

**COMMON COUNCIL
CITY OF NOBLESVILLE
MARCH 12, 2024**

The Common Council of the City of Noblesville met in the Council chamber on Tuesday, March 12, 2024. Darren Peterson called the meeting to order at 7:00 p.m. pursuant to public notice with the following members present: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, and Todd Thurston. Megan Wiles was absent.

Also present were Mayor Chris Jensen, City Clerk Evelyn Lees, Deputy Mayor Matt Light, Deputy Clerk Ilga Pruzinskis, Community Development Director Sarah Reed, Public Safety Director Chad Knecht, City Attorney Jonathan Hughes, staff, interested citizens, and a member of the media.

PLEDGE OF ALLEGIANCE

Girl Scouts from Manuka Service Unit #651 led the chamber in the Pledge of Allegiance.

ROLL CALL

Ms. Lees called the roll. A quorum was present.

APPROVAL OF MINUTES: FEBRUARY 27, 2024

Mr. Boice moved to approve the minutes, second Mr. Davis, eight aye, motion carried.

APPROVAL OF AGENDA

Mr. Davis moved to approve the agenda, second Mr. Schwartz, eight aye, motion carried.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There were no requests to speak from citizens.

MAYOR'S COMMENTS

Mayor Jensen thanked the Girl Scouts for attending the meeting. He stated the City's first Disabilities Resource Fair was taking place tonight in the conference rooms at City Hall, and it was very well attended. He thanked Mr. Light for his leadership in establishing the Advisory Council on Disabilities and Community Relations Manager Lexie Rock for organizing the fair.

Mayor Jensen asked the Council and the public to monitor the City's social media for updates on several infrastructure projects that soon will be underway. He asked for patience from drivers as they navigate the City. He asked drivers to exercise caution for the safety of the construction workers at the various projects.

COUNCIL COMMITTEE REPORTS

Mr. Boice stated the Roads Committee met on March 1. He stated the bulk of the meeting was spent learning about Road Impact Fees, which must be evaluated periodically. He stated the purpose of impact fees is for new residents and businesses to contribute to infrastructure costs for growth. He stated a new Road Impact Fee will be proposed later this year. He stated construction of an interchange at State Road 37 and 141st Street is scheduled for construction in 2025. He stated there is no update on the roundabout at State Road 38 and Oakmont Drive/Whitcomb Ridge Drive. He encouraged citizens to visit the Pleasant Street project website, reimaginepleasantstreet.com, for updates and information.

Mr. Davis stated the Finance Committee met on March 7. He stated Economic Development Director Andrew Murray discussed a tentative economic development agreement for Project Hawkeye. He stated Deputy Financial Officer Ian Zelgowski discussed additional appropriations for the Levinson Garage Bond Payment; Forest Park Aquatic Center repairs; and proceeds from the sale of used golf carts. He stated Chief Financial Officer and Controller Jeffrey Spalding provided an update on forming an Audit Committee. He stated the committee recommended approval of the claims.

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APPROVAL OF CLAIMS

Mr. Smith moved to approve the claims, second Mr. Davis, eight aye, motion carried.

PREVIOUSLY DISCUSSED ORDINANCE

#03-02-24 COUNCIL TO CONSIDER ORDINANCE #03-02-24, AN ORDINANCE TO RE-ESTABLISH THE FIRE CUMULATIVE CAPITAL FUND TAX RATE (JEFFREY SPALDING)

Deputy Financial Officer Ian Zelgowski spoke on behalf of Chief Financial Officer and Controller Jeffrey Spalding. Mr. Zelgowski stated this ordinance resets the tax rate for the Fire Cumulative Capital Fund to the maximum \$0.0333 per \$100.00 of Assessed Value. He stated this action does not affect the City's overall tax rate.

PUBLIC HEARING FOR ORDINANCE #03-02-24

Mr. Peterson opened the public hearing for Ordinance #03-02-24. Seeing no one from the public come forward, Mr. Davis moved to close the public hearing for Ordinance #03-02-24, second Mr. Smith, eight aye.

Mr. Davis moved to approve Ordinance #03-02-24, second Mr. Smith. The following roll call vote was taken for Ordinance #03-02-24:

AYE: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, and Darren Peterson.

Eight aye, motion carried.

NEW ORDINANCES FOR DISCUSSION

#05-03-24 COUNCIL TO CONSIDER ORDINANCE #05-03-24, AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE DEBT SERVICE/LOCAL INCOME TAX DEBT SINKING FUND TO PROVIDE FUNDING FOR THE LEVINSON GARAGE BOND PAYMENT, AND ESTABLISHING A PUBLIC HEARING (IAN ZELGOWSKI)

Mr. Davis moved to introduce Ordinance #05-03-24, second Mr. Boice. Deputy Financial Officer Ian Zelgowski stated the debt service on the bonds for the Levinson Parking Garage are primarily paid from TIF revenue from the Levinson apartments, and the rest of the payment is paid from the Debt Service/Local Income Tax Debt Sinking Fund. He stated a budgeting error overstated the TIF revenue and understated the amount needed from the Debt Service/Local Income Tax Debt Sinking Fund. He stated this appropriation is needed in order to make the debt service payment.

Mr. Smith moved to establish a public hearing for Ordinance #05-03-24 at the next regular meeting, second Mr. Boice, eight aye, motion carried.

#07-03-24 COUNCIL TO CONSIDER ORDINANCE #07-03-24, AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE PARKS PROGRAM FUND TO APPROPRIATE PROCEEDS RECEIVED FROM THE SALE OF USED GOLF CARTS, AND ESTABLISHING A PUBLIC HEARING (IAN ZELGOWSKI)

Mr. Davis moved to introduce Ordinance #07-03-24, second Mr. Smith. Deputy Financial Officer Ian Zelgowski stated the Parks and Recreation Department recently purchased 105 new golf carts, and this ordinance appropriates the proceeds from the sale of the old golf carts, so they can be used to offset the purchase price of the new golf carts.

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Mr. Davis moved to establish a public hearing for Ordinance #07-03-24 at the next regular meeting, second Mr. Johnson, eight aye, motion carried.

#08-03-24 COUNCIL TO CONSIDER ORDINANCE #08-03-24, AN ORDINANCE APPROVING AN ADDITIONAL APPROPRIATION IN THE AMERICAN RESCUE PLAN LOCAL FUND, AND ESTABLISHING A PUBLIC HEARING (IAN ZELGOWSKI)

Mr. Smith moved to introduce Ordinance #08-03-24, second Mr. Davis. Deputy Financial Officer Ian Zelgowski stated the Friends of Central Pool commissioned an engineering study which found several critical repairs that are needed. He stated this ordinance appropriates American Rescue Plan Act (ARPA) funds for the repairs, plus \$150,000.00 for a net around the baseball fields adjacent to the aquatic center to stop foul balls from entering the pool area. Mr. Smith stated the Finance Committee discussed the needed repairs at length. He stated the Friends of Central Pool have been great partners with the City, and the report was robust. Mr. Thurston stated he has seen several balls fly into the pool, so the nets are needed.

Mr. Davis moved to establish a public hearing for Ordinance #08-03-24 at the next regular meeting, second Mr. Johnson, eight aye, motion carried.

#06-03-24 COUNCIL TO CONSIDER ORDINANCE #06-03-24, AN ORDINANCE AMENDING ORDINANCE #59-12-02, INCLUDING TEXT AMENDMENTS AND AN UPDATED PRELIMINARY PLAN FOR APPROXIMATELY 15 ACRES IN THE NOBLE WEST PLANNED DEVELOPMENT (JOYCEANN YELTON, ATTORNEY JIM SHINAVER)

Mr. Smith moved to introduce Ordinance #06-03-24, second Mr. Boice. Development Services Manager Joyceann Yelton stated the Noble West Planned Development was adopted in 2002. She stated it includes multiple uses on more than 600 acres. She stated this amendment involves approximately 15 acres for the expansion of the Kroger store at the northeast corner of 146th Street and Hazel Dell Road. She stated the proposed project will use the site of a former bank, include inline stores, and divide another parcel into three parcels. She displayed a preliminary development plan. She stated uses are restricted to prohibit automobile sales, service, and repair and marine craft sales, service, and repair. She stated the brick wall along 146th Street would be eliminated and replaced with trees and shrubs. She stated the wall was originally constructed to shield residential uses across the street from headlights, but all uses in that area are commercial. She stated the project will include a fuel station and two commercial outlots. She displayed a rendering of the proposed uses and landscaping. She stated the Plan Commission forwarded a favorable recommendation with a vote of eight to zero to zero. She stated there have been no changes since the proposal was introduced, and there was no remonstrance at the Plan Commission hearing. Mr. Boice asked if eastbound traffic on 146th Street would be able to turn left to reach the fuel station. Ms. Yelton replied most fuel station users have already shopped at the market and will enter from the parking lot. Jon Dobosiewicz of Nelson & Frankenberger, P.C. at 550 Congressional Boulevard in Carmel, replied there is an entrance on 146th Street near the McDonald's restaurant that is accessible from the eastbound lanes. Ms. Yelton requested passage of the ordinance on first reading. Mr. Boice moved to waive the rules and approve Ordinance #06-03-24 on first reading, second Mr. Smith, eight aye, motion carried. Mr. Boice moved to approve Ordinance #06-03-24, second Mr. Davis. The following roll call vote was taken for Ordinance #06-02-24:

AYE: Mike Davis, Evan Elliott, David Johnson, Pete Schwartz, Aaron Smith, Todd Thurston, Mark Boice, and Darren Peterson.

Eight aye, motion carried.

PROPOSED DEVELOPMENT PRESENTATIONS

Ms. Reed addressed the Council with an update on process improvement for Planning ordinances. She stated last year there were updates to the Unified Development Ordinance

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(UDO), including revisions to the schedule of meetings. She stated the updates clarified deadlines for development submittals and the flow of communication between applicants, staff, and outside review agencies. She stated the result is a more efficient process. She stated when a new development is introduced to the Council, it will have already been reviewed by the Mayor's Office and staff from the Planning, Engineering, and Economic Development departments. She stated the ordinance then will be reviewed by the Technical Advisory Committee for compliance with the City's UDO and standards. She stated then the ordinance will be heard by the Plan Commission, which will hold a public hearing and vote on a recommendation to the Council. She stated at that time, the Council will hear the ordinance again and vote on it. She stated the Council has the option to delay a vote if there is remonstrance against the project, or if there are additional questions to answer. She commended Project Coordinator Jayme Thompson for her work as a primary point of contact for developers and for coordination with staff. She stated this process also will include the Architectural Review Board transitioning to a PUD committee.

Mr. Hughes stated under City code and State code, it is not necessary to waive the rules to vote on a zoning ordinance, because the Plan Commission has already held a public hearing. He stated while voting to waive the rules is not necessary, the Council may continue to do so if it desires. He stated if there is remonstrance against a project, the Administration does not plan to bring a project forward for a vote until the issues are resolved.

**#1 COUNCIL TO HEAR INTRODUCTORY INFORMATION FOR A
PRELIMINARY DEVELOPMENT PLAN FOR THE COURTYARDS OF
HAZEL DELL, A PROPOSED SINGLE-FAMILY DEVELOPMENT PROJECT
ON THE EAST SIDE OF HAZEL DELL ROAD, NORTH OF 169TH STREET
(AMY STEFFENS, ATTORNEY MATTHEW SKELTON)**

Attorney Matthew Skelton of Church Church Hittle & Antrim at 2 North 9th Street addressed the Council. Mr. Skelton stated the proposed development is an Epcon community to be called the Courtyards at Hazel Dell. He stated similar projects are underway in Westfield and Carmel. He stated the project would be maintained by a Homeowners Association as a low maintenance community, with lawn care and snow removal provided. He stated the Midland Trace Trail is on the north border of the property. He displayed a concept plan. He stated there will be up to 110 homesites. He stated the courtyard home designs will be marketed to active adults and empty nesters. He stated construction materials will be hardie plank and masonry. He stated price points are expected from \$450,000.00 to \$1 million. He stated the courtyard design will create an Epcon-branded outdoor room between the homes. He stated amenities will include pickle ball courts and community gardens. He displayed renderings of possible trail connections. He stated a neighborhood meeting is scheduled for March 20. Mr. Peterson asked if there will be only one trail connection. Mr. Skelton replied yes, due to a significant grade change to the east that would make a second connection very difficult to accomplish.

**#2 COUNCIL TO HEAR INTRODUCTORY INFORMATION FOR A CHANGE
OF ZONING AND ADOPTION OF A PRELIMINARY DEVELOPMENT
PLAN FOR CONSTRUCTION OF 180 FOR-SALE TOWNHOMES, TO BE
KNOWN AS THE VILLAGE AT TRAIL CROSSING (JOYCEANN YELTON,
ATTORNEY JIM SHINAVER)**

Attorney Jim Shinaver of Nelson & Frankenberger, P.C. at 550 Congressional Boulevard in Carmel, addressed the Council on behalf of M/I Homes. Mr. Shinaver stated a rezone will be requested for the Village at Trail Crossing, a project of for-sale, fee-simple townhomes. He displayed an aerial photo of the property. He stated the property is 19 acres on the west side of Hazel Dell Road and the south side of the Midland Trace Trail. He stated currently the property has two parcels, and both are included in this proposal. He reviewed the surrounding uses. He displayed a site plan. He stated 180 townhomes would be built around a large central green area, approximately the size of a football field. He stated the homes front the green area and the trail.

Mr. Jensen left the meeting.

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Mr. Shinaver stated the townhomes would have attached two-car garages with 20-foot driveways, and guest parking also would be included in various locations throughout the development. He stated the parcel at the northeast corner of the property could be a trailhead and park area that M/I Homes would build and then dedicate to the City. He displayed a rendering of the front of the townhomes. He stated the townhomes are expected to range in size from 1,500 square feet to 1,800 square feet. He stated prices are expected to be in the range of \$325,000.00 to \$370,000.00 or higher. He displayed renderings of side and rear elevations. He stated a neighborhood meeting is scheduled for April 4. He stated they plan to appear before the Plan Commission on April 15, then return to the Council. Mr. Peterson expressed appreciation for the trailhead and park. Mr. Thurston asked if the townhomes are the same that are being built on State Road 32. Mr. Shinaver replied the exteriors are different, but the interiors are similar to Bonterra in Westfield. Mr. Smith expressed appreciation for the project. He stated outside of Downtown, the Midland Trace Trail is a great asset for the City. Mr. Peterson stated the former proposed project for this property received much feedback from the neighbors to the south. He stated he is interested to see the neighbors' reaction to this proposal. Mr. Smith stated this proposal is less dense than the last one. Mr. Shinaver replied the last Olthof proposal was more dense with 210 homes and much shorter driveways. He stated this proposal is less dense and allows more parking. Mr. Peterson and Mr. Thurston expressed concern that the Homeowners Association should have rules regarding rentals and corporate purchases. Mr. Shinaver replied at the next reading, he will report on M/I's plans to address the issue in their covenants.

#3 COUNCIL TO HEAR INTRODUCTORY INFORMATION FOR A MIXED-
USE DEVELOPMENT TO INCLUDE A KROGER, KROGER FUEL CENTER,
8 ADDITIONAL COMMERCIAL LOTS, AND 98 SINGLE-FAMILY HOMES
ON APPROXIMATELY 71 ACRES, TO BE KNOWN AS STAR BRICK
VILLAGE (JOYCEANN YELTON, ATTORNEY MATT SKELTON)

Attorney Matthew Skelton of Church Church Hittle & Antrim at 2 North 9th Street addressed the Council. Mr. Peterson stated the name of the project is more appropriate for a Downtown project. Mr. Skelton stated the name was chosen because the project is midway between Downtown and Hamilton Town Center. He stated the project will be at the northeast corner of 146th Street and Howe Road. He stated the site will include a Kroger Marketplace store similar to the one at Geist on Olio Road. He stated there also will be inline shops, outlots, and a fuel center. He stated the north half of the property currently is owned by Noblesville Schools, and they support this proposal. He stated the north half of the property would contain David Weekly homes built with hardie plank and masonry, similar to those being built in Marilyn Woods. He stated a neighborhood meeting is scheduled for March 19. Mr. Johnson welcomed Kroger to the 5th District, which he represents. He stated a void was left when the Marsh store at 146th Street and State Road 37 closed. Mr. Peterson asked how many square feet the Kroger store would have. Mr. Skelton replied the store would be almost 120,000 square feet. Mr. Elliott agreed with Mr. Peterson that a different name would be more appropriate, but he stated he loves the development.

COUNCIL COMMENTS

Mr. Elliott stated the Noblesville High School Marching Band is in Ireland to march in a St. Patrick's Day parade in Dublin. He wished them the best.

ADJOURNMENT

There being no further business before the Common Council this 12th day of March, 2024, Mr. Peterson adjourned the meeting.

DARREN PETERSON, PRESIDENT

ATTEST:

EVELYN L. LEES, CLERK