 2022. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Falcons Nest subdivision (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 160, 2022. Introduced by Councillor Evans. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Arbor Woods subdivision (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 161, 2022. Introduced by Councillor Evans. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Shadow Wood and Victoria Woods subdivisions (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 162, 2022. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Woodlawn Gardens subdivision (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 163, 2022. Introduced by Councillor Annee. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Brentwood Hills and Rose Manor subdivisions (District 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 164, 2022. Introduced by Councillor Annee. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a speed limit reduction to 25 miles per hour in the Craigwood subdivision (District 23)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

President Osili reminded members that a motion was passed during the adoption of the agenda to add Proposal Nos. 137 and 138, 2022 to the agenda for action under Priority Business. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 137, 2022. The proposal, sponsored by Councillor Osili, ratifies a loading zone on Ohio Street near Meridian Street established by the board of public works. PROPOSAL NO. 138, 2022. The proposal, sponsored by Councillor Osili, ratifies a loading zone on Norwood Street near Virginia Avenue established by the board of public works.

Councillor Adamson asked where on Ohio Street the loading zone in Proposal No. 137, 2022 will be located. Nathan Sheets, project manager, Department of Public Works (DPW), said that it is on the north side of Ohio Street, west of Meridian Street. He said that this used to be an IndyGo bus stop, but is no longer used, and there will be no loss of parking meters. Councillor Adamson asked if it is currently a lane for traffic. Mr. Sheets said that due to the proximity to the signal, there are parking restrictions closer to Illinois street with a right-turn lane, and they do not believe it will result in any traffic delays. Councillor Adamson asked how far west the lane will extend. Mr. Sheets said that it will amount to approximately four parking spots, and will extend 80 feet west from about 12 feet west of the fire hydrant.

Councillor Adamson moved, seconded by Councillor J. Evans, for adoption of Proposal Nos. 137 and 138, 2022. 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

Proposal No. 137, 2022 was retitled GENERAL RESOLUTION NO. 9, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 9, 2022

PROPOSAL FOR A GENERAL RESOLUTION ratifying a loading zone established by the board of public works.

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

SECTION 1. Pursuant to Revised Code Sec. 621-423, the following loading zone has been established by the board of public works:

Vehicle Loading Zone
7:00 a.m. to 6:00 p.m.
Monday through Friday

Ohio Street, on the north side,
From a point 35 feet west of Meridian Street,
To a point 115 feet west of Meridian Street.

SECTION 2. The council hereby ratifies the action of the board of public works.

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

Proposal No. 138, 2022 was retitled GENERAL RESOLUTION NO. 10, 2022, and reads as follows:

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CITY-COUNTY GENERAL RESOLUTION NO. 10, 2022

PROPOSAL FOR A GENERAL RESOLUTION ratifying a loading zone established by the board of public works.

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

SECTION 1. Pursuant to Revised Code Sec. 621-423, the following loading zone has been established by the board of public works:

***Vehicle Loading Zone
7:00 a.m. to 6:00 p.m.
Monday through Friday***

Norwood Street, on the north side,
From a point 47 feet west of Virginia Avenue,
To a point 87 feet west of Virginia Avenue.

SECTION 2. The council hereby ratifies the action of the board of public works.

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

PROPOSAL NOS. 143-144, 2022, PROPOSAL NO. 145, 2022, and PROPOSAL NOS. 146-156, 2022. Introduced by Councillor Lewis. Proposal Nos. 143-144, 2022, Proposal No. 145, 2022, and Proposal Nos. 146-156, 2022 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on March 3, 16 and 24, 2022, 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. 39-52, 2022, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 39, 2022.
2021-ZON-148 (AMENDED)
75 SOUTH KENYON STREET (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #12
SOUTHERN EQUITY AND ASSET TRUST, by Christopher J. McElwee
Rezoning of 1.03 acres from the D-5 (TOD) and C-3 (TOD) districts to the I-2 (TOD) district to provide for a commercial bakery.

REZONING ORDINANCE NO. 40, 2022.
2021-ZON-150
8150 BROOKVILLE ROAD (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #18
ADVANCED RECOVERY SYSTEMS LLC, by Timothy E. Ochs
Rezoning of 5.311 acres from the C-3 district to the C-4 district to provide for a substance abuse treatment facility.

REZONING ORDINANCE NO. 41, 2022.
2021-ZON-013
5151 SOUTH FRANKLIN ROAD (*APPROXIMATE ADDRESSES*)
FRANKLIN TOWNSHIP, COUNCIL DISTRICT #25
GRADISON LAND DEVELOPMENT, INC. by Adam Mears
Rezoning of 19.06 acres from the I-2 and D-P districts to the D-P classification for the development of 61 single-family dwellings at a density of 3.2 units per acre.

REZONING ORDINANCE NO. 42, 2022.
2021-ZON-135

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900 SOUTH TIBBS AVENUE (*APPROXIMATE ADDRESS*)
WAYNE TOWNSHIP, COUNCIL DISTRICT #16
BEN DAVIS CONSERVANCY DISTRICT, by Thomas M. Schubert
Rezoning of 7.25 acres from the I-4 district to the SU-41 classification to provide for a wastewater treatment facility.

REZONING ORDINANCE NO. 43, 2022.
2022-ZON-001 (AMENDED)
2302 PROSPECT STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
VALKA RODRIGUEZ, by Diana Munoz
Rezoning of 0.11 acres from the C-4 district to the D-5II district to provide for residential development.

REZONING ORDINANCE NO. 44, 2022.
2022-ZON-002
3208 NORTH SHERMAN DRIVE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
FRESH START TREATMENT FACILITY, by Russell L. Brown
Rezoning of 1.26 acres from the SU-7 district to the C-S district to provide for a detoxification and residential in-patient behavioral health treatment facility.

REZONING ORDINANCE NO. 45, 2022.
2022-ZON-003
3727 KENTUCKY AVENUE (*APPROXIMATE ADDRESS*)
DECATUR TOWNSHIP, COUNCIL DISTRICT #22
CHARLES AND LURA MAGERS, by David Gilman
Rezoning of 1.19 acres from the D-A district to the C-1 district to provide for a counseling center.

REZONING ORDINANCE NO. 46, 2022.
2022-ZON-005
2024 COLUMBIA AVENUE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
TRIDENT REALTY INVESTMENTS, by Timothy Gray
Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house.

REZONING ORDINANCE NO. 47, 2022.
2022-ZON-008
1524 AND 1536 OLIVE STREET (*APPROXIMATE ADDRESSES*)
CENTER TOWNSHIP, COUNCIL DISTRICT #21
FOUNTAIN SQUARE MANAGEMENT & INVESTMENT LLC, by Marcus Crouch
Rezoning of 0.139 acre from the D-5 (TOD) district to the D-8 (TOD) district.

REZONING ORDINANCE NO. 48, 2022.
2022-ZON-009
569 SOUTH ARLINGTON AVENUE (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #12
RSPM WINE SPIRITS INC. by Jessica Findley
Rezoning of 0.14 acre from the D-5 district to the C-4 district to allow for a convenience store and gas station.

REZONING ORDINANCE NO. 49, 2022.
2022-ZON-010
3710 LAFAYETTE ROAD (*APPROXIMATE ADDRESS*)
WAYNE TOWNSHIP, COUNCIL DISTRICT #10
HOANGTIN NGUYEN
Rezoning of 0.193 acre from the D-5 (FF) district to the C-3 (FF) district to allow for office use.

REZONING ORDINANCE NO. 50, 2022.
2022-ZON-011
4005 EAST 26TH STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
HUGHES REAL ESTATE LLC, by Joshua Robertson
Rezoning of 0.56 acre from the C-3 district to the C-7 district to allow for automobile service and repair.

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REZONING ORDINANCE NO. 51, 2022.

2022-ZON-013

1248, 1250, 1251, AND 1253 WEST 19TH STREET (*APPROXIMATE ADDRESSES*)

CENTER TOWNSHIP, COUNCIL DISTRICT #11

HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, INC., by Chris Barnett

Rezoning of 0.529 acre from the C-1 (W-1) and C-3 (W-1) districts to the D-5 (W-1) to allow for the construction of single-family homes.

REZONING ORDINANCE NO. 52, 2022.

2022-CZN-800

6900 AND 6969 SOUTH MERIDIAN STREET AND 23 EAST VENOY DRIVE (*APPROXIMATE ADDRESSES*)

PERRY TOWNSHIP, COUNCIL DISTRICT #23

REFORMED PRESBYTERIAN CHURCH OF SOUTHSIDE INDIANAPOLIS, INC.

Rezoning of 0.584 acre from the D-3 District to the SU-1 classification.

SPECIAL ORDERS - PUBLIC HEARING

President Osili called on General Counsel Toae Kim to review the ground rules for public testimony as adopted by this body. Ms. Kim reminded Council members and the public of the ground rules for the public comment portion of the agenda. She said that in order for everyone to have a fair chance to speak and be heard, it is important to observe the following rules. First, each speaker will be limited to two minutes. Second, any public comments must reasonably relate to the agenda item under consideration. Third, speakers who stray from the item under consideration or become unduly repetitious may be asked to move on to their next point or conclude their comments. Finally, attendees who cause disruptions that prevent the Council from proceeding through today's agenda in a reasonably efficient manner will be removed. Ms. Kim added that some types of threatening speech or incitement to violence are not protected by the First Amendment and will be dealt with if they come up.

PROPOSAL NO. 85, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 85, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, approves appropriations and transfers totalling \$86,784,620 from various city-county funds for use by various city-county departments agencies, transferring \$71,856,000 of existing appropriations among characters and appropriating \$14,928,620 of federal and local grant awards not previously appropriated, and ratifies a transfer between departments in the Federal Grants fund for purposes of COVID-19 emergency response. By a vote of 10-0, the Committee reported the proposal to the full Council with a do pass as amended recommendation.

Councillor E. Evans asked if there is a specific use for this transfer. Lucas Anderson, Office of Finance and Management (OFM), asked which transfer in particular Councillor Evans is asking about. He said that the transfers are mostly from Character 03 to Character 04 to spend money out of the appropriate fund for public works and parks projects. Councillor E. Evans asked if there is a list of specific projects. Mr. Anderson said that it is mostly funding for playground enhancement and stormwater maintenance. Brandon Herget, Council Chief Financial Officer and Policy Director, said that these are all still the same programmatic dollars approved during the budget last fall by this body, and there is no change in programs, but simply a change in accounting to make sure the dollars are in the right characters.

The President called for public testimony at 7:42 p.m.

Larry Vaughn, citizen, said that he does not want to get this COVID relief money caught up in paying for sports teams or bids for sporting events and is concerned about moving these resources among funds. He said that the Senate is considering Senate Bill 361 which will take income tax

and sales tax and transfer it to other tax increment financing (TIF) areas that are not even within the City limits. He said that he hopes the Council is not overstepping and using these COVID dollars in ways they were not intended.

There being no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 85, 2022 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. 85, 2022 was retitled FISCAL ORDINANCE NO. 3, 2022, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2022

A FISCAL ORDINANCE amending the City-County Annual Budget for 2022 (City-County Fiscal Ordinance No. 22, 2021) by transferring and appropriating a total of eighty-six million, seven hundred eighty-four thousand, six hundred twenty dollars (\$86,784,620) for the purposes of those departments and agencies listed below, and, with respect to the City-County Annual Budget for 2021, ratifying the Controller’s transfer of \$800,000 from character one of the Indianapolis Fire Department to the character one of the City Non-Departmental in the Federal Grants fund for purposes of COVID-19 emergency response.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2022 is hereby amended by the increases and reductions hereinafter stated for purposes of the following departments and agencies.

SECTION 2. The Marion County Prosecutor’s Office requests an additional appropriation totaling seven hundred forty thousand dollars (\$740,000) in the Federal Grant Fund in characters one and four for the purposes of funding projects associated with the American Rescue Plan Act:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Federal Grant	730,000			10,000		740,000

SECTION 3. The Marion County Forensic Services Agency requests an additional appropriations totaling one million three hundred one thousand dollars (\$1,301,000) in the Federal Grant Fund in characters one, two, three, and four and eighteen thousand dollars (\$18,000) in the State Grant Fund in character three for the purposes of funding additional grant awards for projects associated with the American Rescue Plan Act, sexual assault kit and DNA testing, and training:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Federal Grant	155,000	848,000	156,000	142,000		1,301,000
State Grant			18,000			18,000

SECTION 4. The Marion County Sheriff’s Office requests an additional appropriation totaling eighty-seven thousand five hundred dollars (\$87,500) in the State Grant Fund in characters one and three for the purposes of funding the grant award for the Behavioral Management program in the Adult Detention Center:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
State Grant	85,000		2,500			87,500

SECTION 5. The Marion County Coroner’s Office requests an additional appropriation totaling one million seven hundred thirty-nine thousand dollars (\$1,739,000) in the Federal Grants Fund in characters two, three, and four for the purposes of funding projects associated with the American Rescue Plan Act:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Grant		31,000	1,523,000	185,000		1,739,000

SECTION 6. The Marion County Public Defender Agency requests an additional appropriation totaling three hundred fifty thousand dollars (\$350,000) in the Federal Grants Fund in character three, one hundred sixty-five thousand dollars (\$165,000) in the State Grant Fund in characters one and three, and fifteen thousand dollars (\$15,000) in the County Grant Fund in character three for the purposes of funding additional grant awards, specifically projects associated with the American Rescue Plan Act and additional services for juvenile delinquency and the Juvenile Detention Alternative initiative:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Grant			350,000			350,000
State Grant	160,000		5,000			165,000
County Grant			15,000			15,000

SECTION 7. The Office of Public Health and Safety requests an additional appropriation totaling eight thousand one hundred twenty dollars (\$8,120) in the Consolidated County General Fund in character two for the purposes of appropriating a foundation grant award received for the “Seed to Store” initiative for small grocers:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Consolidated County		8,120				8,120

SECTION 8. The Indianapolis Metropolitan Police Department requests an additional appropriation totaling five million one hundred eighty thousand dollars (\$5,180,000) in the IMPD General Fund in characters one, two, three, and four for the purposes of appropriating a grant award from the Indiana Criminal Justice Institute for the purposes of addressing violent crime through implementing a uniform strategy to trace firearms used to commit crimes:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
IMPD General	1,305,000	500,000	1,900,000	1,475,000		5,180,000

SECTION 9. The Office of Finance and Management requests an additional appropriation totaling three million seven hundred twenty-five thousand dollars (\$3,725,000) in the Federal Grant Fund in characters two and three for the purposes of PPE, various supplies, and reimbursement of other departments for grant related expenses:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Grant		2,500,000	1,225,000			3,725,000

SECTION 10. The City Non-Departmental requests a transfer in appropriation totaling seventy-one million eight hundred fifty-six thousand dollars (\$71,856,000) in the Federal Stimulus COVID fund and an additional appropriation totaling one million three hundred thousand dollars (\$1,300,000) in the Federal Grant Fund. The transfer in appropriation totaling seventy-one million eight hundred fifty-six thousand dollars (\$71,856,000) in the Federal Stimulus COVID fund is from character three to character four for the purposes of reallocating the characters associated with priorly approved projects. The additional appropriation totaling one million three hundred thousand dollars (1,300,000) in the Federal Grant Fund in characters one, two, and three for the purposes of overtime, PPE, cleaning services, various supplies, and eligible sub recipient costs:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Stimulus COVID Fund			-71,856,000	71,856,000		-
Federal Grant	1,000,000	100,000	200,000			1,300,000

SECTION 11. The County Non-Departmental requests an additional appropriation totaling three hundred thousand dollars (\$300,000) in the Federal Grants Fund in characters two and three for the purposes of PPE, cleaning services, various supplies, and eligible sub recipient costs:

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Grant		100,000	200,000			300,000

SECTION 12. The Controller’s transfer of \$552,500 from character one of the Indianapolis Fire Department to character one of the City Non-Departmental in the Federal Grants fund and \$200,000 from character three to character one in the Federal Stimulus COVID Fund out of the 2021 budget, for time-sensitive purposes necessitated by the response to the COVID-19 pandemic, is hereby ratified.

SECTION 13. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2022:

Fund	Projected 2021 Year-End Balance	Projected 2022 Year-End Balance
Consolidated County General Fund	\$185,290,614	\$192,170,931
IMPD General Fund	\$3,655,226	\$3,767,866
Federal Stimulus COVID Fund	\$0	\$0
Federal Grant Fund - City	\$0	\$0
State Grant Fund	\$0	\$0
Federal Grant Fund - County	\$0	\$0
County Grant Fund	\$0	\$0

SECTION 13. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 86, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 86, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, approves an additional appropriation totalling \$650,000 in the 2022 Budget of the Information Services Agency (Information Services Fund) to finance unforeseen additional costs in the implementation of the enterprise-wide phone system upgrade. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation.

The President called for public testimony at 7:45 p.m.

Mr. Vaughn asked if they ever got a definition of what an emergency COVID response team is. He asked where all the money is coming from for that response team.

There being no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 86, 2022 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. 86, 2022 was retitled FISCAL ORDINANCE NO. 4, 2022, and reads as follows:

April 4, 2022

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2022

A FISCAL ORDINANCE amending the City-County Annual Budget for 2022 (City-County Fiscal Ordinance No. 22, 2021) by an additional appropriation of six hundred fifty thousand dollars (\$650,000) for the purposes of the Marion County Information Services Agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2022 is hereby amended by the character increases hereinafter stated for purposes of the Marion County Information Services Agency.

SECTION 2. The Marion County Information Services Agency requests an additional appropriation totaling six hundred fifty thousand dollars (\$650,000) in character three of the Information Services fund for the purposes of financing unforeseen additional costs in the implementation of the enterprise-wide phone system upgrade:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Information Services Fund			650,000			650,000

SECTION 3. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2022:

Fund	Projected 2021 Year-End Balance	Projected 2022 Year-End Balance
Information Services Fund	2,696,656	3,569,847

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

PROPOSAL NO. 87, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 87, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, re-establishes the City Cumulative Capital Development Fund for Indianapolis Consolidated City pursuant to I.C. 36-9-15.5. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation.

Councillor Gray asked if this is the tax levy that was eliminated at the beginning of the last term. Mr. Anderson said that this predated his tenure, but believes this is related to the capital asset development fund that was recodified in May, 2021. He said that it is separate from the County Cumulative Fund, which is a tax levy.

The President called for public testimony at 7:48 p.m.

Mr. Vaughn asked what the balance of the fund was when it was extinguished, and why the City is creating new funding mechanisms at the time they are receiving all these COVID dollars. He asked why the fund was eliminated to begin with, and how the balance of that fund was reappropriated at that time.

Mr. Herget said that the Council body has the option to establish the funds identified in Proposal Nos. 87 and 88, 2022; allowing them to exercise the oversight of the funds. He said that they are re-establishing the funds with the same rate as last year and there is no increase. He said that this action allows for local jurisdiction over these funds, and if they do not pass these proposals, the State will be able to oversee these funds for the City. This action provides greater local oversight.

There being no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 87, 2022 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. 87, 2022 was retitled SPECIAL ORDINANCE NO. 3, 2022, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2022

A SPECIAL ORDINANCE reestablishing the City Cumulative Capital Development Fund for the Consolidated City of Indianapolis and Marion County pursuant to Indiana Code 36-9-15.5.

WHEREAS, Indiana Code 36-9-15.5 provides for the establishment of the City Cumulative Capital Development Fund and IC 36-9-15.5-6 provides that a county fiscal body may elect to levy a tax for the purposes stated in IC 36-9-15.5-2; and

WHEREAS, IC 6-1.1-41 requires a political subdivision to adopt a proposal and hold a public hearing to establish the tax rate for the City Cumulative Capital Development Fund; and

WHEREAS, a need exists for the reestablishment of the City Cumulative Capital Development Fund for the uses set out in IC 36-9-15.5 as described in this ordinance, and

WHEREAS, the Marion County taxing unit wishes to reestablish the City Cumulative Capital Development Fund pursuant to IC 36-9-15.5 starting with taxes levied for 2022 payable 2023; now therefore:

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

SECTION 1. The city-county council hereby elects to reestablish the City Cumulative Capital Development Fund pursuant to Indiana Code 6-1.1-41 beginning with taxes levies for 2022 payable 2023.

SECTION 2. The City Cumulative Capital Development Fund shall be used for the purpose specified in IC 36-9-15.5-2 and shall be administered according to the provisions of IC 36-9-15.5 and IC 6-1.1-41.

SECTION 3. The City Cumulative Capital Development Fund shall not exceed three hundred and seven hundredths cents (\$0.0307) for each one hundred dollars (\$100) of assessed valuation of property in the taxing district. Said tax rate will be levied beginning 2022 payable 2023

SECTION 4. Proofs of publication of the public hearing held on this proposal, proofs of publication of the notice of adoption, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.

SECTION 5. Upon adoption, the clerk of the council shall immediately forward a copy of this ordinance to the county auditor.

SECTION 6. This ordinance shall be in force and effect upon adoption, approval by the Department of Local Government Finance and compliance with IC 6-1.1-17 and IC 36-9-15.5.

PROPOSAL NO. 88, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 88, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, re-establishes the County Cumulative Capital Development Fund for Marion County pursuant to I.C. 36-9-14.5. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation.

The President called for public testimony at 7:51 p.m.

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Mr. Vaughn asked if there is any limitation on COVID funding and things they cannot use these monies for. He asked if once the dollars are in the General Fund, he is concerned that the administration can then spend it however they want; while businesses are being lost and homeowners are being forced into foreclosures. He said that there is a lot of suffering going on, and these funds need to go to the people that really need them.

There being no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 88, 2022 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. 88, 2022 was retitled SPECIAL ORDINANCE NO. 4, 2022, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2022

A SPECIAL ORDINANCE reestablishing the County Cumulative Capital Development Fund for Marion County pursuant to Indiana Code 36-9-14.5.

WHEREAS, Indiana Code 36-9-14.5 provides for the establishment of the County Cumulative Capital Development Fund and IC 36-9-14.5-6 provides that a county fiscal body may elect to levy a tax for the purposes stated in IC 36-9-14.5-2; and

WHEREAS, IC 6-1.1-41 requires a political subdivision to adopt a proposal and hold a public hearing to establish the tax rate for the County Cumulative Capital Development Fund; and

WHEREAS, a need exists for the reestablishment of the County Cumulative Capital Development Fund for the uses set out in IC 36-9-14.5 as described in this ordinance, and

WHEREAS, the Marion County taxing unit wishes to reestablish the County Cumulative Capital Development Fund pursuant to IC 36-9-14.5 starting with taxes levied for 2022 payable 2023; now therefore:

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

SECTION 1. The city-county council hereby elects to reestablish the County Cumulative Capital Development Fund pursuant to Indiana Code 6-1.1-41 beginning with taxes levies for 2022 payable 2023.

SECTION 2. The County Cumulative Capital Development Fund shall be used for the purpose specified in IC 36-9-14.5-2 and shall be administered according to the provisions of IC 36-9-14.5 and IC 6-1.1-41.

SECTION 3. The County Cumulative Capital Development Fund shall not exceed three hundred and thirty-three hundredths cents (\$0.0333) for each one hundred dollars (\$100) of assessed valuation of property in the taxing district. Said tax rate will be levied beginning 2022 payable 2023

SECTION 4. Proofs of publication of the public hearing held on this proposal, proofs of publication of the notice of adoption, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.

SECTION 5. Upon adoption, the clerk of the council shall immediately forward a copy of this ordinance to the county auditor.

SECTION 6. This ordinance shall be in force and effect upon adoption, approval by the Department of Local Government Finance and compliance with IC 6-1.1-17 and IC 36-9-14.5.

PROPOSAL NO. 91, 2022. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 91, 2022 on March 29, 2022. The proposal,

sponsored by Councillor Lewis, approves additional appropriations totalling \$5,540,000 in the 2022 Budget of the Department of Metropolitan Development (Consolidated County General, Redevelopment General, and Federal Grant Funds) to finance contractual services, land acquisition, and grant eligible personnel costs. By a vote of 8-0-1, the Committee reported the proposal to the full Council with a do pass recommendation.

Councillor Robinson asked for consent to abstain from voting to avoid the appearance of a conflict of interest. Consent was given.

The President called for public testimony at 7:53 p.m. There being no one present to testify, Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 91, 2022 was adopted on the following roll call vote; viz:

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

Proposal No. 91, 2022 was retitled FISCAL ORDINANCE NO. 5, 2022, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2022

A FISCAL ORDINANCE amending the City-County Annual Budget for 2022 (City-County Fiscal Ordinance No. 22, 2021) by additional appropriations totaling five million five hundred forty thousand dollars (\$5,540,000) for the purposes of the Department of Metropolitan Development.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2022 is hereby amended by the character increases hereinafter stated for purposes of the Department of Metropolitan Development.

SECTION 2. The Department of Metropolitan Development requests additional appropriations totaling two million seven hundred forty thousand dollars (\$2,740,000) in characters three and four of the Consolidated County General Fund and seven hundred thousand dollars (\$700,000) in characters three and four in the Redevelopment General fund to finance contractual services and land acquisition costs:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Consolidated County General			2,050,000	690,000		2,740,000
Redevelopment General			200,000	500,000		700,000

SECTION 3. The Department of Metropolitan Development requests additional appropriations totaling two million one hundred thousand dollars (\$2,100,000) in characters one and four of the Federal Grant Fund to finance additional grant awards, specifically for eligible personnel and land acquisition costs:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Federal Grant	100,000			2,000,000		2,100,000

SECTION 4. In support of the additional appropriation provided in Section 2, additional revenues totaling five hundred thousand dollars (\$500,000) are anticipated to be collected as a result of a settlement and will contributed to land acquisition costs.

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SECTION 5. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2022:

Fund	Projected 2021 Year-End Balance	Projected 2022 Year-End Balance
Consolidated County General	\$185,290,614	\$192,170,931
Redevelopment General	\$12,675,447	\$10,949,987
Federal Grant	\$0	\$0

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

SPECIAL ORDERS - FINAL ADOPTION

President Osili reminded members that a motion was passed during the adoption of the agenda to add Proposal No. 139, 2022 to the agenda for action under Final Adoption.

PROPOSAL NO. 139, 2022. The proposal, sponsored by Councillor Osili, exercises the City's authority to opt back in to state-conducted settlement of pending opioid litigation. Councillor Mowery moved, seconded by Councillor Adamson, for adoption. Proposal No. 139, 2022 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. 139, 2022 was retitled GENERAL RESOLUTION NO. 11, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2022

A PROPOSAL FOR GENERAL RESOLUTION to exercise the City's authority to opt back in to state-conducted settlement of pending opioid litigation.

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

SECTION 1. The City-County Council, as the legislative body of the Consolidated City of Indianapolis and Marion County, hereby exercises its right under Indiana Code § 4-6-15-2(d) (as amended by House Enrolled Act 1193, 2022) to opt back in to a settlement that is finalized with court approval after March 1, 2021 by the State of Indiana in any opioid litigation as to which the State and the City are both parties and as to which the City had filed suit against the settling defendant or defendants on or before January 1, 2021.

SECTION 2. This resolution supersedes City-County General Resolution No. 4, 2021.

SECTION 3. The City-County Council authorizes the Corporation Counsel, as the City's duly authorized agent, to submit a certified copy of this resolution to the Attorney General of Indiana as soon as practicable, as required by Indiana Code § 4-6-15-2(d). The Council further designates the Corporation Counsel, pursuant to Indiana Code § 4-6-15-2(d)(2), to serve as the City's representative for all communications with the Attorney General concerning the interpretation or implementation of this resolution.

SECTION 4. Where this resolution uses a term defined by Indiana Code § 4-6-15-1, that term has the meaning prescribed by the statute.

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

PROPOSAL NO. 89, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 89, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, authorizes the city controller to take necessary steps to allow for a matching contribution to be made by the City-County to the accounts of all City-County employees who participate in the Indiana Deferred Compensation Plan. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Mascari moved, seconded by Councillor Lewis, for adoption. Proposal No. 89, 2022 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. 89, 2022 was retitled GENERAL RESOLUTION NO. 12, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 2022

PROPOSAL FOR A GENERAL RESOLUTION to authorize the city controller to take necessary steps to allow for a matching contribution to be made by the City-County (“Employer”) to the accounts of all City-County employees who participate in the City of Indianapolis and Marion County, Indiana Deferred Compensation Plan (“Plan”);

WHEREAS, the Plan currently permits matching contributions to be made by Employer only for City-County employees who are sworn police officers or firefighters; and

WHEREAS, the Plan currently does not permit matching contributions to be made by Employer for City-County Employees who are not sworn police officers or firefighters (“Employee” or Employees”); and

WHEREAS, Employer desires to encourage Employees to participate in the Plan to build wealth and save for retirement; 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 authorizes the city controller to take all necessary steps to amend the Plan to allow for a matching contribution to be made by Employer to the accounts of Employees who participate in the Plan by making salary reduction contributions.

SECTION 2. The initial matching contribution shall be determined by the Controller upon final adoption of this resolution in accordance with SECTION 4 below and made available to participating Employees as soon as practicable thereafter.

SECTION 3. In years beginning after calendar year 2022, the matching contribution amount may be increased or decreased by the Controller as the Controller may deem advisable, consistent with budget appropriations and to be effective at the beginning of a calendar year.

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

PROPOSAL NO. 103, 2022. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 103, 2022 on March 22, 2022. The proposal, sponsored by Councillor Mascari, authorizes the city controller to make changes to the salary classification schedule governing city and county employees to allow for premium pays in order to recruit and

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retain staff for critical functions. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 103, 2022 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. 103, 2022 was retitled GENERAL ORDINANCE NO. 11, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2022

PROPOSAL FOR A GENERAL ORDINANCE to make changes to the salary classification schedule ordinance governing City and County employees.

WHEREAS the City-County must staff critical functions to provide needed services to Indianapolis residents and visitors; and

WHEREAS premium pays may be needed to recruit and retain City-County employees to fill positions which require additional work, perfect attendance, or work outside of normal workdays and times and on holidays; and

WHEREAS the Controller may desire to authorize premium pays in order to provide adequate staffing and appropriately compensate those employees; now therefore

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

SECTION 1. Section 192-304 of the "Revised Code of the Consolidated City and County" hereby is amended by adding the language that is underlined, to read as follows:

Sec. 192-304. - Modification of salary classification schedule.

(a) The salary classification schedule may be modified by adoption of a fiscal ordinance and such change may be included in an ordinance making additional appropriations.

(b) The controller shall apply a cost of living adjustment (COLA) to the salary classification schedules promulgated by the human resources division in the annual budget ordinance. The COLA formula will be calculated by taking the percentage change in the Consumer Price Index for urban wage earners and clerical workers from the second quarter average of the previous year to the second quarter average for the current year with a maximum COLA of three (3) percent per year. The controller is authorized to waive or reduce this annual adjustment only if annual revenue projections reduce year-over-year, if applying the adjustment would result in a decrease in the salary classification schedules, or if other extenuating circumstances apply. If an annual COLA is waived for any of these reasons, the next calendar year shall include the adjustment from both the waived year and the regularly calculated year, up to the maximum permitted COLA of three (3) percent per year. If application of the COLA formula would result in a negative adjustment in a given year, the negative COLA that would have applied in that year may be wholly or partially deducted in the following year from the adjustment that would otherwise be dictated by that following year's COLA formula.

(c) The controller may authorize payment of additional premium pays consistent with measures of productivity or reward as the controller believes is necessary to recruit and retain staff. The controller shall authorize such payments in accordance with a written policy which shall describe the circumstances pursuant to which any premium pays will be paid. The controller's written policy shall be filed with the City-County Council's Administration and Finance Committee within 30 days after it is issued and thereafter within 30 days of any changes to the policy. No premium pays authorized in accordance with this subsection shall be included in the employee's salary for budgetary purposes as specified in Sec. 192-202 (3) and Sec. 192-203 (3).

SECTION 2. This ordinance shall be in effect from and after its passage by the City-County Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 93, 2022. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 93, 2022 on March 29, 2022. The proposal, sponsored by Councillor Bain, approves the statement of benefits of Arcamed, LLC, an applicant for tax abatement for property located in an economic revitalization area. By a vote of 9-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 93, 2022 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. 93, 2022 was retitled GENERAL RESOLUTION NO. 13, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2022

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Arcamed, LLC (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 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 personal 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 Statements of Benefits that were submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Arcamed, LLC.

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. 94, 2022. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 94, 2022 on March 29, 2022. The proposal,

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sponsored by Councillor Boots, approves the statement of benefits of Citimark Management Company, Inc. and 96th Street Developers LLC, an applicant for tax abatement for property located in an economic revitalization area. By a vote of 9-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Lewis moved, seconded by Councillor Boots, for adoption. Proposal No. 94, 2022 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. 94, 2022 was retitled GENERAL RESOLUTION NO. 14, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 14, 2022

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Citimark Management Co., Inc., and 96th Street Developers LLC (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 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 Statements of Benefits that were submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Citimark Management Co., Inc., and 96th Street Developers LLC.

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. 96, 2022. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 96, 2022 on March 23, 2022. The proposal, sponsored by Councillor Robinson, approves certain public purpose grants totalling \$180,000 from the Drug Free

Community Fund. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass recommendation. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 96, 2022 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. 96, 2022 was retitled GENERAL RESOLUTION NO. 15, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 2022

PROPOSAL FOR A GENERAL RESOLUTION to approve certain public purpose grants totaling \$180,000.00 from the Drug Free Community Fund.

WHEREAS, Indiana Code § 5-2-11-5 and the Revised Code of Indianapolis and Marion County Sec. 135-298 requires the sums appropriated from the Drug Free Community fund shall not be spent until the City-County Council approves the amount of each grant recipient; now therefore:

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

SECTION 1. The following grants and administrative expenses in the total amount of \$180,000.00 from the Drug Free Community Fund are hereby approved in the following amounts and projects, and for the following organizations:

Drug Free Community Fund
 2022 Annual Grant Awards

I. PREVENTION/EDUCATION		
<i>Organization</i>	<i>Project</i>	<i>Amount</i>
Give an Hour	Real Girls Feel	\$18,745
John H. Boner Community Center	EDGE Parent & Guardian Program	\$26,255
Total Prevention Category	Subtotal	\$45,000
II. INTERVENTION/TREATMENT		
<i>Organization</i>	<i>Project</i>	<i>Amount</i>
Hamilton Center	Transportation Support for SUD Clients	\$2,995
Pathway Resource Center	Program Personnel and Evaluator	\$20,931
Pathway Recovery Services	SUD Programs and Transportation Assistance	\$21,074
Total Treatment Category	Subtotal	\$45,000
III. LAW ENFORCEMENT/CRIMINAL JUSTICE		
<i>Organization</i>	<i>Project</i>	<i>Amount</i>
John P. Craine House	Living Free Program	\$20,000
Marion County Prosecutors Office	Felony Diversion Program	\$25,000
Total Criminal Justice Category	Subtotal	\$45,000

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IV. ADMINISTRATION		
<i>Organization</i>	<i>Project</i>	<i>Amount</i>
Drug Free Marion County	Executive Director and LCC Coordinator Salary	\$45,000
GRAND TOTAL		\$180,000

SECTION 2. 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. 97, 2022. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 97, 2022 on March 23, 2022. The proposal, sponsored by Councillor Robinson, determines the need for the Indianapolis Metropolitan Police Department to lease approximately 28,231 square feet of office space at 4140 North Keystone Avenue. By a vote of 11-0, the Committee reported the proposal to the full Council with a do pass as amended recommendation. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 97, 2022 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. 97, 2022 was retitled GENERAL RESOLUTION NO. 16, 2022, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 16, 2022

A PROPOSAL FOR A GENERAL RESOLUTION determining the need for the Indianapolis Metropolitan Police Department (IMPD) to lease approximately 28,231 square feet of office space at 4140 North Keystone Avenue.

WHEREAS, IMPD currently occupies approximately 17,038 square feet of office space at 4140 North Keystone Avenue, Indianapolis, IN 46205, commonly referred to as "Mainscape"; and

WHEREAS, the current Mainscape lease expires March 31, 2022 and lists the Marion County Auditor as the Lessee with space allocated between IMPD, the Marion County Prosecutor's Office and the Marion County Sheriff's Department; and

WHEREAS, the Marion County Prosecutor's Office and the Marion County Sheriff's Office will vacate the space upon expiration of the current lease and the Marion County Auditor no longer wishes to be a named party to the lease; and

WHEREAS, IMPD wishes to continue to occupy Mainscape and increase its footprint to accommodate IMPD's domestic violence unit and victim's assistance unit, creating greater ease of communications between sections and reducing the need for other outside leases; 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, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease with a term of three (3) years with one (1) renewal option, and determines the lease of office space consisting of approximately twenty-eight thousand two hundred thirty-one (28,231) square feet for use by IMPD is needed.

SECTION 2. The property to be leased is located at 4140 N Keystone Ave, Indianapolis, Indiana and is owned by JPMCC 2006-CIBC15 NORTH KEYSTONE AVENUE, LLC.

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

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 98-102, 2022 on March 28, 2022. He asked for consent to vote on Proposal Nos. 98-101, 2022 together. Consent was given.

PROPOSAL NO. 98, 2022. The proposal, sponsored by Councillor Potts, authorizes no turn on red restrictions at Westfield Boulevard and YMCA Access Drive (District 2). PROPOSAL NO. 99, 2022. The proposal, sponsored by Councillor Adamson, authorizes no turn on red restrictions at Arsenal Avenue and Michigan Street (District 17). PROPOSAL NO. 100, 2022. The proposal, sponsored by Councillor Adamson, authorizes no turn on red restrictions at Michigan Street and East Street (District 17). PROPOSAL NO. 101, 2022. The proposal, sponsored by Councillor Adamson, authorizes no turn on red restrictions at Massachusetts Avenue and Valley Avenue (District 17). By votes of 9-0, the Committee reported the proposals to the full Council with do pass recommendations. Councillor Adamson moved, seconded by Councillor Lewis, for adoption. Proposal Nos. 98-101, 2022 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. 98, 2022 was retitled GENERAL ORDINANCE NO. 12, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 2022

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
Westfield Boulevard, southbound	YMCA Access Drive, westbound
Westfield Boulevard, northbound	YMCA Access Drive, eastbound
YMCA Access Drive, westbound	Westfield Boulevard, northbound
YMCA Access Drive, eastbound	Westfield Boulevard, southbound

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. 99, 2022 was retitled GENERAL ORDINANCE NO. 13, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 2022

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

April 4, 2022

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
Arsenal Avenue, southbound	Michigan Street, westbound
Arsenal Avenue, northbound	Michigan Street, westbound
Michigan Street, westbound	Arsenal Avenue, 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. 100, 2022 was retitled GENERAL ORDINANCE NO. 14, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2022

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
East Street, southbound	Michigan Street, westbound
Michigan Street, westbound	East Street, southbound
East Street, southbound	New York Street, eastbound
New York Street, eastbound	East Street, southbound

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. 101, 2022 was retitled GENERAL ORDINANCE NO. 15, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2022

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
Valley Avenue, southbound	Massachusetts Avenue, 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. 102, 2022. The proposal, sponsored by Councillor Adamson, amends various sections of the Code concerning drainage and stormwater management with technical corrections and updates as required by regulations of the Environmental Protection Agency (EPA) and the Indiana Department of Environmental Management (IDEM). By a vote of 10-0, the Committee reported the proposal to the full Council with a do pass as amended recommendation. Councillor Adamson moved, seconded by Councillor Jones, for adoption. Proposal No. 102, 2022 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. 102, 2022 was retitled GENERAL ORDINANCE NO. 16, 2022, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2022

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

WHEREAS, the City of Indianapolis 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, in 2016, the EPA undertook an audit of the City’s program to comply with its MS4 NPDES Permit, which resulted in certain findings by the EPA of corrections and improvements that needed to be made for permit compliance; and

WHEREAS, on September 12, 2017, the City and the EPA entered into an Administrative Order on Consent (AOC) pursuant to which the City agreed to implement certain changes to its MS4 NPDES Permit compliance program; and

April 4, 2022

WHEREAS, in addition, certain excluded cities have withdrawn from the Marion County Stormwater Management District in recent years; 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 111-5 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined, to read as follows:

Sec. 111-5. - Marion County Stormwater Management District; jurisdiction and management.

Pursuant to the provisions of IC 8-1.5-5, there is hereby created a Marion County Stormwater Management District, which district shall include all the territory in Marion County, except that within the geographic borders of the excluded cities of Beech Grove, Lawrence and Southport, the excluded Town of Speedway and the incorporated Town of Cumberland.

SECTION 2. Section 131-426 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and by deleting the language that is stricken-through, to read as follows:

Sec. 131-426. - Excluded cities. Reserved.

~~(a) Each parcel of land located within the boundaries of the excluded cities of Lawrence and Southport shall be charged the stormwater user fees imposed by this article. Parcels located within the geographic boundaries of the excluded City of Beech Grove, the excluded Town of Speedway and the included Town of Cumberland shall not be charged the stormwater user fees imposed by this article because Speedway and Cumberland established a stormwater utility under IC 8-1.5 and Beech Grove withdrew from the Marion County Stormwater Management District pursuant to IC 8-1.5-5-32 effective December 1, 2006.~~

~~(b) The department and the excluded cities of Lawrence and/or Southport may enter into an interlocal cooperation agreement authorized by IC 36-1-7, which agreement shall set forth how stormwater user fees are to be collected and how stormwater management services are to be provided in the respective excluded city. A description of stormwater management activities to be undertaken in the excluded city and a timetable for undertaking those activities may be established in the interlocal agreement.~~

~~(c) Except for the reasonable costs of public education and administration of the Marion County Stormwater Management District, stormwater user fees collected from properties in an excluded city shall be spent on stormwater management activities within the excluded city or stormwater activities that benefit the excluded city as established by the county wide stormwater master plan and the terms of any interlocal cooperation agreement with such excluded city.~~

~~(d) The excluded cities of Lawrence and Southport shall be represented on the Marion County Stormwater Management Technical Advisory Committee, and shall participate in the development of the stormwater master plan, as provided in section 261-502 of this Code.~~

SECTION 3. Section 261-502 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and by deleting the language that is stricken-through, to read as follows:

Sec. 261-502. - Marion County Stormwater Management Advisory Committee.

(a) The Marion County Stormwater Management Technical Advisory Committee ("technical advisory committee") is created to advise the board.

- (1) The technical advisory committee shall provide direction in the periodic update of the stormwater master plan by providing recommendations on watershed analysis, capital project need, priorities and engineering design and advising on other technical matters relating to stormwater quantity and quality issues in Marion County. The technical advisory committee's recommendations on the stormwater master plan, to the extent that is reasonable and feasible, shall coordinate the stormwater master plan with the following:

- a. Combined and sanitary overflow programs of CWA Authority;
 - b. Efforts to phase out urban septic systems not designed for permanent public health protection;
 - c. Marion County Health Department's mosquito control efforts and a rational wetland habitat protection policy;
 - d. Levee maintenance to address major river rises; and
 - e. Efforts to improve stormwater quality in Marion County surface and ground waters.
- (2) The technical advisory committee shall consist of ~~eight (8)~~ six (6) members, who shall serve at the pleasure of the person or group that makes the appointment. Members shall be appointed as follows:
- ~~a. Two (2) members shall be appointed by the councils of excluded cities as provided in section 131-425 of the Code, one (1) by Lawrence, and one (1) by Southport;~~
 - ~~b~~a. Three (3) members shall be appointed by the mayor and shall be property owners in Marion County; no more than two (2) mayoral appointees shall be of the same political party; and
 - ~~e~~b. Three (3) members shall be appointed by the city-county council and shall be property owners in Marion County. Two (2) council appointees shall be appointed upon nomination of the majority leader and one (1) shall be appointed upon nomination by the minority leader. No more than two (2) council appointees shall be of the same political party.

All persons appointed shall have suitable technical experience and training, preferably in water management, to participate in the tasks set forth for the committee. All committee members may be appointed for successive terms. Vacancies occurring by reason of death, resignation or removal, shall be filled by the official or group that made the appointment for the balance of the unexpired term.

- (3) All members shall be appointed for three-year terms ending on December 31.

(b) Technical advisory committee meetings shall be scheduled by the department and shall be open to the public.

SECTION 4. Section 391-109 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and by deleting the language that is stricken-through, to read as follows:

Sec. 391-109. - Refuse or slop water.

Slop water, wash water or waste water, or filth, offal or garbage of any kind whatever, which shall be caused or permitted to flow or be deposited or thrown from any house or premises into or upon any storm sewer, watercourse, street, sidewalk, alley or gutter of the city, except as contained in proper receptacles for collection by the city or other authorized persons, is hereby declared to be a public nuisance. All persons having such accumulations shall deposit them either in proper sinks constructed upon the premises and connected with the public sewers, or by causing all such accumulations to be kept in covered cans, casks or other vessels and deposited in a suitable place for collection or for removal outside the city limits to dumps provided for such purposes.

SECTION 5. Section 561-101 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and by deleting the language that is stricken-through, to read as follows:

Sec. 561-101. - Purpose.

The purpose of this chapter is to protect the safety, health and general welfare of the citizens of the Consolidated City of Indianapolis, Marion County by requiring compliance with standards and practices which result in proper stormwater drainage and sediment control during and after ~~in~~ the accomplishment of land alterations.

SECTION 6. Section 561-102 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined, to read as follows:

Sec. 561-102. - Territorial application.

The provisions of this chapter shall be applicable throughout the Consolidated City of Indianapolis, Marion County.

SECTION 7. Section 561-103 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding the language that is underlined 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 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 8. Section 561-106 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined, to read as follows:

Sec. 561-106. - "Drainage facilities" defined.

As used herein, "drainage facilities" shall mean all ditches, drains, bioswales, rain gardens, channels, conduits, culverts, forebays, hydrodynamic separators, pervious and permeable pavements, pipes, retention-detention systems, tiles, swales, sewers, levees, dams, floodwalls and other natural or artificial means of conveying or draining stormwater from land, or for controlling and managing quantity of stormwater or removing pollutants from stormwater.

SECTION 9. Section 561-109 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined, to read as follows:

Sec. 561-109. - "Land alteration" defined.

As used herein, "land alteration" shall mean any action taken relative to land which either:

- (1) Changes the contour;~~or~~
- (2) Increases the runoff rate;~~or~~
- (3) Changes the elevation;~~or~~
- (4) Decreases the rate at which water is absorbed;~~or~~
- (5) Changes the drainage pattern; or
- (6) Creates, removes or changes a drainage facility;~~or~~
- (7) Involves construction, enlargement or location of any building on a permanent foundation;~~or~~
- (8) Creates an impoundment; ~~or~~
- (9) Disturbs soil on a levee, dam or within a levee or dam easement.

Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.

SECTION 10. Section 561-110 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-110. - "Maintenance" defined.

As used herein, "maintenance" shall mean ~~cleaning-out of, spraying, removing obstructions from,~~ maintaining vegetation, performing maintenance tasks required by this Code, regulations adopted by the board of public works pursuant to this chapter and drainage permits, and making ~~minor-repairs in~~ to a drainage facility so that it will perform the function for which it was designed and constructed.

SECTION 11. Section 561-211 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-211. – Inspection and Maintenance ~~maintenance~~ of drainage facilities.

The owner of property is responsible for inspection and maintenance of the property's drainage facilities. The granting of an easement to the City of Indianapolis does not alter the property owner's duty to inspect and maintain the property's drainage facilities.

SECTION 12. Section 561-221 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-221. - When drainage permits required; enforcement; exceptions.

(a) Except for activity specified in subsection (b), 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) 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 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, ~~terracing, construction of minor open ditches 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 ~~minor~~ landscaping of land ~~appurtenant to residences~~ which result in land disturbance 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 ~~small~~ 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 ~~facilities~~ facility so that it will perform as it was designed and constructed which results in disturbance of land of 1,000 square feet or less;
- (11) Installation of a septic systems, ~~when a~~ pursuant to a proper permit has been obtained for that purpose;
- (12) ~~Construction of a driveway, when a proper permit has been obtained~~ Repair or reconstruction of an existing driveway, in kind, when pursuant to a proper permit has been obtained for that purpose;
- (13) Installation of building sewers, ~~when a proper~~ pursuant to a permit has been obtained for that purpose;
- (14) An enlargement or exterior change of 200 square feet or less that does not exceed twenty five (25) square feet in floor area 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, not exceeding one hundred twenty (120) square feet in floor area, to a one- or two-family dwelling; ~~when the accessory structure 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.

(c) The drainage permit must be obtained before any work is initiated, ~~with the exception of~~ except for testing to determine procedures or materials.

SECTION 13. Section 561-223 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-223. - Application; issuance.

(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;
 - (5) If required by the administrator as assigned by the deputy director of the division, a bond has been posted pursuant to section 561-231;
 - (6) If required by the administrator as assigned by the deputy director of the division, a covenant has been executed pursuant to section 561-232;
 - (7) If required by the administrator as assigned by the deputy director of the division, an easement has been dedicated pursuant to section 561-233; ~~and~~
 - (8) 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
 - (9) The applicable fee, computed in accordance with Division 8 of Article II of this chapter, has been paid.

SECTION 14. Section 561-224 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-224. - Professionally prepared and certified drainage plans.

- (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 ~~duplicate~~ 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. ~~One (1) 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 ~~bench marks~~ 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 ~~bench mark~~ benchmark, which is easily accessible and relocatable, shall be shown. The ~~bench mark~~ 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, ~~and~~ manholes and other structures shall be located in the plans by dimensions from traverse lines, property markers or road centerlines. ~~However, the areas where physical features are not available, coordinates~~ 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 and capacity of existing and proposed storm drains. ~~When using existing storm drains. The design calculations shall include the capacity shall be indicated 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 ~~two hundred~~ (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. ~~Erosion control methods.~~ 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 washout containment, inlet protection, and other information as required by 327 IAC 15-5 (Rule 5), the Construction 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.

~~(35)~~ *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.

~~(46)~~ *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 ~~the following a form:~~ prescribed by the division.

April 4, 2022

CERTIFICATE OF SUFFICIENCY OF PLAN

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

- (1) ~~The drainage plan for this project is in compliance with drainage requirements (as set forth in Chapter 561 of the Revised Code of the Consolidated City and County) pertaining to this class of work.~~
- (2) ~~The calculations, designs, reproducible drawings, masters and original ideas reproduced in this drainage plan are under my dominion and control and they were prepared by me and my employees.~~

Signature _____

Date _____

Typed or Printed Name _____

Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

- (5) *Obligation to observe.* ~~All drainage plans submitted under this section must include a certificate of obligation to observe by a registered professional engineer, land surveyor architect engaged in storm drainage design. The certificate shall be in the following form:~~

CERTIFICATE OF OBLIGATION TO OBSERVE

Permit Number _____

Address where land alteration is occurring _____

Plan Date _____

~~I will perform periodic observations of this project during construction to determine that such land alteration is in accordance with both the applicable drainage requirements and the drainage plan for this project submitted for a drainage permit to the division of compliance of the department of metropolitan development.~~

Signature _____

Date _____

Typed or Printed Name _____

Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

- (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 15. Section 561-225 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-225. - When professionally prepared and certified drainage plan not required.

- (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; ~~and~~
 - (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 ~~duplicate~~ 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. ~~One (1) 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; ~~and~~
 - (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 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

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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 16. Section 561-226 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-226. - Expiration of permit by operation of law; extensions.

- (a) ~~If the land alteration for which the permit has been issued has not commenced within one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator 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 permit for an additional period that is reasonable under the circumstances to allow commencement of the land alteration. In no event shall the extension exceed a period of sixty (60) days.~~
- (b) ~~If the land alteration has been commenced but only partially completed, and thereafter no substantial land alteration has occurred on the site for a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator as assigned by the deputy director of the division may, for good cause shown in writing, extend the validity of such permit for an additional period that is reasonable under the circumstances to allow resumption of the land alteration.~~
- (c) A drainage permit shall expire one (1) year from the date of its issuance. 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 permit for an additional period that is reasonable under the circumstances to allow commencement or completion of the land alteration days. An extension under this section may be granted upon the payment of the applicable fee as computed in accordance with Division 8 of Article II of this chapter, and shall be confirmed in writing.

SECTION 17. Section 561-231 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by deleting the language that is stricken-through, to read as follows:

Sec. 561-231. - Posting of bond.

- (a) The administrator as assigned by the deputy director of the division of construction and business services may, as a prerequisite to the issuance of a drainage permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety, upon which the principal may be the owner of the affected land, the developer, or any other party or parties the administrator believes necessary ~~or helpful~~. Such bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder, and shall be in an amount established by the administrator as adequate to provide surety for the satisfactory completion of the improvements required by the drainage permit. In the instance of platting, such bond may be a part of the total bonding required by the plats committee of the metropolitan development commission.
- (b) In instances where the administrator as assigned by the deputy director of the division has required a performance bond pursuant to this section, the administrator may, as an alternative to the posting of such bond, accept other appropriate security, such as a properly conditioned irrevocable letter of credit, that meets the same objectives as the performance bond described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

SECTION 18. Section 561-232 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-232. - Execution of covenant.

Where the administrator as assigned by the deputy director of the division of construction and business services shall determine that such is necessary in order to achieve satisfactory present and future drainage of the parcel of land for which a drainage permit is sought and the area surrounding that parcel, the administrator may, as a prerequisite to the issuance of a drainage permit, require the execution of covenants and/or easements running in form to the Consolidated City of Indianapolis, and County of Marion County by the owner or owners of such parcel. As a minimum in such cases, the administrator shall require that the following covenant be executed by the owner or owners of such land that will be included in a recorded plat:

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan and operations and maintenance manuals as approved for this plat by the division of construction and business services of the City of Indianapolis and the requirements of all drainage permits for this plat issued by said division."

SECTION 19. Chapter 561, Article II, Division 3 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding a new Section 561-234, to read as follows:

Sec. 561-234. - Operations and maintenance manual.

The administrator as assigned by the deputy director of the division of construction and business services shall, as a prerequisite to issuance of a drainage permit, require the recording of an operations and maintenance manual for the drainage facilities constructed pursuant to the permit as necessary to achieve satisfactory present and future function of the drainage facilities.

SECTION 20. Section 561-241 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-241. - Certificate of completion and compliance.

Within fourteen (14) days after completion of ~~a~~the land alteration of a nonresidential property for which a drainage permit was required ~~and relative to which a certified plan was required to be filed pursuant to section 561-224, a registered professional engineer, land surveyor, or architect, engaged in storm drainage design, the obtainer of the drainage permit (or an employee of the obtainer who is authorized to act for the obtainer)~~ shall execute and file with the division of construction and business services a certificate of completion and compliance. Such certificate shall be ~~in the following form~~ a form prescribed by the division.

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which land alteration was accomplished _____

Inspection _____ Date(s): _____

Permit No. _____

Relative to plans prepared by: _____ on _____, 19__.

I hereby certify that:

- (1) ~~I am familiar with drainage requirements applicable to such land alteration (as set forth in Chapter 561 of this Code); and~~
- (2) ~~I have personally observed the land alteration accomplished pursuant to the above referenced drainage permit; and~~
- (3) ~~To the best of my knowledge, information and belief, such land alteration has been performed and completed in conformity with all such drainage requirements, except _____~~

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Signature _____

Date _____

Typed _____ or _____ Printed _____ Name _____

Phone _____

(SEAL)

Business Address _____

Surv. _____ Eng. _____ Arch. _____ Indiana Registration No. _____

SECTION 21. Chapter 561, Article II, Division 4 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding a new Section 561-242, to read as follows:

Sec. 561-242. – Failure to file certificate of completion and compliance; administrative fee.

- (a) Any person, partnership or corporation which, being required to do so, fails to file with the division of construction and business services a certificate of completion and compliance in accordance with section 561-241 of this chapter, or who files a certificate of completion and compliance which is false in a material respect, shall not be eligible to obtain a drainage permit until a proper certificate of completion and compliance is filed. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.
- (b) An administrative fee established pursuant to section 561-281 of this Code may be assessed at the discretion of the deputy director in charge of the division of construction and business services if a certificate of completion and compliance is not filed as required by section 561-241 of this chapter, the permit has expired for a period of more than thirty (30) days, and a request for extension of the permit pursuant to section 561-226 of this chapter was not requested prior to assessment of the administrative fee.

SECTION 22. Chapter 561, Article II, Division 5 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding a new Section 561-252, to read as follows:

Sec. 561-252. – Inspection and maintenance of drainage facilities; records.

- (a) It shall be the duty of the owner of property on which there are drainage facilities to inspect the facilities at minimum one (1) time each calendar year. If there is a recorded operations and maintenance manual for a drainage facility, then inspections shall be carried out in accordance with the manual.
- (b) It shall be the duty of the owner of property on which there are drainage facilities to perform such maintenance of the facility as necessary for the facility to function as designed, permitted and constructed.
- (c) The property owner shall maintain written records of drainage facility inspections and maintenance for a minimum of five (5) years from the date of the inspection. If an inspection determines that no maintenance is needed, such determination shall be documented in the records. The property owner shall make such records available to the division of construction and business services in a digital format within forty-eight (48) hours of a request for the records.
- (d) Upon request by the division, owners of property on which there are drainage facilities shall self-certify that the facilities were inspected and maintained as required by the operations and maintenance manual and functions as designed. Such certification shall be made in a form prescribed by the division and shall be submitted within a reasonable period of time as determined by the administrator as assigned by the deputy director of the division.
- (e) If a drainage facility is located on common property, does not have a single owner or is intended to benefit more than one property, then all property owners whose drainage flows to the drainage facility are responsible for compliance with this section.
- (f) If the property owner fails to provide the inspection and maintenance records or the self-certification within the timeframe provided in the requests described above, the division may inspect the stormwater facility and bill the property owner for costs incurred in doing so, which costs shall be due thirty (30) days after the date of

the bill. Delinquent inspection costs shall constitute a lien against the real property and shall be certified to the auditor and collected as provided in IC 36-7-5.

SECTION 23. Section 561-262 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-262. - Revocation of permits.

- (a) The administrator as assigned by the deputy director of the division of construction and business services may revoke a drainage permit where the application, plans or other supporting documents required by section 561-223 reflect either:
- (1) A false statement or misrepresentation as to material fact;
 - (2) Lack of compliance with drainage requirements;
 - (3) Failure to comply with the requirements of sections 561-221, 561-222, 561-223, 561-224, 561-225 or 561-227 of the Code; or
 - (4) Failure to post bond, execute covenants, record operations and maintenance manuals, or dedicate easements as required by the administrator of the division pursuant to sections 561-231, 561-232, ~~or 561-233, or 561-234~~ of the Code.
- (b) This sanction shall in no way limit the operation of penalties provided elsewhere in this ~~division~~ chapter.

SECTION 24. Section 561-263 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-263. - Stop-work order.

- (a) Whenever the administrator as assigned by the deputy director of the division of construction and business services ~~of the department of business and neighborhood 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 ~~the land alteration~~ all construction activities. The stop-work order shall be in writing and shall state to what ~~land alteration~~ 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 ~~doing performing~~ the land alteration ~~construction activities~~ and to the owner of the property or his or her agent. The stop-work order shall state the conditions under which ~~land alteration~~ 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 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 ~~division~~ chapter.

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SECTION 25. Section 561-265 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-265. - General penalty.

~~Any person, partnership or corporation violating~~ Failure to comply with the substantive or procedural provisions of this chapter, any minimum standard ~~set forth found in Article III of~~ this chapter, any regulation promulgated by the board of public works pursuant to this chapter, or any other drainage requirement as defined in section 561-107 ~~shall be unlawful and a guilty of an ordinance violation and may be subject to a fine in any sum not exceeding one thousand dollars (\$1,000.00) of this Code subject to the enforcement procedures and penalties provided in section 103-3 of the Code. Each day that a violation continues shall constitute a separate violation. If a drainage facility is located on common property, does not have a single owner or is intended to benefit more than one (1) property, then all property owners whose drainage flows to the drainage facility are responsible for such violations.~~ This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

SECTION 26. Section 561-311 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-311. - Compliance with drainage standards and regulations.

All land alterations accomplished in the Consolidated City of Indianapolis, Marion County shall adhere to and be in compliance with the minimum drainage standards of this Article III, all applicable state, federal or other applicable regulatory requirements, and all regulations adopted by the board of public works in accordance with this ~~Article III chapter,~~ unless a variance from the minimum drainage standards or regulations has been received pursuant to Article II, Division 7 of this chapter.

SECTION 27. Section 561-332 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-332. - Conformity to other legal requirements.

In addition to the requirements of this chapter, ~~Land-~~ land alteration shall be carried out in conformity with covenants executed in connection with rezoning cases, commitments, variance conditions, plat restrictions, ~~and~~ building code standards of ~~Chapter chapter 536 of the Code,~~ and in conformity with applicable local, state and federal laws regulations.

SECTION 28. Section 561-333 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-333. - Drainage to adequate receiving place.

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

SECTION 29. Section 561-334 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-334. - Characteristics of drainage facility.

The drainage facility shall:

- (1) Be capable of accommodating ~~a ten-year rainfall intensity or a~~ the rainfall of greater intensity depth and intensity specified in regulations adopted by the board of public works pursuant to this chapter without endangering the public safety and health or causing significant damage to property;
- (2) Be designed and constructed to be durable and to meet the standards provided for in this chapter and in regulations adopted by the board of public works pursuant to this chapter;

- (3) Be easily maintained;
- (4) Be safe to persons;
- (5) Retard sedimentation; and
- (6) Retard erosion.

SECTION 30. Section 561-335 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-335. - Accommodation of runoff within parcel.

The part of the drainage facility situated within the parcel, in addition to complying with the requirements stated under section 561-334:

- (1) Shall drain each and every part of the parcel;
- (2) Shall be sufficient to accept:
 - a. The water runoff from the parcel after development; and
 - b. The present water runoff from ~~developed~~ all areas upstream; ~~and~~
 - c. ~~The present water runoff from undeveloped areas upstream; and~~
 - d. ~~That part of the water runoff attributable to future development in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas. The nature of the future development shall be that projected by the comprehensive land use plan for Marion County adopted by the metropolitan development commission or that allowed by current zoning districts, whichever reflects the more intense use. The amount of water runoff not accommodated in connection with such future development shall be determined by good engineering practice, and may assume use of retention detention systems except for:~~
 1. ~~Land alteration for which a permit is not required by this chapter; and~~
 2. ~~Parcels too small to effectively use a retention detention system; and~~
 3. ~~Parcels relative to which it is technically infeasible to use a retention detention system;~~~~and~~
 4. ~~Parcels relative to which the cost of providing a retention detention system is substantially more than providing for increased runoff capacity through the parcel and through other downstream areas to a place adequate to receive the runoff.~~
- (3) May include improvements such as retention-detention systems in the instance where the condition of the land makes use of such improvements feasible and appropriate.

SECTION 31. Section 561-336 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-336. - Accommodation of runoff downstream from parcel.

As to drainage facilities located downstream and beyond the boundary of the parcel, the drainage system within the parcel shall be designed such that there will be no increase in peak discharge or runoff rates as a result of the development unless such downstream facilities located beyond the limits of the parcel are sufficient to accept:

- (1) The water runoff from the parcel after development; plus
- (2) The present water runoff from ~~developed areas~~ all areas upstream; plus
- (3) ~~The present water runoff from undeveloped areas upstream; plus~~
- (4) ~~The present water runoff of those areas through which the drainage facility passes.~~

SECTION 32. Section 561-341 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-341. - Maximum slope.

The maximum vertical fall of earth on the parcel shall be six (6) inches per foot (two (2) horizontal to one (1) vertical). Slopes of all other materials ~~other than earth~~ shall be at the safe angle of repose for the materials encountered.

SECTION 33. Section 561-351 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-351. - Conformance with minimum standards and regulations.

Land alteration accomplished in conjunction with the construction, enlargement or location, on a permanent foundation, in a nonimpacted area, of a one-family dwelling, two-family dwelling or accessory structure appurtenant to either a one- or two-family dwelling with less than one-half (½) of an acre of soil disturbance shall be in accordance with standards found in this Division 4 and in accordance with regulations adopted by the board of public works ~~which are pertinent to these standards pursuant to this chapter.~~

SECTION 34. Section 561-353 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-353. - Conformity to other legal requirements.

Land alteration shall be carried out in conformity with covenants executed in connection with rezoning cases, commitments, variance conditions, plat restrictions, ~~and~~ building code standards of Chapter 536 and in conformity with applicable local, state and federal laws regulations.

SECTION 35. Section 561-361 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-361. - Maximum slope.

The maximum vertical fall of earth on the parcel shall be six (6) inches per foot (fifty (50) percent). Slopes of all materials ~~other than earth~~ shall be at the safe angle of repose for the materials encountered.

SECTION 36. Section 561-362 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-362. - Permanency of grades.

Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable. ~~Vegetable materials~~ Vegetation may be buried in the ground only if placement will clearly not interfere with the stability of fill areas and not cause settlement or erosion.

SECTION 37. Section 561-364 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-364. - Blocking drainageways.

No excavations or fills shall block or otherwise impede the free drainage of surface water ~~in a drainage swale or channel.~~

SECTION 38. Section 561-382 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-382. - Exposed areas to be protected; potential erosion minimized.

Land alteration which strips the land of vegetation and other land stabilizing materials, including regrading, shall be done in a way that will minimize erosion. Whenever feasible, natural vegetation shall be retained, protected and supplemented. Cut and fill operations shall be kept to a minimum to ensure conformity with existing topography so as to create the least potential erosion.

SECTION 39. Section 561-383 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-383. - Duration of exposure; stabilization.

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 stabilized if inactive for fifteen (15) days or more. Exposed soil that is at finish grade shall be permanently seeded within seven (7) days.

SECTION 40. Section 561-384 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-384. - Protection during development.

Temporary vegetation, ~~or mulching, or other erosion controls~~ shall be used to protect exposed areas during development. Exposed areas inactive for fifteen (15) days or longer shall be temporarily stabilized with vegetation, mulch or other erosion control.

SECTION 41. Section 561-385 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-385. - Permanent vegetation; structural methods.

Permanent and final vegetation or structural erosion control devices shall be installed as soon as practical under the circumstances but not less than seven (7) days after achieving finish grade.

SECTION 42. Section 561-386 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 561-386. - Sediment control.

Sediment in runoff water shall be trapped by the use of ~~such methods~~ such as, but not limited to, debris basins, sediment basins, inlet protection, silt fence and silt traps until the disturbed area is stabilized.

SECTION 43. Chapter 561, Article II, Division 5 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, is hereby amended by adding a new Section 561-387, to read as follows:

Sec. 561-387. – State of Indiana General Construction Site Run-off National Pollutant Discharge Elimination System permit.

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

SECTION 44. Section 575-2 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined, to read as follows:

Sec. 575-2. - Definitions.

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

Authorized individual means a designee of the director of the department of business and neighborhood services.

Environmental public nuisance means:

- (1) Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
- (2) Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
- (3) A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter;~~or~~
- (4) Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard;~~;~~or
- (5) Any non-stormwater discharge to a municipal separate storm sewer, combined sewer or surface water body, except for the following allowable discharges:
 - (a) snowmelt;
 - (b) discharges regulated by a National Pollution Discharge Elimination System (NPDES) permit;
 - (c) water line and hydrant flushing;
 - (d) landscape and lawn irrigation and watering;
 - (e) diverted stream flows;
 - (f) footing and foundation drains;
 - (g) uncontaminated ground water;
 - (h) firefighting activities;
 - (i) springs;
 - (j) dechlorinated/dibrominated swimming pool discharges;
 - (k) non-commercial car washing by non-profit organizations; and
 - (l) uncontaminated condensate from air conditioning units, coolers and other compressors and from outside storage of refrigerated gases or liquids.

Equipment means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.

Excluded property means:

- (1) Cultivated land in commercial, domestic, agricultural or horticultural use;
- (2) An existing natural or developed forest that does not create a health or safety hazard;
- (3) Vacant, open lands, fields or wooded areas more than one hundred fifty (150) feet from occupied property;
- (4) A nature habitat area more than one hundred fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard;
- (5) A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Department of public works;
- (6) The portion of real property designated as a rain garden area and registered with the city's rain garden registry and agreement program; or
- (7) The portion of real property designated as a native wildlife planting area and registered with the city's native wildlife planting registry and agreement program.

Governmental property means real estate that is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.

Occupant means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or entity who is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. *Occupant* shall include any lessee of the property.

Owner means the record owner or owners as reflected by the most current records in the county assessor's office.

Private property means all real estate within the city except governmental property.

Recipient means the owner or occupant to whom notice of violation has been directed.

Repeat violation occurs when a property owner or occupant who has previously been issued notice of a similar environmental public nuisance for the same property or who has been found by a hearing or judicial officer to have allowed a similar environmental public nuisance to exist at the same property allows a subsequent similar environmental public nuisance to exist at that property within eighteen (18) months of the date of the previous notice or finding of violation, whichever is later. A repeat violation does not occur when multiple violations of subsection (4) of the definition of environmental public nuisance are alleged and:

- (1) The owner or occupant can demonstrate that illegal dumping was the cause of the underlying violations; and
- (2) The owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

SECTION 45. Section 575-5 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 575-5. - Determination of violation; notice of violation.

- (a) Any department of the city that receives a complaint regarding an environmental public nuisance on any property within the city shall forward that complaint to the department of business and neighborhood services, which shall make a record of, and assign a case number to, such complaint. An authorized individual shall visually inspect the property in question. If the authorized individual determines that a violation exists, the department shall issue a notice of violation to the owner if the city intends to proceed under the provisions of section 575-7 of this chapter and, in the department's sole discretion, to the occupant. A notice of violation issued for an environmental public nuisance ~~vegetation of a height of twelve (12) inches or more,~~ remains in effect for the calendar year in which it is issued if the city abates the environmental public nuisance under the provisions of section 575-7 of this chapter. After such abatement by the city, without issuance of further notice, the city may continue to reinspect the subject property and may abate subsequent violations of the environmental public nuisance ~~vegetation of a height of twelve (12) inches or more,~~ and may recover its abatement costs under this chapter.
- (a) Notice of violation described in subsection (a) shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than five (5) days from the date of the notice for ~~vegetation of a height of twelve (12) inches or more,~~ and ten (10) days from the date of the notice for all other violations under this chapter, when the property will be re-inspected, unless the nuisance poses an imminent threat to public safety, health and welfare, in which case the above timeframes may be lessened. The notice shall inform the recipient that, if the condition is not corrected upon reinspection, the city has the right to enter on the property to abate or correct the condition and bill the recipient for costs incurred in so doing, which costs shall be due thirty (30) days after the date of the bill. Delinquent inspection costs shall constitute a lien against the real property and shall be certified to the auditor and collected as provided in IC 36-7-5. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the county assessor's office shall be sufficient notice under this subsection.

SECTION 46. Section 645-112 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 645-112. - Definitions.

(a) The following terms and phrases when used throughout this Article I of Chapter 645 shall have the meanings ascribed to them in this section.

Article means this article of this Code.

Director of the department of public works means such director and any person to whom such director specifically delegates the powers under this Chapter 645.

Effective date means the date upon which this article is considered adopted pursuant to IC 36-3-4-14.

Entity means a corporation, partnership, limited liability company, association, firm, other entity, and any governmental agency, authority, board, agency and department.

Facilities mean, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, and other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and providing utility services, cable television, communications, signaling, electricity, water, steam and other services or functions.

General management costs means the management costs for:

- a. Registration and permit administration;
- b. Management of the public rights-of-way, including costs associated with the implementation and administration of the ordinances and policies of the consolidated city;
- c. Project management, including personnel costs and consulting expenses associated with coordinating utility and public right-of-way projects, design, inspection, testing, construction management, planning, and engineering, as well as restoration or remedial work required for inadequate work of an occupant to the extent that such inadequate work cannot be identified to a specific occupant or the occupant to which such inadequate work can be identified is insolvent;
- d. Public right-of-way engineering;
- e. Land acquisition for public right-of-way, including but not limited to appraising, title work, negotiating, costs of litigation, mediation and settlement, consultants, witnesses and attorneys' fees;
- f. Mapping the public rights-of-way and coordinating mapping of all occupants of the public rights-of-way, including the costs of layout, materials and supplies, in order to verify occupation of the public rights-of-way;
- g. Geographic information system costs incurred after the effective date with respect to facilities installed in the public right-of-way, including the costs of automated mapping, computer and technical services, input of data, coordination and maintenance of the base map, personnel, software and equipment;
- h. Administrative overhead, including allocation of administration, personnel, fiscal and information systems costs;
- i. Application development and data conversion and maintenance, including necessary software development to provide for the integration of utility data into the geographic information system for viewing, querying and report generation;
- j. Legal services to develop, interpret, implement, enforce and defend the ordinances, policies and procedures of the consolidated city regarding the public rights-of-way; and
- k. Maintenance of a roadway inventory system, including maintenance of a pavement management system and inventory of roadway surface condition ratings to determine maintenance needs and schedules.

Management costs means "general management costs" and "specific management costs" that are direct, actual and reasonably incurred costs of the consolidated city in managing the public rights-of-way.

Municipally owned utility facilities means any facilities owned by the consolidated city, or any division, department, bureau or agency thereof, including the utilities department and the department of public works, and for which a user fee or charge is made or collected by or on behalf of such owner.

Occupant means any person or entity who owns any facilities occupying the public rights-of-way. If the owner of any facilities leases or licenses such facilities exclusively to another person or entity and if the lease or license so provides and a copy of such lease or license is filed with the department of public works, then the lessee or licensee thereof shall be deemed the "occupant" of such facilities for purposes of this article.

Occupy (and the various forms of such word, such as occupying, occupied, etc.) means to install, construct, maintain, operate or own any facilities in the public rights-of-way.

Person means an individual or natural person.

Public easement means any easement owned or controlled by the consolidated city and established, acquired, dedicated or devoted to public utility purposes, including the area above and below such easements.

Public right-of-way means any travelled way and/or any public easement.

Public utility shall have the meaning ascribed thereto in IC 8-1-2-1(a).

Registrant means any entity or person who is required by this chapter to file with the board of public works a registration statement.

Regulation is defined in section ~~102-14-102-15~~ of the Code and, as used in this article, includes any regulation adopted by the board of public works pursuant to ~~this article in accordance with section 645-151-645-131;~~ promulgated in accordance with Chapter 141 of the Code, ~~and approved by the city county council of the consolidated city.~~

Specific management costs means the management costs for:

- a. Construction, maintenance, repair and restoration of the public rights-of-way to the extent not included as a general management cost above, including, without limitation, the inspection of job sites and restoration projects as well as restoring work inadequately performed after providing notice and an opportunity to correct the work; and
- b. Implementation and administration of this Chapter 645 and any ordinance that ensures that an occupant adequately restores the public right-of-way to the public right-of-way's original condition and remaining life.

Thoroughfare means that portion of any public right-of-way that is included in the Marion County Thoroughfare Plan.

Traveled way means any highway, street, alley, sidewalk or other public right-of-way for motor vehicle or pedestrian travel under the jurisdiction or control of the consolidated city, including any areas within any public right-of-way that may be unpaved and the unoccupied area above and below such rights-of-way.

Utilities department means the department of public utilities of the consolidated city created under IC 8-1-11.1-1. For purposes of this article, the utilities department is also a public utility.

(b) The terms public easement, public rights-of-way, travelled way and thoroughfare do not include:

- (1) Any land or interest in land designated as a "green-way" by Indy Parks; or
- (2) The airwaves above same as those airwaves are used for cellular or other non-wire telecommunications or broadcast services.

SECTION 47. Section 645-703 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 645-703. - Work in public rights-of-way.

(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 ~~public works-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 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 ~~public works-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 ~~public works-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 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-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 48. Section 672-101 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 672-101. - Definitions.

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

Building sewer means the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

Combined sewer means a sewer that has been designed or intended to receive both surface runoff and sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Sanitary sewer means a sewer that carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Storm Sewer means a sewer that carries surface waters and storm waters and to which sanitary sewage and other pollutants are not intentionally admitted.

Wastewater means a combination of the liquid and water-carried pollutants from residences, commercial businesses, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 49. Section 672-102 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 672-102. - General discharge prohibitions.

It shall be unlawful to discharge or cause or allow discharge to any storm sewer, natural outlet or watercourse within the city any wastewater or other polluted waters or hazardous materials, except where suitable treatment has been provided in accordance with regulations adopted by CWA Authority and other applicable federal, state and local law.

SECTION 50. Section 676-101 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 676-101. - Purpose and policy.

- (a) The Marion County Stormwater Management District is created to provide for the collection and disposal of stormwater in a manner that protects the public health, safety and welfare.
- (b) The function of the District, through the department of public works and the department of business and neighborhood services, is to provide for the safe and efficient capture and conveyance of stormwater runoff,

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mitigate the damaging effects of stormwater runoff, correct stormwater collection and conveyance problems and fund the activities of stormwater management including, but not limited to, design, planning, regulation, education, administration, coordination, construction, operation, maintenance, inspection and enforcement activities, and to comply with the city's the National Pollutant Discharge Elimination System Stormwater Discharge Permit, all for the protection of the public health, safety and welfare. ~~It is also the function of the department to insure compliance with the National Pollutant Discharge Elimination System Stormwater Discharge Permit.~~

- (c) It is determined necessary for the protection of public health, safety and welfare and to comply with federal, state and local laws and regulations that a system of charges for stormwater service in the Consolidated City of Indianapolis, Marion County be established. The system of charges shall allocate the cost of providing stormwater management service to each user so that the charges assessed are reasonably related to the costs of providing stormwater management service, insofar as those costs can reasonably be determined.

SECTION 51. Section 676-102 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language that is underlined and deleting the language that is stricken-through, to read as follows:

Sec. 676-102. - Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

Base billing unit (BBU) shall mean an area of measured impervious area (IA) surface following the convention 1—1,000 square feet of measured IA is assigned one (1) BBU; 1,001—2,000 square feet of measured IA is assigned two (2) BBUs; 2,001—3,000 square feet of measured IA is assigned three (3) BBUs and progressing in a manner such that each additional 1,000 square foot unit of IA is assigned an additional BBU.

Best Management Practice (BMP) shall mean a facility designed and constructed to control the quality and/or quantity control of stormwater runoff.

Board shall mean the board of public works established under chapter 261 of the ~~Revised Code of the Consolidated City and County~~.

Credit shall mean a reduction in a stormwater user fee based on certain qualifying conditions or activities that benefit the stormwater system, increase green infrastructure and/or aid the department in the outreach and education compliance and reporting requirements of the city's National Pollutant Discharge Elimination System discharge permit.

Department shall mean the department of public works established under chapter 261 of the ~~Revised Code of the Consolidated City and County~~. ~~The department is granted authority to plan, budget, design, finance and construct stormwater systems.~~

Director shall mean the director of the department of public works.

District shall mean the Marion County Stormwater Management District authorized by IC 8-1.5-5 and created by this article.

Equivalent residential unit (ERU) shall mean a unit value, equal to the average amount of impervious area of a single-family residential property within Marion County. One (1) ERU is hereby established as two thousand eight hundred (2,800) square feet of impervious area.

Green infrastructure practices (GI) shall mean approved structural best management practices that implement infiltration as the primary method of management and treatment of stormwater and stormwater runoff and have restricted or no positive discharge to the stormwater system.

Impervious area (IA) shall mean an area that has been paved and/or covered with buildings and materials that include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of stormwater into the soil is prevented or impeded. Impervious area shall include gravel driveways, private roadways, parking lots and similar areas designed or used for vehicular traffic. Excluded from this definition are undisturbed land, lawns and fields and undisturbed and tilled agricultural lands and areas.

Infiltration shall mean the process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

Nonresidential property shall mean all properties not included within the definition of residential property in this article. Nonresidential property shall include, but not be limited to, the following:

- (1) Agricultural property;
- (2) Apartment and condominium common property;
- (3) Mobile home parks;
- (4) Commercial property;
- (5) Industrial property;
- (6) Churches;
- (7) Schools;
- (8) Federal, state and local government property; and
- (9) Platted subdivisions established in accordance with Chapter 741 of the Code.

Public streets, roads and highways shall mean those streets, roads and highways that are accepted for maintenance by the State of Indiana, the City of Indianapolis or any other municipality and that are available for use in common by the general public for motor vehicle transportation.

Residential property shall mean an improved lot or parcel of real estate on which a building or mobile home is situated, which building or mobile home contains a group of rooms forming a single dwelling unit with facilities that are used or are intended to be used primarily for living, sleeping, cooking and eating. This definition also includes an individual lot or parcel containing one (1) individual building containing three (3) or fewer separate or attached single-family dwelling units.

Square footage of impervious area, for purposes of assigning an appropriate number of ERUs or BBUs, as applicable, shall be calculated using the outside boundary dimensions of the impervious area and shall include all of the total enclosed square footage, without regard to topographic features of the enclosed surface.

Stormwater credit manual means the manual recommended by the department and approved by the board that shall set forth the details of the credit system, including parameters of credit and application procedures.

Stormwater user fee shall mean the service charge or user fee authorized by IC 8-1.5-5 and imposed on the users of the Marion County Stormwater Management District's stormwater system pursuant to section 131-422 of this Code.

Stormwater specification manual means the regulations adopted by the board-City of Indianapolis Department of Public Works pursuant to chapter 561 of the Code and complied by the department as a "Stormwater Design and Construction Specification Manual"-effective February 3, 2011, or as subsequently amended from time to time.

Stormwater system shall mean all facilities, including structures and natural water courses under the ownership and/or subject to the control of the department of public works used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to the following: ~~Inlets~~inlets, conduits and appurtenant features, pipes, pumping stations, manholes, structures, channels, outlets, creeks, catch basins, ditches, streams, culverts, retention or detention basins, BMPs and other structural components and equipment designed to transport, move, treat, manage or regulate the flow of stormwater. Stormwater system shall include public streets, roads and highways.

SECTION 52. 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 53. 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 54. This ordinance shall be in effect from and after its passage by the Council and compliance with IC § 36-3-4-14.

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ANNOUNCEMENTS AND ADJOURNMENT

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

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

- (1) Councillor Barth in memory of Michael Weaver; and
- (2) Councillor Lewis in memory of Alice Wills; and
- (3) Councillor Osili in memory of Michael Naylor.

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 Michael Weaver, Alice Wills, and Michael Naylor. 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 8:10 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 4th day of April, 2022.

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

ATTEST:

(SEAL)


President


Clerk of the Council