

**COMMON COUNCIL, CITY OF NOBLESVILLE  
JULY 27, 2010**

The Common Council of the City of Noblesville met in regular session on Tuesday, July 27, 2010. Mayor Ditslear called the meeting to order pursuant to public notice with the following members present: Mary Sue Rowland, Mark Boice, Gregory P. O'Connor, Dale Snelling, Brian Ayer, and Roy Johnson. Stephen C. Wood was absent.

Also present were Clerk-Treasurer Janet Jaros, City Attorney Michael Howard, department directors, and interested citizens.

**APPROVAL OF MINUTES: JULY 13, 2010**

Mr. Boice moved to approve the minutes as submitted, second Mr. Snelling, six aye.

**APPROVAL OF AGENDA**

Mr. Snelling moved to approve the agenda as presented, second Mr. Boice, six aye.

**PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT**

There were no petitions or comments by citizens.

**MAYOR'S REPORT TO COUNCIL**

Mayor Ditslear stated we had a great and very successful Street Dance on Saturday. Mayor Ditslear thanked the Police, Fire, Street, and Parks Departments, as well as Main Street, for all of their hard work. Everyone did a great job. A great time was had by all. The report on Tom Wright is that he is fine. The Street Dance and other such events are what make Noblesville special and unique. In the middle of our beautiful, historic Downtown Square, thousands of all ages gathered for a day of fun, laughter, games, and music. Mayor Ditslear stated the First Friday event in August is August 6<sup>th</sup>. There is going to be so much to do, no one will be able to do it all. There will be the Duck Race on the White River, Jazz Squared, Shakespeare in the Park at Seminary Park, and the Artist Reception at City Hall. Saturday is the Art Fair on the Square sponsored by the Noblesville Cultural Arts Commission. Mayor Ditslear stated there were swimmers from 10 states, including Canada, swimming in the 10K at the lake. The same weekend there was a football university with kids from all over the country. The softball diamonds were also being used, along with the Enchanted Swim Meet. These were all great events that have kept the City very busy.

**COUNCIL COMMITTEE REPORTS**

Mr. O'Connor stated the Vision Committee met today. The survey will be out to the public within the next 30-45 days. The Mayor has sent a letter out to those residents that are going to be receiving the survey. It is essential for those that do receive the survey to complete it and send it back. It has information in it that the Council and Administration are going to utilize to build what will be a strategic plan for the future of the City. The Committee is on schedule and the survey is going to be a big component of what the final plan looks like. For those residents that don't receive a survey, there will be an opportunity to go to the City's website and go to the survey through a link. Everyone will have an opportunity to see the survey.

Mr. O'Connor stated the Roads Committee will meet August 6<sup>th</sup> at 8:00 a.m.

**APPROVAL OF CLAIMS**

Mr. O'Connor moved to approve the claims as presented, second Mr. Snelling, six aye.

**NEW ORDINANCES FOR DISCUSSION**

#24-7-10 COUNCIL TO CONSIDER ORDINANCE #24-7-10, TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE REGARDING THE CREATION OF A NEW RESIDENTIAL DISTRICT INCLUDING BULK REQUIREMENTS, PERMITTED AND OTHER USES, AND THE SCHEDULE OF USES FOR A LOW DENSITY SINGLE-FAMILY RESIDENTIAL CLASSIFICATION KNOWN AS SUBURBAN ESTATE RESIDENTIAL (SER) (STEVE HUNTLEY)

Mrs. Rowland moved to introduce Ordinance #24-7-10, second Mr. O'Connor. Mr. Huntley stated the staff has put this item together from Council's directive for a new large lot ordinance. The minimum lot size would be 30,000 sq. ft., with a lot width of 200 ft. It is a single family district classification. Once this district is adopted, staff will be bringing a map before Council to show what properties would be appropriately zoned. Mr. Boice asked if the map would go through the Plan Commission process. Mr. Huntley replied yes, and that will entail a notification process of the affected residents. A public hearing before the Plan Commission would be required.

#25-7-10 COUNCIL TO CONSIDER ORDINANCE #25-7-10, TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE REGARDING ARTICLE 2 – DEFINITIONS, ARTICLE 7 – PLANS, MAPS, AND ZONING DISTRICTS, ARTICLE 9 – GENERAL REGULATIONS, ARTICLE 11 – SIGNS, AND ARTICLE 12 – LANDSCAPING AND SCREENING (STEVE HUNTLEY)

Mr. O'Connor moved to introduce Ordinance #25-7-10, second Mr. Snelling. Mr. Huntley stated this item is similar to what was at the last meeting. These are primarily amendments to the zoning code. There is no real significant policy change other than adding to the Garage Sale portion of the ordinance the ability to advertise a week before the garage sale weekend. That time frame is listed in the ordinance. The SER district has been added as part of the paperwork and reorganization of the ordinance itself. Other than that, these are mostly clarifications within the ordinance. Temporary Use is defined and terminology has been added to clarify existing portions of the ordinance. The Plan Commission has forwarded this to Council with an 8-0 favorable recommendation. Mr. Johnson stated he has a few questions for clarification that can be asked at a later time. Mr. Boice asked Mr. Huntley to go over the garage sale guidelines. Mr. Huntley stated the current ordinance states that anyone having a garage sale has the right to put a sign in their yard, at no charge, to advertise the garage sale on site. The portion that is changing is, if a complete subdivision or community wants a community wide event where they put a sign out on the main street in a common area with the proper permits, the sign can be out a week before the event. Before, the sign could only be out a day before the event. Mrs. Rowland stated she has some questions regarding the handicapped ramp referenced on page 9-5j. Mrs. Rowland asked what this covers. Mr. Huntley replied the City is responsible to enforce the Americans with Disabilities Act (ADA) within the community. This portion references the requirement of handicapped ramps on commercial sites. It has been added as part of the City's guidelines, rules, and regulations. Mrs. Rowland asked if this reflects commercial properties. Mr. Huntley responded yes. Mrs. Rowland stated she thought there have been conversations in the past that in the Old Town, where there is a mix of residential and commercial, the handicapped ramps have not added a great deal to the structure and they could be placed in a less intrusive way and still be accessible to the people that needed to utilize them. Mrs. Rowland stated there are a couple on 9<sup>th</sup> Street that have taken away from the look of the business. Mr. Huntley responded that he would look into it, but it was his understanding the City has been cited by the Federal government for not having the ramps and we are trying to bring the

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Downtown into compliance so no federal funds are withheld. Mrs. Rowland stated she thought the discussion was it did not necessarily have to be right at the front door. It could be a separate entrance made from more attractive materials. Mr. Huntley stated he would look into it and have an answer. Mr. O'Connor stated there is a grammatical error in the first sentence of that page. Mr. Johnson stated he has some corrections of that nature as well. Mr. Huntley stated all of those errors would be corrected before the final version is signed.

**MISCELLANEOUS**

**#1 COUNCIL TO CONSIDER APPROVAL OF DETAILED DEVELOPMENT PLAN FOR PHASE 1 OF THE CITY OF WESTFIELD PUBLIC TRAINING FACILITIES PLANNED DEVELOPMENT INCLUDING AN OFFICE BUILDING AND FIRE TRAINING STRUCTURE (CITY OF WESTFIELD)**

Mr. Huntley stated as Council requested, when the first detailed section was completed the applicant would bring this item back before the Council for consideration. This has gone before the Plan Commission and it has been forwarded to the Council with a favorable recommendation. This is the first phase of a public training facility that includes an office building and training facility. This is being called Phase 1. The City received a letter this afternoon from Westfield acknowledging the property is currently outside of the City of Noblesville. The applicant will be petitioning for annexation. Along with approval tonight of the detailed development plan, they are also asking Council to grant them sewer availability with the understanding they will be annexing into the City. Mr. Huntley stated Mr. Skelton from the City of Westfield is here to go over specifics of the development plan. Mr. Matt Skelton, City of Westfield, at 130 Penn Street, Westfield, Indiana, stated this project is designed to be a public safety training facility that will be available for the entire area. The Project Coordinator, John Rodgers, and Westfield Fire Chief Todd Burtron are also here tonight. Mr. Skelton stated for the record, this facility has never been called the City of Westfield Public Training Facility. It is designed to be a public safety training facility for everyone. That is the whole intent. Mr. Skelton stated they came before the Council in February for the approval of the preliminary development plan for this project. At that time, Westfield knew they had some grant money available for this project but did not know what specifically was available. Westfield has since obtained even more grant money and is currently in the process of trying to obtain some extensions that would allow some more time. The reason Phase 1 is on such a fast track is there is a chance some of the grant money will have to be spent before the end of the year in order to keep it. Mr. Skelton stated the site is approximately 92 acres. This component is about 2.2 acres. Mr. Skelton stated project materials have been submitted to the Council. This component is what was approved by Council as Area B, on the corner of 160<sup>th</sup> Street and River Avenue. It is the only part of the property that is currently out of the flood plain. Westfield is in the process of making an application for a letter of map revision and working with the Noblesville Planning staff in doing so. It is not yet filed. At the time the preliminary development was approved, the Council's request was for Westfield to return to the Plan Commission and back before the Council with any detailed development plans. Westfield has now been through the Plan Commission with a unanimous favorable recommendation. One of the things that was asked was to define the hours of operation for any outdoor training facility. Mr. Skelton stated the Noblesville noise ordinance relating to public safety training facilities has already defined the hours from 7:00 a.m. until 10:00 p.m. and any training facility within this development would adhere to those stipulations defined in the ordinance. Mr. Skelton stated they were also asked to outline the organizational structure that would govern the operations of the facility. This has been preliminarily outlined within the materials provided to the Council under this current request. It has also been shared with the 4 major jurisdictions within Hamilton County, as well as some others. The reaction has been very positive. Westfield has petitioned the City of Noblesville for annexation for this property. The paperwork has been filed. The property does not

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currently meet the statutory criteria for annexation. Mr. Skelton also provided a letter from the City of Westfield requesting Noblesville to provide sanitary sewer service to the property. Mr. Skelton stated they are making this request to the Council tonight. Mr. Skelton stated Westfield is not asking Noblesville to extend sewers to the property. This request is to allow the City of Westfield to have the availability to hook onto the sewer system. Mr. Boice stated he thought one of the buildings was originally going in the flood plain. Mr. Boice asked if that has changed. Mr. Skelton replied that the build-out plan for the whole site will eventually involve many improvements. There may be a stand alone fire training area, and a stand alone police training area. There has not been much time spent developing a lot of detail, other than some schematic drawings, until where the flood elevation is known. Once that is truly known, Westfield will be back before the Plan Commission and Council with a Master Plan that shows what is planned for the entire site. Mr. Boice asked if the two proposed buildings would be concrete slabs. Mr. Skelton replied one of the buildings is probably going to be an administration building of some type. The larger building is designed to be set up with 3 or 4 classrooms and fire equipment storage. Long term it may become some sort of utilitarian functioning building. Mr. Ayer stated the letter from the City of Westfield may not be clear on whether or not the request is for Noblesville to extend its sewers. Mr. Ayer stated he does not have a problem with them having access to the sewer, but he does have a problem extending the sewer to them at this time. Mr. Howard stated it will be clear through the minutes of this meeting that the request is for the property to have access to city sewers. Mr. Johnson asked if the Council needs to amend what it is voting on tonight. Mr. Howard responded yes. Council needs to vote to approve the development plan as submitted. It is different because their original plan was very general. Mr. Howard stated then Council needs to vote to grant the availability of City sewers, not to extend them. Mrs. Rowland stated we all know this is needed. Mrs. Rowland stated her question is how much is all of this going to cost and how is it going to be funded. Mr. Skelton responded that he would refer this question to Chief Todd Burtron, but so far for Phase 1 everything has been done with grant money. As long as there is grant money to pursue, it will be pursued. This is an easy project to sell. Mr. Skelton stated it really just depends on what goes in for the remainder of the project. It is not just a matter of how much it cost, but how soon it can be done. The needs are now. Chief Todd Burtron stated he meets with an architectural firm tomorrow. To date, the \$200,000.00 that Westfield has to spend is from the Indiana Department of Homeland Security. In 2007, the Town of Fishers was awarded \$100,000.00 and received extensions on that and has donated that money for this project, along with the \$100,000.00 Westfield received. Chief Burtron stated there is the capacity in this County to join forces and to do things creatively. The success of this project will depend on partnerships and fluid dialogue. The Indiana Department of Homeland Security was invited to be a part of the advisory panel. Chief Burtron stated he would have a better idea after tomorrow where the price tag may go and is willing to share that information with anyone at anytime. Mr. O'Connor asked about the map. Mr. Skelton responded the survey work is being wrapped up. The application for a letter of map revision is expected to be filed in August. What form that letter will be is not yet known, there are many creative options. This is needed to get a building permit. Mr. Boice moved to approve the detailed development plan for Phase 1 as submitted and offer tap on availability to the city sewers, second Mr. O'Connor, six aye.

**#2 COUNCIL TO HEAR REPORT ON TIF DISTRICT PROJECTIONS  
FOR 2011 (MIKE HOWARD)**

Mr. Howard stated on July 15<sup>th</sup>, the City was required to file with the auditor requests on how much TIF from each of our 8 districts to pass through. The City is positive in some districts and slightly negative in others. We have taken some hits in some. Mr. Howard went briefly over each district. \$1 million was passed through the Logan Street TIF this year and got us real close to balancing because of the number of residential parcels in that

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TIF. It is a pre-1995 district. There are still many appeals. The Riverwalk project is on the agenda. The Administration's suggestion is to accumulate the surplus. Whatever tax rate problems there are in 2011, they are probably going to get worse in 2012. Even if it is decided not to fund the project, it can be used for debt service next year. Mr. Howard stated that debt will go up approximately \$400,000.00 because of the phase in of increased payments on Hague Road. The Commerce Park TIF has become a good money generator for the City. It is in the positive. When the SMC project came on, the City knew it would be a deficit for the first few years. \$425,000.00 was transferred over to SMC from Commerce Park and \$300,000.00 passed through of the stated goal of \$1 million from this district. The numbers on the Stony Creek TIF are good. The bids for Phase 3 & 4 of Union Chapel Road were opened this morning and were slightly under budget. The City is in good shape on this TIF and will be able to pass through \$700,000.00, as well as keep the extra \$576,000.00 as a contingency since Phase 5 has not been bid. If it goes into a surplus it can be used as a pass through in 2012. The debt service will go up \$300,000.00 next year because we are only making half of a payment on the Phase 3 lease. Mr. Boice asked what the budget was for Phase 5. Mr. Howard responded that is on the last page of the report. The City is in the black on the bond for the Corporate TIF West – 146<sup>th</sup> Street. The payments escalate over the next 5 years to 3.8. Mr. Howard stated many of those abatements are beginning to burn off. With a little more development in that area, we will remain in the black. Mr. Howard stated when there is a \$53 million bond issue for an asset like this for the community without substantially affecting the tax rate, it is a good deal. The Corporate TIF West – SMC was projected to have a little more coming in the first year, but the building was not completed as quickly as planned. \$425,000.00 is being transferred to it from the Commerce Park TIF to make the payments. The recession hurt the Corporate Campus East TIF – Exit 10. Everything there had abatement. It will burn off, but no one has turned a shovel for about 3 years in this economy. Last year, the shortfall in this TIF was covered by the Town Center. This is still being done on a smaller scale. \$250,000.00 is coming from the Town Center. In fairness, the City is happy with this. The Seat Tax of \$325,000.00 is the minimum. This year there are more shows and more sell outs. We will be in the black. The Seat Tax will help. The Corporate Campus East TIF – Hamilton Town Center is where the City took a big hit. They appealed their taxes. At the time the Town Center was built, the City entered into a development agreement stating they would guarantee taxes up to their debt service. Their debt service is approximately \$1.6 million. They did appeal and are in negotiations with the local tax board. The tax board is reviewing the appeal. This is a double hit. Not only does the revenue fall in 2011 from what the City received in 2010, but we must make a refund for 2010. That makes a cut of over \$600,000.00. There is still quite a bit of money in the construction fund for the Hazel Dell Road TIF. Some of that will be used to tie to S.R. 38 and Little Chicago Road project and the roundabout at 191<sup>st</sup> Street, which will be bid next year. There will still be money there to cover the shortfall. There also has not been a shovel turned in this area for 3 years due to the poor economy. Mr. Howard stated that all in all, because we have been able to aggressively continue the Union Chapel Road project through the TIF program, pass through the \$1 million as Council directed, and have positive balances in most of these districts should the appeals come in, the City is in good shape. Mr. O'Connor asked about having extra payments in a few of the funds. Mr. Howard replied no, these payments are intact. The debt service reserve funds are established and held by the Trustee or Clerk-Treasurer. Unscheduled draws on a debt service reserve fund are not done. Mr. Boice stated the appeal for the Hamilton Town Center has not gone through. Mr. Boice asked if the 13% is an estimate. Mr. Howard responded it should be very close to that. Mrs. Rowland asked if the Logan Street TIF was still being split as it was last year. Mr. Howard replied no. These figures are the total collections from that TIF district. The City made up the \$1 million, \$700,000.00 from Stony Creek, and \$300,000.00 from the Commerce Park from the assessed value that was passed through to help with the tax rate slightly out of those districts. The Downtown is collecting its full load. It is not collecting nearly what it did 2 years ago because of the homesteads. That really hurt us in that district. Mrs. Rowland asked if the surplus in the Logan Street TIF was a solid figure. Mr. Howard responded yes. It could

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go down, it won't go up. Mr. Howard stated he would not want to commit any more than \$1 - \$1.5 million of that figure until actual bills are seen. Mrs. Rowland stated the City has been working on projects that would affect this district for about 4 years and they just have not moved. Mrs. Rowland stated as she understands, if the Riverwalk project is started, it would be more of a cash deal. Mr. Howard replied yes. Mrs. Rowland stated the City has the Downtown Strategic Action Committee with its projects committees. There are about 8 projects that are agreed upon by the Administration and Council to move forward on. In order to move forward with these projects, we are going to need a whole lot more money. These are not pay as you go projects. Mrs. Rowland asked if there is any vision to take the surplus in the Logan Street TIF district and see what we could bond with it and get as many of these projects done as possible. Mr. Howard stated that is a policy decision, but Mr. Mike Reuter is still saying COIT is still falling. Mr. Howard stated he understands this is a dedicated revenue stream that can only be used for certain things and cannot be used to supplement the General Fund. Mr. Howard stated many of these questions will be answered in the next 60 days as the revenue projections start coming out. Mr. Howard stated it would be his recommendation that Council holds on in 2012. Most of our projects have been built when things were moving and growing. The City has been fortunate so far that the recession has not inhibited us. As the circuit breaker becomes more acute, we do not want things going in the red mandating us to put rates in. It is for the Administration and Council to sit down and plan for things. A workshop may be in order to see if there is the will there at this time to get those kinds of projects started. Mr. Howard stated it would be his suggestion to at least get through the budget cycle to see where things are. The Façade Grant program has slowed down. Many businesses got a lot of work done. That program has given the City the best bang for its buck in the Downtown area. Mr. Howard stated that discussion is for a Saturday morning workshop. Mrs. Rowland stated it would be great to have a workshop session over this. Mrs. Rowland stated things are moving in other areas. In the Stony Creek TIF, there is Phase 5 but we can't get a nudge in the Logan Street district. Mrs. Rowland stated she also has a question regarding the Corporate TIF West - 146<sup>th</sup> district. Mrs. Rowland stated her recollection is, in a meeting Mr. Howard stated that dollars were being diverted from the 146<sup>th</sup> Street bond issue for trails and landscaping. Mr. Howard stated he was not diverting anything. He does not have that ability. Mr. Howard stated he does not have the numbers in front of him, but at the time the budget was put together there was a budget item for paths and landscaping. Mr. Howard stated he does not make policy, others do. There is not manpower at this time to take care of any landscaping. There are trees at other parts of 146<sup>th</sup> Street that are being cut down because they are dying. There is no money to maintain them. Mrs. Rowland stated her issue is that the Council approved that bond issue and the elements of it. Mrs. Rowland stated she has tried to get an answer regarding money stipulated for trails and landscaping for at least a year. Council should know these things. Mr. Howard stated there is money there that could be spent on landscaping. The economic conditions of 2006 and the condition of the City's General Fund at that time are very different than they are right now. They are worlds apart. Council needs to hear Mr. Reuter's report. Mrs. Rowland asked who keeps the records of the distributions of payments. Mr. Howard responded there are monthly statements. There are still funds available. There are funds to do the landscaping. The question will be, is there the ability to water, fertilize, and maintain it. The City went through this on Little Chicago Road. Mrs. Rowland stated we look different than our neighbors. It is a policy issue. Mrs. Rowland stated when the Council passes something, we should be able to know it is going to happen. Mayor Ditslear stated a good deal of that money was used on entry signs. Mr. Howard stated that is correct. Mr. Howard stated Mr. Beery should have the figures on the signs. Mrs. Rowland stated the Council should know. Mrs. Rowland stated when she asks a question for a year, she ought to be able to get an answer. Mr. Howard stated he believes the amount that was dedicated to trails and landscaping was somewhere in the neighborhood of \$2 million. Mr. Howard stated he is not sure what amount is left but he would find out for the Council. Mr. Howard stated under Remaining Projects is the Union Chapel Road project. This is under the Stony Creek TIF. Mr. Howard stated the first part of the report is a recap

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moving into Phase 3 & 4 with about \$2 million. Phase 3 will be totally funded through the Phase 3 bond, which is scheduled to close the first week in September. The budget for the bids is down about \$100,000.00. The capitalized interest could go down about \$200,000.00. The total budget could go down quite a bit. Mr. Ayer asked Mr. Howard to identify Phase 3. Mr. Howard stated Phase 3 goes from the north side of Town & Country/Union Chapel Road roundabout up to the S.R. 32 right-of-way and extends Pleasant Street to Union Chapel Road, including a roundabout at Pleasant and Union Chapel. A lease can be done to finance Phase 3. Phase 4 includes the 2 roundabouts on S.R. 32. A large part of the budget for Phase 4 comes from cash from INDOT. The interlocal agreement is in its final stages. Phase 4 cannot be done through a lease bond because the City does not own the land. It is owned by INDOT. We are using a combination of cash and INDOT's contribution for the project. INDOT's contribution is substantially more than 50% of the construction costs because the City has built their drainage system south of Stony Creek, cleared the ground, and done many other things to prepare for this project. Mr. Ayer asked if the City is using cash for the \$1.8 million and getting reimbursed or is INDOT paying it upfront. Mr. Howard replied he believes INDOT is paying it upfront. Mr. O'Connor asked if the \$2.2 million is coming from Phase 2. Mr. Howard responded after Phase 2 is complete, that is what will be in the Stony Creek TIF. Phase 5 is the roundabout at Greenfield Avenue and Union Chapel Road and the crossover road. Phase 5 will be funded with cash through excess increment that has come in.

**COUNCIL COMMENTS**

There were no Council comments.

**ADJOURNMENT**

There being no further business before the Common Council this 27<sup>th</sup> day of July, 2010, Mr. Boice moved to adjourn, six aye.

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JOHN DITSLEAR, MAYOR

ATTEST:

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JANET S. JAROS, CLERK-TREASURER