

**COMMON COUNCIL, CITY OF NOBLESVILLE  
NOVEMBER 9, 2010**

The Common Council of the City of Noblesville met in regular session on Tuesday, November 9, 2010. Mayor Ditslear called the meeting to order pursuant to public notice with the following members present: Mary Sue Rowland, Mark Boice, Gregory P. O'Connor, Stephen C. Wood, Dale Snelling, and Roy Johnson. Brian Ayer was absent.

Also present were Clerk-Treasurer Janet Jaros, City Attorney Michael Howard, department directors, and interested citizens.

**APPROVAL OF MINUTES: OCTOBER 26, 2010**

Mr. Boice moved to approve the minutes as submitted, second Mr. Wood, five aye, one abstention. Mr. Johnson abstained due to being absent from the meeting.

**APPROVAL OF AGENDA**

Mr. Johnson stated he would like to move Ordinance #42-11-10 – New Ordinance for Discussion – in front of the Public Hearing to annex 100 South Mill Creek. Mr. Snelling moved to approve the agenda as amended, second Mr. Wood, six aye.

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

Mr. Johnson stated there are 3 petitions from citizens to speak. They will be heard at this time.

Mr. Tim Kwitny at 143 Hollowview Drive, Noblesville, stated he and his family have been residents of Noblesville for 5 years. Mr. Kwitny stated his concern is his perception of the re-emergence of new home development and the cookie-cutter style homes. Mr. Kwitny stated this is something he thought was a problem back in the 90's. It had a damaging effect when it proliferated on and on. Mr. Kwitny stated it is upsetting to see new signs and new development along S.R. 32. Mr. Kwitny stated he would like to understand what events have taken place to enable a developer to acquire the land and go through the channels of planning, development, and recommendations to the Council in reclassifying land from low density to moderate density. Mr. Kwitny stated he is appealing to the collective wisdom of all in positions of power and influence to think about the long term effects of what certain things may have on the community and how to make things as good as possible for the community.

Mr. Richard Bell at 398 N. 9<sup>th</sup> Street, Noblesville, stated he is concerned about any changes being made to the Historic District Ordinance and its rules and regulations. Mr. Bell stated the last time his neighborhood went through that process, one person could carve out a historic district the size of his or her own choosing with other neighbors not even knowing about it. When that happens, the rest of the neighborhood is playing defense. Mr. Bell stated he would like to see that addressed. If this is possible, it can be done in such a way that is unfair, regardless of a super majority. Mr. Bell stated an example would be if one person wanted to make a district out of three properties, but only one of the homeowners did not want to be in the district. Mr. Bell stated he would like to make sure enough of the neighborhood would be involved so it would not cause bad feelings between neighbors. A historic district may get accomplished but at the price of good relationships.

Mr. Bill Wendling with the law offices of Campbell, Kyle, and Proffitt at 198 S. Cherry Street, Noblesville, stated he is here representing Duke Energy. Duke Energy is located on S.R. 32 and is voluntarily asking to be annexed into the City of Noblesville. Mr. Wendling stated Duke has been working with Mr. Wert and the Planning Department in getting all of the necessary documents filed. Everything has been done appropriately.

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**MAYOR'S REPORT TO COUNCIL**

Mayor Ditslear stated the City completed a very, very successful Job Fair late this afternoon. Over 1,200 people from Central Indiana were served at the Fair, most of them were from Hamilton County. There were over 60 employers there that had positions available. Mayor Ditslear stated one of the criteria of the Job Fair was that the employers have vacant positions looking to fill and not just there to pass out cards for future reference. The vendors included big companies like SMC and Gaylor Electric, to small companies with only 4 or 5 people on their payroll. There were many positive comments on the quality of the applicants coming to the Job Fair. The Administration, particularly the Economic Development Department, worked very hard on the Fair and in recruiting many of the employers and it was a tremendous success. There has not been a Job Fair in the City in a long time. Mayor Ditslear stated there are many people in the community who are in need of that service and it was gratifying to help. Mayor Ditslear stated he was notified last week that Hamilton County and the City would not be getting a COIT distribution that was originally thought to be coming. The City's portion is approximately \$940,000.00. Mayor Ditslear stated he has put a directive out to Department Directors that all discretionary spending must get approval from the Administration. Mayor Ditslear stated he was present for the transit announcement yesterday. They have a great plan, with a combination of Express bus, light rail, etc. The northeast corridor is the first rail transit that will happen. The plan will bring the system to Noblesville. Mayor Ditslear stated he attended the Army Recruiting Station open house. They are community oriented and are anxious to serve the Noblesville area. The City has had its first Community Emergency Response Team (CERT) meeting. This was led by Hamilton County and Col. Dwight Dickerson. The purpose of CERT is to train civilians within the community to help professionals with disaster response and relief. There were approximately 20 volunteers at the first meeting and we expect that number to grow as the initiative continues.

Mr. Johnson stated he attended the Job Fair this afternoon. There was an unbelievable response to the Fair. There were almost 1,300 people who attended the Fair. It was a great effort. Many people will get jobs from the event.

**COUNCIL COMMITTEE REPORTS**

Mr. Boice stated the Roads Committee met November 5<sup>th</sup>. Bailey Court is the last of the resurfacing projects to be completed. A list has been started for next year. The Olio Road bridge is complete and is getting quite a bit of traffic. Union Chapel, Phase 2 is open and currently being landscaped. The paving will be down on Phases 3, 4 & 5 by Thanksgiving. Landscaping has been awarded for Union Chapel. The intersection at 191<sup>st</sup> Street and Promise Road is complete, as well as the one at 141<sup>st</sup> Street and Marilyn Road. Little Chicago Road and Mill Creek Road is complete. Town & Country and Cloverdale Road is complete. Howe Road is done. The Carrigan Road Pedestrian Bridge will be closed on November 18<sup>th</sup> and 19<sup>th</sup>. The project is going well. The traffic signal is being put in at Bergen Boulevard and Tegler Drive. The signal at Edenshall and Hazel Dell Road will begin in December and should be completed by Christmas. Mr. Johnson stated it is important to note that the money to do the Carrigan Road Pedestrian Bridge is coming from Stimulus Funds.

Mr. O'Connor stated the Community Vision Committee met today. The internet survey concluded October 30<sup>th</sup>. The Committee spent some time going through the preliminary draft. Some of the results were very gratifying to see. This is a great community. There are some things we can do better. There are some things we can enhance. The Committee intends to have the Vision plan done by the end of the year. The information

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from the survey and what the Committee's intents are will be shared. The survey results were very encouraging. There are also some other community meetings that will take place at the end of this year or early next year. This includes the Mayor meeting with school officials in regards to their vision and incorporating that into our strategic plan for the City. Things are moving forward. This will be an important document.

Mrs. Rowland stated the Tree Board met last Monday. In 2010, the City has lost 100 street trees, trees in City easement. This fall, 50 new trees will be planted. The City had applied for a \$20,000.00 grant from the DNR that requires a \$4,000.00 match. The City can buy 116 trees with that money. The City will also be re-certifying its Tree City, USA status this year. After that, the Board will take a winter break and not meet again until February. Mrs. Rowland stated she has a guest who is here to speak about trees and a great volunteer effort. In our Visioning sessions, we talk about what a great resource the community is to help us do a better job. Volunteering is absolutely essential. Mrs. Rowland stated this is a volunteer effort with the Daybreak Rotary Club and the City of Noblesville. Mr. David Willis came to the Tree Board and to the Parks Board with an idea of working together to create something very special for our community. This is a great idea. Mr. Willis is here to explain the idea to the Council.

Mr. Willis stated Rotary is an old organization. The motto of Rotary is service above self. Service takes various forms. The Noblesville Rotary is particularly cognizant of providing service to this community. The organization recognizes there is a need for trees. The question is how best to do that without spending taxpayer's money. It can be done. At the same time, we can give people the opportunity to give recognition to their loved ones who have passed on. Mr. Willis stated he is talking about creating a memorial arboretum. Someone could buy a tree in memory of their departed loved one and provide trees to the community at the same time. Mr. Willis stated the Rotary has talked with the Tree Board and they agree it is a good idea. Details do need to be worked out. There is a meeting scheduled for tomorrow morning to work out those details. The Rotary would like to start planting trees this fall for some people who have already said they want to do this. The price would be \$250.00 for the tree. This would include a choice of 11 different kinds of trees to be planted at Dillon Park. Some of the money will go for maintenance of the trees and the purchase of park benches to be placed throughout the park. Mrs. Rowland asked how someone would go about purchasing a tree. Mr. Willis responded they would contact him right now. There is a committee that has been formed just for this project. This will be a community function.

**APPROVAL OF CLAIMS**

Mr. O'Connor moved to approve the claims as presented, second Mr. Snelling, six aye.

**NEW ORDINANCES FOR DISCUSSION**

#42-11-10 COUNCIL TO CONSIDER ORDINANCE #42-11-10, AN ORDINANCE TO ANNEX 100 SOUTH MILL CREEK ROAD, DUKE ENERGY, AND RESOLUTION #RC-15-10 ADOPTING THE FISCAL PLAN (ANDY WERT)

Mr. O'Connor moved to introduce Ordinance #42-11-10, second Mr. Wood. Mr. Wert stated this comes to the Council as a voluntary annexation. Duke Energy desires to connect to the City sewer system. Fortunately for Duke, the sewer line is stubbed just off of their east property line. It will be an easy extension. We are working to get easements. As an investor owned utility, it is a tax paying entity. This is good for Noblesville's tax base. Mr. Boice moved to pass Resolution #RC-15-10, second Mr. Wood, six aye.

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**PUBLIC HEARING – ANNEXATION OF 100 SOUTH MILL CREEK ROAD  
(ORDINANCE #42-11-10)**

Mr. Johnson opened the public hearing. Mr. O'Connor moved to close the public hearing for the annexation of 100 South Mill Creek Road, second Mr. Snelling, six aye.

**PREVIOUSLY DISCUSSED ORDINANCES**

#35-10-10 COUNCIL TO CONSIDER ORDINANCE #35-10-10, AMENDMENTS TO THE HISTORIC PRESERVATION ORDINANCE REGARDING ITS POWERS AND DUTIES, ESTABLISHMENT OF DISTRICTS, AND ISSUANCE OF CERTIFICATES OF APPROPRIATENESS (STEVE HUNTLEY)

Mr. Huntley stated this item was continued at the last meeting. It was requested this go back to the Commission and be re-evaluated with the Council's comments for possible amendments. The recommendation from the Historic Preservation Commission is that they would like the Council to vote on it as it was originally submitted. The significant changes within the ordinance are that it allows a member of the Planning staff to be replaced by a citizen appointed by the Mayor. Mr. Huntley stated he does not have any on staff currently who can serve on the Commission. Other changes include definitions for clarification. The final change deals with the conservation district. The conservation district is already in the existing ordinance. The additions in this ordinance just give time frames for notification. Neither a historic district nor a conservation district can be approved without the Common Council voting for it. The Council is the safety valve for the neighborhood if the numbers or percentages are not available. Mr. Huntley stated there are several members of the Commission in the audience if Council has any questions for them. Mrs. Rowland asked Mr. Bell if this answers any questions or alleviates any of his concerns. Mr. Bell responded that he understood the Council is the safety valve. Mr. Bell stated his concern is the process that you go through before you get to the safety valve. Mr. Huntley stated the safety valve has always been there. The Council's requirement for a historic district is that it should receive a 65% majority vote. This is an item the Council came up with. The Commission could forward any item on to the Council. The only thing the conservation district offers is that if there is enough interest to have something but they don't want to go as far as a historic district. The conservation district is set up to conserve the historic character of the neighborhood. The Council must vote for it for it to move forward. Mr. Howard stated he thinks Mr. Bell's question is, how big or small can a conservation district be. Mr. Howard asked if 2 neighbors want a district, can they reach out and grab another neighbor and force them into a district of three homes. Mr. Huntley responded that the ordinance suggests the districts be similar to historic areas that have been identified, but it is only a suggestion. The answer to the question is yes, three neighbors could create a district, if Council approves it. Mr. Snelling stated the original ordinance that was passed just over three years ago, in September of 2007, seemed like a viable thing. Mr. Snelling stated the conservation district bothers him. The idea that 20 people out of 35 could force a conservation district onto their neighbors that isn't even a historic district. A conservation district should be voted on. This just confuses the issue. Mr. Huntley stated the statute on historic preservation recognizes both within the same legislative area of the state law. The conservation district is a lesser requirement than the full historic district. This is just an option that is out there. The conservation district is still in the existing ordinance that was adopted back in 2007. This just gives us a written set of procedures for notification requirements for the district for the first time. Mr. Wood moved to table this item for another meeting, second Mr. Snelling. Mr. O'Connor asked if there is a 65% vote for a conservation district, would it convert automatically to a historic district after 3 years. Mr. Huntley responded the intent is for it to go back to the Commission at

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that time. It would have to go back before the Council for a vote. Mr. Howard stated that is correct. It takes an official act of the Council in ordinance form to create a conservation district or a historic district. Mr. Johnson stated he has always had a problem with someone being forced to go along with rules that are passed after the fact. You should move into a neighborhood knowing the rules. Mr. Boice stated he has a problem with the conservation district only needing 45% of the neighborhood in agreement. Mr. Boice stated it would be very difficult for the Council to vote for something that only a minority of the neighborhood wanted. It should be a majority vote. Mr. Wood withdrew his motion to table Ordinance #35-10-10, second Mr. Snelling. The following roll call vote was recorded.

AYE: Mary Sue Rowland

NAY: Mark Boice, Gregory P. O'Connor, Dale Snelling, Stephen C. Wood, and Roy Johnson

One aye, 5 nay, motion dies

#36-10-10 COUNCIL TO CONSIDER ORDINANCE #36-10-10, AN ORDINANCE AMENDING ORDINANCE #78-12-04 REMOVING APPLICATIONS AND FEES FROM THE ANIMAL CONTROL ORDINANCE (JANET JAROS)

Mrs. Jaros stated this ordinance was put together at the request of Mr. Johnson. Mr. Howard did clarify that state law has changed limiting what municipalities could charge for animal registration. The fees really do need to be taken out of the Pet Ordinance. The following roll call vote was recorded.

AYE: Gregory P. O'Connor, Mary Sue Rowland, Dale Snelling, Stephen C. Wood, Mark Boice, and Roy Johnson

Six aye, motion carries

#37-10-10 COUNCIL TO CONSIDER ORDINANCE #37-10-10, AN AMENDED ORDINANCE TO ESTABLISH AN EQUITABLE IMPACT FEE FOR THE PURPOSE OF PLANNING AND FINANCING PARK AND RECREATIONAL INFRASTRUCTURE NEEDED TO SERVE NEW DEVELOPMENT (STEVE HUNTLEY)

Mr. Huntley stated this item has been forwarded from the Plan Commission with a 10-0 favorable recommendation. The study did warrant a fee up to \$1,424.00 based upon the possible challenges. Legal staff recommended the item be reduced to \$1,300.00. Within this study, it goes from 2 districts to a single district. The fees associated with the ordinance would go into effect 6 months after advertisement. The following roll call vote was recorded.

AYE: Mary Sue Rowland, Dale Snelling, Stephen C. Wood, Mark Boice, Gregory P. O'Connor, and Roy Johnson

Six aye, motion carries

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#38-10-10 COUNCIL TO CONSIDER ORDINANCE #38-10-10, ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND CHANGE OF ZONING TO R1/GUO RESIDENTIAL/GOVERNMENT USE OVERLAY FOR THE HAZEL DELL ELEMENTARY SCHOOL LOCATED AT 3025 WESTFIELD ROAD (STEVE HUNTLEY)

Mr. Huntley stated this would allow for expanded parking and a single addition to the building at Hazel Dell Elementary School. All of the conditions of the ordinance have been met or waived as part of this site plan. The following roll call vote was recorded.

AYE: Dale Snelling, Stephen C. Wood, Mark Boice, Gregory P. O'Connor, Mary Sue Rowland, and Roy Johnson

Six aye, motion carries

#39-10-10 COUNCIL TO CONSIDER ORDINANCE #39-10-10, ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND CHANGE OF ZONING TO R3/GUO RESIDENTIAL/GOVERNMENT USE OVERLAY FOR THE NORTH ELEMENTARY SCHOOL LOCATED AT 440 NORTH 10<sup>TH</sup> STREET (STEVE HUNTLEY)

Mr. Huntley stated this is for a large addition at the North Elementary School in the interior lot. It does not impact any of the setbacks. The following roll call vote was recorded.

AYE: Stephen C. Wood, Mark Boice, Gregory P. O'Connor, Mary Sue Rowland, Dale Snelling, and Roy Johnson

Six aye, motion carries

#40-10-10 COUNCIL TO CONSIDER ORDINANCE #40-10-10, ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN AND CHANGE OF ZONING TO R4/GUO RESIDENTIAL/GOVERNMENT USE OVERLAY FOR THE STONY CREEK ELEMENTARY SCHOOL LOCATED AT 1350 GREENFIELD AVENUE (STEVE HUNTLEY)

Mr. Huntley stated this particular site plan incorporates an expanded parking area and a building addition for the additional enrollment for Stony Creek Elementary School. Mr. Huntley stated the drive area will now be situated to align with the church across the street. All of the expansions are within the prescribed setback areas and does comply with the ordinance. The following roll call vote was recorded.

AYE: Mark Boice, Gregory P. O'Connor, Mary Sue Rowland, Dale Snelling, Stephen C. Wood, and Roy Johnson

Six aye, motion carries

#41-10-10 COUNCIL TO CONSIDER ORDINANCE #41-10-10, ADOPTION OF AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR NOBLESVILLE INTERMEDIATE SCHOOL LOCATED AT 19900 HAGUE ROAD (STEVE HUNTLEY)

Mr. Huntley stated this item incorporates new athletic fields and a building addition at the Noblesville Intermediate School. This is also the item that the School Board requested lighting be allowed. Council did reject that request at the last meeting. The development is in compliance with our setbacks. Mr. Johnson stated the lights were not part of the original request. Mr. Huntley stated the lights that were requested were not part of the original presentation. They were requested after the fact. The School Corporation

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submitted a letter requesting the lights be re-evaluated. That request was turned down at the last meeting by the Council. Mr. Howard stated the ordinance should be approved as originally forwarded by the Plan Commission and that erases the lighting issue completely. Mr. Boice moved to approve Ordinance #41-10-10 as originally forwarded by the Plan Commission, second Mr. Wood, six aye. The following roll call vote was recorded.

AYE: Gregory P. O'Connor, Mary Sue Rowland, Dale Snelling, Stephen C. Wood, Mark Boice, and Roy Johnson

Six aye, motion carries

**COUNCIL COMMENTS**

Mr. Wood stated Veteran's Day is coming up. Thank you to everyone who has served in the military. There will be a ceremony at the War Memorial on the Square on Thursday at 11:00 a.m.

Mr. O'Connor stated he would like to thank the Keep Noblesville Beautiful organization for planting all of the daffodils. It will be a great addition to that intersection come springtime.

Mr. O'Connor stated he attended the 75<sup>th</sup> anniversary of the Chamber. It was well done and a great event.

**ADJOURNMENT**

There being no further business before the Common Council this 9<sup>th</sup> day of November, 2010, Mr. Boice moved to adjourn, six aye.

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JOHN DITSLEAR, MAYOR

ATTEST:

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JANET S. JAROS, CLERK-TREASURER