

**COMMON COUNCIL
CITY OF NOBLESVILLE
JULY 9, 2024**

The Common Council of the City of Noblesville met in the Council chamber on Tuesday, July 9, 2024. Darren Peterson called the meeting to order at 7:00 p.m. pursuant to public notice with the following members present: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, and Megan Wiles. Pete Schwartz was absent.

Also present were Mayor Chris Jensen, City Clerk Evelyn Lees, Deputy Mayor Matt Light, Community Development Director Sarah Reed, Attorney Steve Unger, department directors, staff, representatives of applicants, interested citizens, and members of the media.

PLEDGE OF ALLEGIANCE

Ms. Wiles led the chamber in the Pledge of Allegiance.

ROLL CALL

Ms. Lees called the roll. A quorum was present.

APPROVAL OF TWO EXECUTVE SESSION MEMORANDA: JUNE 25, 2024

Ms. Wiles moved to approve the minutes, second Mr. Davis, eight aye, motion carried.

APPROVAL OF MINUTES: JUNE 25, 2024

Ms. Wiles moved to approve the minutes, second Mr. Johnson, eight aye, motion carried.

APPROVAL OF AGENDA

Ms. Wiles moved to approve the agenda, second Mr. Davis, eight aye, motion carried.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There were four petitions to speak.

Courtney Kulp of 17946 Forreston Oak Drive addressed the Council. Ms. Kulp stated she was here to speak about the trees. She addressed the Mayor and stated it didn't need to be this difficult. She stated this Administration insists that to repair sidewalks, the City must cut down almost all mature trees in Oakmont. She stated these conversations should start by asking, "how can we save trees while fixing the sidewalk?" and ideas should flow from that place. She stated instead, the conversation starts with, "how can we pour concrete?" and all the trees are cut down. She stated homeowners should not have to involve the press. She stated all of this could have been avoided with governance that respects the constituents and seeks compromise. She stated Jensen mentioned a 20-year street rehabilitation plan, suggesting the City aims to not revisit streets for repair sooner, except for emergencies and unexpected events. She stated on March 25th, and this meeting was recorded in this room or one of these rooms, Andrew Rodewald explained that before any street repair could happen, trees and sidewalks would be handled. She stated he said that the street rehabilitation is driving the project. She asked please check the recording. She stated if this is the case, and Jensen implies that repairs must ideally endure 20 years, are we not to believe that the City wants sidewalks to last this long too. She stated so it follows that every option they suggest to the City is rejected due to the estimated duration of repair. She stated over and again, that is the feedback. She stated against this 20-year bar, conversations and compromise were over before they even began. She stated for that matter, concrete cannot remain unblemished for 20 years. She stated so they must conclude that Noblesville's commitment to remain a Tree City USA city, and its claims for caring about a tree canopy are mere rhetoric. She stated sidewalk repair decisions hinge solely on whether they guarantee 20 years of durability. She stated mature, life-sustaining trees are not part of the conversation. She stated property-tax paying homeowners' concerns are also not part of the conversation. She stated as they face imminent (because today it was declared 55 percent done) and massive mature tree loss due to government inflexibility, lack of innovative thinking, and lack of creativity, their focus will shift to future battle in Oakmont as well as the City as a whole. She asked, is this the Noblesville we desire, a place stripped of mature trees, with urban heat islands, poor air quality, overflowing storm drains, higher utility costs, and very limited outdoor

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comfort? She stated per Chris, the City interacts with Noblesville through over 90 HOAs (homeowner associations). She stated despite starting discussions with the City about street and sidewalk repairs in Oakmont in July 2023, their HOA did not mention the City's plans for tree removal, sidewalk repairs or street maintenance until February of 2024, almost seven months of silence later. She asked isn't that interesting? Isn't it ironic? She stated she guessed it was fortunate that their HOA didn't inform Oakmont residents about the City's plans earlier, because dealing with unhappy residents just before an election might have been a hassle. She stated alternatively, if Oakmont residents had been involved earlier, they could have collaborated with the City to create a plan that showcases Noblesville as a green, environmentally conscious city, and that would have been a positive story leading into an election, potentially boosting voter turnout. She stated it didn't need to be this challenging. She stated fair and just governance does not need to be this challenging. She thanked the Council for their time.

Ella Worley of 7350 Hardin Oak Drive addressed the Council. She read an email she wrote to the Mayor:

Hello mayor,
My name is Ella Worley and I'm 13 years old and one of the minors that got interviewed about the trees. I want to start off with saying that the kids of Oakmont are just devastated by the trees getting taken out. It has left all the kids of Oakmont so sad that they don't have trees to climb or play around anymore. It has left the side walks unbelievably hot and no shade at all. This makes it hard to play outside and enjoy being outdoors. I would like to add that we would like safe sidewalks. My parents have always taught me to work together to solve problems and make compromises. And that is something i haven't witnessed through our trees being taken out. By time the new trees grow, the kids who had to live through this tragedy won't be kids anymore. And since we're kids we don't get a say in these type of things. Us minors don't have the power that the adults do and again we just don't get a say in this. It's not fair to us kids and while i understand that we're just minors, our opinions should matter just as much as adult's opinions, especially when it comes to something this heart breaking. I live on Hardin Oak drive, which means almost all of our trees have been taken out including the three beautiful ones in front of our house. I love our neighbors and community but it's not the same without the trees. I ask you to please listen to us kids too, and not just the adults. This is our neighborhood too so our opinions of things should matter just as much. I'm writing this to you so you can hear just how devastated we all are.

She thanked the Council for listening.

Mark Rodermund of 7343 Hardin Oak Drive addressed the Council. Mr. Rodermund stated he is a member of the "Mayor, don't cut down this tree" group. He stated he was there for his wife, Wesley, who had talked to a number of the Council members and to the Mayor. Mr. Rodermund stated his wife asked him to read a statement. He stated she said she is profoundly disappointed in this Council and Mayor. He stated they moved to the neighborhood about a year and a half ago. He stated they moved there because of the trees: because of the red trees in the fall; because the grandchildren could play in the shade; because of the beautiful canopy. He stated they looked for about a year, and they picked this place because of the trees. He stated it almost feels like bait and switch. He stated he realizes it is not, but it feels that way to them. He stated their community is disfigured; his wife is sad; his neighbors are sad; and his neighborhood is in shock. He invited the Council to drive through their neighborhood. He stated he lives on Hardin Oak Drive, across the street from Ella Worley. He stated their trees are gone, and on some of the other streets the trees have been mowed down. He stated it is scorched earth. He asked the Council to drive through and look for themselves. He asked how they would feel if they drove into their neighborhoods, and their trees, the beauty of their neighborhoods, were sawed down, cut away. He stated he has only been there a year and a half, and he doesn't know the history, but something is not right here. He stated he has lived in communities where they managed their

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canopies, their trees, their sidewalks. He stated they would cut away maybe three or four or five a year and fix the sidewalks. He stated they kept their trees and kept their canopy. He stated something is wrong here. He asked the Council to visit their community and ask themselves what went wrong, what happened. He thanked the Council.

D.J. Gambino of 1311 Sheridan Road addressed the Council. Mr. Gambino stated prior speakers talked about being in shock. He stated he was in shock. He asked without a Council and a system that serves, who are we? He stated he was there to talk about an acronym he made, End Noblesville Bullying Now. He stated for far too long has he had to deal with bullying in this community. He stated he is a longtime resident – he has been here for 30 years. He stated bullying is a serious problem: it leads to suicidal behavior; it leads to people not having work; it leads to places that they can't even go because of bullying in this community, and it has been going on for far too long. He stated he has been subjected to bullying since the first grade. He stated he was an Indianapolis resident who came from Chicago. He stated he was there to say it just can't go on. He stated disrespect is unchecked. He stated without respect, this community has no standing. He asked without having respect for the common man and woman, who are we? He stated in closing, this is a rally cry. He asked everyone there to stand against bullying, because it has no place in our community. He thanked the Council.

Mr. Peterson thanked the speakers.

MAYOR'S COMMENTS

Mayor Jensen thanked the residents who came tonight, especially Ella, who sent him an email that was read earlier. He stated he received the email earlier that day and told Ms. Worley that he would respond to her. He stated she was incredibly brave. He thanked her for reading her email and taking time to come tonight. He stated he speaks with Ms. Kulp every morning. He stated she calls him each morning at 7:00 a.m. to talk about the project. He stated he took issue with some of the points she made. He thanked Andrew Rodewald, Jim Hellmann, and Ali Krupski in the Engineering Department. He commended them for their work and what they have endured the last several weeks. He stated this is a City of 77,000 people and thousands of miles of roads, and Ms. Kulp is correct – the City aims for a 20-year cycle of street rehabilitation. He stated in a city this size, that goal is not always met, but the City does the best it can. He stated this project began approximately seven years ago during the prior Administration, when Oakmont was scheduled to be addressed in the street rehabilitation program. He stated the Administration decided to back away from the project, and he was not sure that communication was handled correctly. He stated by last year, it was long past time to address not only the roadway. He stated whenever the streets are rehabilitated, the sidewalks also are evaluated. He stated often sidewalks are damaged due to tree issues. He stated the City communicated with the HOA first. He stated the City knew from the start that it would be a very difficult conversation. He acknowledged that removing a beautiful tree in front of a home is very difficult for the residents. He stated the City offered to host a meeting at City Hall in March. He stated they do listen to and hear the residents, but they must go forward with what is best for the entire City. He stated in May he attended a community meeting with Mr. Light, Andrew Rodewald, and Urban Forester John Easley. He stated they spoke with 60 to 65 neighbors there. He stated the facts of the project are that approximately 131 trees will be removed, which is approximately 23 percent of the street trees in Oakmont. He stated of that 23 percent, nearly 70 percent will be replaced. He stated they will most likely be replaced next spring during planting season. He stated the City has learned a lot in the 25 years since Oakmont was developed. He stated now better planting practices and tree species are known, and the hope is to not have this conversation again in 20 years. He stated the goal is to plant better trees in better locations that will not negatively impact the sidewalks going forward. He stated the City's goal is to listen, to learn, and to make the best decisions for all 77,000 residents of the City.

Mayor Jensen thanked the first responders, the Street Department, and the Parks Department for hosting the 4th of July celebration. He stated the parade missed the rain and went down Clinton Street instead of Logan Street due to construction on State Road 32. He stated the parade was very well attended. He stated the Navy Club 29 was honored as the grand marshal. He thanked

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the Parks Department for hosting the festival at Forest Park after the parade, and he thanked Ali Boice for singing the national anthem.

Mayor Jensen stated INDOT's State Road 32 project through Downtown is nearing completion. He stated the contractor discovered seven underground storage tanks which are being tested. He stated it is hoped the project will be delayed only a few days. He stated the road is hoped to reopen by the end of the month. He thanked the Downtown merchants and residents for their patience. He stated the intersection of Allisonville Road and 146th Street is open in all directions. He thanked the residents who spoke earlier for coming.

COUNCIL COMMITTEE REPORTS

Mr. Davis stated the Finance Committee met on July 3. He stated Economic Development Director Andrew Murray discussed tax abatement compliance information. He stated Deputy Controller Caitlin Moss presented an update on the 2023 Annual Comprehensive Financial Report and financial audit results. He stated Budget Analyst Ian Zelgowski presented an update on the 2024 One Year Bond Series A and B and a summary of routine appropriation transfers for the second quarter. He stated Ms. Moss presented a summary of appropriation of grant proceeds for the second quarter. He stated the committee recommended approval of the claims.

APPROVAL OF CLAIMS

Ms. Wiles moved to approve the claims, second Mr. Thurston, eight aye, motion carried.

MISCELLANEOUS

#1 COUNCIL TO RECEIVE YEARLY REPORT FROM THE INDIANA PEONY FESTIVAL (KELLY MCVEY)

Indiana Peony Festival Chief Executive Officer Kelly McVey thanked the Council for the public purpose grant for the festival. She displayed a PowerPoint presentation. Ms. McVey stated 2024 was the fourth year for the festival. She stated attendance increased by 30 percent over 2023, with a 70 percent increase to people traveling more than 50 miles. She stated the overall number of vendors doubled over 2023, which included more than doubling the number of food vendors and floral vendors. She stated a survey of vendors found that 100 percent want to return next year. She stated the footprint of the festival doubled over 2023, to include Seminary Park and all four surrounding streets. She stated offsite parking and shuttles were available, and the Planning and Engineering Departments worked to provide a comprehensive map of the area. She commended the Friends Church for providing a respite center for vendors. She stated there were 20 floral displays, and over 2,300 peonies were purchased. She stated more than 100 volunteers participated.

Ms. McVey stated there were 109,000 website visits in April and May, a 139 percent increase over the same period in 2023. She stated 48,000 website visits were from out of state, and there were visits from all 50 states, as well as 1,300 visits from other countries. She stated sharing on social media resulted in 2.3 million impressions, and paid advertising resulted in 1.3 million impressions.

Mayor Jensen left the meeting.

Ms. McVey reviewed the accompanying Brunch and Blooms event Downtown. She stated 40 businesses participated, and 23 businesses had window displays. She stated the local Ace Hardware provided volunteers and help with setup and teardown. She read testimonials from Downtown businesses praising the festival. She stated other initiatives include planting peonies on the Peony trail, a Peony Passport that allows visitors to take self-guided tours, and the Noblesville flower markets, which take place the last Thursday of each month. She shared future plans for the festival and how it can help support Downtown businesses. She thanked the Mayor, Police Department, Fire Department, Street Department, Parks Department, and their volunteers for their help with the festival. Mr. Smith stated the festival would not exist without

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Ms. McVey's efforts. Mr. Peterson asked when the festival will be next year. Ms. McVey replied it will take place on May 17. She stated it is always held on the Saturday a week before Memorial Day.

PREVIOUSLY DISCUSSED ORDINANCE

#24-06-24 COUNCIL TO CONSIDER ORDINANCE #24-06-24, AN ORDINANCE ANNEXING APPROXIMATELY 5.9 ACRES AT 16864 UNION CHAPEL ROAD IN NOBLESVILLE TOWNSHIP; AND RESOLUTION RC-25-24, ADOPTING A FISCAL PLAN (JOYCEANN YELTON)

Development Services Manager Joyceann Yelton stated this ordinance and resolution concern a super voluntary annexation of approximately six acres east of the intersection of Town and Country Boulevard and Union Chapel Road. She stated the public hearing has been noticed per statute. She stated the fiscal plan for the annexation shows the area meets the contiguity requirement for annexation. She stated the property is already being serviced by the Fire and Street Departments, so most capital expenses already exist and would not increase. She stated the applicant plans to build one single-family home, so the cost of capital and non-capital services from the City would be minimal.

PUBLIC HEARING FOR ORDINANCE #24-06-24

Mr. Peterson opened the public hearing for Ordinance #24-06-24.

Seeing no one come forward, Ms. Wiles moved to close the public hearing for Ordinance #24-06-24, second Mr. Johnson, eight aye, motion carried.

Ms. Wiles moved to approve Resolution RC-25-24, second Mr. Thurston, eight aye, motion carried.

#27-06-24 COUNCIL TO CONSIDER ORDINANCE #27-06-24, AN ORDINANCE AMENDING SECTION 30.08 OF THE NOBLESVILLE CITY CODE REGARDING USE OF CREDIT CARDS BY EMPLOYEES (CAITLIN MOSS)

Deputy Controller Caitlin Moss stated this ordinance modernizes policies regarding credit card use by employees and was not caused by any issues or problems. She stated changes in the ordinance include specifying when an employee may no longer use a credit card; timelines and requirements for submitting receipts; authorizing the City to pay a credit card fee; banning use of a digital wallet for a credit card; and requiring certain actions to prevent fraud. Ms. Wiles moved to approve Ordinance #27-06-24, second Mr. Davis. The following roll call vote was taken for Ordinance #27-06-24:

AYE: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, and Darren Peterson.

Eight aye, motion carried.

NEW ORDINANCES FOR DISCUSSION

#28-07-24 COUNCIL TO CONSIDER ORDINANCE #28-07-24, AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE REGARDING ARTICLE 2 – DEFINITIONS, ARTICLE 8 – ZONING DISTRICTS, AND APPENDIX C – OFFICIAL SCHEDULE OF USES, CREATING A NEW ZONING CLASSIFICATION OF INNOVATION MILE DISTRICT (IMD) INCLUDING USES AND BULK STANDARDS (DENISE ASCHLEMAN)

Ms. Wiles moved to introduce Ordinance #28-07-24, second Mr. Davis. The ordinance was discussed with Ordinance #29-07-24.

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#29-07-24 COUNCIL TO CONSIDER ORDINANCE #29-07-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING FROM THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT TO INNOVATION MILE, INCLUDING LAND USE AREAS AND SUBDISTRICTS FOR PROPERTY FROM INTERSTATE 69 ON THE SOUTH TO APPROXIMATELY 1,300- FEET NORTH OF EAST 141ST STREET (DENISE ASCHLEMAN)

Ms. Wiles moved to introduce Ordinance #29-07-24, second Mr. Boice. Principal Planner Denise Aschleman stated she has worked for the past two years on Innovation Mile. She stated the master plan for the area was adopted in 2023. She stated this ordinance includes new definitions for the Innovation Mile zoning district and subdistricts. She stated the Planned Unit Development ordinance for the event center created an Innovation Mile review committee, and this ordinance implements the committee for the entire district. She stated the committee consists of two Plan Commission members, two Council members, and three staff members. She stated the three staff members are Ms. Reed, the Economic Development Director, and the City Engineer. She stated the committee will hear applications for waivers within the Innovation Mile district instead of the Plan Commission. She stated existing residential users within the district will not be affected. She stated remonstrance at the Plan Commission consisted of residents of the Crystal Creek subdivision, which is a single road off of 146th Street and east of Olio Road. She stated the residents had concerns about the master plan including the extension of Crystal Creek Drive. She stated the Plan Commission forwarded a favorable recommendation with a vote of seven to one on the condition that concerns about the road are addressed. She stated staff in the Planning and Engineering Departments would study the extension to make sure it should happen. She stated if the extension is not needed, the master plan will be amended to a cul de sac or a dead end. Ms. Wiles moved to approve Ordinance #28-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #28-07-24:

AYE: Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, and Darren Peterson.

Eight aye, motion carried.

Ms. Wiles moved to approve Ordinance #29-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #29-07-24:

AYE: Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, Mike Davis, and Darren Peterson.

Eight aye, motion carried.

#30-07-24 COUNCIL TO CONSIDER ORDINANCE #30-07-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING FROM OFFICE/FLEX TO COMMERCIAL/OFFICE FOR APPROXIMATELY 4.45 ACRES SOUTH OF EAST 146TH STREET AND WEST OF HOWE ROAD (JOYCEANN YELTON, LAND USE PROFESSIONAL MARK LEACH)

Ms. Wiles moved to introduce Ordinance #30-07-24, second Mr. Smith. The ordinance was discussed with Ordinance #31-07-24.

#31-07-24 COUNCIL TO CONSIDER ORDINANCE #31-07-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN INCLUDING WAIVERS FOR APROXIMATELY 4.45 ACRES SOUTH OF EAST 146TH STREET AND WEST OF HOWE ROAD, TO BE KNOWN AS HOWE CAMPUS CORNER (JOYCEANN YELTON, LAND USE PROFESSIONAL MARK LEACH)

Ms. Wiles moved to introduce Ordinance #31-07-24, second Mr. Smith. Development Services Manager Joyceann Yelton stated this property is approximately 4.5 acres at the southwest corner of Howe Road and 146th Street in the Corporate Campus. She displayed a site plan and

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elevations. She stated the proposal would build a Wawa fuel center and two garden office buildings. She stated the Plan Commission recommended approval with a vote of eight to zero to zero. Ms. Wiles moved to approve Ordinance #30-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #30-07-24:

AYE: David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, Mike Davis, Evan Elliott, and Darren Peterson.

Eight aye, motion carried.

Ms. Wiles moved to approve Ordinance #31-07-24, second Mr. Davis. The following roll call vote was taken for Ordinance #31-07-24:

AYE: Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, Mike Davis, Evan Elliott, David Johnson, and Darren Peterson.

Eight aye, motion carried.

#32-07-24 COUNCIL TO CONSIDER ORDINANCE #32-07-24, AN ORDINANCE AMENDING ORDINANCE #23-08-20 FOR THE DOWNTOWN MIXED-USE DISTRICT KNOWN AS LOFTS ON TENTH TO PERMIT THE CONSTRUCTION OF OFFICE/COMMERCIAL/SALON SUITES FOR TWO BUILDINGS AT 1032 AND 1046 CLINTON STREET, AND AT 1031 AND 1045 WAYNE STREET (JOYCEANN YELTON, DAVID KLAIN)

Ms. Wiles moved to introduce Ordinance #32-07-24, second Mr. Boice. Development Services Manager Joyceann Yelton stated this ordinance amends an adopted mixed use plan to permit construction of two buildings on Clinton and Wayne Streets as a part of the Lofts on Tenth planned development. She stated a change of use is needed to permit two office/commercial/salon suites. She stated the Plan Commission recommended adoption with a vote of eight to zero to zero. She displayed a map and renderings of the elevations. Mr. Boice asked since the buildings are new, are they required to comply with the Americans with Disabilities Act (ADA). He stated he was curious to know how the second stories would comply.

David Klain of DB Klain Construction, LLC addressed the Council. Mr. Klain stated for the size of the building, the second floor does not have to be ADA compliant. He stated the restrooms are designed to be modified for ADA compliance if some sort of lift system were added in the future.

Ms. Wiles moved to approve Ordinance #32-07-24, second Mr. Davis. The following roll call vote was taken for Ordinance #32-07-24:

AYE: Todd Thurston, Megan Wiles, Mark Boice, Mike Davis, Evan Elliott, David Johnson, and Aaron Smith.

Seven aye, one abstention, motion carried. Darren Peterson abstained because he was the architect for the project master plan.

#33-07-24 COUNCIL TO CONSIDER ORDINANCE #33-07-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING FROM SINGLE-FAMILY/MULTI-FAMILY/COMMERCIAL/OFFICE/FLEX WITH A SUBDISTRICT OF 146TH STREET TO SINGLE-FAMILY/MULTI-FAMILY AND A SUBDISTRICT OVERLAY OF MIXED RESIDENTIAL FOR APPROXIMATELY 39 ACRES WEST OF BROOKS SCHOOL ROAD AND NORTH OF EAST 136TH STREET (JOYCEANN YELTON, ATTORNEY JIM SHINAVER)

Ms. Wiles moved to introduce Ordinance #33-07-24, second Mr. Boice. This ordinance was discussed with Ordinance #34-07-24.

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#34-07-24 COUNCIL TO CONSIDER ORDINANCE #34-07-24, AN ORDINANCE ADOPTING A CHANGE OF ZONING AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN FOR A TOTAL OF 42 ACRES, ALLOWING FOR APPROXIMATELY 39 ACRES OF RESIDENTIAL WITH A SUBDISTRICT OF MIXED RESIDENTIAL AND THREE ACRES OF COMMERCIAL/OFFICE/FLEX WITH A SUBDISTRICT OF SECONDARY CORRIDOR INCLUDING WAIVERS FOR PROPERTY WEST OF BROOKS SCHOOL ROAD AND NORTH OF EAST 136TH STREET (JOYCEANN YELTON, ATTORNEY JIM SHINAVER)

Ms. Wiles moved to introduce Ordinance #34-07-24, second Mr. Boice. Development Services Manager Joyceann Yelton displayed a map of Hyde Park. She stated this proposal is for 42 acres at Brooks School Road and 136th Street. She stated three acres are zoned for neighborhood retail use. She stated the development will include townhomes and duplexes for rent. She displayed a site plan. She stated the Plan Commission recommended adoption with a vote of eight to zero to zero. Mr. Peterson stated there have been no changes since the project was presented the first time. Ms. Yelton agreed. Mr. Smith stated the Architectural Review Board approved the elevations. Ms. Wiles moved to approve Ordinance #33-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #33-07-24:

AYE: Megan Wiles, Mark Boice, Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, and Darren Peterson.

Eight aye, motion carried.

Ms. Wiles moved to approve Ordinance #34-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #34-07-24:

AYE: Mark Boice, Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, and Darren Peterson.

Eight aye, motion carried.

#35-07-24 COUNCIL TO CONSIDER ORDINANCE #35-07-24, AN ORDINANCE ADOPTING A CHANGE OF LAND USE CATEGORY FROM INDUSTRIAL/OFFICE WITH AN ADDITIONAL OVERLAY OF GOVERNMENT USE AND A CHARACTER OVERLAY OF INTERNAL TO SINGLE-FAMILY RESIDENTIAL WITH A SUBDISTRICT OVERLAY OF MIXED RESIDENTIAL FOR APPROXIMATELY 50 ACRES, AND A CHANGE OF LAND USE CATEGORY FROM OFFICE/FLEX TO COMMERCIAL WITH A SUBDISTRICT OVERLAY OF 146TH STREET CORRIDOR FOR APPROXIMATELY 60 ACRES (TOTAL 110 ACRES), A PART OF THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT NORTH OF EAST 146TH STREET BETWEEN HOWE ROAD AND PROMISE ROAD (JOYCEANN YELTON, ATTORNEY MATTHEW SKELTON)

Ms. Wiles moved to introduce Ordinance #35-07-24, second Mr. Johnson. This ordinance was discussed with Ordinance #36-07-24.

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#36-07-24 COUNCIL TO CONSIDER ORDINANCE #36-07-24, AN ORDINANCE ADOPTING A PRELIMINARY DEVELOPMENT PLAN INCLUDING WAIVERS FOR A MIXED-USE DEVELOPMENT OF 110 ACRES FOR SINGLE-FAMILY RESIDENTIAL, TOWNHOMES, AND COMMERCIAL USES, A PART OF THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT NORTH OF EAST 146TH STREET BETWEEN HOWE ROAD AND PROMISE ROAD (JOYCEANN YELTON, ATTORNEY MATTHEW SKELTON)

Ms. Wiles moved to introduce Ordinance #36-07-24, second Mr. Smith. Development Services Manager Joyceann Yelton displayed a preliminary development plan. She stated the proposal is for a mixed use development at the northeast corner of 146th Street and Howe Road. She stated the proposal will include a Kroger Marketplace and outlots. She stated the north portion of the property would have single family homes and townhomes. She stated the east portion of the property would include outlots and inline tenant commercial buildings, or a larger user and parking. She displayed elevations for the Kroger store. She stated the Architectural Review Board has approved elevations for the single family homes. She stated the Plan Commission recommended adoption with a vote of eight to zero. Mr. Peterson asked if the petitioner received correspondence from a neighbor to the east. Attorney Matt Skelton of Church Church Hittle & Antrim, LLP at 2 North 9th Street replied that the petitioners received a letter from Carter Jackson, owner of the Campus Center project. Mr. Skelton stated the petitioners met with Mr. Jackson. Ms. Wiles moved to approve Ordinance #35-07-24, second Mr. Davis. The following roll call vote was taken for Ordinance #35-07-24:

AYE: Mike Davis, Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, and Darren Peterson.

Eight aye, motion carried.

Ms. Wiles moved to approve Ordinance #36-07-24, second Mr. Thurston. The following roll call vote was taken for Ordinance #36-07-24:

AYE: Evan Elliott, David Johnson, Aaron Smith, Todd Thurston, Megan Wiles, Mark Boice, Mike Davis, and Darren Peterson.

Eight aye, motion carried.

MISCELLANEOUS, CONTINUED

#2 COUNCIL TO CONSIDER RESOLUTION RC-29-24, A RESOLUTION CONCERNING APPROVAL OF ANNUAL TAX ABATEMENT COMPLIANCE FORMS (AMY SMITH)

Economic Development Manager Amy Smith stated each year, businesses with active tax abatements are required to submit a form in order to receive the abatement that year. She stated there are a total of 28 abatements, including 21 real property abatements and seven personal property abatements. She stated two abatements will end this year, and five will end next year. She stated the estimated investment of the active real property abatements is approximately \$203 million with a gross Assessed Value of approximately \$210 million. She stated the businesses with active real property abatements estimated creation of 2,032 jobs and this year reported 2,168 actual jobs. She stated businesses with a personal property abatement estimated creation of 1,947 jobs and reported 1,581 actual jobs. She stated ten businesses are required to report on their community engagement as a term of their abatements. She reviewed the types of community engagement reported.

Mayor Jensen rejoined the meeting.

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Mr. Smith stated the Finance Committee reviewed the forms in detail. Mr. Johnson commended Ms. Smith for tracking the abatements. He stated it is a great amount of work. Ms. Wiles moved to approve Resolution RC-29-24, second Mr. Thurston, eight aye, motion carried.

#3 COUNCIL TO RECEIVE SUMMARY OF FISCALLY NEUTRAL SECOND
 QUARTER APPROPRIATION TRANSFERS PURSUANT TO RESOLUTION
 RC-1-24 (CAITLIN MOSS)

Deputy Controller Caitlin Moss presented the summary of fiscally neutral appropriation transfers in the second quarter. Mr. Peterson asked the Finance Committee if they approved of the two transfers listed on the report that did not technically meet the parameters of the resolution. Mr. Davis, Mr. Johnson, Mr. Smith, and Ms. Wiles indicated their approval.

#4 COUNCIL TO RECEIVE SUMMARY OF APPROPRIATION OF SECOND
 QUARTER GRANT PROCEEDS PURSUANT TO RESOLUTION RC-2-24
 (CAITLIN MOSS)

Deputy Controller Caitlin Moss presented the summary of grant proceeds for the second quarter appropriated by the Controller.

COUNCIL COMMENTS

Mr. Peterson congratulated everyone on a successful 4th of July celebration.

ADJOURNMENT

There being no further business before the Common Council this 9th day of July, 2024, Mr. Peterson adjourned the meeting.

DARREN PETERSON, PRESIDENT

ATTEST:

EVELYN L. LEES, CLERK