
OPINION OF THE PUBLIC ACCESS COUNSELOR

MICHAEL T. SANER,
Complainant,

v.

CITY OF NOBLESVILLE,
Respondent.

Formal Complaint No.
17-FC-191

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to the formal complaint alleging the City of Noblesville ("City") violated the Open Door Law¹ ("ODL"). The City responded on September 13, through attorney Michael A. Howard. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on August 11, 2017.

¹ Ind. Code §§ 5-14-1.5-1 to -8

BACKGROUND

Michael T. Saner (“Complainant”) filed a formal complaint against the City of Noblesville alleging the City violated the state’s Open Door Law (“ODL”). Saner claims the City’s Common Council held an improper executive session on February 22, 2017 to discuss plans for a rails-to-trails project titled: *The Nickel Plate Trail*. Saner contends the meeting was held under the auspice of economic development. Essentially, Saner contends that the umbrella topic of economic development does not satisfy ODL requirement for an executive session.

Saner filed his complaint after obtaining a set of emails from the City through a public records request. The emails include messages to and from Noblesville officials, some of which reference the project. Saner argues that dozens of the emails he obtained are marked confidential by City officials and are evidence of the City’s then desire to keep the project secret.

In its response, the City admits that the notice for the executive session at issue in this complaint did not comply with the notice requirements of the ODL, but suggests the actual subject matter of the executive session as it pertained to the *Nickel Plate Trail* did satisfy the ODL’s requirements for an executive session. As support, the City cites Indiana Code Section 5-14-1.5-6.1(b)(4)(H), and (b)(2)(D) as the authority that permits—if proper notice had been given—the *Nickel Plate Trail* discussion during the executive session.

What is more, the City claims at the time of this executive session its officers believed that discussions of a general eco-

conomic development nature were a permissible use of executive sessions, and the meeting at issue in this formal complaint occurred several weeks prior to the correction of the City's misunderstanding of the proper statutory uses of executive sessions.

It is worth noting that the project has been approved as a cooperative agreement between the Cities of Noblesville and Fishers.

ANALYSIS

The public policy of the Open Door Law ("ODL") is that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See* Ind. Code § 5-14-1.5-1. Simply put, unless an exception applies, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. *See* Ind. Code § 5-14-1.5-3(a).

The public may, however, be excluded from certain meetings, such as executive sessions. *See* Ind. Code § 5-14-1.5-6.1(b). Notably, a public agency may hold an executive session only in the specific instances set out by statute. *Id.* What is more, a public agency must provide notice of any executive session 48 hours prior to the meeting. Ind. Code § 5-14-1.5-5(a). The notice must include date, time, and place of the meeting. Ind. Code § 5-14-1.5-4(a). In addition, the notice of an executive session *must* also state the subject matter of the meeting *by reference to the specific statutory instance* or instances for which the meeting may be held. Ind. Code § 5-14-1.5-6.1(d).

Here, the City concedes that it failed to provide adequate notice for the executive session at issue in Saner's complaint. Thus, I will not belabor the point. Still, going forward, the City should be mindful that failure to give proper notice of any executive session violates the Open Door Law. *See Town of Merrillville v. Blanco*, 687 N.E.2d 191 (Ind. App. 1997); and judicial remedies are available for violations of the ODL. *See* Indiana Code § 5-14-1.5-7.

Even if the public notice had been adequate under the ODL, the subject matter of the meeting must also adhere to the statute's requirements.

As set out *supra*, executive sessions are only appropriate in the limited, and specific instances enumerated in Indiana Code Section 5-14-1.5-6.1(b). Stated differently, if the subject matter of the meeting is not found on the statutory list, then any official action as it pertains to a particular issue must be taken at a *public* meeting, not an executive session.

Here, the City stated that *Nickel Plate Trail* discussion involved the residential and commercial economic development possibilities of the proposed trial corridor along with the proposed route and costs. The City contends that it believed the subject matter qualified for an executive session under Indiana Code Section 5-14-1.5-6.1(b)(4)(H).

That subsection provides that an executive session may be held in the following instance:

Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

...a governing body of a political subdivision.

Undoubtedly, the City is a political subdivision as contemplated by the cited exception; and thus, the common council as the governing body could hold an executive session for that purpose consistent with the law.

The plain language of that subsection, however, expressly requires *interviews and negotiations with industrial or commercial prospects or their agents*. It is difficult to understand how the City could interpret or believe that language to include general economic development discussions *among itself*.

In addition to the economic development possibilities, the City discussed the issue of the competing real estate interests which occur upon abandonment or change of use of a railroad right-of-way; and land acquisition. The City has declared that it believes this subject matter qualifies for executive session under Indiana Code Section 5-14-1.5-6.1(b)(2)(d).

That subsection provides that an executive session may be held:

For discussion of strategy with respect to any of the following:

... (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

Once again, the City acknowledged that it did not provide adequate notice for the executive session at issue in this case, but suggests the subject matter is appropriate under this exception.

The land acquisition executive session subject matter would indeed qualify for a closed-door meeting so long as the discussion was limited to strategy for the purchase or lease of railroad rights of way. So long as the executive session was kept on that point, there would not be a problem.

That said, it is more important in terms of government accountability and transparency that the notices for closed-door meetings be focused *before the meeting* instead of trying to match an exception after the fact. It appears the City realizes this and will be changing its practices in the future. In any event, I highly encourage all agencies to be judicious in its use of executive sessions and only use them when necessary to protect sensitive information.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the City of Noblesville violated the Open Door Law.

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

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September 13, 2017

Ms. Courtney Abshire
Legal Intern
Office of the Public Access Counselor
By email to: coabshire@opac.in.gov

Re: City of Noblesville's response to Formal Complaint 17-FC-191

Dear Ms. Abshire,

The City of Noblesville (hereafter referred to as "City") received your August 29, 2017 letter advising the City of a formal complaint filed against the City by Michael Saner for an alleged violation of the Open Door Law ("ODL"). The allegation suggests that an item placed before the City Common Council for an executive session on February 22, 2017 under the executive session agenda item entitled "economic development" did not satisfy the statutory requirements for that exception to the ODL.

There were two economic development projects to be discussed that night in executive session. The one alleged to be a violation of the ODL relates to the Nickel Plate Trail. This particular discussion in executive session involved the residential and commercial economic development possibilities of the proposed trail corridor for Noblesville, the proposed route and costs, which at this time the City believed to be allowed under I.C. 5-14-1.5-6.1 (b)(4)(H). In addition to the economic development possibilities discussed, the complex legal issue of competing real estate interests which occurs upon abandonment and/or change of use of railroad rights of way and land acquisition strategy were also discussed. The City believes that the legal issues discussed involving the railroad rights of way qualify under I.C. 5-14-1.5-6.1 (b)(2)(D), known informally as the land acquisition exception to the ODL. The City acknowledges that the February 22nd executive session was not advertised for "land acquisition" but only that it would be a permitted land acquisition, if properly advertised. Thus, although misadvertised for purposes of the ODL, the subject matter meets the legal qualification for an exception to the ODL.

At the time of the event described in Formal Complaint 17-FC-191, February 2017, officers of the City believed that discussions of a general economic development nature were allowed in executive session under I.C. 5-14-1.5-6.1 (b)(4)(H). The City now knows from public statements made by the Public Access Counselor to the Indy Star, about a March 1, 2017, and a more careful review of the ODL that executive sessions concerning economic development are

extremely limited under I.C. 5-14-1.5-6.1(b)(4). However, the subject of Formal Complaint under 17-FC-191 occurred several weeks before the City had the benefit of the Public Access Counselor's March 2017 interpretation of the economic development exception to the ODL. Since the Public Access Counselor's March public statements and careful review of the ODL, the Mayor has stated that the City Attorney must review all executive session request to assure the executive sessions conform to the strict language of the ODL.

Of note to the Public Access Counselor, there has been no final action taken by the City Council on the Nickel Plate Trail discussion. The information presented at the meeting was advisory only. There was no public meeting following the February 22, 2017, executive session. The next meeting of the Common Council occurred six (6) days later on February 28, 2017. *See* Exhibit B. Nothing related to the Nickel Plate Trail was on the agenda or discussed at the Council's February 28th meeting. Nothing related to the Nickel Plate Trail occurred at either of the March, 2017 scheduled Common Council meetings. *See* Exhibits C & D. In fact, the City didn't take any action of any kind on the Nickel Plate Trail until July 31, 2017 and then it was done by the Board of Public Works at a public meeting, not the Common Council. Thus, there is no City Common Council action, decision or policy of any kind to void under the ODL violation remedies section of I.C. 5-14-1.5-7.

On July 31, 2017, the Noblesville Board of Public Works and Safety, the City of Fishers Board of Public Works and Safety and the Hamilton County Board of Commissioners held an advertised joint public meeting to discuss the Nickel Plate Railroad. After a lengthy, open and public meeting, these three entities voted to approve a resolution authorizing the railroad to be "railbanked" pursuant to federal law and also to authorize the Hoosier Heritage Port authority to negotiate a contract with a new rail operator. *See* Exhibit E, the meeting minutes.¹ In essence, the Board of Works, was not present for the February 22nd executive session and took action on the Nickel Plate Trail only after a lengthy, properly advertised public meeting.

In summary, since March 2017, the City no longer holds executive session meetings to discuss general economic development related issues. Second, although not advertised for this purpose, land acquisition issues discussed in executive session on February 22, 2017 were a proper topic for executive session. Finally, the City Common Council which attended the executive session has taken no action, made no decision, or created any policy on the information discussed in the subject executive session.

If you have any further questions or need additional information related to this Formal Complaint, please advise.

Very truly yours,



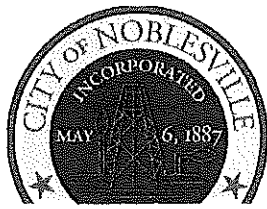
Michael A. Howard
Attorney for the City of Noblesville

¹These meeting minutes were not approved by the City Board of Works until its August 15, 2017 meeting. The agenda for the August 15th Board of Works meeting showing the minutes as an agenda item are included as Exhibit F.

Did Noblesville break the law with secret meeting?

John Tuohy, john.tuohy@indystar.com Published 8:03 a.m. ET March 12, 2017 | Updated 7:10 p.m. ET March 12, 2017

Noblesville's private meeting to discuss selling park land violated open meetings law, experts say



(Photo: Provided by Cara Culp)

Noblesville's mayor admitted the city likely violated Indiana's public access law when it held a secret meeting to discuss the sale of park land to a developer, a practice critics say limits exposure to controversial proposals.

John Ditslear had defended the March 1 meeting for days, saying the private parks board meeting was needed so officials could review a proposal to sell part of Seminary Park before making it public. But two experts on the state's "open door" law (<http://oel.indy.gov/wp-content/uploads/2015/06/IDOL.pdf>) said the city's justification for holding the closed door meeting did not pass muster.

In response to inquiries from IndyStar, Ditslear released a statement Friday afternoon, saying, "we have reviewed the statute and a strict interpretation could mean this was not a permitted use of executive session."

The closed meeting of the Parks and Recreation board was to discuss a preliminary proposal to sell part of Seminary Park to a developer to build 12 homes. Two members of Ditslear's staff presented the plan to the board and four members of the city council during the 45-minute hearing. Ditslear described the proposal as just an "idea" at that point.

Ditslear, the city attorney and some city council members had insisted they did nothing wrong and said they frequently hold secret meetings for similar purposes.

"Our staff needs to feel it can bring ideas forward or present during an executive session where all of the information discussed is considered to be confidential," Ditslear said in a [written statement](http://www.cityofnoblesville.org/eGov/apps/document/center.egov?view=item:id=6735) (<http://www.cityofnoblesville.org/eGov/apps/document/center.egov?view=item:id=6735>) released Monday after details of the meeting were made public by a city councilor.

City attorney Michael Howard said Wednesday that executive sessions are often used to "run something up the flag pole" to measure what kind of initial response it gets from councilors before making a formal introduction in an open setting.

But Stephen Key, executive director of the Hoosier State Press Association, said the mayor's comments revealed a fundamental lack of understanding about the purpose of executive sessions. Issues of with high public interest such as the sale of park land should be debated in the open through committees, planning boards, commissions other public forums.

Secret meetings are reserved for sensitive legal, personal or bargaining matters that could harm the government if they were revealed, experts said.

"What it does is delay the point at when the public is aware that this is happening and someone can jump up and say, 'Hey, I object to this,'" Key said. "The presentation of ideas is not subject matter for an executive session. "Secrecy by city officials (puts) the city in a bad light, not the public airing of innovative ideas."

Unlike public meetings, executive sessions are closed to citizens and a record of what is discussed is kept secret. But the topics are limited by the Indiana Open Door and Open Records Law to a relatively narrow and sensitive handful: employee contracts and litigation, job interviews and performance evaluations and the purchase or lease of property by the government.

Under those broad exemptions is one cited by Noblesville that allows economic development to be discussed in private. That part of the statute permits "Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects."

But officials at the parks department meeting did not discuss a commercial or industrial project — they talked about a residential venture, and they didn't negotiate with or interview anyone from the development team.

In addition, the open door law allows executive sessions when the government is talking about purchasing property, but not selling it.

Key said there is a common-sense reason for that.

"When the government is buying land, for competitive reasons you don't want to divulge negotiations," Key said. "But if you are selling ... that must be made public."

Howard had acknowledged placing a residential project in executive session was a "broad interpretation," but he said homes bring economic development value to a community through increased taxes revenues.

"It may be a close call, but anything that brings brings up assessed valuation can be considered economic development," he said.

More Noblesville coverage:

Fishers, Noblesville to create 9.2-mile trail
(<http://www.indystar.com/story/news/2017/02/27/fishers-noblesville-turn-nickel-plate-corridor-into-trail/98493462/>)

Duluth Trading opens in Noblesville
(<http://www.indystar.com/story/news/2017/03/02/duluth-trading-opens-noblesville/98604482/>)

8 new projects at Noblesville Exit 210
(<http://www.indystar.com/story/news/2016/12/30/8-new-projects-noblesville-exit-210/95438174/>)

Howard also said the developer doesn't have to be at the meeting and most of the times is not. He said documents or presentations prepared by the developer will satisfy the law. At the park board meeting, the city presented some artistic renderings and other documents of the developer's proposal, but it did not identify the developer.

Indiana public access counselor (<http://www.in.gov/pac/>) Luke Britt called it "a real stretch" to conclude that selling city property or discussing a residential project could qualify for an executive session.

"I don't buy that, on either point," Britt said. "There is a clear legal difference between what is commercial and industrial and what is residential. And I don't see how submitting development plans qualifies as an interview or negotiation."

In his Friday statement, Ditslear said he did not mean to hide anything from the public.

"Our intent ... was done in good faith," he said. "The project was important to the downtown area because it explored opportunities to enhance economic development creation, kick start urban living and enrich economic activity locally within walking distance of downtown."

The substance of the meeting was revealed by third-term Councilor Mary Sue Rowland, who served eight years as mayor. Rowland, who opposed the plan to sell the park land, told a reporter for the Times of Noblesville details (<http://thetimes24-7.com/main.asp?SectionID=1&SubSectionID=1&ArticleID=54339&TM=47735.54>) of the meeting and project. Rowland told IndyStar she he had no qualms about revealing what the meeting was about because she didn't think it should have been behind closed doors.

"We usually only hold executive sessions for just a couple of things," she said. "I couldn't figure out the justification for this so I didn't feel bad talking about something that should have been in the public to begin with."

After the Times posted its story Monday, residents took to social media to voice their disapproval of the idea.

Hours later, the city announced it had withdrawn the plan because it didn't have park board or council support. In its statement, the city said the the purpose of the executive sessions is "to discuss a development idea."

"As with the city's procedures, the idea was presented to the park board in executive session for immediate internal feedback," the statement read.

Ditslear scolded Rowland for talking about the meeting and violating the protocols of executive session, though it's not illegal.



"I'm disappointed at the precedent this sets. Our staff needs to feel it can bring ideas forward or present during an executive session where all of the information discussed is considered to be confidential, without information being leaked," he was quoted as saying in the statement. "It also unfairly worried concerned citizens and put the city in a bad light."

Key said it was "troubling" that Ditslear, who he described as honest and forthcoming, interpreted executive sessions as a place to privately hash over ideas in the public interest.

Rowland said she felt the city was trying to rush the project forward with little scrutiny from the public. Key said that's the danger when governments inappropriately use executive meetings.

Noblesville Mayor John
Ditslear (Photo: Provided by
Gabrielle Sauce)

"If the public exposure is delayed at the beginning, it can be harder to stop in the end," he said.

Two councilors who attended the meeting — Chris Jensen and Megan Wiles — both said it was right to hold it in private.

"Anytime we discuss economic development projects we are in executive session, and I feel like this was very appropriate," Jensen said.

But Councilor Brian Ayer, who wasn't there, said councilors often don't know the finer details of the open door law and rely on the city attorney's judgment. He said they could all use a refresher course on the law.

"We need to know what we are doing wrong and if we are in violation of the rules," said Ayer, who is serving his fourth term. "Nothing is that important that we should be in violation."

Britt said he often counsels cities on open records and open meetings; six months ago he talked to Noblesville police. But he said sometimes city council members have a difficult time grasping the significance.

"Most board members come from the private sector and this is strange to them," Britt said. "To them it is inconvenient and inefficient and they just don't get it."

Key suggested Ditslear and the city may have been more careless than nefarious.

"I know Mayor John Ditslear and believe he would not have any interest in having the city governing bodies ... violate the Open Door Law," Key said.

Call IndyStar reporter John Tuohy at (317) 444-6418. Follow him on Twitter: @john_tuohy (https://twitter.com/John_Tuohy) and on Facebook (<https://www.facebook.com/>)

Mayor Brainard vetoes Carmel ordinance due to 'secret meetings'

(<http://www.indystar.com/story/news/local/hamilton-county/2014/11/14/mayor-brainard-vetoes-carmel-ordinance-due-secret-meetings/19048917/>)

Do Westfield meetings violate open door law?

(<http://www.indystar.com/story/news/local/hamilton-county/2014/11/10/westfield-meetings-violate-open-door-law/18773539/>)

Read or Share this story: <http://indy.st/2nctte7>

**COMMON COUNCIL – EXECUTIVE SESSION
CITY OF NOBLESVILLE
FEBRUARY 22, 2017**

The Common Council of the City of Noblesville met in Executive Session on Wednesday, February 22, 2017. Megan Wiles called the meeting to order pursuant to public notice with the following members present: Mark Boice, Wil Hampton, Greg O'Connor, and Mary Sue Rowland. Christopher Jensen and Roy Johnson participated via telephone. Brian Ayer and Rick Taylor were absent.

Also present were Mayor John Ditslear, City Clerk Evelyn Lees, Deputy Mayor Steve Cooke, City Attorney Michael Howard, department directors and staff.

The only topic discussed was Economic Development in accordance with IC 5-14-1.5-6.1(b).

Mr. Johnson left the meeting at 6:03 p.m.

The meeting was adjourned at 6:20 p.m.

MEGAN G. WILES, PRESIDENT

ATTEST:

EVELYN L. LEES, CITY CLERK

**COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 28, 2017**

The Common Council of the City of Noblesville met in regular session on Tuesday, February 28, 2017. Megan Wiles called the meeting to order pursuant to public notice with the following members present: Mark Boice, Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, and Mary Sue Rowland. Brian Ayer, and Rick Taylor were absent.

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

APPROVAL OF MINUTES: FEBRUARY 14, 2017

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

APPROVAL OF EXECUTIVE SESSION MEMORANDUM: FEBRUARY 22, 2017

Mr. Hampton moved to approve the memorandum, second Mr. O'Connor, seven aye.

APPROVAL OF AGENDA

Mr. Boice moved to amend the agenda to move Miscellaneous #2 to follow the Bid Opening, second Mr. Hampton, seven aye. Ms. Rowland moved the agenda, second Mr. Hampton, seven aye.

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

There were seven petitions to speak. The petitioners chose to speak when the item was considered by the Council.

MAYOR'S REPORT TO COUNCIL

Mayor Ditslear introduced Jeff Spalding, the new City Controller. His first day was February 27th. Mayor Ditslear stated he attended a ribbon cutting for Caravan Class Studio on February 16th. He attended the Main Street Annual meeting on February 17th. On February 22nd, Mayor Ditslear attended the Noblesville Chamber of Commerce Luncheon and an Indianapolis Metropolitan Planning Organization Policy Committee meeting. He stated Noblesville's portion of the S.R. 37 improvements has been officially recognized as a part of that project. Planning Director Sarah Reed presented the Noblesville Housing Study. Mayor Ditslear stated earlier today he announced, along with Fishers Mayor Scott Fadness and County Commissioner Christine Altman, the new Nickel Plate Trail. The trail will extend from Pleasant Street to 96th Street. He stated the rails will be banked for potential future use. He stated on March 2nd, he will attend the ribbon cutting for Duluth Trading Company, and on March 3rd, he will be interviewed by fifth graders for BizTown.

Mayor Ditslear introduced Tim Monger of Hamilton County Economic Development. Mr. Monger thanked the Council for their support of Hamilton County Economic Development (HCED). He reported Noblesville's strong points are business retention and workforce development in conjunction with Noblesville Schools. He stated the HCED is a part of the Noblesville Economic Development team. He stated part of their work is providing information to site selection consultants, including scope of services, market intelligence, and market overviews. He stated the HCED maintains a business intelligence center, with databases to share with county municipalities. He stated the HCED works as outside sales for the municipalities, often traveling around the country to meet with site selectors.

COUNCIL COMMITTEE REPORTS

Mr. O'Connor stated the Finance Committee met on February 23rd. He stated the Committee reviewed the projects left underway by former Controller Michael Hendricks. He stated the Kronos payroll software is currently running parallel to ADP in a test environment. He stated

**COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE II**

Opengov is moving ahead, and training will begin soon, once the new Controller is ready. He stated the Annual Report is almost finished, and work on the Comprehensive Annual Financial Report will begin soon. Mr. O'Connor stated the Finance Committee recommends approval of the claims.

APPROVAL OF CLAIMS

Mr. Jensen moved to approve the claims, second Ms. Rowland, seven aye.

BID OPENING: SALE OF EXCESS REAL ESTATE

Mr. Howard stated one bid was received from Mark and Teresa Skipper, owners of MTS Real Estate LLC. The bid was \$20,000.00.

Mr. Howard asked if anyone present knew of any other bids. Seeing no one come forward, Mr. Howard referred the bid to City Engineer John Beery for recommendation to the Council.

MISCELLANEOUS

#2 COUNCIL TO CONSIDER AWARD OF BID TO PURCHASE EXCESS REAL ESTATE (JOHN BEERY)

Mr. Beery stated the bid falls within the appraisals that were obtained by the City. He recommended that the bid be accepted and the property be sold to the bidder. Mr. O'Connor moved to award the bid to Mr. and Mrs. Skipper, second Mr. Boice, seven aye.

PREVIOUSLY DISCUSSED ORDINANCES

#04-02-17 COUNCIL TO CONSIDER ORDINANCE #04-02-17, AN ORDINANCE ANNEXING APPROXIMATELY 40 ACRES ADJACENT TO THE NORTHEAST INTERSECTION OF 196TH STREET AND HAGUE ROAD (JOYCEANN YELTON)

Ms. Yelton stated this annexation is for property owned by Noblesville Schools on which to construct a bus transportation facility. She stated there have been no changes since the first reading. The following roll call vote was taken on Ordinance #04-02-17:

AYE: Mark Boice, Wil Hampton, Christopher Jensen, Roy Johnson, Greg O'Connor, Mary Sue Rowland, and Megan Wiles.

Seven aye, motion carries.

NEW ORDINANCES FOR DISCUSSION

#02-02-17 COUNCIL TO CONSIDER ORDINANCE #02-02-17, AN ORDINANCE REZONING APPROXIMATELY 97 ACRES LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Mr. Johnson moved to introduce Ordinance #02-02-17, second Ms. Rowland. This Ordinance was discussed simultaneously with Ordinance #03-02-17.

COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE III

#03-02-17 COUNCIL TO CONSIDER ORDINANCE #03-02-17, AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT OVERLAY FOR APPROXIMATELY 97 ACRES TO BE KNOWN AS "HAVENWOOD PLANNED DEVELOPMENT" AND LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Mr. Johnson moved to introduce Ordinance #03-02-17, second Mr. O'Connor. Ms. Reed stated the proposed Havenwood Planned Development has been through several modifications over the last several months. She stated the proposed rezoning is from "R1" to "R1/R2/PD". She stated the original proposal was for a maximum of 203 lots, but subsequent amendments has changed the project to a maximum of 195 lots. She stated the public hearing before the Plan Commission was held on November 14, 2016, and the project was heard again by the Plan Commission in January with staff support. The Plan Commission forwarded an unfavorable recommendation with a vote of six to two. She stated on February 14th, the Council remanded the Ordinances to the Plan Commission. On February 21st, the amended project was heard by the Plan Commission with staff support. The Plan Commission again forwarded an unfavorable recommendation with a vote of six to one. Mr. O'Connor asked what the Plan Commission's objections were. Ms. Reed stated there were concerns about density and neighbor concerns.

Mr. Jon Dobosiewicz of Nelson and Frankenberger, 550 Congressional Boulevard, Carmel, Indiana, addressed the Council. Mr. Dobosiewicz stated he represents M/I Homes, the builder of the proposed Havenwood Development. He stated the development is proposed on approximately 97 acres surrounded by Pine Knoll to the north, Country Lake Estates to the east and southeast, Hinkle Creek Estates to the south, and the Stewart parcel to the west. He stated this is an infill site lower in density than Pine Knoll and Country Lake Estates that transitions to Hinkle Creek Estates. He stated the proposed density is supported by the Comprehensive Plan. He stated a transition in lot characteristics, lot size, and landscaped common areas takes place across the Havenwood site. He stated the main entrance is planned on Hinkle Road. Internal streets will connect to Pine Knoll and Country Lake Estates. He stated home sizes will range from 1,800 square feet to 3,800 square feet with prices ranging from \$270,000.00 to \$330,000.00. He stated there will be a trail throughout, with a buffer on the north and east sides. He stated the project has the support of staff and the Administration. Mr. Dobosiewicz stated the petitioners are willing to make further amendments based on input received at this meeting.

Mr. Hampton asked if the 50 foot buffer at Pine Knoll will be changed. Mr. Dobosiewicz replied they originally planned for a common area, but because that would make long term maintenance the responsibility of the Homeowners Association, they are asking for longer lots in that area with the same landscaping requirements. He stated the Council has granted this request to other developments. Ms. Reed stated the effect is the same, but the question is who will own and maintain it. The buffer would be there and have the same landscaping, but the homeowners would maintain it rather than the Homeowners Association. Mr. Hampton stated the Plan Commission was concerned about extra traffic in the connecting subdivisions. Ms. Reed stated she received an email from City Engineer John Beery stating that he has reviewed the traffic at all intersections and is not concerned. Mr. Beery has stated the infrastructure for this site was built for a capacity of twice as many homes. She stated Mr. Beery voted for the development at its first hearing by the Plan Commission. He was absent from the meeting for the second vote. Mr. Jensen stated the petitioners have done a good job of addressing the transition from Hinkle Creek Estates to Havenwood. Mr. O'Connor asked where mailboxes will be. Mr. Dobosiewicz stated the postmaster has directed they may have as many as eight banks of mailboxes. They plan to intersperse the boxes in common areas along paths throughout the development. He stated they will provide aesthetically appealing units. Ms. Wiles clarified that the Noblesville postmaster has declared that cluster mailboxes must be used. Mayor Ditslear stated he has met with U.S. Representative Susan Brooks concerning this requirement, and she has tried to have the restriction lifted but without success. Ms. Wiles noted that Noblesville is the only community in the county with this requirement.

COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE IV

Ms. Wiles invited the petitions to speak to come forward. David Burke, 5209 Pine Hill Drive, addressed the Council. Mr. Burke read a letter that he has sent to the Council members: Dear Council Members, I am an abutting landowner to this projected subdivision. I would again like to express my opposition to this development and the subsequent changes they have made. (He stated they have not done anything different than what they originally proposed.) The residents of Pine Knoll, Country Lake Estates, Hinkle Creek Estates and surrounding communities are opposed to this development. We feel this will only provide more overcrowding, less privacy and less safety, more noise, potentially more crime, and more traffic and accidents. Despite what has been stated, we feel that will not be the case. We feel it will be a negative impact on the environment, overtax existing infrastructure, schools, roads, and potentially have a negative impact on our property values (he stated he feels this is important to all of us), and contribute to an overall decrease in our quality of life (the people who are living there). For myself, I believe a community park or holding on to the property by the schools for future school needs is important. I feel it would be a better solution given the central location to all of the communities involved. For anyone who has driven up and down Little Chicago Road (and other places like Hinkle Road), the problem with traffic is going to be a major issue. (It has been underestimated here multiple times, but I think it will be a major issue if this goes through and other projects keep going through. There are just too many people on roads that aren't built to handle that kind of volume. I think it is being swept under the carpet.) He stated that is what he has to say to the Council. He stated he thinks many people who live in those communities agree.

Tom Perkins of Paganelli Law Group, 10401 N. Meridian Street, Indianapolis, addressed the Council on behalf of the Hinkle Creek Estates Homeowners Association. Mr. Perkins stated Hinkle Creek Estates is on the property directly to the south, which consists of multiple-acre lots. He stated he was prepared to say they have dealt extensively with M/I Homes leading up to this. We have been part of this process since the beginning. He stated tonight, something has been talked about that we have never seen before. We have not had an opportunity to look at this and provide feedback on these new ideas and concepts. He stated he knows these things evolve, but this has been an ever-changing end zone. There have been significant changes since the last Plan Commission meeting. He stated that speaks to whether this project is in fact the right project in this place right now, because it isn't the same project that it started out as. He stated our concerns fall into four categories: road and infrastructure issues, school issues, lot size issues, and the fact that better planning is available. He stated to build on what was said earlier, there are significant concerns with the intersection of S.R. 38 and Hinkle Creek Road. He stated the City has limited tools to affect that. We recognize that. They are not your roads. He stated the only tool you have is the blunt instrument of planning. You can decide how many homes go where, and when they go in. He stated that is just the reality of it. It's imperfect, but this is a situation that demands the use of that tool to stall this. Not here, not now. He stated he is not sure that Mr. Beery is taking into account the Aurora project that Westfield just approved. It is not in his jurisdiction, but it will create significant pressures on S.R. 38. It is roughly one and a half miles away from Hinkle Creek Road. The estimate is a two and a half times increase in traffic at an intersection that is already risky. There have also been discussions that while there is enough infrastructure for this subdivision, anything further north between Pine Knoll and the Countryside area would be at risk of not being developed if this goes in. That is something the City Engineer can speak to. He stated his handout explains the strain this development would put on the schools, which are at capacity and would be further stressed. The handout also addresses a jarring transition in lot sizes. He stated to quote the great American philosopher, Ronald Reagan, "trust, but verify." There has been talk tonight of various proposals, and nothing has been written down that he can tell. There has been no change to the PD. He stated he will believe it when he sees it. He stated there are alternatives. The Planning Department has professionally looked at the needs of Noblesville on a long term basis. There are existing homes in the same product category as Pine Knoll and Country Lake Estates. What is missing is the middle tier. There are opportunities for that. He stated the Drees development at the last Plan Commission meeting incorporates some of these same ideas. He stated you can reach the density you want without doing it this way. He stated they appreciate M/I's efforts to reach a solution everyone can accept, but at this time they cannot endorse it. He asked the Council to accept the Plan Commission's recommendation and disapprove this proposal.

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CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE V

Bruce Stewart of 20576 Hinkle Road addressed the Council. He stated he lives in the upper third of what's known as the Stewart compound. He stated he is speaking for himself, for his mother who lives at 20516, and for his daughter, who has a platted subdivision at 20530 Hinkle Road. There are three residences there. He stated his concern primarily with the subdivision speaks to density. One of the things that was overlooked as this was presented and has continually been overlooked as it was presented to both Plan Commission and to the Council is that also contiguous to the proposed site is another subdivision to the northwest, which is Foxfield Estates. It is eight residences on five acre lots. He stated although they are barely contiguous, it is contiguous. He stated it hasn't been talked about because it is a dissimilar subdivision to what is proposed. He stated 50 percent of the boundary matches the proposed subdivision, but it does not match the other 50 percent. He stated the proposed density is 2.6 homes per acre, but the minimum lot size in Hinkle Estates is two acres. Many of the lots are larger than two acres. The Stewart lots are 17 acres, five acres, and five acres. As you continue north on Hinkle Road, developments have lots similar to Foxfield Estates' five acre lots. He stated there is nothing to the north that is on less than a two acre lot. He stated to say this is a nice transition does not really fit. It is an anomaly. It doesn't fit. He asked the Council to reject the proposal.

Mark Imbro of 5438 Angel Way addressed the Council. He stated he lives in Country Lake Estates. He referred to a map of the area. He stated he appreciates that some of the lots were widened. He stated they have done a better job of lining up the property lines. He doesn't want to look out the back yard and see a property line. He stated he is a wildlife advocate. There is a great horned white owl that lives there, and pileated woodpeckers. He stated he knows a certain amount of money goes toward wildlife when permits are pulled for houses. He would like to see it somehow be used in this area. He stated he has been to all the meetings, and throughout the process, one of M/I's reasons why this would be a nice community is that Country Lake Estates doesn't have any walking trails or a pond, and they will. However, he has seen in South Harbour there are signs that say it is for their residents only. If this goes through, he would like to be able to walk with his grandkids and enjoy the pond without having to worry about being excluded. He stated he has lived there seven years, and turning onto Little Chicago Road to go to work in the morning is difficult. There is a continuous flow of traffic. There is no acceleration lane, so you have to time it perfectly. There will be a lot of traffic if this goes through. He stated he would like for the City to have the developer add acceleration lanes. There are many small children living there. Perhaps the developer could pay for speed bumps to slow traffic through the subdivision.

Patrick Berghoff of 5342 Angel Way addressed the Council. He stated he lives in the Country Lakes subdivision. He stated surprisingly, he is speaking for the project. He enjoys seeing woods and fields in his backyard. He doesn't own it or control it, however. He stated he remonstrated at the Plan Commission meeting in January. He stated he was concerned about lot sizes behind Country Lake Estates and traffic issues concerning all the construction traffic coming off of Hinkle Road. He stated at the end of the day, the truth of the matter is, when his subdivision was built in the 1990s, curb cuts were put in at Country Lake Estates and Hinkle Estates in anticipation of a subdivision. He stated in 2004, the schools bought the property in anticipation of a high school, which will never happen. He stated he was on the School Board for four years. Logistically, it is the worst location for a school that they have, because access is difficult. He stated from his perspective, if something is going to be there, this is a nice project. They are in a difficult position because of the variety of home sizes and lot sizes surrounding them. There are two lakes and a large woods that impact the density. It is challenging to find the right fit for all of the subdivisions. He stated he doesn't think you can get there. It would be challenging to put one acre lots throughout and make it work. If something is going to go in, this project does a nice job of putting in homes whose value exceeds most of the surrounding homes. He stated based on that, and that the schools get the benefit of being able to sell land that it has held for 13 years, this is a win in many ways. The school has our taxpayer dollars tied up in this land that could be used for other purposes. He stated if the project is turned down and he gets to keep the woods and fields behind his house, he is still happy.

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CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE VI

Beth Niedermeyer of 16376 Anderson Way addressed the Council. Dr. Niedermeyer stated she came to speak to the Council as both a resident and as the Superintendent of Noblesville Schools. She stated she appreciates the two other speakers speaking on behalf of the schools, but she has more information to share. She thanked the Council members for reading the letter she sent to them. She appreciated their responses to her concerns. She stated she truly believes if this project is not approved, it will have a negative impact on Noblesville Schools. As the largest employer in the Noblesville community with over 1,500 employees, and instructing over 10,200 students, it has a large impact on the Noblesville community. She stated the land in question was purchased by the schools in 2003, which was a long time ago. She stated after a demographic study, they now know where their growth patterns are. She stated their growth patterns are not in the northwest quadrant, but in the southeast quadrant. They have other properties that they will use if future schools need to be built. She stated this location is not appropriate for the schools. It is not centrally located at all. It does not make good sense for the schools to hold onto the land. She stated as the Council knows, since 2009, Noblesville Schools has lost approximately \$38 million in state funding and property tax revenue. She stated we continue to cut costs and maintain a very lean staff and budget. As a result, they did not raise taxes during the last referendum. She stated the property tax caps have made their capital projects fund very tight. With ten schools and over 2,000,000 square feet of schools under roof to maintain, they have a significant amount of facility needs, which is why they have to liquidate this property. She stated they would not sell properties that they think they might use in the future. The proceeds from this sale will help maintain their current facilities. She stated as a resident, she feels it is important that Noblesville continues to thrive. As a center for economic development, it will be attractive to other developers in this competitive Hamilton County market. She stated she believes this project has merit from a land use perspective, because of the positive impact on Noblesville. She stated it would have significantly less traffic and less noise than if a school was built there. She stated this project is far-reaching for the Noblesville community. She stated she is hopeful the Council will support the Havenwood project and their mission as two governmental entities who collaborate for what is best for Noblesville families.

Chris McGrath of 5244 Morning Mist Court addressed the Council. He stated he wants to reset. It sounded like there was a lot of progress and cooperation that has happened in the last 24 hours. He stated that when he participated in earlier meetings, some of the ideas presented tonight were rejected by M/I Homes. He would like to reset with some figures with regard to traffic. He stated he has done research that was provided generously in response to their request. With regard to traffic, since 2012 there have been 13 crashes at or about the intersection of Hinkle Road and S.R. 38. No data has been provided as to whether people were having life issues or ran into deer. He stated that is a lot lower than the state and national averages. He stated the data also shows since 2012 Noblesville has experienced a 33 percent increase in traffic crashes while the population has grown by only five percent, and road mileage has grown less. He stated fatalities on Noblesville's roadways have more than doubled since 2013. City engineering data also indicates that trip on Hinkle Road could increase to one car every 12 seconds. He stated right now it is not one tenth of that. He stated crash rates in Noblesville have increased 17 percent since 2012. He stated there has been no study with regard to Hinkle Creek Road. He stated he knows the City has no control of the intersection with S.R. 38, but the approach is negatively sloped and comes into a creek area. There is an uphill rise from the western approach to Hinkle Creek Road. It is a very challenging intersection to take care of. He stated he has been told by members of City government and state government that nothing will happen there until someone dies. He stated he urges the Council to use the only instrument that it has. He stated there is other information that is available from INDOT with regard to traffic figures. Southbound Little Chicago Road has 11,000 trips per day. Northbound Little Chicago Road has 9,800 trips per day. He stated all of these increased significantly from 2014 and 2015 to the present day. He stated according to M/I's own estimate, traffic will increase approximately 2,000 trips per day from the current level of 832, which was last measured in 2014 by the state. He stated in closing, we have frontloaded home plans in this neighborhood that don't match the character. He asked the Council to follow the Plan Commission's advice and disapprove this project. He stated in the event that the project comes back to them significantly changed, he would ask that the Council send the project back to the Plan Commission for further

COMMON COUNCIL
CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE VII

consideration and comment. He stated the Hinkle Creek Homeowners have had no ability to provide any of that to date.

Mr. Johnson stated he would like to consider this a no-spin zone. He stated he just heard some figures that, having been on the Roads Committee and having many conversations with Mr. Beery, what Mr. McGrath just stated did not gel with the reports he has heard over the years. He addressed Mr. McGrath's comment that deaths in Noblesville have doubled since 2013. He asked Mr. McGrath if the increase was from one to two, or from 2,500 to 5,000. Mr. McGrath was not sure of the exact numbers, but guessed it was from three to six. Mr. Johnson asked how many of those were west of Little Chicago Road. He stated he thinks it was zero. He cautioned Mr. McGrath to be careful about spinning the data. Mr. McGrath stated he did not spin. These were the actual figures given to him. He stated the City Engineer said there was no problem, but there are. Mr. Johnson replied we know that Hinkle Road and S.R. 38 have issues and have been trying to work with the state to rectify that. Mr. McGrath stated he has 17 and 15 year old daughters and a nine year old son that cross that intersection every day. He does not want them to be a fatality. He doesn't want any fatalities. Ms. Reed stated Mr. Beery studies every accident that happens in the City from the police reports and data. He can break down any information that the Council needs. She stated if there are any specific questions, they can be answered before the next meeting.

MISCELLANEOUS

#1 COUNCIL TO CONSIDER APPROVAL OF A LOCAL EMERGENCY OPERATIONAL PLAN FOR THE CITY OF NOBLESVILLE (CHIEF WYANT)

Chief Wyant stated as discussed in Executive Session, this item is requested for approval. He stated the Local Emergency Operational Plan provides an all-hazard City-wide response to widespread natural and manmade disaster and serves as a directive for City staff. Because of the sensitive nature of the material, he recommended that the Plan be kept as a confidential document by the City Clerk. Mr. O'Connor so moved, second Mr. Boice, seven aye.

#3 COUNCIL TO CONSIDER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND NOBLESVILLE FIELDHOUSE LLC (MICHAEL HOWARD)

Mr. Howard stated in December 2016, Andy Card and Mike Klipsch were given approval to enter into a public-private partnership to build a youth sports facility at Finch Creek Park. He stated this development agreement sets out in detail the terms of the resolution. He summarized the agreement for the Council. He stated much of the agreement is similar to the agreements with BlueSky, Embassy Suites, and Hamilton Town Center. Ms. Rowland stated the last time this was before the Council, she was concerned about the amount of time for local youth. She did not see that in this agreement. Mr. Howard stated a preliminary agreement in that regard is in Exhibit D. He stated use of this facility will free up resources at other facilities in the City.

Andy Card, 11032 Preservation Point, Fishers, addressed the Council. He stated he has met with all of the recreation presidents along with Parks Director Brandon Bennett to ensure there will be time and availability within the fieldhouse and future facility plans. He stated all of the programs support the fieldhouse. Mr. Bennett stated he is comfortable that any child who wants to participate will have the opportunity. He stated this is a true partnership that will continue to work for the kids' best interests.

COUNCIL COMMENTS

There were no comments.

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CITY OF NOBLESVILLE
FEBRUARY 28, 2017, PAGE VIII

ADJOURNMENT

There being no further business before the Common Council this 28th day of February, 2017, Mr. Jensen moved to adjourn, second Mr. O'Connor, six aye.

MEGAN G. WILES, PRESIDENT

ATTEST:

EVELYN L. LEES, CLERK



Noblesville Common Council
Tuesday, February 28, 2017 at 07:00 PM
City Hall Council Chambers

6:30 PM - EXECUTIVE SESSION - SECURITY IMPLEMENTATION

CALL MEETING TO ORDER

APPROVAL OF MINUTES: FEBRUARY 14, 2017

Documents: Minutes

APPROVAL OF EXECUTIVE SESSION MEMORANDUM: FEBRUARY 22, 2017

Documents: Memorandum

APPROVAL OF AGENDA

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

MAYOR'S REPORT TO COUNCIL

COUNCIL COMMITTEE REPORTS

APPROVAL OF CLAIMS

BID OPENING: SALE OF EXCESS REAL ESTATE

PREVIOUSLY DISCUSSED ORDINANCES

#04-02-17 COUNCIL TO CONSIDER ORDINANCE #04-02-17, AN ORDINANCE ANNEXING APPROXIMATELY 40 ACRES ADJACENT TO THE NORTHEAST INTERSECTION OF 196TH STREET AND HAGUE ROAD (JOYCEANN YELTON)

Documents: #04-02-17 | #04-02-17, recorded

NEW ORDINANCES FOR DISCUSSION

#02-02-17 COUNCIL TO CONSIDER ORDINANCE #02-02-17, AN ORDINANCE REZONING APPROXIMATELY 97 ACRES LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Documents: #02-02-17

#03-02-17 COUNCIL TO CONSIDER ORDINANCE #03-02-17, AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT OVERLAY FOR APPROXIMATELY 97 ACRES TO BE KNOWN AS "HAVENWOOD PLANNED DEVELOPMENT" AND LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Documents: #03-02-17 | Petitioner's Brochure Feb. 14, 2017

MISCELLANEOUS

#1 COUNCIL TO CONSIDER APPROVAL OF A LOCAL EMERGENCY OPERATIONAL PLAN FOR THE CITY OF NOBLESVILLE (CHIEF WYANT)

Documents: Misc. #1

#2 COUNCIL TO CONSIDER AWARD OF BID TO PURCHASE EXCESS REAL ESTATE (JOHN BEERY)

Documents: Misc. #2

COUNCIL TO CONSIDER DEVELOPMENT AGREEMENT BETWEEN THE CITY AND NOBLESVILLE FIELDHOUSE LLC (MICHAEL HOWARD)

Documents: Misc. #3

COUNCIL COMMENTS

ADJOURNMENT



Noblesville Common Council
Tuesday, March 14, 2017 at 07:00 PM
City Hall Council Chambers

6:00 PM - EXECUTIVE SESSION - LAND ACQUISITION

CALL MEETING TO ORDER

APPROVAL OF EXECUTIVE SESSION MEMORANDUM: FEBRUARY 28, 2017

Documents: Memorandum

APPROVAL OF MINUTES: FEBRUARY 28, 2017

Documents: Minutes

APPROVAL OF AGENDA

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

MAYOR'S REPORT TO COUNCIL

COUNCIL COMMITTEE REPORTS

APPROVAL OF CLAIMS

PREVIOUSLY DISCUSSED ORDINANCES

#02-02-17 COUNCIL TO CONSIDER ORDINANCE #02-02-17, AN ORDINANCE REZONING APPROXIMATELY 97 ACRES LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Documents: #02-02-17

#03-02-17 COUNCIL TO CONSIDER ORDINANCE #03-02-17, AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT OVERLAY FOR APPROXIMATELY 97 ACRES TO BE KNOWN AS "HAVENWOOD PLANNED DEVELOPMENT" AND LOCATED ONE-THIRD MILE NORTH OF STATE ROAD 38, EAST SIDE OF HINKLE ROAD (SARAH REED)

Documents: #03-02-17, amended | #03-02-17, redlined version

NEW ORDINANCES FOR DISCUSSION

#05-03-17 COUNCIL TO CONSIDER ORDINANCE #05-03-17, AN ORDINANCE AMENDING THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN FOR PROPERTY LOCATED IN THE 13600 BLOCK OF TEGLER DRIVE, NORTH SIDE (JOYCEANN YELTON)

Documents: [#05-03-17](#)

#06-03-17 COUNCIL TO CONSIDER ORDINANCE #06-03-17, AN ORDINANCE AMENDING ORDINANCE #11-4-02, THE MARILYN RIDGE PLANNED DEVELOPMENT, REGARDING STORAGE WAREHOUSE USES (JOYCEANN YELTON)

Documents: [#06-03-17](#)

#07-03-17 COUNCIL TO CONSIDER ORDINANCE #07-03-17, AN ORDINANCE REZONING APPROXIMATELY 170 ACRES LOCATED EAST OF LITTLE CHICAGO ROAD AND NORTH OF STATE ROAD 38 (JOYCEANN YELTON)

Documents: [#07-03-17](#)

#08-03-17 COUNCIL TO CONSIDER ORDINANCE #08-03-17, AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT OVERLAY FOR APPROXIMATELY 195 ACRES LOCATED EAST OF LITTLE CHICAGO ROAD AND NORTH OF STATE ROAD 38 (JOYCEANN YELTON)

Documents: [#08-03-17](#) | [Petitioner's brochure](#)

#09-03-17 COUNCIL TO CONSIDER ORDINANCE #09-03-17, AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES (EVELYN LEES)

Documents: [#09-03-17](#) | [#09-03-17, signed](#)

MISCELLANEOUS

#1 COUNCIL TO CONSIDER RESOLUTION #RC-7-17, A PRELIMINARY RESOLUTION DESIGNATING AN ECONOMIC REVITALIZATION AREA FOR PAL PROPERTIES OF HERRIMAN, LLC AND ESTABLISHING A PUBLIC HEARING (ALAINA SHONKWILER)

Documents: [Misc. #1](#) | [#RC-7-17, signed](#)

#2 COUNCIL TO CONSIDER RESOLUTION #RC-8-17, A RESOLUTION CONCERNING THE ACQUISITION OF REAL ESTATE (BRIAN AYER)

Documents: [Misc. #2](#) | [#RC-8-17, signed](#)

COUNCIL COMMENTS

ADJOURNMENT



Noblesville Common Council
Tuesday, March 28, 2017 at 07:00 PM
City Hall Council Chambers

**5:30 PM – WORK SESSION - PLANNING EDUCATION
CONFERENCE ROOM A213**

CALL MEETING TO ORDER

APPROVAL OF EXECUTIVE SESSION MEMORANDUM: MARCH 14, 2017

Documents: [Memorandum](#)

APPROVAL OF MINUTES: MARCH 14, 2017

Documents: [Minutes](#)

APPROVAL OF AGENDA

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

MAYOR'S REPORT TO COUNCIL

COUNCIL COMMITTEE REPORTS

APPROVAL OF CLAIMS

PREVIOUSLY DISCUSSED ORDINANCES

#05-03-17 COUNCIL TO CONSIDER ORDINANCE #05-03-17, AN ORDINANCE AMENDING THE CORPORATE CAMPUS PLANNED DEVELOPMENT DISTRICT AND ADOPTION OF A PRELIMINARY DEVELOPMENT PLAN FOR PROPERTY LOCATED IN THE 13600 BLOCK OF TEGLER DRIVE, NORTH SIDE (JOYCEANN YELTON)

Documents: [#05-03-17](#) | [#05-03-17, recorded](#)

#06-03-17 COUNCIL TO CONSIDER ORDINANCE #06-03-17, AN ORDINANCE AMENDING ORDINANCE #11-4-02, THE MARILYN RIDGE PLANNED DEVELOPMENT, REGARDING STORAGE WAREHOUSE USES (JOYCEANN YELTON)

Documents: [#06-03-17](#) | [Request to Continue](#)

#07-03-17 COUNCIL TO CONSIDER ORDINANCE #07-03-17, AN ORDINANCE REZONING APPROXIMATELY 170 ACRES LOCATED EAST OF LITTLE CHICAGO ROAD AND NORTH OF STATE ROAD 38 (JOYCEANN YELTON)

Documents: [#07-03-17](#) | [#07-03-17](#), recorded

#08-03-17 COUNCIL TO CONSIDER ORDINANCE #08-03-17, AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT OVERLAY FOR APPROXIMATELY 195 ACRES LOCATED EAST OF LITTLE CHICAGO ROAD AND NORTH OF STATE ROAD 38 (JOYCEANN YELTON)

Documents: [#08-03-17](#) | [#08-03-17](#), recorded

NEW ORDINANCES FOR DISCUSSION

#10-03-17 COUNCIL TO CONSIDER ORDINANCE #10-03-17, AN ORDINANCE AMENDING ORDINANCE #49-08-16, PERMITTING A SIGN WAIVER IN THE SAXONY CORPORATE CAMPUS FOR THE CHIPOTLE RESTAURANT LOCATED AT 12831 CAMPUS PARKWAY, SUITE E (JOYCEANN YELTON)

Documents: [#10-03-17](#) | [Request for Passage](#) | [#10-03-17](#), recorded

MISCELLANEOUS

#1 COUNCIL TO CONSIDER RESOLUTION #RC-9-17, A CONFIRMATORY RESOLUTION DESIGNATING AN ECONOMIC REVITALIZATION AREA FOR PAL PROPERTIES OF HERRIMAN, LLC (ALAINA SHONKWILER)

Documents: [Misc. #1](#) | [#RC-9-17](#), signed

PUBLIC HEARING FOR RESOLUTION #RC-9-17

#2 COUNCIL TO CONSIDER AN APPOINTMENT TO THE PARKS FOUNDATION (MEGAN WILES)

Documents: [Misc. #2](#)

#3 COUNCIL TO CONSIDER DELEGATION OF OVERSIGHT TO THE DOWNTOWN DISTRICT COMMITTEE (MEGAN WILES)

Documents: [Misc. #3](#)

COUNCIL COMMENTS

ADJOURNMENT

**JOINT MEETING
CITY OF NOBLESVILLE BOARD OF PUBLIC WORKS AND SAFETY
CITY OF FISHERS BOARD OF PUBLIC WORKS AND SAFETY
HAMILTON COUNTY COMMISSIONERS
JULY 31, 2017**

The City of Noblesville Board of Public Works and Safety, the City of Fishers Board of Public Works and Safety, and the Hamilton County Commissioners met in special session pursuant to public notice on Monday, July 31, 2017. Mayor Ditslear called the meeting of the City of Noblesville Board of Public Works and Safety to order with the following members present: Lawrence Stork and Jack Martin. Mayor Fadness called the meeting of the City of Fishers Board of Public Works and Safety to order with the following members present: Jeff Lantz and Jason Meyer. Commissioner Altman called the meeting of the Hamilton County Commissioners to order with the following member present: Commissioner Mark Heirbrandt. Commissioner Steven C. Dillinger was absent.

Also present were Hamilton County Auditor Robin Mills, Fishers City Clerk Jennifer Kehl, Noblesville City Clerk Evelyn Lees, Hamilton County Auditor Administrative Assistant Kim Rauch, Attorney Michael Howard, members of the media, and interested citizens.

RESOLUTIONS

A. Request to Approve a Resolution Authorizing the Nickel Plate Railroad to be Railbanked Pursuant to the National Trails System Act and the Surface Transportation Board's Interim Trails Use Regulation (Chris Greisl, City of Fishers)

Mr. Fadness stated Mr. Greisl, the Fishers City Attorney, was unable to attend due to a family emergency. Mr. Fadness stated the resolution to propose railbanking has been discussed since November 2016. He stated petitioning the Surface Transportation Board to railbank our corridor does not preclude the opportunity to operate a functional rail along that rail line. He stated this action preserves the right-of-way in perpetuity for the ability to operate a rail or create a trail. He stated this is a federal process; if approved, they will file a petition to move forward with the railbanking process. He stated the resolution empowers the City of Fishers to file the petition on behalf of the City of Noblesville and Hamilton County and then report to the Hoosier Heritage Port Authority (HHPA). He stated it also directs the HHPA to consider the fact that the railbanking process is moving forward in any action they may take. He stated the railbanking authority will permit portions of the track to remain and be used if an operator is chosen. Mr. Fadness stated because they are in possession of the right-of-way, if it becomes necessary in the future, the corridor could transition to mass transit. He stated this is an opportunity to preserve the right-of-way, and allow us to look at several different options. He stated operating rail on one section and a trail on another section is possible, but the railbanking process is needed in order to be able to consider a trail. Mr. Ditslear agreed, but he stated he feels it is necessary to decide on a new carrier for the railroad. He stated we were charged as owners to pick an operator from the top two proposals to the HHPA. He stated he wants to keep the train in Noblesville, and he personally likes the Nickel Plate Heritage Railroad proposal that would run from Atlanta to Noblesville. He stated he does not want to miss a step in the process. Mr. Fadness stated he knows Mr. Ditslear has been adamant in wanting to see the train's history preserved. He stated with the railbanking process, we can see the best of both worlds. He stated this meeting can accomplish both objectives.

Ms. Altman stated she has spent years looking at the green line of the IndyGo bus service in Indianapolis or the Nickel Plate line for transit. She stated she is concerned about the corridor and doesn't want to jeopardize its future. She stated future availability for mass transit was always her understanding for the acquisition and preservation of that asset. She stated she doesn't want to take any action that would jeopardize the use of that corridor by future generations for transit. She stated ultimately, with the density particularly in the southern part of the county, we will need a transit solution. She stated the unfortunate part is that currently no community has the resources to make the expenditures necessary to improve that corridor for transit. Ms. Altman stated as a commissioner she has entertained the plans of Fishers and Noblesville, but she doesn't want to take any action either today or in the future that could jeopardize the potential use of that corridor or the loss of right-of-way. She stated if the tracks are pulled up without the railbanking process, that corridor will be jeopardized. She stated she is

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supportive of the communities making current use of that asset as a trail. She stated she is concerned that choosing an operator may have implications on the railbanking opportunity. Ms. Altman asked Mr. Howard if there is any implication or concern. She noted that because she is the attorney for Hamilton County Tourism, she has a conflict of interest and cannot vote to choose a carrier for the rail line. Her recusal only leaves one member of the commissioners in attendance, so they do not have a quorum and cannot vote to choose a carrier. Mr. Fadness replied regarding the legal question, he has an "of counsel" letter from Faegre Baker Daniels, LLP, stating that selecting a partial operator of the line would not preclude or jeopardize the ability to railbank or maintain the right-of-way in perpetuity. Ms. Altman asked if the law firm would stand by that decision if there is a problem. Mr. Fadness replied yes, they would. Mr. Ditslear stated he has worked with Ms. Altman on mass transit for the last eight years, maybe even 20 years. He stated he is very supportive of mass transit as well. He stated unfortunately, the legislature finally approved mass transit but excluded rail, which he obviously did not agree with. He stated for now we are stuck.

Mr. Fadness stated item B. can be voted upon first if that is preferable. He stated the order in which the resolutions are approved does not matter. Ms. Altman stated she would prefer to vote on the resolutions as presented, because the County can participate. She stated the County is not able to participate in the second resolution due to lack of a quorum. Mr. Fadness asked if there was any other discussion regarding the resolution concerning railbanking. Mr. Howard stated he read the case that Fishers' attorney provided, and at the end there was an insinuation that there may be compensation to landowners as a result of this process. He stated proper procedure was to file a claim against the federal board. He asked if there is any indemnification in the application regarding the applicant picking up the compensation. He stated if that is not the case, those numbers could exceed the cost of repairing the tracks. Mr. Fadness replied in the case Mr. Howard referred to, it was the federal government that settled the lawsuit and paid for the right-of-way. He stated the "of counsel" letter from Faegre Baker Daniels, LLP states that the federal government would be the entity to compensate landowners if that became necessary. Mr. Howard stated absent a contractual obligation, it would be subject to review of the actual terms and conditions of the application.

Mr. Lantz moved for the Fishers Board of Public Works and Safety to approve Resolution 7-31-17A, second Mr. Meyer, three aye. Motion carries.

Mr. Martin moved for the Noblesville Board of Public Works and Safety to approve Resolution 7-31-17A, second Mr. Stork, three aye. Motion carries.

Commissioner Heirbrandt moved for the Hamilton County Commissioners to approve Resolution 7-31-17A, second Ms. Altman. Ms. Altman stated this action will not preclude operations and starts the process to preserve the asset regardless of the decision that is made. Two aye, motion carries.

B. Request to Approve a Resolution Directing the Hoosier Heritage Port Authority to Negotiate with a New Rail Operator (Mike Obergfell, Board President, Hoosier Heritage Port Authority)

Mr. Obergfell stated five proposals were received by the HHPA. He stated the proposals were reviewed and scored by a committee of eight, including the five HHPA board members and three appointees, one appointed from each entity here. He stated after the scoring, the HHPA voted on July 18th to recommend the top two proposals to the owners to either interview or select from the candidates. He stated the top two proposals were the Iowa Pacific Railroad and the Nickel Plate Heritage Railroad. He stated the proposals offer completely different operations: Iowa Pacific Holdings proposes to use the whole line, to store train cars on portions of the line for monetary reasons, and to potentially run freight in the evenings but also run excursions; the Nickel Plate Heritage Railroad proposes to use the tracks from Noblesville north to Tipton with a base of operations in Atlanta, to be used for excursions only. He stated there are two completely

**JOINT MEETING
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CITY OF FISHERS BOARD OF PUBLIC WORKS AND SAFETY
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JULY 31, 2017, PAGE III**

different options to consider. He stated the motion to recommend these top two proposals for consideration by the owners was made and was unanimously accepted by the HHPA board at their meeting.

Mr. Fadness congratulated Mr. Ditslear for appointing Mr. Obergfell. He stated Mr. Obergfell has put in a huge amount of work the past two years and has run that organization with integrity, looking out for the public safety and wellbeing of our communities. Mr. Ditslear stated Mr. Obergfell has done a great job, along with the rest of the HHPA. Ms. Altman and Mr. Heirbrandt agreed. Ms. Altman stated they have done an unbelievable amount of work. Mr. Fadness stated he wants to return to earlier comments about the history and heritage of the railroad. He stated he would like to hear Mr. Ditslear's comments about an operator. Mr. Ditslear stated the Nickel Plate Heritage Railroad proposal would keep the train and add more tourism events, while all the other proposals included running freight trains on the whole line, including through Noblesville. He stated in his opinion, we do not need freight trains running through the City of Noblesville. Mr. Fadness stated he agrees, and really appreciates the HHPA presenting us with two very different products to consider. He stated from his perspective, the idea of freight running through downtown Fishers is not something that his community would want in terms of their community vision. He stated he does not believe Indianapolis would be thrilled with storing hundreds of rail cars in the heart of their city. He stated he believes in the proposal that Hamilton County Tourism brought forward. He stated he believes Hamilton County has a passion for wanting to grow the northern part of the county in interesting ways. He stated he respects Mayor Ditslear for wanting to preserve the history of the train in Noblesville. He stated he is in complete agreement with Mr. Ditslear about the operator to be selected. He stated this resolution directs the HHPA to move forward contract negotiations with the Nickel Plate Heritage Railroad.

Mr. Martin moved for the Noblesville Board of Public Works and Safety to approve Resolution 7-31-17B, second Mayor Ditslear, two aye. Mr. Stork abstained. Motion carries.

Mr. Meyer moved for the Fishers Board of Public Works and Safety to approve Resolution 7-31-17B, second Mr. Lantz, three aye. Motion carries.

The Hamilton County Commissioners could not vote due to lack of a quorum.

Ms. Altman stated she presumes with the decision that has been made that the Cities of Fishers and Noblesville will work with the City of Indianapolis to assure the maintenance of the railroad track in the operating area. Mr. Fadness replied that is correct. Mr. Fadness stated he envisions a division of labor, where the City of Fishers will work through the track maintenance and things of that nature for the south end. He stated in terms of direct feedback to the HHPA and how the train should operate within Noblesville, he will completely defer to Mr. Ditslear. Mr. Ditslear stated what should be done will be discussed with the HHPA.

ADJOURNMENT

There being no further business before the City of Fishers Board of Public Works and Safety this 31st day of July, 2017, Mayor Fadness moved to adjourn the meeting, second Mr. Meyer, three aye.

There being no further business before the City of Noblesville Board of Public Works and Safety this 31st day of July, 2017, Mr. Martin moved to adjourn the meeting, second Mr. Stork, three aye.

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Ms. Altman stated the Hamilton County Commissioners have received a request from the City of Carmel to consider a resolution. Ms. Altman recessed the meeting of the Hamilton County Commissioners to be reconvened at 10:30 a.m. at the Hamilton County Judicial Center.

JOHN DITSLEAR, MAYOR

ATTEST:

EVELYN L. LEES, CLERK

**JOINT MEETING – EXECUTIVE SESSION
CITY OF NOBLESVILLE BOARD OF PUBLIC WORKS AND SAFETY
CITY OF FISHERS BOARD OF PUBLIC WORKS AND SAFETY
HAMILTON COUNTY COMMISSIONERS
JULY 31, 2017**

The City of Noblesville Board of Public Works and Safety, the City of Fishers Board of Public Works and Safety, and the Hamilton County Commissioners met in executive session pursuant to public notice on Monday, July 31, 2017. Mayor Ditslear called the meeting to order with the following members present: Lawrence Stork and Jack Martin. Mayor Fadness called the meeting to order with the following members present: Jeff Lantz and Jason Meyer. Commissioner Altman called the meeting to order with the following member present: Commissioner Mark Heirbrandt. Commissioner Steven C. Dillinger was absent.

Also present were Hamilton County Auditor Robin Mills, Fishers City Clerk Jennifer Kehl, Noblesville City Clerk Evelyn Lees, Fishers Common Council President David George, Hamilton County Auditor Administrative Assistant Kim Rauch, Attorney Michael Howard, and Mike Obergfell and Glen Schwartz of the Hoosier Heritage Port Authority.

The only topic discussed was Economic Development in accordance with IC 5-14-1.5-6.1(b)(4)(H), for interviews and negotiations with industrial or commercial prospects by a governing body of a political subdivision.

The meeting was adjourned at 8:30 a.m.

JOHN DITSLEAR, MAYOR

ATTEST:

EVELYN L. LEES, CLERK



Board of Public Works and Safety

Tuesday, August 15, 2017 at 09:00 AM
City Hall Council Chambers

CALL MEETING TO ORDER

APPROVAL OF MINUTES: JULY 25, 2017

Documents: Minutes

APPROVAL OF MEMORANDUM OF JOINT EXECUTIVE SESSION: JULY 31, 2017

Documents: Memorandum of Joint Executive Session

APPROVAL OF MINUTES OF JOINT SESSION: JULY 31, 2017

Documents: Minutes Joint Session

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

APPROVAL OF AGENDA

RFP OPENING: DOWNTOWN STREETScape

BID OPENING: 141ST STREET IMPROVEMENTS

BID OPENING: UNION CHAPEL OFFSITE WETLAND MITIGATION RESTORATION

NEW ITEMS FOR DISCUSSION

1. BOARD TO CONSIDER TEMPORARY STREET PARKING ON ONE SIDE OF STONE HARBOUR DRIVE FOR MEALS ON WHEELS FUNDRAISER AT HARBOUR MANOR (PATTY JOHNSON)
Documents: Item #1
2. BOARD TO CONSIDER TEMPORARY CLOSURE OF PARKING SPACES ON 8TH STREET FOR ANNUAL BETHEL A.M.E. BARBECUE (PATTY JOHNSON)
Documents: Item #2
3. BOARD TO CONSIDER PERMISSION TO APPLY FOR CEMETERY HERITAGE SIGNS FOR RIVERSIDE CEMETERY (EVELYN LEES)
Documents: Item #3
4. BOARD TO CONSIDER PERMISSION FOR RIVERSIDE CEMETERY TO PARTICIPATE IN THE ANNUAL HISTORIC HOME TOUR (EVELYN LEES)
Documents: Item #4
5. BOARD TO CONSIDER AN AGREEMENT TO LEASE OFFICE SPACE IN THE GREEN ROOM AT FEDERAL HILL COMMONS (BRANDON BENNETT)
Documents: Item #5

6. BOARD TO CONSIDER AN AGREEMENT WITH JANUS DEVELOPMENT SERVICES, INC. FOR THE PURCHASE OF RIGHT-OF-WAY FOR THE MIDLAND TRACE TRAIL (JOHN BEERY)
Documents: [Item #6](#)
7. BOARD TO CONSIDER PERMISSION TO SOLICIT QUOTES FOR THE REPAVING OF PARKING LOT NO. 3 AND THE RESTRIPING OF THE EAST PARKING LOT AT CITY HALL (JOHN BEERY)
Documents: [Item #7](#)
8. BOARD TO CONSIDER APPROVAL OF PLANS AND AN AGREEMENT WITH INDOT FOR THE CONSTRUCTION OF PHASE II OF THE MIDLAND TRACE TRAIL FROM HAZEL DELL ROAD TO WILLOWVIEW ROAD (JOHN BEERY)
Documents: [Item #8](#)
9. BOARD TO CONSIDER CHANGE ORDER NO. 1 AND CLOSEOUT WITH CRIDER & CRIDER, INC. FOR STRUCTURE DEMOLITION AND CLEARING AT 13909 EAST 141ST STREET AND 14000 OLIO ROAD (EN-280-03) (JIM HELLMANN)
Documents: [Item #9](#)
10. BOARD TO CONSIDER AMENDMENT TO FUNDING AGREEMENT WITH HAMILTON COUNTY FOR FY2016 COMMUNITY DEVELOPMENT BLOCK GRANT (ANDREW RODEWALD)
Documents: [Item #10](#)
11. BOARD TO CONSIDER CHANGE ORDER NO. 1 AND PROJECT CLOSE-OUT FOR FY2016 COMMUNITY DEVELOPMENT BLOCK GRANT – SOUTHSIDE PARK (ANDREW RODEWALD)
Documents: [Item #11](#)
12. BOARD TO CONSIDER ACCEPTANCE OF ILP BONDS FOR CONNER CROSSING COTTAGE GROVE, SECTION 2 (BRIAN GRAY)
Documents: [Item #12](#)
13. BOARD TO CONSIDER ACCEPTANCE OF MAINTENANCE BOND FOR SANITARY SEWER AT IU NOBLE WEST (BRIAN GRAY)
Documents: [Item #13](#)
14. BOARD TO CONSIDER ACCEPTANCE OF BOND REDUCTION OF EROSION CONTROL AT CHAPEL VILLAS (BRIAN GRAY)
Documents: [Item #14](#)
15. BOARD TO CONSIDER THE TEMPORARY CLOSURE OF PARKING SPACES ON 9TH STREET (PATTY JOHNSON)
Documents: [Item #15](#)

ADJOURNMENT



Board of Public Works and Safety

Tuesday, June 13, 2017 at 09:00 AM
City Hall Council Chambers

8:30 AM - EXECUTIVE SESSION - PERSONNEL

PURSUANT TO IC 5-14-1.5-6(b)(7)

For discussion of records classified as confidential by state or federal statute

CALL MEETING TO ORDER

APPROVAL OF MINUTES: MAY 23, 2017

Documents: Minutes - 05/23/17

APPROVAL OF MINUTES: MAY 30, 2017

Documents: Minutes - 05/30/2017

PETITIONS OR COMMENTS BY CITIZENS WHO ARE PRESENT

APPROVAL OF AGENDA

BID OPENING: 2017 TRAIL CONNECTION PROJECT (EN-247)

NEW ITEMS FOR DISCUSSION

1. BOARD TO CONSIDER THE APPROVAL OF MEDICAL CLAIMS (HOLLY RAMON)
Documents: Item #1
2. BOARD TO CONSIDER AGREEMENT WITH OPENGOV TO INCLUDE THE PERSONNEL COST FORECASTING (PCF) MODULE (JEFFREY SPALDING)
Documents: Item #2
3. BOARD TO CONSIDER THE WRITE-OFF OF UNPAID DEBT AT THE WASTEWATER UTILITY (RAY THOMPSON)
Documents: Item #3
4. BOARD TO CONSIDER PERMISSION TO ADVERTISE FOR BIDS FOR BIOLOGICAL PHOSORPHORUS REMOVAL PROJECT (RAY THOMPSON)
Documents: Item #4
5. BOARD TO CONSIDER CONTRACT FOR LANDSCAPING AT THE PUBLIC SAFETY BUILDING (DAVID DALE)
Documents: Item #5
6. BOARD TO CONSIDER CONTRACT FOR REPLACEMENT OF FLOORING AT CITY HALL BUILDING IN THE PLANNING DEPARTMENT'S KITCHEN (DAVID DALE)
Documents: Item #6

7. BOARD TO CONSIDER SERVICE CONTRACT FOR FILTERED WATER COOLERS FOR THE CITY HALL AND PUBLIC SAFETY BUILDINGS (DAVID DALE)
Documents: Item #7
8. BOARD TO CONSIDER TEMPORARY CLOSURE OF TWO PARKING SPACES ON LOGAN STREET BETWEEN 8TH AND 9TH STREETS (PATTY JOHNSON)
Documents: Item #8
9. BOARD TO CONSIDER TEMPORARY STREET CLOSURE OF SEABISCUIT DRIVE IN THE WATERMAN FARMS SUBDIVISION (PATTY JOHNSON)
Documents: Item #9
10. BOARD TO CONSIDER APPROVAL FOR FAÇADE GRANT IMPROVEMENT AGREEMENT FOR 950 LOGAN STREET (AARON HEAD)
Documents: Item #10
11. BOARD TO CONSIDER CONTRACT SERVICES AGREEMENT WITH AMERICAN STRUCTUREPOINT FOR ENGINEERING SERVICES FOR SANITARY SEWER AND SEPTIC SERVICE AT FIRE STATION #77 (JOHN BEERY)
Documents: Item #11
12. BOARD TO CONSIDER SETTLEMENT WITH VECTREN FOR THE ACQUISITION OF RIGHT-OF-WAY ON GRAY ROAD NORTH OF 146TH STREET (JOHN BEERY)
Documents: Item #12
13. BOARD TO CONSIDER SETTLEMENT FOR THE PURCHASE OF RIGHT-OF-WAY FOR PARCEL NO. 2 AT THE INTERSECTION OF 19TH AND PLEASANT STREETS (JOHN BEERY)
Documents: Item #13
14. BOARD TO CONSIDER CONTRACT SERVICES AGREEMENT FOR TOPOGRAPHIC SURVEY, UTILITY AND GEOTECHNICAL SERVICES WITH USI CONSULTANTS FOR THE PLEASANT STREET CORRIDOR PROJECT (JOHN BEERY)
Documents: Item #14
15. BOARD TO CONSIDER AWARD OF 2017 STREET REHABILITATION – CONTRACT II, STREET AND ALLEY RESURFACING PROJECT (JOHN BEERY)
Documents: Item #15
16. BOARD TO CONSIDER ACCEPTANCE OF DEDICATION OF A ROADWAY, TRAIL, AND DRAINAGE EASEMENT ON SUMMER ROAD (JOHN BEERY)
Documents: Item #16
17. BOARD TO CONSIDER AN AGREEMENT FOR THE DEFERRAL OF ROAD IMPACT FEES WITH ED MARTIN POINTE (JOHN BEERY)
Documents: Item #17
18. BOARD TO CONSIDER PROFESSIONAL SERVICES CONTRACT WITH DLZ, INDIANA LLC FOR THE DESIGN OF A SANITARY SEWER INTERCEPTOR AT STATE ROAD 38 AND LITTLE CHICAGO ROAD (JIM HELLMANN)
Documents: Item #18
19. BOARD TO CONSIDER PERMISSION TO REQUEST PROPOSALS FOR CONSTRUCTION INSPECTION FOR THE MIDLAND TRACE TRAIL BETWEEN HAZEL DELL ROAD AND WILLOWVIEW ROAD (EN-180) (JIM HELLMANN)
Documents: Item #19
20. BOARD TO CONSIDER A TEMPORARY ONE-LANE CLOSURE OF NORTHBOUND UNION CHAPEL ROAD FOR SANITARY SEWER INSTALLATION (LOCP-001691-2016) (BRIAN GRAY)
Documents: Item #20
21. BOARD TO CONSIDER ACCEPTANCE OF THE ILP PERFORMANCE BOND FOR EROSION CONTROL FOR TURNBERRY AT THE PARK, SECTION 2 (BRIAN GRAY)
Documents: Item #21
22. BOARD TO CONSIDER ACCEPTANCE OF THE ILP RELATED SURETIES FOR WOOD HOLLOW, SECTION 1 (BRIAN GRAY)
Documents: Item #22
23. BOARD TO CONSIDER RELEASE OF RELATED SURETY FOR CHAPEL WOODS, SECTION 9 (BRIAN GRAY)
Documents: Item #23
24. BOARD TO CONSIDER ACCEPTANCE OF THE ILP RELATED SURETIES FOR SUMERLAND PARK, SECTION 1 (BRIAN GRAY)
Documents: Item #24
25. BOARD TO CONSIDER ACCEPTANCE OF ILP PERFORMANCE BOND FOR RIGHT-OF-WAY IMPROVEMENTS FOR PEBBLE BROOK VILLAS (BRIAN GRAY)
Documents: Item #25

ADJOURNMENT

