

**COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 12, 2019**

The Common Council of the City of Noblesville met on Tuesday, February 12, 2019. Brian Ayer called the meeting to order at 7:00 p.m. pursuant to public notice with the following members present: Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, and Megan Wiles. Mark Boice was absent.

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

Gunner Reed of Boy Scout Pack 103 led the Chamber in the Pledge of Allegiance. Mr. Ayer congratulated Mr. Reed on his seventh birthday.

AMEND PREVIOUSLY APPROVED MINUTES: JANUARY 7, 2019

Mr. O'Connor moved to amend the previously approved minutes as presented, second Mr. Taylor, eight aye.

APPROVAL OF MINUTES: JANUARY 29, 2019

Mr. Jensen moved to approve the minutes, second Ms. Wiles, seven aye, one abstention. Mr. O'Connor abstained.

APPROVAL OF AGENDA

Mr. Hampton moved to amend the agenda to change Transfer #2 to Miscellaneous #1, and add Miscellaneous #2, Council to Consider Resolution RC-4-19, a Resolution Regarding the Establishment of the Central 146th Street Economic Development Area and the Amendment to the Noblesville Corporate Campus West Economic Development Area (Andrew Murray), second Ms. Wiles, eight aye. Mr. Jensen moved to approve the agenda as amended, second Mr. Taylor, eight aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

Elijah Chevillet of 5628 Elderberry Road addressed the Council. Mr. Chevillet asked when the Logan Street Pedestrian Bridge would be completed. Mr. Jensen, chairman of the Roads Committee, replied this project is a joint project with Hamilton County and should be complete early in the fall of this year. Mr. Jensen thanked Mr. Chevillet for his question. Mayor Ditslear stated the Logan Street Pedestrian Bridge also will include widening the bridge and adding an overlook of the river, making it safer for the citizens to cross State Road 19 to Federal Hill Commons.

MAYOR'S REPORT TO COUNCIL

Mayor Ditslear welcomed the Boy Scouts that were in attendance at the Council meeting. He stated today was the annual Mayor's Breakfast for Scouting at the Hamilton County 4-H Fairgrounds, and today the donations totaled \$63,560.00. He stated during his tenure as mayor, they have raised over \$750,000.00 for Scouting. He toured Verdure Sciences on February 4th. The Noblesville Police Department swore in ten new officers and presented a number of awards on February 7th. On February 8th he attended a ribbon cutting at Body SculptRx. He stated that City Hall will be closed on Monday, February 18th in observance of President's Day. Mr. Ayer thanked the Mayor for his service to the Boy Scouts and the funds he has raised for them.

COUNCIL COMMITTEE REPORTS

Mr. Jensen stated the Roads Committee met on February 1st. He stated the Midland Trace Trail – Phase III from Willowview Road to the Hague Road/State Road 32 intersection is expected to be completed by September 1, 2019. He stated the Riverwalk Phase – IV will extend the Riverwalk to Southside Park and should be completed by July 1, 2019. He stated the Levee Trail bid should

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be completed by July 1, 2019. He stated there are several roundabout projects to be constructed with federal aid. He stated the 19th and Pleasant Streets roundabout is substantially complete and will be finished in the spring. He stated other roundabouts are at Greenfield Avenue and Howe Road and at Cumberland Road and Field Drive, both to be constructed this summer. He stated the Community Crossing Grant Applications for the first 2019 call were submitted for approximately \$2.2 million in resurfacing projects for a matching grant of \$1 million and a maximum City match of \$1.2 million.

Mr. Hampton stated the Economic Development Committee met on February 5, 2019. He stated Judi Johnson and her team presented the 2018 Year in Review projects. He stated some of the highlight projects worked by the Economic Development Department resulted in \$99 million of promised office and industrial real capital investment. He stated although no business licenses are required in Noblesville to open a new business, the Economic Development team identified 52 new businesses that opened or expanded in 2018; he highlighted a few such as Grindstone Public House, Borg Warner, Embassy Suites, Noblesville Fieldhouse at Finch Creek Park, Bru Burger, Taxy Mexy, Rebellion Donuts, and Kyoto Japanese Steakhouse all opened in 2018. Mr. Hampton stated in the last three years, the total Assessed Value (AV) has increased by nearly 16 percent within the City limits. He stated Mayor Ditslear reported that the City Administration has been working for many years with Bridgestone Firestone and that potentially portions of the property could be redeveloped. He stated it has been a challenge, but continued talks are producing some forward movement, and the Mayor will continue the talks.

Ms. Wiles stated the Finance Committee met on February 7, 2019. She stated they discussed the Campus Center Project financing plan, which is on the agenda tonight. She stated expanding the boundaries for the Façade Grant Program and finding a different funding source was discussed. She stated other eligible businesses outside the traditional boundaries may potentially apply for these grants. She stated Chief Wyant spoke with the committee about the Fire and EMS service contract with Noblesville Township. She stated he has begun discussions with the Noblesville Township Trustee and Advisory Board, and they are working to simplify the agreement. She stated they reviewed a few corrections which are on the agenda tonight. Ms. Wiles stated the Finance Committee recommends approval of the claims.

APPROVAL OF CLAIMS

Mr. Jensen moved to approve the claims as submitted, second Mr. O'Connor, eight aye.

PREVIOUSLY DISCUSSED ORDINANCES

#07-01-16 COUNCIL TO CONSIDER ORDINANCE #07-01-16, AN ORDINANCE AMENDING THE HAMILTON TOWN CENTER PLANNED DEVELOPMENT ORDINANCE REGARDING AN ARCHITECTURAL BUILDING MATERIALS WAIVER FOR MO'S IRISH PUB AND RESTAURANT LOCATED AT 13193 LEVINSON LANE (JOYCEANN YELTON)

Ms. Yelton stated this request was originally made by Mo's Irish Pub located in Hamilton Town Center on January 26, 2016. She stated they requested permission to use translucent roofing on their pergola. She stated the polycarbonate panels they used were not permitted materials in the Hamilton Town Center ordinance. She stated the translucent roofing that was used is not as translucent as it was originally, and dirt and debris has accumulated in the seams. She stated in 2016, the Council recommended that Mo's come back to the Council in three to five years to see the material would perform. She stated a motion was made at that meeting to postpone the request until tonight's meeting. She stated Mo's Irish Pub is no longer at this location. She stated Hamilton Town Center is working with another entity to take over this location. Ms. Yelton stated the various kinds of roofing that would be permitted for this structure are: slate roofs, synthetic slate roofs, standing metal seam roofs, dimensional asphalt shingles, clay colored roof tiles, or concrete colored roof tiles. Mr. Jensen thanked the Planning Department for staying on

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top of this issue. Mr. Taylor moved to approve Ordinance #07-01-16, second Ms. Wiles. Mr. Hampton asked if the ordinance is denied, when the roof will be removed. Ms. Yelton stated Hamilton Town Center would be willing to remove the roof if the new tenant does not come, but they would like 90 to 120 days in order to finalize negotiations with a new tenant. Ms. Yelton stated the pergola is allowed, and only the roofing material is being considered tonight. The following roll call vote was taken on ordinance #07-01-16:

NAY: Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, and Brian Ayer.

Eight nay, motion fails.

#03-01-19 COUNCIL TO CONSIDER ORDINANCE #03-01-19, AN ORDINANCE AUTHORIZING THE CITY OF NOBLESVILLE, INDIANA TO ISSUE ITS TAXABLE ANNUAL APPROPRIATION ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2019 (CAMPUS CENTER PROJECT) AND APPROVING OTHER ACTIONS IN RESPECT THERETO (ANDREW MURRAY)

Mr. Murray stated this ordinance for the Campus Center Project is necessary to move forward with bond financing. He stated the bonds are pursuant to an agreement between the City and Jackson Development, LLC to incentivize development of the property located at the northeast corner of Promise Road and 146th Street. He stated the property is currently a non-conforming auto salvage/storage facility. He stated the bond proceeds will be used to reimburse the developer, up to 50 percent for land acquisition, site improvement, and/or building construction costs. He stated the bonds are not to exceed \$7.7 million, but the finance team expects the bonds to be closer to \$7 million. He stated the bonds have received a favorable recommendation from the Finance Committee. He stated there will be a 20 year tenure on the bonds, which will be backed by an annual General Fund appropriation. Mr. Murray stated he is confident that revenue from the TIF areas will more than cover the debt service payments on the bonds, and General Fund revenue will not be needed. He stated this action has also been approved by the Noblesville Redevelopment Commission and Economic Development Commission. Ms. Wiles moved to approve Ordinance #03-01-19, second Mr. O'Connor. The following roll call vote was taken on Ordinance #03-01-19:

AYE: Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, Wil Hampton and Brian Ayer.

Eight aye, motion carries

#04-01-19 COUNCIL TO CONSIDER ORDINANCE #04-01-19, AN ORDINANCE FOR A CHANGE OF SUBDISTRICT WITHIN THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT CONTAINING APPROXIMATELY 16 ACRES FOR PROPERTY NORTH AND EAST OF THE INTERSECTION OF PROMISE ROAD AND EAST 146TH STREET, AS AMENDED (JOYCEANN YELTON)

Ms. Yelton stated this ordinance concerns the northeast corner of Promise Road and 146th Street. She stated the ordinance has to do with the actual zoning of the property, a land use sub-district in the Corporate Campus, but the sub-district doesn't follow any property lines. She stated this ordinance would define the 16 acres of property that will be zoned commercial. She stated the Plan Commission sent a favorable recommendation with a nine to zero vote. Mr. O'Connor moved to amend Ordinance #04-01-19 as presented, second Mr. Taylor, eight aye. Mr. O'Connor moved to approve Ordinance #04-01-19 as amended, second Mr. Johnson.

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The following roll call vote was taken on Ordinance #04-01-19 as amended:

AYE: Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, Wil Hampton, Christopher Jensen and Brian Ayer.

Eight aye, motion carries.

#05-01-19 COUNCIL TO CONSIDER ORDINANCE #05-01-19, AN ORDINANCE AMENDING THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT CREATING AN OVERLAY FOR THE CAMPUS CENTER PLANNED DEVELOPMENT CONTAINING APPROXIMATELY 38 ACRES NORTH AND EAST OF THE INTERSECTION OF PROMISE ROAD AND EAST 146TH STREET, AS AMENDED (JOYCEANN YELTON)

Ms. Yelton stated this ordinance follows the previous ordinance and creates a planned development overlay for the entire 38 acres. She presented a concept plan showing the commercial area and an office/flex area. She stated this is still a concept plan, so the number of buildings is subject to change. Ms. Yelton stated the theme that is chosen will be carried out in both the commercial area as well as the office/flex area. She stated the Plan Commission forwarded a favorable recommendation with a nine to zero vote. Ms. Wiles moved to amend Ordinance #05-01-19 as presented, second Mr. O'Connor, eight aye. Ms. Wiles moved to approve Ordinance #05-01-19 as amended, second Mr. O'Connor. The following roll call vote was taken on Ordinance #05-01-19 as amended:

AYE: Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, Wil Hampton, Christopher Jensen, Roy Johnson, and Brian Ayer.

Eight aye, motion carries.

#06-01-19 COUNCIL TO CONSIDER ORDINANCE #06-01-19, AN ORDINANCE AMENDING ORDINANCE #99-12-05 FOR THE PLEASANT STREET COMMERCIAL PARK PLANNED DEVELOPMENT FOR PROPERTY LOCATED AT 17230 KRAFT COURT (JOYCEANN YELTON)

Ms. Yelton stated the company would like to build on Lot 12 and mirror the existing building on Lot 11. She stated this lot has its own planned development ordinance. She stated the building's primary façade fronts a dedicated street. Ms. Yelton stated loading docks cannot be located facing the street. She stated this request is to ask for relief for loading docks fronting on the public street. Ms. Yelton stated the Plan Commission gave this a favorable recommendation with a nine to zero vote. Ms. Wiles moved to approve Ordinance #06-01-19, second Mr. Johnson. The following roll call vote was taken on Ordinance #06-01-19:

AYE: Darren Peterson, Rick Taylor, Megan Wiles, Wil Hampton, Christopher Jensen, Roy Johnson, and Brian Ayer.

Seven aye, one abstention, motion carries. Mr. O'Connor abstained due to a business relationship with the petitioner.

Mr. Ayer recused himself from any discussion or action regarding ordinance #07-01-19 due to a declared conflict of interest. Mr. Ayer turned the meeting over to Mr. Hampton.

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#07-01-19 COUNCIL TO CONSIDER ORDINANCE #07-01-19, AN ORDINANCE CREATING A DOWNTOWN MIXED USE OVERLAY DISTRICT FOR PROPERTY NORTH OF MAPLE STREET BETWEEN EIGHTH AND NINTH STREETS, AND SOUTH OF THE EAST-WEST ALLEY (JOYCEANN YELTON)

Ms. Yelton stated this project will be the first time to adopt a Downtown mixed use overlay. She stated the standards were adopted in 2017 and became a part of the Unified Development Ordinance. She stated the purposed of a Downtown mixed use overlay district is to support a more efficient use of land, to encourage the design of dwelling units and commercial uses in the same building, and to utilize this type of development for infill of existing areas. She stated it has been more than 100 years since residential development has been built Downtown. Ms. Yelton stated this building will consist of four levels of garage, 85 residential units, and commercial use on the ground floor. She stated this project addresses several goals and objectives of the Comprehensive Master Plan, the Strategic Plan, the Housing Study, and Noblesville Now projects. She stated the Plan Commission forwarded a favorable recommendation with a vote of nine to zero. Mr. Hampton asked the petitioner to comment.

Shelby Bowen of 15047 Carrick Road addressed the Council. Mr. Bowen thanked the Council and the Mayor and his staff for their support; they have been working on this project for the better part of a year. He stated as a resident of Noblesville, to be able to do something this special that adds to a dynamic that already exists here is something his firm is excited about. He stated he is excited about it personally and looks forward to seeing it come out of the ground. Mr. Hampton asked if this is the final design. He stated he considers is final; it has been through an evolution of architecture. He stated if there will be any changes, they would be required to bring it back for review. Mr. Bowen stated they have been through the process, love the way it looks, and they are excited about it. Mr. Hampton thanked Mr. Bowen for his hard work and for his willingness to work with the City on this project. Mr. Taylor moved to approve Ordinance #07-01-19 as presented, second Mr. Johnson. The following roll call vote was taken on Ordinance #07-01-19:

AYE: Rick Taylor, Megan Wiles, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, and Wil Hampton.

Seven aye, one abstention, motion carries. Mr. Ayer abstained.

Mr. Hampton returned the meeting to Mr. Ayer.

NEW ORDINANCES FOR DISCUSSION

#08-02-19 COUNCIL TO CONSIDER ORDINANCE #08-02-19, AN ORDINANCE AMENDING ORDINANCE #44-10-18, REGARDING PUBLIC RECORDS REQUESTS (EVELYN LEES)

Mr. Johnson moved to introduce Ordinance #08-02-19, second Ms. Wiles. Ms. Lees stated the Council recently adopted an ordinance for public records request copying fees. Ms. Lees stated she found some exceptions that applied to the public safety departments, and this ordinance amends the original ordinance for those circumstances. Ms. Lees requested that this ordinance be adopted on the first reading. Ms. Wiles moved to suspend the rules and pass Ordinance #08-02-19 on the first reading, second Mr. Taylor, eight aye. Mr. O'Connor moved to approve Ordinance #08-02-19, second Ms. Wiles. The following roll call vote was taken on Ordinance #08-02-19:

AYE: Megan Wiles, Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, and Brian Ayer.

Eight aye, motion carries.

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#09-02-19 COUNCIL TO CONSIDER ORDINANCE #09-02-19, AN ORDINANCE AMENDING ORDINANCE #37-10-18 TO CORRECT A SCRIVENER'S ERROR (EVELYN LEES)

Mr. Johnson moved to introduce Ordinance #09-02-19, second Mr. O'Connor. Ms. Lees stated this ordinance amends Ordinance #37-10-18 to correct a scrivener's error. Mr. O'Connor moved to suspend the rules and pass Ordinance #09-02-19 on the first reading, second Mr. Jensen, eight aye. Ms. Wiles moved to approve Ordinance #09-02-19, second Mr. Jensen. The following roll call vote was taken on ordinance #09-02-19:

AYE: Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, and Brian Ayer.

Eight aye, motion carries.

#10-02-19 COUNCIL TO CONSIDER ORDINANCE #10-02-19, AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES (EVELYN LEES)

Mr. Johnson moved to introduce Ordinance #10-02-19, second Ms. Wiles. Ms. Lees stated this is the annual adoption of all of the Ordinances and Resolutions that were adopted last year and have been incorporated into our Code of Ordinances. Ms. Lees stated this is the official act to adopt The Code of Ordinances with last year's submissions. Ms. Lees requested that this ordinance be adopted on the first reading. Mr. Jensen moved the motion to suspend the rules and pass Ordinance #10-02-19 on the first reading, second Ms. Wiles, eight aye. Mr. Jensen moved to approve Ordinance #10-02-19, second Mr. O'Connor. The following roll call vote was taken on Ordinance #10-02-19:

AYE: Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, Rick Taylor, Megan Wiles, Wil Hampton, and Brian Ayer.

Eight aye, motion carries.

TRANSFER

#1 COUNCIL TO CONSIDER TRANSFER #TA-02-19, AN APPROPRIATION TRANSFER IN THE CUMULATIVE CAPITAL DEVELOPMENT (CCD) FUND TO CORRECT AN OMISSION FROM THE FIRE DEPARTMENT BUDGET FOR TACTICAL EQUIPMENT (JEFFREY SPALDING)

Mr. Spalding stated Transfer #TA-02-19 concerns the Fire Department budget for tactical equipment. He stated during the budget process, the Fire Department had requested funding for tactical equipment, but during the budget process, Mr. Spalding thought the equipment was in one place in the budget while the Fire Department thought it was in another place. Mr. Spalding stated after reviewing the budget further, the appropriation wasn't in either place. Mr. Spalding stated the equipment should have been in the Cumulative Capital Development Fund for approximately \$181,000.00 for tactical equipment, major pieces of equipment they buy every year. He stated the purchase will be financed through the City-wide equipment lease purchase program. He stated this transfer adjusts the Fire Department budget by \$38,700.00 to cover the 2019 cost of that lease. Mr. Spalding stated this transfer is fiscally neutral because prudent budgeting calls for reasonable amounts of contingency reserve to be budgeted. He stated \$150,000.00 for contingency reserve was appropriated at the time of the budget, which will cover the cost of the equipment. Mr. Spalding stated there is no change in the officially adopted budget other than transfers within the departments. Mr. Hampton thanked Mr. Spalding for his

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efforts in making sure these appropriations are correct. Mr. O'Connor moved to approve Transfer #TA-02-19, second Ms. Wiles, eight aye.

MISCELLANEOUS

- #1 COUNCIL TO CONSIDER RECEIPT OF SUMMARY OF FISCALLY NEUTRAL YEAR END APPROPRIATIONS PURSUANT TO RESOLUTION #RC-20-18 (JEFFREY SPALDING)

Mr. Spalding stated this is a submission of information in the interest of fiscal transparency and fulfilling the requirements of resolution RC-20-18. He presented a series of year-end fiscally neutral transfers amongst departments and major expense categories to make sure every expenditure was covered with an appropriation. He stated this is a very routine, normal process, but it became more relevant in 2018 due to a new chart of accounts and adherence to rigid account reporting; departments were instructed to report expenses to the appropriate line, and appropriations would be transferred as necessary. He stated resolution RC-20-18 authorized him to make transfers to correct small variances, with the promise to report all of the adjustments no later than the first Council meeting in February. He stated this summary meets that requirement.

- #2 COUNCIL TO CONSIDER RESOLUTION RC-4-19, A RESOLUTION ESTABLISHING THE CENTRAL 146TH STREET ECONOMIC DEVELOPMENT AREA AND THE AMENDMENT TO THE NOBLESVILLE CORPORATE CAMPUS WEST ECONOMIC DEVELOPMENT AREA (ANDREW MURRAY)

Mr. Murray stated Resolution RC-4-19 is a resolution to create the Central 146th Street TIF area, which includes the four corners at the intersection of 146th Street and Promise Road. He stated this request was approved by the Redevelopment Commission at its meeting on February 8, 2019, which included the required public hearing. He noted there were no comments at the public hearing. Mr. O'Connor moved to approve Resolution #RC-4-19, second Ms. Wiles, eight aye.

COUNCIL COMMENTS


Mr. O'Connor stated he was at the Mayor's Breakfast for Scouting this morning at the 4-H Fairgrounds, and he commended the Mayor for all of his efforts and the committees that have supported this cause. Mr. O'Connor stated the amount of money that has been raised on an annual basis for the Boy Scouts is heartwarming.

ADJOURNMENT

There being no further business before the Common Council this 12th day of February, 2019, Mr. Jensen moved to adjourn, second Ms. Wiles, eight aye.


BRIAN AYER, PRESIDENT

ATTEST:


EVELYN L. LEES, CLERK