

**COMMON COUNCIL
CITY OF NOBLESVILLE
JUNE 25, 2019**

The Common Council of the City of Noblesville met on Tuesday, June 25, 2019. Brian Ayer called the meeting to order at 7:00 p.m. pursuant to public notice with the following members present: Mark Boice, Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Darren Peterson, and Rick Taylor. Megan Wiles was absent.

Also present were Mayor John Ditslear, City Clerk Evelyn Lees, Deputy Clerk Charlene Cummings, City Attorney Michael Howard, State Senator Victoria Spartz, Department Directors, staff, interested citizens, and members of the media.

APPROVAL OF MINUTES: JUNE 11, 2019

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

APPROVAL OF AGENDA

Mr. O'Connor moved to approve the agenda, second Mr. Johnson, eight aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There was one petition to speak. The petitioner chose to speak when the item was considered.

MAYOR'S REPORT TO COUNCIL

Mayor Ditslear introduced Ailithir McGill, Executive Director of Nickel Plate Arts to report on her work on the City's behalf with the Cultural Arts District. Ms. McGill stated she has submitted quarterly reports to the Economic Development team. She reviewed art that was sold and commissioned work for artists in 2018, which shows Noblesville can lead the arts throughout the state. She stated Nickel Plate Arts has to submit an annual report on activity in the Cultural Arts District to the Indiana Arts Commission. She stated one of the highlights this year was \$28 million in investment in the Cultural Arts District last year. She stated this includes the Levinson project, the most façade improvement grants in any one year, and 16 businesses that relocated, expanded, or had new projects approved within the district. She stated Noblesville is a thriving community where people want to live, work, and play. She stated the biggest project this year is NobleMade, a Noblesville-themed gift shop that is located in the Visitors Center. She stated the shop was opened in March 2019 and has sold over \$5,000.00 worth of art to date. She noted Noble Made is an important portal for artists to sell their work. She reviewed Nickel Plate Arts' six signature events: Valentine's Day, Welcome to Fairyville, Maker Faire, Art Fair on the Square, the Tour of Historic Homes, and Shop Small week. She reviewed art projects in both the private and public sector, including murals. She stated the north alley activation is moving forward. She stated Nickel Plate Arts wants to begin work on a Master Art Plan for the Cultural Arts District to determine art locations, how to choose artists, and how to manage the various art projects. She stated the last project of the year will be visiting the nine other Cultural Arts Districts around the state to see what other communities are doing. Mr. Johnson stated the Nickel Plate Arts magazine was very well done. Mr. Hampton thanked Ms. McGill for her efforts.

Mayor Ditslear attended the groundbreaking for the Levinson on June 12th. He visited Industrial Dielectrics Holdings, Inc., Gared Holdings, LLC, and BorgWarner with State officials on June 18th. He attended the ribbon cutting for the Greenfield Avenue and Howe Road roundabout on June 21st. SERVE Noblesville will begin on June 26th and continue through June 29th; there will also be a Chamber luncheon at Janus June 26th. The Cherish Center's Hope for Children Breakfast will take place on June 27th. Indy Chamber Regional Strategy Meeting will be on June 27th. He stated City Hall will be closed on July 4th. He stated the parade will be at 2:30 p.m., the festival will start at 4:00 p.m., and the fireworks will be at 10:00 p.m. Mr. Ditslear commended two Wastewater Utility employees, Garth Powell and Raymond Didier, for their heroic actions. He stated they noticed a car that was smoking, caught the attention of the driver to pull over, and helped her out of the car right before it exploded into flames. He stated Mr. Powell and Mr. Didier are heroes.

**COMMON COUNCIL
CITY OF NOBLESVILLE
JUNE 25, 2019, PAGE II**

COUNCIL COMMITTEE REPORTS

Mr. Taylor stated the Finance Committee met on June 20th. He stated they discussed some items which are on tonight's agenda. He stated Parks Director Brandon Bennett stated the Hamilton County Community Development Block Grant (CDBG) Coordinator offered the next fiscal year's grant of \$90,000.00 to apply to Seminary Park. He stated Mr. Bennett stated the only requirement is an amendment to the funding agreement with the County. He stated that Mr. Spalding stated when we transferred money from the Parks contingency fund to cover the golf subsidy, he forgot some of the contingency had been intended to help fund the Seminary Park project. He stated Mr. Bennett has a software contract with ACTIVE Net which takes a percentage of each transaction instead of an annual fee. He stated they are in the fourth year of a five year contract, but the software does not meet their needs. He stated they would like to terminate the contract and switch to CivicPlus software, which is easier to use, and operates on an annual fee basis. He stated an events calendar that could be used City-wide could also be purchased for an annual maintenance fee of \$5,500.00. He noted the implementation fee can be financed over three years at no additional cost. He stated the new software takes six months to implement, so he would like to start in time to roll out the software in January. He noted the contract language with their current vendor is vague, and they are not yet certain if they will be able to terminate the contract early. Mr. Taylor said alley activation and cash change and petty cash funds are being discussed in the meeting tonight. He stated Ms. Ramon stated the Office of Finance and Accounting is looking for a budget/financial analyst. He stated Ms. Ramon stated the salary ordinance specifies a maximum bi-weekly amount, so to offer a salary higher than is in the ordinance, it will have to be amended. Mr. Taylor stated the Finance Committee did review the claims, but there was not a quorum, so they could not make a recommendation.

Mr. Peterson stated the Downtown District Committee met on June 17th. He stated bids have been accepted for Seminary Park. He stated work should begin in mid-August and be completed by the end of October. He stated there was discussion about the Levinson project and the effect it will have on traffic. He stated the Noblesville NOW website is the best source for information. He stated alley activation funding is in place, and furniture will be delivered soon. He stated with the south alley in transition, there will be more activity in the north alley. He stated street light replacement is progressing well. He stated the banners and hanging planters are up. He stated uniform fencing for outdoor dining at restaurants was discussed.

APPROVAL OF CLAIMS

Mr. O'Connor moved to approve the claims, second Mr. Taylor, eight aye.

PREVIOUSLY DISCUSSED ORDINANCE

#23-06-19 COUNCIL TO CONSIDER ORDINANCE #23-06-19, AN ORDINANCE AMENDING ORDINANCE #24-06-14, REGARDING THE ENCROACHMENT OF A PARKING AREA INTO THE LANDSCAPE BUFFER FOR THE "FLATS AT 146" AT 15201 FLATS DRIVE (DAVID HIRSCHLE)

Mr. Jenson made the motion to postpone Ordinance #23-06-19 to the July 9th meeting, second Mr. O'Connor, eight aye.

COMMON COUNCIL
CITY OF NOBLESVILLE
JUNE 25, 2019, PAGE III

NEW ORDINANCES FOR DISCUSSION

#26-06-19 COUNCIL TO CONSIDER ORDINANCE #26-06-19, AN ORDINANCE AMENDING SECTION 38.03 OF THE CITY'S CODE OF ORDINANCES REGARDING CASH CHANGE AND PETTY CASH FUNDS (HEATHER TREXLER)

Mr. Johnson moved to introduce ordinance #26-06-19, second Mr. Taylor. Ms. Trexler stated this ordinance will amend the petty cash and cash change ordinance. She stated if this change is made, the Office of Finance and Accounting will be able to better support the departments and some of their projects. She stated the current ordinance is outdated and not used as written. She stated during the golf feasibility study it was determined the golf program is out of compliance with the current ordinance, and a cash change policy for the golf program was needed. Mr. Taylor stated this item was discussed by the Finance Committee.

#27-06-19 COUNCIL TO CONSIDER ORDINANCE #27-06-19, AN ORDINANCE AMENDING ORDINANCE #06-01-06, ORDINANCE #32-6-08, AND ORDINANCE #29-08-17, CONCERNING THE PROMENADE PLANNED DEVELOPMENT (MICHAEL HOWARD)

Mr. Johnson moved to introduce ordinance #27-06-19, second Mr. O'Connor. Mr. Howard asked that Ordinances #27-06-19, #28-06-19, #29-06-19, and #30-06-19 be discussed at the same time.

#28-06-19 COUNCIL TO CONSIDER ORDINANCE #28-06-19, AN ORDINANCE AMENDING ORDINANCE #59-12-02, ORDINANCE #37-05-03, ORDINANCE #21-06-13, AND ORDINANCE #28-08-17, CONCERNING THE NOBLE WEST PLANNED DEVELOPMENT (MICHAEL HOWARD)

Mr. Johnson moved to introduce ordinance #28-06-19, second, Mr. Taylor

#29-06-19 COUNCIL TO CONSIDER ORDINANCE #29-06-19, AN ORDINANCE AMENDING ORDINANCE #23-06-14, ORDINANCE #32-6-08, AND ORDINANCE #31-08-17, CONCERNING THE CROSSINGS PLANNED DEVELOPMENT (NOW MILLSTONE) (MICHAEL HOWARD)

Mr. Johnson moved to introduce ordinance #29-06-19, second Mr. O'Connor.

#30-06-19 COUNCIL TO CONSIDER ORDINANCE #30-06-19, AN ORDINANCE AMENDING ORDINANCE #03-01-13, ORDINANCE #24-06-14, AND ORDINANCE #30-08-17, CONCERNING THE CHAPEL POINT PLANNED DEVELOPMENT (NOW FLATS) (MICHAEL HOWARD)

Mr. Johnson moved to introduce ordinance #30-06-19, second Mr. Peterson. Mr. Howard stated in October 2018, the City entered into an agreement concerning the resolution of issues with The U.S. Department of Housing of Urban Development (HUD) concerning a complaint that was filed by a citizen with the Fair Housing Center of Central Indiana, Inc. He stated part of the terms of the settlement agreement were that the City would repeal certain language in certain multi-family zoning ordinances that had been passed over the years. He stated those ordinances concerned four projects. He stated with two of those projects, the Millstone project on State Road 37 and the Flats Project on Promise Road, the final Certificate of Occupancy was signed and approved before the agreement was ever entered into. He stated the provision of tax credit subsidized housing was not applicable because those projects were market rate projects. He stated the subject matter of Ordinance #27-06-19 has also become moot because the Promenade project has been taken over by the Justus Companies, and there are no efforts to seek any Federal subsidies or tax credits. He stated they are a long standing company, they buy and hold property, and the project is full rent. He stated the project covered by Ordinance #28-06-19 is the Noble West project. He stated it was brought before the Council in 2002, and nothing has happened since then. He stated the property is located north of Kroger and Dillon Park on Hazel Dell Road.

**COMMON COUNCIL
CITY OF NOBLESVILLE
JUNE 25, 2019, PAGE IV**

He stated the project is still in the developer's hands and is dormant. He stated in working with the Noblesville Housing Authority, the City had to file a compliance report with HUD concerning the agreement that was approved. He stated after review of a checklist, it was determined these ordinances had been drafted but never submitted to Council for approval. He stated adoption of these ordinances is required under the agreement to avoid substantial fines and loss of Community Development Block Grant (CDBG) funding. He stated the ordinances repeal the language that prohibited tax credit agreements. He stated the ordinances do not create any federally subsidized projects in the City of Noblesville. He stated the ordinances recognize language that was in the old ordinances, and those projects are moving forward without a tax credit, other than Noble West which is dormant.

Adrienne Rogers of 1308 Harrison Street addressed the Council. Ms. Rogers withdrew her request to speak, since Mr. Howard's comments answered her questions. She stated she was concerned about whether there would be additional HUD housing, but he has answered that question, and she feels satisfied. She stated she would like to say thank you very much for the alley work that has been done on the north end of town. She stated it is awesome, and it's going to make a wonderful difference with the noise on Monday mornings when the trash truck comes through. She stated the trucks won't be banging in the divots that used to be there.

Mr. Boice moved to waive the rules and approve on first reading Ordinances #27-06-19, #28-06-19, #29-06-19, and #30-06-19, second Mr. Jensen, eight aye.

Mr. O'Connor moved to approve Ordinances #27-06-19, #28-06-19, #29-06-19, and #30-06-19, second Mr. Johnson, eight aye. The following roll call vote was taken for Ordinances #27-06-19, #28-06-19, #29-06-19, and #30-06-19:

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

Eight aye, motion carries.

TRANSFER

#1 COUNCIL TO CONSIDER TRANSFER #TA-09-19, AN APPROPRIATION TRANSFER IN THE DOWNTOWN DEVELOPMENT FUND TO FUND ALLEY ACTIVATION (JEFFREY SPALDING)

Mr. Spalding stated this transfer request is to move \$60,000.00 in the Downtown Development Fund from the Non-Departmental contingency to the Economic Development Department budget to fund some alley activation work that was discussed and recommended by the Downtown District committee. Mr. O'Connor moved to approve Transfer #TA-09-19, second Mr. Johnson, eight aye, motion carries.

COUNCIL COMMENTS

Mr. Jensen stated tomorrow begins four days of SERVE Noblesville, which is a community service event. He stated he and his eight year old son will participate, and he thanked all those who will give of their time. Mr. Hampton congratulated the Noblesville High School Golf Team, under the guidance of Coach Gary Deakyne, for finishing second in the state tourney. Mr. Ayer encouraged everyone to attend the 4th of July festivities.

COMMON COUNCIL
CITY OF NOBLESVILLE
JUNE 25, 2019, PAGE V

ADJOURNMENT

There being no further business before the Common Council this 25th day of June, 2019,
Mr. Boice moved to adjourn, second Mr. Hampton, eight aye.



BRIAN AYER, PRESIDENT

ATTEST:



EVELYN L. LEES, CLERK