

**COMMON COUNCIL  
CITY OF NOBLESVILLE  
JULY 24, 2018**

The Common Council of the City of Noblesville met in regular session on Tuesday, July 24<sup>th</sup>, 2018. Christopher Jensen called the meeting to order pursuant to public notice with the following members present: Brian Ayer, Mark Boice, Wil Hampton, Roy Johnson, Greg O'Connor, Mary Sue Rowland, Rick Taylor, and Megan Wiles.

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

**APPROVAL OF MINUTES: JULY 10, 2018**

Mr. Boice moved to approve the minutes, second Ms. Wiles, eight aye, one abstention. Mr. Johnson abstained.

**APPROVAL OF AGENDA**

Ms. Wiles moved to amend the agenda to consider Miscellaneous #1 after approval of claims, second Mr. O'Connor, nine aye. Mr. Boice moved to approve the agenda as amended, second Mr. Taylor, nine aye.

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

There were no petitions to speak.

**MAYOR'S REPORT TO COUNCIL**

Deputy Mayor Cooke stated the Mayor's Jubilee was held on July 13<sup>th</sup> with 300 attendees. Charities benefitted by the Jubilee were the Noblesville Boys and Girls Club, the Trinity Free Clinic, the Noblesville Youth Assistance Program, and the Noblesville Firefighters Christmas Toy and Food Drive. The Street Dance was July 14<sup>th</sup>. On July 18<sup>th</sup>, there was a news conference announcing Noblesville NOW, a capital improvement plan. The Noblesville Chamber of Commerce Luncheon is tomorrow, and a Council budget meeting will take place on July 31<sup>st</sup>. August 2<sup>nd</sup> will be Marching Millers Band Day.

Lorna Steele, Executive Director of Noblesville Main Street, presented an update to the Council. Ms. Steele stated Noblesville Main Street is one of the oldest and strongest Main Street organizations in the state. She stated they are nationally accredited, and they are a 501(c)(3) non-profit organization. She stated they have four goals: Design, which focuses on enhancing the physical appearance of Downtown; Organization, which works to build consensus and partner with merchants and other organizations; Promotions, which focuses on Downtown events; and Economic Development, which works to strengthen existing businesses and bring new business. She stated they host many events, including the Street Dance, the Farmers Market, and the Duck Race. She stated they are working on river activation and alley activation as well. She stated this year's thing is The Power of Small, focusing on small steps leading to big things. She stated they are working to rebrand Main Street and enhance the small town culture of Downtown. She stated they plan to partner with the Chamber of Commerce and Nickel Plate Arts to foster more collaboration and communication. She noted that Noblesville is uniquely positioned to be a "small town" in a big city. Ms. Steele thanked the Council for their past support and asked for continued and increased financial support in the future. She noted that Main Street is 29 years old. Mr. Jensen spoke for the Council to say that they are impressed with all Main Street does. He thanked Ms. Steele and the Main Street board for their support of the community.

**COUNCIL COMMITTEE REPORTS**

Mr. O'Connor stated the Finance Committee met on July 19<sup>th</sup>. He stated most of the meeting was spent discussing funding for capital projects. He stated City Attorney Michael Howard explained state statutes that limit how much debt a municipality can have. Mr. O'Connor stated the Council will have to be judicious in funding these projects; they can still go forward, but the Council will have to be selective in choosing projects and their timing. He stated most of the limiting statutes

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were enacted in the last decade. He noted the restrictions are not necessarily bad, but they can be difficult for a growing community. He stated Mr. Spalding provided an update on the budget schedule, which is progressing on time. Mr. O'Connor stated the process will be similar to the last few years; department heads will share their needs and priorities, then the Council will approve an overarching plan. He stated there are a variety of items on the agenda tonight that were discussed and come with a favorable recommendation for approval from the committee. Mr. O'Connor stated the Finance Committee also recommends approval of the claims.

**APPROVAL OF CLAIMS**

Mr. O'Connor moved to approve the claims as submitted, second Mr. Taylor, nine aye.

**MISCELLANEOUS**

**#1 COUNCIL TO CONSIDER A DEVELOPMENT AGREEMENT WITH  
PROMENADE APARTMENTS LLC (MICHAEL HOWARD)**

Mr. Howard stated this agreement concerns a project concept that initially was approved in 2008, right before the recession began. He stated the original developers have left, and Justus has acquired the property. He stated the parcel is zoned for multi-family at this density, so there will be no request for zoning changes. He stated the developer will meet or exceed all existing standards. He stated the petitioner appeared before the Economic Development Council Committee (EDCC) because drainage is the biggest issue with this property. He stated the committee recommended providing assistance with drainage as long as the developer made a significant investment before the City contributed, and as long as there were clawbacks. He stated this agreement meets those goals and includes up to \$750,000.00 in reimbursements for drainage expenses. He noted that the developer expects to spend at least \$1.5 million on drainage improvements. Mr. Howard stated in the agreement, after the developer invests \$500,000.00 in drainage, the City will reimburse 60 percent of the next \$1 million of improvements (\$600,000.00). He stated once there is enough Assessed Value from the apartments to generate \$200,000.00, the City will make another \$150,000.00 payment. He stated the agreement is structured as a forgivable loan unless the developer fails to meet certain benchmarks, at which point the City will hold a lien on the property and part of the loan will have to be repaid. He stated plans for subsequent development of the rest of property include a senior living facility and commercial outlots.

Chad Sweeney of Ginovus, LLC at 9 Municipal Drive, Suite 1, Fishers, Indiana, addressed the Council. Mr. Sweeney stated the site is a total of 90 acres, but the development agreement is solely for the multi-family portion of the site, approximately 60 acres. He stated their hope is that the rest of the site will develop quickly after construction of the apartments. He noted the City's assistance with stormwater drainage should be repaid within two or three years.

Walter Justus of The Justus Companies at 1398 North Shadeland Avenue, Indianapolis, addressed the Council. Mr. Justus thanked the City for working with them on this project. He stated they have worked in Noblesville before, having built the Stony Ridge community near 166<sup>th</sup> Street and Cumberland Road. He stated the recession delayed further development. He stated they have done much market research for apartments and bought the property from Gene B. Glick Company, Inc. He stated the apartments will tie in to the southeast portion of the property. He stated they value pedestrian friendly developments with neighborhood services. He stated the multi-family portion is expected to take two to two-and-a-half years to build, after which they will revisit the senior living portion. He believes these developments will create demand for commercial development on S.R. 32. Mr. Jensen asked if connectivity with the existing neighborhood to the northeast, Promenade Woods, will be included. Mr. Justus replied he could not recall if there was a prior commitment, but they are willing to provide connectivity. He stated it would need to be safe and navigable. Mr. O'Connor asked if the drainage improvements pertained only to the multi-family portion. Mr. Justus replied it will regulate and help drainage in the rest of the parcel as well. Mr. O'Connor asked when they expect to break

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ground. Mr. Justus replied they hope to break ground by the end of the year. Mr. Jensen noted that some are wary of more apartments, but this zoning has been in place for some time. Mr. Hampton asked if the multi-family would be phase I, with the senior living phase II and the commercial portion phase III. Mr. Justus replied that is the plan, but it could change if an opportunity arises. He stated they are watching the market closely. Mr. Ayer stated he appreciates their involvement; it is a challenging property to develop. He noted the apartments will be in the Hazel Dell TIF, which will help bring it out of the red. He stated he is happy to see this development. Mr. Howard noted only the proposed senior living duplexes would not generate TIF revenue in the entire development. He stated the original Hazel Dell TIF expires in fifteen years; its purpose was to reimburse the City for improving Hazel Dell Road and building Dillon Park. He stated this development will help bring the TIF out of the red and create a revenue stream for nearby capital projects. Mr. Taylor echoed Mr. Ayers' remarks and asked if the tree separation between this development and the neighborhood to the northeast will remain. Mr. Justus replied all the trees will remain because the land falls and there is a creek or ditch through that area to provide a natural buffer. Mr. Ayer asked if it is a legal drain. Mr. Howard replied he believes it is. Ms. Rowland asked if there were any examples of what will be built to show the Council. Mr. Justus replied they can be provided. He stated they are a build and hold company, not build and sell; they still own and manage properties that his grandfather built. He stated their nearest recent developments are Woodland Terrace and the Bridgewater apartments. Ms. Rowland stated it sounds exciting and should be a nice addition to the City. Ms. Wiles moved to approve the development agreement with Promenade Apartments, LLC, second Mr. Hampton, nine aye.

**NEW ORDINANCES FOR DISCUSSION**

#24-07-18 COUNCIL TO CONSIDER ORDINANCE #24-07-18, AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS IN THE PROMOTIONAL FUND, AND ESTABLISHING A PUBLIC HEARING (JEFFREY SPALDING)

Mr. Johnson moved to introduce ordinance #24-07-18, second Mr. O'Connor. Mr. Spalding stated five of the next six items on the agenda relate to one transaction involving \$83,885.00 for promotion that was included in the 2018 budget but not accounted for in the best way. He stated this is a part of ongoing budgetary and accounting cleanup. He stated a Promotional Fund already exists in Section 30.07 of City code, and these items help compliance with the code. He stated this is a test case for how municipal funding works in an important way. He stated these items do a number of things: there are cash transfers, which move money from other funds to the Promotional Fund, and each fund must have its own transfer resolution; then there are ordinances to appropriate money in the Promotional Fund and de-appropriate money in the General Fund and Parks Fund. He stated it is complicated but fiscally neutral. It was decided that one motion to establish a public hearing for all three ordinances would be made after the ordinances have been introduced.

#25-07-18 COUNCIL TO CONSIDER ORDINANCE #25-07-18, AN ORDINANCE APPROVING A REDUCTION OF APPROPRIATIONS IN THE GENERAL FUND, AND ESTABLISHING A PUBLIC HEARING (JEFFREY SPALDING)

Mr. Johnson moved to introduce ordinance #25-07-18, second Mr. O'Connor. Mr. Spalding stated this ordinance reduces the appropriation in the General Fund budget by \$70,985.00.

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#26-07-18 COUNCIL TO CONSIDER ORDINANCE #26-07-18, AN ORDINANCE APPROVING A REDUCTION OF APPROPRIATIONS IN THE PARKS AND RECREATION FUND, AND ESTABLISHING A PUBLIC HEARING (JEFFREY SPALDING)

Mr. Johnson moved to introduce ordinance #26-07-18, second Mr. O'Connor. Mr. Spalding stated this ordinance reduces the appropriation in the Parks Fund budget by \$12,900.00, which combined with the previous reduction in the General Fund budget equals \$83,885.00 to be appropriated to the Promotional Fund. Mr. O'Connor moved to establish a public hearing for ordinances #24-07-18, ordinance #25-07-18, and ordinance #26-07-18, second Ms. Wiles, nine aye.

**TRANSFERS**

#1 COUNCIL TO CONSIDER TRANSFERS IN THE POLICE DEPARTMENT BUDGET (JEFFREY SPALDING)

Mr. Spalding stated this is the one item on the agenda that is not related to the others. He stated the Police Department is in the process of expanding the number of School Resource Officers, and this transfer addresses the budgetary needs for 2018 related to the expansion. He noted that there will be no adjustment to Personal Services in their budget due to savings from vacant positions and funds from the General Fund contingency budget. He stated funding still is needed for training and equipment for the extra officers, which is what this transfer addresses. Mr. Ayer asked if an agreement with the schools is in place yet. Police Chief Kevin Jowitt replied the Memorandum of Understanding with the schools had not been updated yet, but it will be. He stated the current agreement provides for four officers, with the schools paying for three and the City paying for one. He stated there will be eight additional officers, with the schools paying for four and the City paying for four. He noted the schools will reimburse the City only for salary and benefits for the officers; the City will provide equipment and training. He stated the City will not purchase any additional vehicles; they have extra marked cars that do not have all of the patrol onboard equipment, which would not be needed. Mr. Ayer asked if this plan will meet current needs. Chief Jowitt replied yes, the goal is to have an officer in each building with two sergeants as supervisors to allow coverage for unplanned absences. He stated the officers will not be allowed to take vacation while school is in session, and training will take place during school breaks. He stated twelve officers will cover all of the school buildings. Mr. Hampton thanked Chief Jowitt for working on this plan well before May 25<sup>th</sup>, which helped the Police Department to be ready to implement the plan when school starts on August 1<sup>st</sup>. Mr. O'Connor asked when all the officers will be in the schools. Chief Jowitt explained the eight new hires will not be in the schools, but will backfill other positions. He stated there are four school officers now, and there will be four additional officers when school begins. He stated he hopes the other four officers will be available in February or March. Mr. Jensen thanked Chief Jowitt and Captain Arnold for their work to protect our students. Chief Jowitt replied the Police Department has a great relationship with the school system. Ms. Wiles moved to approve the transfer in the Police Department budget, second Mr. Taylor, nine aye.

#2 COUNCIL TO CONSIDER INTERFUND CASH TRANSFER FROM THE GENERAL FUND TO THE PROMOTIONAL FUND (JEFFREY SPALDING)

Mr. Spalding stated not all transfers are the same: the last item was an appropriation transfer, and this transfer and the next are cash transfers, which are used less frequently than other types of transfers. He explained that appropriation authority cannot be transferred between funds, but only within a fund. He stated there should be a clear distinction. This transfer is connected with the ordinances that were considered earlier. Mr. O'Connor moved to approve the interfund cash transfer from the General Fund to the Promotional Fund as submitted, second Mr. Johnson, nine aye.

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#3                   COUNCIL TO CONSIDER INTERFUND CASH TRANSFER FROM THE  
PARKS AND RECREATION FUND TO THE PROMOTIONAL FUND  
(JEFFREY SPALDING)

This transfer also is connected to the ordinances that were considered earlier. Ms. Wiles moved to approve the interfund cash transfer from the Parks and Recreation Fund to the Promotional Fund as submitted, second Mr. Taylor, nine aye.

**COUNCIL COMMENTS**

Mr. O'Connor stated we are making great headway toward making the financial process more transparent. He thanked Mr. Spalding and his staff for his work in that regard.

Ms. Wiles echoed earlier comments and thanked the Police Department for helping parents and students that may be apprehensive when school starts. She stated she is sure seeing additional officers will help everyone feel more at ease.

**ADJOURNMENT**

There being no further business before the Common Council this 24<sup>th</sup> day of July, 2018, Mr. O'Connor moved to adjourn, second Mr. Boice, nine aye.

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CHRISTOPHER JENSEN, PRESIDENT

ATTEST:

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EVELYN L. LEES, CLERK