

**COMMON COUNCIL  
CITY OF NOBLESVILLE  
FEBRUARY 13, 2018**

The Common Council of the City of Noblesville met in regular session on Tuesday, February 13, 2018. Christopher Jensen called the meeting to order pursuant to public notice with the following members present: Wil Hampton, Greg O'Connor, Mary Sue Rowland, Rick Taylor, and Megan Wiles. Brian Ayer, Mark Boice, and Roy Johnson were absent.

Also present were Mayor John Ditslear, City Clerk Evelyn Lees, Deputy Mayor Steve Cooke, City Attorney Michael Howard, department directors, interested citizens, and members of the media.

**APPROVAL OF MINUTES: JANUARY 23, 2018**

Mr. O'Connor moved to approve the minutes, second Mr. Taylor, five aye, one abstention. Ms. Rowland abstained.

**APPROVAL OF AGENDA**

Ms. Wiles moved to approve the agenda as presented, second Mr. O'Connor, six aye.

**PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT**

There were no petitions to speak.

**MAYOR'S REPORT TO COUNCIL**

Mayor Ditslear stated on January 24, Hamilton County Commissioner Steven Dillinger delivered the State of the County address at the Noblesville Chamber of Commerce luncheon. Later that day, Mayor Ditslear was interviewed by WISH-TV concerning the opioid epidemic, and he met with two foreign exchange students from the high school. He met with INDOT officials regarding future planning on January 26<sup>th</sup>, and held a press conference on February 1<sup>st</sup> to announce our public safety contract with AT&T for FirstNet service, the first in the state. He stated he will meet with officials from the Indiana Department of Natural Resources to discuss White River and the Pleasant Street project on February 12<sup>th</sup>. On February 14<sup>th</sup>, he will attend a ribbon cutting for Sports Clips in Pebble Brook. On February 15<sup>th</sup>, he will be interviewed by PBS about the AT&T FirstNet program, and on February 17<sup>th</sup>, Prevail will hold its annual Bowl-a-Thon. He added that the 23<sup>rd</sup> annual Boy Scout Breakfast raised \$58,000.00 this morning.

**COUNCIL COMMITTEE REPORTS**

Mr. Taylor stated the Noblesville Youth Sports Alliance met on February 8<sup>th</sup>. He stated Mr. Hampton also was in attendance. He stated level three background checks are now in place for all coaches through Noblesville Schools; the background checks are good for two years and are transferable to any sport. He stated they are working to provide scholarships for those in the Youth Assistance Program. He stated online payments will soon be available for all sports, and an equipment exchange program has been proposed to help defray the cost of participating in multiple sports.

Mr. Taylor stated the Parking Task Force met approximately one week ago. He stated while it is debatable that there is actually a parking problem Downtown, they recognize that parking can and should be improved as Downtown attracts more residents and businesses. He stated the most pressing issue at this time is the parking meters, which are more than 40 years old. He stated the Police Department is having trouble finding parts, and many of the posts are rusted and must be propped up. He stated they need to be replaced with available new technology; the Police Department is in the process of estimating the cost of replacement. He stated the Task Force hopes to conclude its work and to share its findings with the public in the first quarter of 2018.

Mr. Hampton stated the Roads Committee met on February 2<sup>nd</sup>, with himself, Mr. Ayer, Mr. Boice, Mr. Jensen, and Mr. Taylor in attendance. He stated highlights of the meeting include: the East-West Corridor Project and Pleasant Street: the notice for the environmental survey has been

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issued; the notices were sent to property owners and tenants; research continues on historic features and homes, and a public meeting will be scheduled. The Midland Trace Trail was discussed: the tree clearing for Phase II between Willowview Road and Hazel Dell Road is underway, and work on the trailhead and restroom facilities at Hazel Dell Road continues. 2018 Resurfacing and Sidewalk Programs: the Community Crossings Grant project for Greenfield Avenue from State Road 37 to Boden Road is out for bid. The 2017 program budget underran by 8%, so the contract has been kept open to do early action work on roads that have been damaged by the winter weather. He stated they also discussed the Levee Trail: the design work is complete and has been submitted to the Hamilton County Parks Department and Citizens Energy Group for final review and approval. He stated the Logan Street Pedestrian Bridge project design is ongoing. The City has committed to \$1.1 million for the project.

Mr. O'Connor stated the Parks Board met on February 7<sup>th</sup>. He stated a ribbon cutting for the Zagster bike share station will be held on March 23<sup>rd</sup> at the Riverwalk trailhead. He stated this station is the first of several stations in the City. He stated the Parks Department is researching a new Point-of-Sale system for golf called Teesnap, which has features that the current system cannot perform and would allow targeted marketing to golfers. He stated Finch Creek Park was discussed.

Mr. O'Connor stated the Finance Committee met on February 8<sup>th</sup>. He stated most of the meeting was spent discussing the bond for Finch Creek Park, which is also on this meeting's agenda. He stated the Department of Local Government Finance (DLGF) has reviewed the City's budget and set the tax rate. He stated the Council will need to take action this year concerning the Cumulative Capital Development (CCD) tax rate. He stated an ordinance tying the City's rate for reimbursement of employee mileage to the federal mileage rate will come before Council sometime this year. He stated the committee recommended approval of the claims.

**APPROVAL OF CLAIMS**

Mr. O'Connor moved to approve the claims as submitted, second Ms. Wiles, six aye.

**PROPOSED DEVELOPMENT PRESENTATION**

#1 COUNCIL TO CONSIDER INTRODUCTORY INFORMATION  
CONCERNING A PROPOSED MIXED USE DEVELOPMENT CONTAINING  
APPROXIMATELY 23 ACRES SOUTH OF STATE ROAD 32 (WESTFIELD  
ROAD) AND EAST OF HAZEL DELL ROAD (JOYCEANN YELTON)

Ms. Yelton provided background on the property. She stated in 2006, a Planned Development (PD) overlay district was adopted with retail and office space called The Shops at the Dell. She stated the developer came back again in 2014 with a plan for commercial and multi-family development and was heard by the Plan Commission but withdrew the petition before it came before the Council. She stated the ten year life of the zoning district expired, and the property reverted to R-1 zoning. She stated this proposal is from a new developer, who proposes commercial development at the front of the property with townhomes in the back. The Midland Trace Trail runs along the south edge of the property. She stated there are six commercial lots and 70 residential units, with approximately ten acres of commercial and 12 acres of residential development. Ms. Yelton stated all setbacks and lot coverages meet or exceed existing standards. She stated staff suggested townhomes because the property is adjacent to the Midland Trace Trail, and staff felt it would jumpstart development in the area. She noted that Noblesville has very few townhomes, and they do not fit in everywhere. She stated the commercial development has an inline structure and individual lots. She noted that the original adopted PD prohibited uses such as sex-oriented businesses or supply yards, but the current proposed ordinance allows all underlying zoned uses. Mr. Hampton requested that a list of the prohibited uses be provided to Council. Ms. Yelton stated staff typically requires a list of permitted or prohibited uses, but not both. Mr. Jensen stated going forward, he prefers to see a list of permitted uses for new projects.

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Tom Engle of Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, addressed the Council on behalf of Kennmar, LLC. Mr. Engle stated he is standing in for Joe Calderon, who was unable to attend. He stated the proposed development includes inline retail beginning with the third lot east of Hazel Dell Road. He stated the other lots will be available for a bank or restaurant. He noted that the townhomes will be built by Westport Homes, a product that already exists in Saxony at 131<sup>st</sup> Street and Olio Road in Fishers. He noted that the fronts of the townhomes on the north and south face S.R. 32 and the Midland Trace Trail, while the east and west townhomes face inward. He stated the builders are open to masonry on the homes. He stated they will work with staff on a list of permitted uses. He stated this project will be submitted to the Technical Advisory Committee (TAC) next week and the Architectural Review Board (ARB) in March, so it will probably not come back to the Council until May. Ms. Yelton noted the TAC meeting will be a preliminary review; a full review will be done only after the development has been adopted by the Council. Mr. Jensen stated Mr. Ayer was curious about driveway lengths.

Nick Everhart, engineer with American Structurepoint at 7260 Shadeland Avenue, Indianapolis, addressed the Council. Mr. Everhart stated the driveways are designed for one car length, but there is not a specific length at this time. He stated there is room for a car in the garage and a car in the driveway. Mr. Taylor asked if additional parking was available in the alley. Mr. Everhart believed Westport Homes does build with that in mind, but he was not sure. Mr. Engle stated they will work with staff to make sure driveways are an acceptable length. There was a discussion about the amount of visitor parking and where it would be. Mr. Hampton asked if there will be access to the Midland Trace Trail. Mr. O'Connor asked about recreational amenities near the retention pond.

Brent Benge, president of Kennmar, LLC, addressed the Council. Mr. Benge stated because the name of the project is Hazel Dell Trails and Marketplace, access to the trail is very important to the development. He stated easy access to the trail is a selling point for both the residential and commercial parts of the development. They also want to make the pond a focal point with walking paths around it, and they are considering a dog park. He stated spacing is limited in the development, and they are trying to maximize the land use. Mr. Taylor noted that the land to the west of the development is undeveloped, and the backs of townhomes will face it, which will affect what will be built there. Mr. Jensen agreed that there should be a variety of elevations; he did not care for the white fence. Mr. Engle replied the developer would prefer to keep the townhomes facing as they are, but they would consider different treatments. Ms. Yelton noted most of the property to the west has been zoned for Planned Business since the 1970s. Mr. Jensen appreciated the housing diversity the townhomes would bring and hopes they will spur more development. Mr. O'Connor asked if the entrances will be right in, right out. Mr. Benge replied the entrance on Hazel Dell Road will be right in, right out, but will be moved farther south of the intersection with State Road 32. He stated the west entrance on S.R. 32 also will be right in, right out and will be moved west to line up with the CVS drugstore access point on the north side of the road. He stated the east entrance on S.R. 32 will be a full cut and have a traffic signal at some point to serve the development on the north side of the road as well. Mr. Jensen appreciated the right in, right out entrances and moving them away from the busy intersection. He noted the City needs to continue to discuss future S.R. 32 upgrades with INDOT. Ms. Rowland asked if the retention pond could be moved to the front of the development to be more of an asset. Mr. Benge replied the topography and drainage of the site would make moving the pond cost prohibitive. Mr. O'Connor asked what types of entry signs were planned. Mr. Benge replied signs will be constructed at entrances on S.R. 32 and Hazel Dell Road; plans will be presented to the Council at a later date. Ms. Wiles expressed a desire for an open gathering space in the middle of the townhome area. Mr. Engle replied they will study her suggestion. Ms. Rowland asked if the petitioners would prefer less parking in the commercial area. Mr. Benge replied users often have their own requirements for parking.

**NEW ORDINANCES FOR DISCUSSION**

#01-02-18 COUNCIL TO CONSIDER ORDINANCE #01-02-18, AN ORDINANCE AMENDING ORDINANCE #22-03-16, FOR BROCCOLI BILL'S PLANNED DEVELOPMENT LOCATED AT 15009 GRAY ROAD (DENISE ASCHLEMAN)

Ms. Wiles moved to introduce Ordinance #01-02-18, second Mr. Taylor. Ms. Aschleman stated Broccoli Bill's is on the east side of Gray Road, north of 146<sup>th</sup> Street; Holston Hills Drive runs along the south edge of the property. She stated in 2016, the Council adopted an expansion of Broccoli Bill's that also included construction of a single family home behind the business. She stated there is a small parcel owned by the Holston Hills Homeowner Association between the property and Holston Hills Drive. She stated a waiver for frontage on a street for the home was overlooked in the 2016 ordinance. She stated the petitioner would like to build a home on the lot behind the commercial facility; they have an agreement with the Holston Hills developer to allow a driveway and sanitary sewer to cross the common area and access Holston Hills Drive. She stated this text amendment would allow the residential lot without frontage on a street. Ms. Aschleman noted the Plan Commission forwarded a favorable recommendation, and there was no remonstrance at the public hearing for the project. Mr. O'Connor moved to suspend the rules and pass Ordinance #01-02-18 on first reading, second Ms. Wiles, six aye. The following roll call vote for Ordinance #01-02-18 was taken:

AYE: Wil Hampton, Greg O'Connor, Mary Sue Rowland, Rick Taylor, Megan Wiles, and Christopher Jensen.

Six aye, motion carries.

**MISCELLANEOUS**

#1 COUNCIL TO CONSIDER A PRESENTATION REGARDING THE FINCH CREEK BOND APPLICATION (BRANDON BENNETT)

Mr. Bennett stated he had distributed a memo to the Council in January requesting additional funding for Phase I of Finch Creek Park and received feedback indicating the project should be redesigned. He stated he and his team did just that and presented the new plan to the Finance Committee on February 8<sup>th</sup>, having cut the requested amount by \$1 million. He stated the committee asked for a few considerations to add features back in, including lighting for the outdoor courts, a trail head restroom, and \$100,000.00 for the purchase of stage lighting at Federal Hill Commons. He stated the committee recommended a bond of \$7.5 million. Mr. Bennett noted financing for the construction will also include \$2.5 million in Park Impact Fees, \$500,000.00 from the sale of land for the Fieldhouse, approximately \$140,000.00 in Payment in Lieu of Open Space (PILOS) fees, and \$112,000.00 construction reimbursement for the Fieldhouse detention pond from Klipsch Card, bringing the total budget to \$10.7 million. He stated he has worked with Mr. Howard and the Administration on funding for the project. Mr. Howard stated he will bring a resolution concerning the bond to Council soon that will include the interest rate and the impact to taxpayers, which should be minimal due to property tax caps. He stated the bond issuance costs are expected to be approximately \$125,000.00, because the bonds are regulated by the Securities Exchange Commission (SEC). Mr. Howard asked if the Council wants to add the issuance costs to the total amount of the bond or take it from the existing budget. The consensus was to include the issuance costs in the \$7.5 million bond amount. Mr. Bennett stated if the bids for construction come in under budget as expected, he should be able to accommodate the requests. He agreed that he will work with that amount. Mr. O'Connor noted the Finance Committee spent 40 minutes discussing this bond, and he commended Mr. Bennett and his team for their work to redesign the park to reach a better price. He stated Mr. Bennett had commented that the design is better now than it was originally. Mr. O'Connor stated he insisted on financing the underground infrastructure; other parts of the park

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can be added over time. He stated the Finance Committee is comfortable with the amount of this bond. Ms. Wiles stated she is in favor of the project; while some might balk at the infrastructure, it is a wise investment. She stated this park is a desperately needed amenity on the east side of the City. Mr. Howard noted this phase will be the most expensive because of constructing the infrastructure; future phases will be easier to construct because the infrastructure will already be there. Mr. Taylor asked if this phase will include improvements to Boden Road. Mr. Bennett replied it includes constructing acceleration/deceleration lanes for the entrances to the Fieldhouse. Mr. Hampton echoed Mr. O'Connor's and Ms. Wiles' remarks and commended Mr. Bennett for his work. He stated this project is expensive, but it is important to do it right the first time.

**COUNCIL COMMENTS**

Mr. Jensen recognized Brad Howell, the newest member of the Noblesville School Board, who was in attendance. Mr. Hampton congratulated Communications Manager Robert Herrington for his viral tweet.

**ADJOURNMENT**

There being no further business before the Common Council this 13<sup>th</sup> day of February, 2018, Mr. O'Connor moved to adjourn, second Ms. Wiles, six aye.

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CHRISTOPHER JENSEN, PRESIDENT

ATTEST:

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EVELYN L. LEES, CLERK