COMMON COUNCIL
CITY OF NOBLESVILLE
MAY 29, 2018

The Common Council of the City of Noblesville met in regular session on Tuesday, May 29, 2018. Christopher Jensen called the meeting to order pursuant to public notice with the following members present: Brian Ayer, Mark Boice, Greg O'Connor, Roy Johnson, Rick Taylor, and Megan Wiles. Wil Hampton and Mary Sue Rowland were absent.

Also present were Mayor John Ditslear, 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.

A moment of silence was observed for those impacted by the shooting at Noblesville West Middle School. Mr. Jensen read the following statement on behalf of the Council:

"Last Friday, Miller Nation was changed forever. In the hours and days since, we have seen the best of this great community. During the event, our partners at the Noblesville Police Department, Noblesville Schools, Noblesville Fire Department, Hamilton County Sheriff's Department, the Indiana State Police, and countless other law enforcement agencies sprang into action with one goal in mind – to keep our students and community safe. The heroic actions of our teachers and students, and in particular, Jason Seaman, helped saved countless lives.

While our hearts break for the city we all love deeply, we are also confident that lessons were learned on Friday that will help not only Noblesville in the future, but other communities as well. In the coming weeks and months, we will be working hand in hand with our public safety departments and Noblesville Schools to offer our full support. Discussions were already underway before Friday to enhance our public safety presence at our schools.

We, as a council, continue to pray for our Miller family. We know thoughts and prayers are important at this time, but action will be required in the near future. We are ready to be a partner and engage in those discussions as we work to make our community even safer."

APPROVAL OF MINUTES: MAY 12, 2018 RETREAT

Mr. O'Connor moved to approve the minutes, second Mr. Taylor, seven aye.

APPROVAL OF MINUTES: MAY 15, 2018 JOINT SESSION WITH PLAN COMMISSION

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

APPROVAL OF MINUTES: MAY 15, 2018

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

APPROVAL OF AGENDA

Ms. Wiles moved to approve the agenda as presented, second Mr. O'Connor, seven aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

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

MAYOR'S REPORT TO COUNCIL

Mayor Ditslear stated he attended a meeting of the Youth Assistance Program with State Senator Victoria Spartz on May 21st. On May 22nd the City hosted a Touch a Truck event in the City Hall east parking lot. On May 24th, he cut the ribbon for Phase II of the Midland Trace Trail. On May 26th, he attended a Community Prayer Vigil at Federal Hill Commons for those affected by the school shooting. The vigil was also attended by U.S. Senators Joseph Donnelly and Todd Young, U.S. Representative Susan Brooks, and Governor Holcomb. City Hall was closed yesterday for Memorial Day. He stated the week of June 4th will be Employee Appreciation Week for City employees, and June 7th will be the official grand opening reception for the Embassy Suites Hotel and Conference Center.

Mayor Ditslear recognized members of his inaugural Youth Council. The "Founding Four" were introduced first: Salil Gupta, Al Alvarez, John Cook, and Sam Wertz. Mr. Gupta introduced the remaining members: Delaney Amsler, Nick Beeson, Aidan Biddle, Joseph Gassensmith, Luke Johns, Jaclyn Klinger, Zachary Lamantia, Olivia Long, Lauren Patrick, Ellie Payne, Trevor Rice, Grace Wiles, and Carys Wisnewski. Mayor Ditslear swore in the members for the 2018-2019 school year and welcomed them to the Council. He noted that membership was selective, but that any student who lives or attends school or is homeschooled in Noblesville was welcome to apply. The students presented Administrative Manager Michelle Glodowski with flowers as thanks for her role in the group's formation. Mr. Ayer thanked the Mayor for forming the group.

COUNCIL COMMITTEE REPORTS

Mr. Taylor stated the Downtown District Committee had been scheduled to meet this afternoon, but some of the key people needed for a productive meeting were unable to attend. He stated the meeting will be rescheduled as soon as possible.

Mr. O'Connor stated the Finance Committee met on May 24th. He stated most of the discussion concerned the 2019 budget process. He stated Controller Jeff Spalding has compiled a timeline similar to last year's process. He stated the goal is to begin using OpenGov with the Personnel Forecasting Module as much as possible. He stated another goal is to include as many projects as possible in the budget, to avoid the need for additional appropriations as much as possible. Mr. O'Connor noted there are several pending items which will come before the Council in the near future. He stated Policy Analytics, LLC will begin their TIF analysis project on June 1st. He stated the committee recommends approval of the claims.

Mr. Jensen submitted a report from the Public Safety Committee in the absence of Mr. Hampton:

From Wil Hampton
Chair: Public Safety Committee

On behalf of the public safety committee – Rick Taylor and I met with Police Chief Kevin Jowitt and Fire Chief Greg Wyant. Also present was Clerk Evelyn Lees.

Top of the agenda was school safety – this meeting was MAY 18TH – one week prior to the tragic events that unfolded last Friday.

We discussed an idea by Chief Jowitt that would create a plan to place newly retired police officers in every school, and potentially another one in the High School. Officers that are within 2-3 years of full active duty; the officers would operate on the school's calendar.

He would need to hire 8 officers to do this – As of the morning of May 18th (the day of the meeting), Chief Jowitt believed his department could budget for 4 of the officers but the city would need help from the schools to fund the other half.

As we all would expect, this plan could change entirely based on the shooting at West but know that school safety has always been a primary issue - evidence - the quick action by all that we witnessed last week.

- Also discussed at our meeting, Chief Jowitt reported that Noblesville's crime rate is lower – The POP Unit is doing its job to recognize hot-button issues and control crime
- A new police station is needed – the old firestone site remains as the top prospect as for location.

After meeting with Chief Jowitt, we met with Fire Chief Wyant

- He reported that NFD needs to hire 7 new fire fighters, Chief reports that it's getting tougher to find quality candidates – they are out there, just working harder to find the right people
- NFD will also budget for a new ambulance in 2019
- And finally, he shared some very interesting statistics about on safety costs and how they are affected by new development; chief is glad to share with every council member if necessary.

Thank you,

Wil

APPROVAL OF CLAIMS

Mr. O'Connor moved to approve the claims as submitted, second Mr. Boice, seven aye.

Mr. Boice left the meeting at 7:20 p.m.

PREVIOUSLY DISCUSSED ORDINANCES

#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)

Ms. Aschleman reviewed the ordinance. She stated where the petitioner asks for waivers of shrub requirements, they are providing extra screening with evergreen trees. She stated staff recommends approval, and the Plan Commission forwarded a favorable recommendation with a vote of eight to zero.

Andy Wert of Church, Church, Hittle & Antrim, 2 North 9th Street, Noblesville, Indiana, addressed the Council. He stated Fluid Waste Services has been a utility maintenance operation that has served local communities since the late 1980s. He stated their facility at this location was completed in 2016. He stated during construction some operational issues that conflict with the landscaping requirements became evident. He noted they needed to remove the corner island from the parking lot due to their large trucks that have a large turn radius. He stated the heavy trucks combined with the irrigation needed for the plants would lead to pavement failure, which had occurred at their previous location. He stated as a remedy they have concentrated on extra screening along State Road 19 and have spared several larger trees. Mr. Taylor moved to approve Ordinance #14-05-18, second Ms. Wiles. The following roll call vote was taken on Ordinance #14-05-18:

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

Six aye, motion carries.

#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)

Ms. Yelton stated this request is to allow a church to be built in the Cumberland Pointe Industrial Park. She stated there was not much discussion at the Plan Commission meeting. She stated City Engineer John Beery recommended 37 onsite parking spaces, which have been added to the site plan. She stated the Plan Commission forwarded a recommendation for adoption with a seven aye, zero nay, one abstention vote. The petitioner declined to speak. Mr. Howard stated because this site is in a TIF district, the petitioner's attorney and he have agreed on terms of a Payment in Lieu of Taxes (PILOT) agreement, but the petitioner is not yet sure of the exact name of the legal entity that will take title to the property and execute the agreement. Mr. Howard recommended approval subject to an executed, recorded agreement before issuance of an Improvement Location Permit. Mr. O'Connor moved to approve Ordinance #15-05-18 subject to an Improvement Location Permit to be issued only upon receipt of appropriate corporate documentation to substantiate the entity who will own the property and make Payment in Lieu of Taxes, second Ms. Wiles. The following roll call vote was taken on Ordinance #15-05-18:

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

Six aye, motion carries.

#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)

Ms. Lees stated there have been no changes since the first reading. Mr. Ayer moved to approve Ordinance #16-05-18, second Mr. O'Connor. The following roll call vote was taken on Ordinance #16-05-18:

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

Six aye, motion carries.

PROPOSED DEVELOPMENT PRESENTATION

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

Ms. Wiles moved to postpone the proposed development presentation regarding the Midland Overlook Planned Development for two weeks, second Mr. O'Connor, six aye.

NEW ORDINANCES FOR DISCUSSION

18-05-18 COUNCIL TO CONSIDER ORDINANCE #18-05-18, AN ORDINANCE FOR TEXT AMENDMENTS REGARDING SIGNAGE FOR THE ST. VINCENT HOSPITAL LOCATED WITHIN THE PROMENADE PLANNED DEVELOPMENT AT 6139 PROMENADE SHOPS BOULEVARD (JOYCEANN YELTON)

Mr. Johnson moved to introduce Ordinance #18-05-18, second Mr. Taylor. Ms. Yelton stated this request is for an amendment concerning signage at the new St. Vincent micro hospital in the Promenade Shoppes area on S.R. 32. She stated this request is similar to the other micro hospital on 146th Street, which came before Council and received approval for additional signage. She stated the proposed signs have been reviewed by staff; only the entrance sign is slightly larger than what is permitted. She stated most of the request is for more than one sign on an elevation, which is not allowed in the Unified Development Ordinance. She stated the Plan Commission voted eight to zero in favor of adoption. Mr. O'Connor asked if this request is consistent with the request approved for the other micro hospital. Ms. Yelton replied it is more or less the same. There is a sign with the hospital's name that was not requested for the other hospital. She stated the petitioner is not present because they are in Evansville.

19-05-18 COUNCIL TO CONSIDER ORDINANCE #19-05-18, AN ORDINANCE TO MODIFY THE LAND USE CLASSIFICATION FROM "OFFICE/FLEX" TO "INDUSTRIAL/OFFICE" AND AMEND THE SUBSDISTRICT TO "146TH STREET CORRIDOR" FOR 83 ACRES NORTH OF 146TH STREET, WEST OF HOWE ROAD AND EAST OF EDGAR WAY, PART OF THE CORPORATE CAMPUS PLANNNED DEVELOPMENT DISTRICT (JOYCEANN YELTON)

Mr. Johnson moved to introduce Ordinance #19-05-18, second Mr. O'Connor. This Ordinance was discussed with Ordinance #20-05-18.

20-05-18 COUNCIL TO CONSIDER ORDINANCE #20-05-18, AN ORDINANCE ADOPTING A PRELIMINARY DEVELOPMENT PLAN AND PLANNED DEVELOPMENT ORDINANCE FOR SMC OF AMERICA PLANNED DEVELOPMENT DISTRICT, PART OF THE CORPORATE CAMPUS PLANNED DEVELOPMENT (CCPD) INCLUDING A PORTION OF SMITHFIELD BUSINESS PARK PLANNED DEVELOPMENT, CONTAINING 83 ACRES NORTH OF 146TH STREET, WEST OF HOWE ROAD AND EAST OF EDGAR WAY (JOYCEANN YELTON)

Mr. O'Connor moved to introduce Ordinance #20-05-18, second Mr. Taylor. Ms. Yelton stated this parcel is on 225 acres owned by SMC; this request concerns approximately 83 acres that are a part of the Smithfield Business Park. She stated this action will remove the parcel from the Smithfield Business Park and add it to the SMC Planned Development (PD). She stated the land use will change from Office/Flex to Industrial Office with a character overlay, which has more stringent landscaping requirements because the property fronts 146th Street. She stated the Plan Commission voted eight to zero in favor of adoption. She stated the petitioner has requested to waive the rules and approve the ordinances on first reading.

Jon Dobosiewicz of Nelson & Frankenberger, 550 Congressional Boulevard, Carmel, Indiana, addressed the Council on behalf of the petitioner. He stated the rezone of the property will be Corporate Campus Planned Development (CCPD) with a subject district of Industrial Office and a 146th Street character overlay. He respectfully requested approval on first reading so that construction can begin within ten days. Ms. Yelton noted a preconstruction meeting was held this afternoon and an Improvement Location Permit has been issued. She noted the petitioner is aware that they proceed at their own risk.

Ms. Wiles moved to waive the rules and approve Ordinance #19-05-18 on first reading, second Mr. Johnson, six aye. Mr. Taylor moved to approve Ordinance #19-05-18, second Ms. Wiles. The following roll call vote was taken:

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

Six aye, motion carries.

Ms. Wiles moved to waive the rules and approve Ordinance #20-05-18 on first reading, second Mr. O'Connor, six aye. Mr. O'Connor moved to approve Ordinance #20-05-18 as submitted, second Ms. Wiles. The following roll call vote was taken:

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

Six aye, motion carries.

MISCELLANEOUS

#1 COUNCIL TO CONSIDER RESOLUTION #RC-10-18, A RESOLUTION CONCERNING REPEAL OF PREVIOUS RESOLUTIONS FOR ECONOMIC REVITALIZATION AREAS (MICHAEL HOWARD)

Economic Development Director Judi Johnson stated this resolution repeals four previously approved resolutions designating economic revitalization areas, none of which have been initiated. She recommended passage of the resolution and vacation of the economic revitalization areas. Mr. Ayer moved to approve Resolution #RC-10-18, second Mr. O'Connor, six aye.

#2 COUNCIL TO CONSIDER AN INTERLOCAL AGREEMENT WITH HAMILTON COUNTY REGARDING FUNDING AND ADMINISTRATIVE PROVISIONS OF THE YOUTH ASSISTANCE PROGRAM (MICHAEL HOWARD)

Mr. Howard stated the Youth Assistance Program employs staff that are county employees, and the City contributes a certain appropriated amount to Hamilton County in support of the program. He stated this is the sole purpose of the funding, which amounts to $65,000.00 in the 2018 budget. He stated the Controller needs to have the agreement in place in order to remit the amount to the County. Mr. O'Connor stated he was unsure in the past if an agreement was necessary, but it is not a problem to make it official. Mr. Taylor asked if the agreement will need to be approved each year. Mr. Jensen stated he feels yearly approval would be most transparent. Mr. Ayer noted there is a 90-day "out" clause. Mr. O'Connor moved to approve the interlocal agreement with Hamilton County regarding funding and administrative provisions of the Youth Assistance Program, second Mr. Taylor, six aye.

COUNCIL COMMENTS

Mr. Ayer stated he attended the Touch a Truck event. He stated it was well attended, with hot dogs, popcorn, and water distributed by employees. He expressed appreciation for the employees' hard work. Mr. Ayer also noted that Mr. Boice sent his apologies for leaving the meeting early because his daughter was being recognized at a school program.

Mr. O'Connor stated it was good to hear the pledge of allegiance said with veracity and commitment by the people in the chamber. He stated after the events of the last few days, it exemplifies the commitment of our public safety personnel. He stated we have a lot to be thankful for, and we will continue to move forward. He stated we live in a great city, and he

would like to see more people attend these meetings because it really is important. He stated there is much that affects everyone who lives here. Mr. Jensen stated it is a reminder that everyone is welcome to attend the people's house.

Ms. Wiles commended the Mayor for forming the Youth Council. She stated it will be a wonderful opportunity for all of us to hear thoughts and ideas of how they would like to see our community continue to grow and move forward. She stated getting kids involved at this age is terrific. She stated she looks forward to working with all of them. Mayor Ditslear stated he is excited.

ADJOURNMENT

There being no further business before the Common Council this 29th day of May, 2018, Ms. Wiles moved to adjourn, second Mr. Johnson, six aye.

CHRISTOPHER JENSEN, PRESIDENT

ATTEST:

EVELYN L. LEES, CLERK