

**COMMON COUNCIL
CITY OF NOBLESVILLE
MAY 15, 2018**

The Common Council of the City of Noblesville met in regular session on Tuesday, May 15, 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, Mary Sue Rowland, Rick Taylor, and Megan Wiles. Greg O'Connor was absent.

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

APPROVAL OF EXECUTIVE SESSION MEMORANDUM: APRIL 24, 2018

Ms. Wiles moved to approve the memorandum, second Mr. Taylor, seven aye, one abstention. Mr. Ayer abstained.

APPROVAL OF MINUTES: APRIL 24, 2018

Mr. Taylor moved to approve the minutes, second Mr. Johnson, eight aye.

APPROVAL OF AGENDA

Ms. Wiles moved to amend the agenda to postpone Proposed Development Presentation #1, Introductory Information of the Proposed Midland Overlook Planned Development to the next meeting, second Mr. Taylor, eight aye. Mr. Ayer moved to approve the agenda as amended, second Mr. Taylor, eight aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There were no petitions to speak.

MAYOR'S REPORT TO COUNCIL

Deputy Mayor Cooke stated Mayor Ditslear is on vacation this week. Mr. Cooke stated on May 2nd, Mayor Ditslear attended the Noblesville Youth Assistance Shining Stars Award Dinner. On May 3rd, the Mayor's Prayer Breakfast was held, followed by a proclamation and prayer on the Courthouse Square in conjunction with the National Day of Prayer. The Methodist Preschool art show began at City Hall on May 3rd. On May 4th, the 14th Annual Women of Vision Luncheon was held to benefit the Riverview Health Foundation. On May 9th, Mayor Ditslear participated in mayoral panel discussion at All-County Chamber Luncheon at Embassy Suites conference center. On May 12th, the Administration discussed capital improvement projects with the Council at its retreat. On May 21st, all the Hamilton County chapters of Youth Assistance will meet with Senator Victoria Spartz at City Hall. On May 22nd, Touch a Truck will be held at City Hall. On May 28th, City buildings will be closed for Memorial Day.

COUNCIL COMMITTEE REPORTS

Mr. Ayer stated the Roads Committee met on May 4th. Mr. Ayer, Mr. Hampton, Mr. Jensen, and Mr. O'Connor were present. The City is still working on funding mechanisms for the East-West Corridor/Pleasant Street project. Additional information will be posted on a Pleasant Street website in the near future. The Midland Trace Trail project is on budget and on schedule. Phase II of the project should be completed by October. The 2018 Resurfacing and Sidewalk Program: work on Greenfield Avenue repaving is almost complete. 171st Street is complete, and early action projects are underway to remedy bumps in the brick streets. The 2018 Street Rehabilitation – Contract II was awarded at the Board of Works meeting this morning. The Riverwalk design is complete and funding sources are being identified. The Levee Trail design is complete. The Little Chicago Road Trail was seeded, but the seed was washed out and will have to be reseeded. State Road 37 design work continues. The southern third of Herriman Boulevard is complete, and the next third to the north is in negotiation, which should be complete by the end of the year. Olio Road was discussed at the Council retreat on May 12th. Logan Street Pedestrian Bridge project will bid next month with construction later this year.

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Ms. Wiles stated the Finance Committee met on May 10th. Mr. O'Connor, Ms. Wiles, Mr. Hampton, and Mr. Johnson participated. Mr. Spalding will present investment of City funds later this evening. William Sheldrake, president of Policy Analytics, LLC, has done much work for Fishers, Indianapolis, and other communities. He proposes analyzing the City's TIF districts to create cash flow projections, analysis, and maps for each TIF district. She stated the second phase of the project will use the data to show how TIF districts impact overlapping tax districts, such as schools. She stated the committee was in favor of the proposal. She stated the Board of Works approved the contract this morning. She stated the Comprehensive Annual Financial Report (CAFR) is underway, and Mr. Jensen and Mr. O'Connor attended a meeting with the State Board of Accounts. Ms. Wiles stated the committee recommends approval of the claims.

Ms. Rowland stated she attended the Arts Council meeting on May 2nd as the Council liaison. She stated the meeting was well attended. She stated there were many ideas for not-for-profit and arts projects with a goal of enhancing participation to create partnerships for the community. There was visioning and collaboration, with a discussion concerning the boundaries of the arts district, event planning, night life, quality art, public art, artist workplaces and workspaces, festivals, encouraging enthusiasm and pride in history, working with churches and volunteers, connecting people and apprenticeships, promoting a unified look and unified efforts, growing the local economy through the arts, tools for the community, and problem solving. She stated the Arts Council has an extensive survey available. She stated the survey can be found by googling Noblesville Arts Council. She stated the next meeting is August 8th. She urged the Embrace Noblesville consultants to incorporate the Arts District into the Downtown plan. She stated the Arts District should be very involved in the design for Downtown.

APPROVAL OF CLAIMS

Ms. Wiles moved to approve the claims as submitted, second Mr. Taylor, eight aye.

PREVIOUSLY DISCUSSED ORDINANCES

#09-04-18 COUNCIL TO CONSIDER ORDINANCE #09-04-18, AN ORDINANCE CONCERNING THE VACATION OF STREETS, RIGHT-OF-WAY, AND INFRASTRUCTURE FOR SMC BOULEVARD AND DOUGLAS FLOYD PARKWAY EAST OF EDGAR WAY (JOHN BEERY)

Mr. Beery stated this ordinance vacates SMC Boulevard and Douglas Floyd Parkway east of Edgar Way as a part of the SMC project in the Smithfield Business Park. He stated the vacation includes rights-of-way and utilities, which will be moved at the proposed owner's cost.

PUBLIC HEARING FOR ORDINANCE #09-04-18

Mr. Jensen opened the public hearing for Ordinance #09-04-18. Seeing no public come forward, Ms. Wiles moved to close the public hearing, second Mr. Ayer, eight aye. Mr. Taylor moved to approve Ordinance #09-04-18, second Mr. Johnson. The following roll call vote was taken on Ordinance #09-04-18:

AYE: Brian Ayer, Mark Boice, Wil Hampton, Roy Johnson, Mary Sue Rowland, Rick Taylor, Megan Wiles, and Christopher Jensen.

Eight aye, motion carries.

#10-04-18 COUNCIL TO CONSIDER ORDINANCE #10-04-18, AN ORDINANCE UPDATING SECTION VII OF CHAPTER 78, TRAFFIC SCHEDULES IN THE CITY OF NOBLESVILLE CODE OF ORDINANCES (JOHN BEERY)

Mr. Beery stated this ordinance contains two amendments to the City's traffic code. He stated Summer Road and 156th Street has unbalanced traffic movement, so it is proposed to convert from a two-way stop to a four-way stop. He stated traffic patterns warrant a change to traffic

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control at that intersection. He stated this change will coincide with repaving Summer Road. He stated the ordinance also prohibits parking on Endeavor Drive and the entrance to Cumberland Pointe at Cumberland Pointe Boulevard, which is cleanup that was overlooked when the streets were platted. He stated parking is typically prohibited on commercial streets due to truck traffic. The ordinance will also add the intersections of Summer Road at Greenfield Avenue and 166th Street, which have stop signs but are not listed in the traffic schedules. Mr. Ayer asked if any changes are proposed for the intersection of 166th Street and Summer Road. Mr. Beery stated none are planned at this time, because the traffic counts do not yet warrant a change. Ms. Wiles moved to approve Ordinance #10-04-18, second Mr. Taylor. The following roll call vote was taken on Ordinance #10-04-18:

AYE: Brian Ayer, Mark Boice, Wil Hampton, Roy Johnson, Mary Sue Rowland, Rick Taylor, Megan Wiles, and Christopher Jensen.

Eight aye, motion carries.

#13-04-18 COUNCIL TO CONSIDER ORDINANCE #13-04-18, AN ORDINANCE AMENDING ORDINANCES #22-03-06 AND #65-07-89, CONCERNING THE NOBLESVILLE PARKING ORDINANCE (CHIEF JOWITT)

Chief Jowitt asked the Council to approve Ordinance #13-04-18, which contains necessary adjustments and updates to the City's parking enforcement system. Mr. Boice moved to approve Ordinance #13-04-18, second Ms. Wiles. The following roll call vote was taken on Ordinance #13-04-18:

AYE: Brian Ayer, Mark Boice, Wil Hampton, Roy Johnson, Mary Sue Rowland, Rick Taylor, Megan Wiles, and Christopher Jensen.

Eight aye, motion carries.

PROPOSED DEVELOPMENT PRESENTATION

#1 COUNCIL TO CONSIDER INTRODUCTORY INFORMATION FOR THE PROPOSED MIDLAND OVERLOOK PLANNED DEVELOPMENT (JUSTIN SCHUESSLER)

This item was postponed to the May 29th meeting.

#2 COUNCIL TO CONSIDER INTRODUCTORY INFORMATION FOR THE TIMBERS PLANNED DEVELOPMENT REGARDING AMENDMENTS TO THE ADOPTED PRELIMINARY DEVELOPMENT PLAN (JOYCEANN YELTON)

Ms. Yelton stated item is an amendment to an adopted ordinance that was approved approximately one year ago. She stated this property is located at the northeast corner of S.R. 38 and Little Chicago Road and includes residential and commercial uses. She noted when the preliminary development plan was adopted, it was stipulated that any commercial development will come before Council for approval. She stated the development contains three areas and housing types. She stated this amendment proposes reducing the entrances on S.R. 38 from two to one, creating a center entrance. She stated the layout has been updated to take some lots out of the flood plain. She noted the lot counts do not exceed the original total of 310, but there has been some shifting between 52 foot lots and 65 foot lots. She stated the 92 foot lots will remain. Mr. Ayer asked if the new entrance will not align with the Mill Grove entrance, as the approved plan did, thus eliminating the future option to have a roundabout there. Ms. Yelton replied that is correct. Mr. Johnson asked Mr. Beery if that change is good or bad. Mr. Beery stated at this time he does not have an opinion, but he believes Mr. Ayer has a valid point.

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Steve Hardin of Faegre Baker Daniels LLP, 600 E. 96th Street, Suite 600, Indianapolis, addressed the Council on behalf of Drees Home. He stated since the original ordinance was adopted the engineers have further defined the flood plain and wetlands on the property. He stated INDOT has approved the new entrance on S.R. 38. He stated the updates to the development plan reflect updated engineering. He stated the wetlands drove the changes. He noted no standards in the ordinance will change; the only changes are to design elements. He stated greater detail of the wetlands lead to the new entrance location as the most efficient. He noted they found that two retention ponds rather than one fit the topography better. Mr. Ayer asked if the changes are based on the cost of building a bridge to span the creek. Mr. Hardin replied yes, that was a large part of the decision. Mr. Ayer asked what the minimum lot size will be. Mr. Hardin replied the 92 foot lots must be a minimum of 13,800 square feet. Mr. Boice asked if the new entrance will be used for the residential and commercial areas. Mr. Hardin replied yes. Mr. Hampton stated in the original ordinance a tree was saved on the property. He asked if that stipulation would remain after the changes to the lots and cul de sac. Mr. Hardin replied he will have to check, but he believes it will remain. Mr. Hampton asked if any commercial uses will change. Mr. Hardin replied nothing in the ordinance will change; only the development plan will be amended. Ms. Rowland noted there is no road on the plan for the commercial development on Little Chicago Road. Mr. Hardin replied no, there is no development plan for that section yet. He stated the commercial area on Little Chicago Road most likely will have its own curb cut. Mr. Ayer asked if Drees Homes will be responsible for utility and infrastructure work. Mr. Hardin stated there have been discussions with the City to provide an oversize sewer interceptor, but nothing internal to the development. Mr. Beery stated the project is still being reviewed for the Technical Advisory Committee (TAC) meeting. He stated usually INDOT informs the City of any new curb cuts for subdivisions. He stated the City cannot commit to a sewer interceptor at this time due to funding issues, and this has been communicated to the developer. He stated many issues with the project will be addressed by TAC. Mr. Johnson asked if there is a definite plan to widen Little Chicago Road going north. Mr. Beery stated no funds are earmarked for that project, although applications have been submitted in the past to the Metropolitan Planning Organization (MPO) for funding. He estimated the cost would be approximately \$15 or \$16 million. Ms. Rowland stated she thinks it is a beautiful project and concept, but she worries about the commercial piece. She stated she doesn't see how it can work; it is further complicated by the commercial development across the street. She stated she doesn't want S.R. 38 to look like a strip mall; this detracts from a nice living environment. Mr. Hampton stated no gas stations are permitted in the commercial areas. He stated the other idea behind the commercial design is to help connect the community. He stated it is important for the Council to control the types of businesses that are built there if they can. Mr. Jensen, Mr. Boice, Mr. Hampton, Mr. Taylor, and Ms. Wiles expressed great concern about future problems with the entrance on S.R. 38 that no longer lines up with the Mill Grove entrance, preventing a future roundabout.

NEW ORDINANCES FOR DISCUSSION

#14-05-18 COUNCIL TO CONSIDER ORDINANCE #14-05-18, AN ORDINANCE AMENDING ORDINANCE #76-09-06 FOR CUMBERLAND FARMS PLANNED DEVELOPMENT AT 21339 S.R. 19 (DENISE ASCHLEMAN)

Mr. Johnson moved to introduce Ordinance #14-05-18, second Mr. Taylor. Ms. Aschleman stated this property is at the far north end of the City's planning jurisdiction, bounded by 216th Street; it is Lot 1 of Cumberland Farms Industrial Park. She stated the original business park development was approved in October 2006 and permitted a variety of commercial and industrial uses. She stated the park is accessed by an internal street. She stated Fluid Waste Services received it certificate of occupancy in 2016, but they are seeking relief from four sections of landscaping requirements in the Unified Development Ordinance (UDO). She stated they are asking for shrubs, not trees, along S.R. 19, to shift the placing of trees on the south end of the property, relief from parking island requirements, and relief from building base landscaping to accommodate a concrete apron for trucks. She noted the land to the east is vacant and owned by the petitioner; a self-storage facility is on the north side; land to the south is vacant; and a

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Vectren station is directly west across the road, near a few residences. She stated the Plan Commission forwarded a favorable recommendation with a vote of eight to zero. Mr. Boice stated he has no issue with this request, but he would like to look at this area in the future to enhance as a City gateway. He stated as an entrance to the City, it is lacking.

#15-05-18 COUNCIL TO CONSIDER ORDINANCE #15-05-18, AN ORDINANCE REGARDING A SPECIAL CONSIDERATION FOR THE CONSTRUCTION OF A CHURCH IN THE CUMBERLAND POINTE PLANNED DEVELOPMENT AT 10005 CUMBERLAND POINTE BOULEVARD (JOYCEANN YELTON)

Mr. Johnson moved to introduce Ordinance #15-05-18, second Mr. Taylor. Ms. Yelton stated churches are allowed to be built in industrial areas. She stated this location is in the Corporate Campus, with an additional overlay for the Cumberland Pointe Planned Development. She stated the Plan Commission forwarded a favorable recommendation of seven aye, zero nay, and one abstention. She stated this request is a special consideration, which requires permission of the Plan Commission and Council because of the unique nature of the project. She stated churches are always sent through this process or in some cases are heard by the Board of Zoning Appeals (BZA). She stated surrounding land uses are single family residential to the east, industrial to the west and south, and multi-family to the north. She stated the area is zoned for mixed use development. Ms. Yelton distributed an email she received today from Michael Saner on behalf of residents of Cumberland Pointe subdivision expressing support for the project. She stated the proposed plan included 25 parking spaces, which staff felt was too few; the church has agreed to provide additional parking. She stated staff agreed that the additional spaces can be provided on site or shared with nearby businesses per agreements with them. She stated they are expected to provide a solution when they present their detailed development plan. Ms. Yelton stated the elevations meet City standards, and Payment in Lieu of Taxes (PILOT) was discussed at the Plan Commission. She stated an agreement must be in place before the ordinance can be approved. Mr. Jensen asked where the entrance will be. Ms. Yelton replied it will be off of Endeavor Drive. Mr. Howard explained the PILOT agreement requirement is designed for tax exempt development within a TIF district in order to support debt service on the bonds. He stated he will work with the petitioner's attorney to develop an agreement before the next meeting. He explained because the bonds were used to build infrastructure, the payments to help with debt service are a fair trade. Mr. Jensen stated he appreciates that the church leadership is willing to attend the Homeowners Association (HOA) meeting. Ms. Yelton stated the residents at the Plan Commission were not upset but had some concerns. She noted that she received one piece of correspondence against the project, but no one came to the Plan Commission hearing who was against the project, and the church has willingly tried to address any concerns of neighbors.

Gordon Byers of 298 South 10th Street, Suite 300, Noblesville, addressed the Council on behalf of the petitioners. Mr. Byers stated church uses are conditional throughout the City, but in this case it is a special consideration. He stated this church is a growing non-denominational congregation that is currently meeting in the library at the Ivy Tech campus. He stated they feel this is an appropriate location. He stated the UDO requires a 100-person sanctuary with 25 parking spaces. He stated they are providing 37 parking spaces on site. He stated this church will not be one with intense, 24/7 activity. He stated they will have Sunday worship services and a Bible study during the week. He stated it is difficult to find land now, and this location already has infrastructure in place. He stated the church understands the necessity for the PILOT agreement, and they will be good neighbors.

#16-05-18 COUNCIL TO CONSIDER ORDINANCE #16-05-18, AN ORDINANCE FOR TEXT AMENDMENTS TO SECTION 32.12 OF THE CITY'S CODE OF ORDINANCES, COUNCIL'S RULES OF PROCEDURE (EVELYN LEES)

Mr. Johnson moved to introduce Ordinance #16-05-18, second Ms. Wiles. Ms. Lees stated when she took office, she found the administrative sections of the City's code had for the most part not been changed since 1983, so an ordinance to update the section was adopted in 2016. She stated

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since that time, additional amendments have been suggested and are in this ordinance. She stated she is working on a broader update of that section of City code, but this ordinance addresses only the Council's rules of procedure, most notably that should the Council president leave office, the vice president will succeed to the presidency; and there is a provision for a rotating order of roll call votes. Mr. Ayer expressed appreciation for the updates. He stated he finds the changes reasonable and necessary. Mr. Hampton asked how the roll call order for votes would vary. Ms. Lees replied the order will always be alphabetical, but after the first roll call, the next will begin with the second person and end with the first, and so on. She stated it is a way to provide variety without becoming too complicated.

#17-05-18 COUNCIL TO CONSIDER ORDINANCE #17-05-18, AN ORDINANCE CONCERNING PARK IMPROVEMENTS THROUGH THE ISSUANCE AND SALE OF BONDS, AND OTHER MATTERS CONNECTED THEREWITH (MICHAEL HOWARD)

Mr. Johnson moved to introduce Ordinance #17-05-18, second Mr. Taylor. Mr. Howard stated this ordinance is the last step before issuing bonds for Finch Creek Park. He stated he has been working with Jim Treat of O.W. Krohn and Associates and with Controller Jeff Spalding to prepare for the bond issuance. He stated the ratings call with Standard & Poor's has been completed, and the City's AA rating was affirmed. He compliments the Council on their wise fiscal management to earn such a high rating. He stated this ordinance is the final authorization for the bonds, which will be issued in the name of the Park District. He stated the bonds are expected to be sold on May 31st with an award of bids and closing in the second week of June. Because of the short timetable, he requested passage of the ordinance on first reading. Mr. Hampton noted that the original plan Parks Director Brandon Bennett presented to the Finance Committee did not include lighting for the pickleball courts, and the committee asked him to put it back in. He stated he does not see it described in the ordinance and asked if it was done. Mr. Howard replied that is a question for Mr. Bennett, who is not in attendance. He noted that the descriptions in the ordinance are general in nature and may include lighting. He stated bids for Phase I of the park did not come in well, and they are trying to work with the apparent low bidder. He stated the bid climate is not good, because sub-contractors cannot get enough labor. Mr. Boice moved to waive the rules and approve Ordinance #17-05-18 on first reading, second Ms. Wiles, eight aye. Ms. Wiles moved to approve Ordinance #17-05-18, second Mr. Taylor. The following roll call vote was taken:

AYE: Brian Ayer, Mark Boice, Wil Hampton, Roy Johnson, Mary Sue Rowland, Rick Taylor, Megan Wiles, and Christopher Jensen.

Eight aye, motion carries.

MISCELLANEOUS

#1 COUNCIL TO CONSIDER RESOLUTION #RC-08-18, A RESOLUTION AUTHORIZING THE INVESTMENT OF PUBLIC FUNDS PURSUANT TO IC 5-13-9-5 (JEFFREY SPALDING)

Mr. Spalding stated the purpose of this resolution is perfunctory. He stated there are two choices available to local fiscal bodies to receive higher interest rates on investments; state law requires a resolution to invest cash in any bank in the state rather than only in our community, which has been done in the past. He stated a similar resolution was approved in June 2017 in order to get on the same cycle with a companion ordinance to expire on March 1, 2020. He stated once the dates of the resolution and ordinance are aligned, the Council will see them regularly every two or four years with the same expiration date. Ms. Wiles moved to approve Resolution #RC-08-18, second Mr. Taylor, eight aye.

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#2 COUNCIL TO CONSIDER RESOLUTION #RC-09-18, AN AMENDMENT TO CONFIRMATORY RESOLUTION #RC-18-17, DESIGNATING AN ECONOMIC REVITALIZATION AREA FOR GLC NOBLESVILLE-OLIO, LLC (MICHAEL HOWARD)

Mr. Howard stated GLC is building a facility to lease to BorgWarner, and last year the Council passed an abatement resolution for 100 percent Assessed Value (AV) for 2018 pay 2019. He stated construction has fallen behind schedule, so the building was only 40 percent assessed on January 1, 2018. He stated this resolution amends sections nine and ten of Resolution #RC-18-17 to abate 100 percent of 40 percent AV in 2018 and then 60 percent in 2019. He noted the changes are revenue neutral. Ms. Wiles moved to approve Resolution #RC-09-18, second Mr. Taylor, eight aye.

COUNCIL COMMENTS

Mr. Jensen congratulated all the candidates and their supporters, as well as those who administered the election. He stated there were some new features, including iPad that Kathy Richardson lobbied hard to get and seemed to help the process. He stated it is always great to see democracy in action. Mr. Hampton congratulated Mary Blake Brock upon receiving the Youth Service Award from the Hamilton County Council on Alcohol and Other Drugs and the Hamilton County Commissioners. He stated Miss Brock is a student at Noblesville High School.

ADJOURNMENT

There being no further business before the Common Council this 15th day of May, 2018, Ms. Wiles moved to adjourn, second Mr. Ayer, eight aye.

CHRISTOPHER JENSEN, PRESIDENT

ATTEST:

EVELYN L. LEES, CLERK