COMMON COUNCIL
MEETING MINUTES
MONDAY, NOVEMBER 7, 2011 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President W. Eric Seidensticker, Council Members John V. Accetturo, Joseph C. Griffiths, Luci Snyder, Ronald E. Carter, Kevin Rider, Clerk-Treasurer Diana L. Cordray and Deputy Clerk Treasurer Lois Fine.

Councilor Sharp was not in attendance.

Mayor Brainard called the meeting to order at 6:00 p.m.

Pastor George Ferch, Bethlehem Lutheran Church, pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Griffiths made a motion to approve minutes from the October 17, 2011 Regular Meeting. Councilor Snyder seconded. There was no Council discussion. Council President Seidensticker called for the vote. Minutes were approved 6-0.

Councilor Griffiths made a motion to approve minutes from the October 19, 2011 Special Meeting. Councilor Rider seconded. There was no Council discussion. Council President Seidensticker called for the vote. Minutes were approved 6-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

There were none.

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Snyder addressed the Council regarding the Hamilton County Humane Society.

Councilor Carter addressed the Council regarding the Winter Market at City Center every Saturday from 9:00 a.m. to 12:00 p.m. starting November 19, 2011 through March 17, 2011 with the exception of December 24th and December 31st.

ACTION ON MAYORAL VETOES:

Council President Seidensticker announced **Ordinance D-2055-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6 by Adding to Article 4 a New Section Identified as § 6-69 (*Possession of Deadly Weapons and Destructive Devices Prohibited in City Hall*) to the Carmel City Code; Sponsor(s): Councilor(s) Griffiths, Seidensticker, Sharp and Snyder. **ADOPTED 4-2, OCTOBER 19, 2011**(COUNCILORS ACCETTURO AND RIDER OPPOSED, COUNCILOR CARTER NOT PRESENT). A memo from Mayor Brainard was delivered to all Council

Members and the Clerk-Treasurer with an explanation for his veto of this Ordinance. There was brief Council discussion. Council President Seidensticker called for the vote to approve Ordinance D-2055-11. The motion **Failed** 3-3 (Councilors Griffiths, Seidensticker and Snyder voted Aye; Councilors Accetturo, Carter and Rider voted Nay).

CLAIMS:

Councilor Griffiths made a motion to approve claims in the amount of $1,665,459.64. Councilor Snyder seconded. There was no Council discussion. Council President Seidensticker called for the vote. Claims were approved 6-0.

COMMITTEE REPORTS:

Councilor Snyder reported that the Finance, Administration and Rules Committee had met and discussed Ordinance D-2057-11, Ordinance D-2058-11, Ordinance D-2059-11 and Ordinance D-2062-11. The Committee report will be given when the item appears on the agenda.

Councilor Rider reported that the Land Use, Annexation and Economic Development Committee had met and discussed Ordinance Z-551-11 which was forwarded back to the Council with a proposed Amendment. Ordinance Z-553-11 was discussed and was forwarded back to the Council with a favorable recommendation.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.

Councilor Griffiths reported that the Utilities, Transportation and Public Safety Committee had not met. The next meeting will be held on Monday, November 14, 2011 at 5:30 p.m.

Dave Bowers, Council representative on the Carmel Redevelopment Commission, was available for questions of the Council regarding the financial activities of the Carmel Redevelopment Commission. There was brief Council discussion.

OLD BUSINESS

Council President Seidensticker announced the **Fifth Reading of Ordinance D-2051-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-40 (*Compensation*) of the Carmel City Code; Sponsor(s): Councilor(s) Seidensticker and Rider. Remains in the Finance, Administration and Rules Committee (11/17/11). This item was not discussed.

Council President Seidensticker announced the **Third Reading of Ordinance D-2057-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Limiting the Purposes of Encumbered Funds (*Amending Section 2-203 Encumbrances*). Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council. This item was referred back to the Council with a 4-0 unfavorable recommendation. There was no Council discussion. Council President Seidensticker called for the question. **Ordinance D-2057-11 Failed** 1-5 (Councilors Accetturo, Griffiths, Snyder, Carter and Rider opposed).

Council President Seidensticker announced the **Third Reading of Ordinance D-2058-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Fixing Salaries of Elected Officials of the City of Carmel, Indiana, for the Year 2012. Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council and made a motion to present Ordinance D-2058-11 As Amended, VERSION A 10/20/11 to the Council for discussion. Councilor Rider seconded. There was no Council discussion. Council President Seidensticker called for the vote. The motion to amend this Ordinance to not allow 3% raises to the Council was approved 6-0. Councilor Griffiths made a motion to approve Ordinance D-2058-11 As Amended. Councilor Snyder seconded. There was brief Council discussion. Council President Seidensticker called for the vote. **Ordinance D-2058-11 As Amended** was adopted 5-1 (Councilor Accetturo opposed).

Council President Seidensticker announced the **Third Reading of Ordinance D-2059-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing an Amendment to the 2006 COIT Bond and Transferring Proceeds to paving (*$3,000,000*). Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council. This item was referred back to the Council with a 4-0 unfavorable recommendation. There was brief Council discussion. Mayor Brainard addressed the Council. Councilor Rider made a motion to table this item. The motion failed due to the lack of a second. Council President Seidensticker called for the question. **Ordinance D-2059-11 Failed** 0-6 (all Councilors opposed).

Council President Seidensticker announced the **Third Reading of Ordinance D-2060-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, By the Carmel Economic Development Commission (*$130,000,000 - The Barrington of Carmel Project*); Sponsor: Councilor Snyder. Remains in the Finance, Administration and Rules Committee (11/17/11). This item was not discussed.

Council President Seidensticker announced the **Third Reading of Ordinance D-2061-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Chapter 8, Article 5, Section 8-51 (*Backing Into Parking Spaces Prohibited*) to the Carmel City Code and Amending Chapter 8, Article 5, Section 8-45 (*General Provisions*); Sponsor: Councilor Sharp. Remains in the Utilities, Transportation and Public Safety Committee (11/14/11). This item was not discussed.

Council President Seidensticker announced the **Second Reading of Ordinance D-2062-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing and Approving an Additional Appropriation of Funds from the Operating Balance of the General Fund (*$159,000 – Police Department; Gasoline/Humane Society Services*). Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council. This item was referred back to the Council with a 4-0 favorable recommendation. Councilor Rider made a motion to approve Ordinance D-2062-11. Councilor Griffiths seconded. There was no Council discussion. Council President Seidensticker called for the vote. **Ordinance D-2062-11** was adopted 6-0.

Council President Seidensticker announced the **Second Reading of Ordinance D-2063-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Modifying and Restating of Carmel City Code Chapter 8, Article 6, Section 8-58 (*Additional Roadway Weight Limitations*); Sponsor: Councilor Snyder. Sent to the Utilities, Transportation and Public Safety Committee (11/14/11). This item was not discussed.

Council President Seidensticker announced the **Fourth Reading of Ordinance Z-551-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Removing the Sunset Provision of the Carmel Drive-Range Line Road Overlay Zone in the Carmel Zoning Ordinance. Councilor Rider presented the Land Use, Annexation and Economic Development Committee report to the Council. This item was referred back to the Council with a 3-0 favorable recommendation. Councilor Rider made a motion to present Ordinance Z-551-11 As Amended, VERSION A 11/01/11 to the Council for discussion. Mayor Brainard addressed the Council. Councilor Rider referred to City Attorney, Doug Haney, to address the Council. Councilor Griffiths seconded. There was no Council discussion. Council President Seidensticker called for the vote. The motion to amend Ordinance Z-551-11 was approved 5-1 (Councilor Carter opposed). Councilor Griffiths made a motion to approve Ordinance Z-551-11 As Amended. Councilor Snyder seconded. There was no Council discussion. Council President Seidensticker called for the vote. **Ordinance Z-551-11 As Amended** was adopted 6-0.

Council President Seidensticker announced the **Fourth Reading of Ordinance Z-552-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Extending the Sunset Provision on the Process for Demolition of Contributing Buildings of the Old Town District Overlay Zone in the Carmel Zoning Ordinance. Councilor Rider presented the Land Use, Annexation and Economic Development Committee report to the Council. Councilor Griffiths made a motion to approve Ordinance Z-552-11. Councilor Rider seconded. There was no Council discussion. Council President Seidensticker called for the vote. **Ordinance Z-552-11** was adopted 6-0.

PUBLIC HEARINGS

Council President Seidensticker announced the **First Reading of Ordinance Z-553-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Silvara Planned Unit Development District (*281 Acres located northwest of 116th Street and Spring Mill Road, from S-1 and S-2/Residence to PUD/Planned Unit Development*). Councilor Griffiths made a motion to move this item into business. Councilor Rider seconded and presented this item to the Council. Councilor Rider referred to Steve Hardin, Attorney, Baker & Daniels, 600 E. 96th Street #600 to address the Council. Otto Frenzel, 11960 Spring Mill Road addressed the Council. Larry Boone, Republic Development addressed the Council. There was no Council discussion. Council President Seidensticker opened the Public Hearing at 7:31 p.m.

The following individual addressed the Council in favor of Ordinance Z-553-11:

Randy Sherman, Architect, Weaver, Sherman Design	6201 N. Carrollton, Broad Ripple, Indiana

The following individuals, representing CWIC II, addressed the Council opposed to Ordinance Z-553-11:

Marilyn Anderson	3884 Shelborne Court, Carmel, IN
Jeff Kimbell	3940 W. 121st Street, Carmel, IN
Mary Ellen Bormett	2430 Hopwood Court, Carmel, IN
Dee Fox	11389 Royal Court, Carmel, IN

The following individuals addressed the Council in favor of Ordinance Z-553-11:

Mack McNaught	425 McLaren Lane, Carmel, IN
Allan Weihe	11055 Winding Brook Lane, Carmel, IN
Andy Gerdom	13520 Shakamac Drive, Carmel, IN
Brian Brunner	3525 W. 131st Street, Carmel, IN
John McKenzie	15620 Hidden Oaks Court, Carmel, IN
Max Meiser	12512 Windsor Drive, Carmel, IN
Michael Hannigan	16 Cool Creek Court, Carmel, IN
Jeff Keck	14547 Stonegate Court, Carmel, IN
Gary Ritz	4303 Powderhorn Court, Carmel, IN
Mike Gould	3249 Whispering Pines Lane, Carmel, IN
Michael Stikeleather	3476 Homestretch Drive, Carmel, IN
Doug Kelly	13315 Mercer Street, Carmel, IN

The following individuals addressed the Council opposed to Ordinance Z-553-11:

Philip Martini	12883 Brighton Circle, Carmel, IN
Bob Foley	660 Suffolk Lane, Carmel, IN
Alexa Stetler	349 Mallard Court, Carmel, IN
Allison Brown	600 W. 106th Street, Carmel, IN
Rich Gochnauer	13071 Southampton Court, Carmel, IN
Dave Walsh	12183 Teal Lane, Carmel, IN
Allen Breier	648 Suffolk Lane, Carmel, IN
Richard Scott	12838 Norfolk Circle, Carmel, IN
Jill Meisenheimer	471 Burlington, Carmel, IN
Jim Dillon	507 Cornwall Court, Carmel, IN
Kathy Stetler	349 Mallard Court, Carmel, IN

Seeing no one else who wished to speak, Council President Seidensticker closed the Public Hearing at 9:27 p.m. There was brief Council discussion. Councilor Griffiths referred to Mike Hollibaugh, Director of the Department of Community Services, to address the Council. Council President Seidensticker referred Ordinance Z-553-11 to the Land Use, Annexation and Economic Development Committee for further review and consideration.

NEW BUSINESS

Council President Seidensticker announced the **First Reading of Ordinance D-2065-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Requiring the Coordination of Solid Waste Collection and Disposal Services and Mandating Recycling Service. Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded. Councilor Seidensticker presented this item to the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2065-11 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2066-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 3, Article I, Division II Section 3-27 (*Approval/Disapproval by Mayor of all Council Ordinances*), of the Carmel City Code

Regarding Override of Mayoral Vetoes. Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded. Councilor Seidensticker presented this item to the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2066-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2067-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Enacting and Adopting the Recodification of Chapter 2, of the Code of Ordinances of the City of Carmel, Indiana. Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded and presented this item to the Council. Councilor Snyder made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths seconded. There was no Council discussion. Council President Seidensticker called for the vote. The motion was approved 6-0. Councilor Griffiths made a motion to approve Ordinance D-2067-11. Councilor Rider seconded. There was no Council discussion. Council President Seidensticker called for the vote. **Ordinance D-2067-11** was adopted 6-0.

Council President Seidensticker announced the **First Reading of Ordinance D-2068-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending, Chapter 9, Article 2, Section 9-55 (*Monthly Metered Rates, Monthly Base Charges, Minimum Charges and Private Fire Protection*) and Restating the Schedule of Rates and Charges Collected by the Water Utility. Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded and presented this item to the Council. Councilor Snyder referred to John Duffy, Director, Carmel Utilities, to address the Council. Jim Higgins, London Witte Group, Financial Advisor to the Utility Department addressed the Council. There was brief Council discussion. Mayor Brainard addressed the Council. Council President Seidensticker referred Ordinance D-2068-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2069-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 3, Division V, Section 9-171 (*Sewer Charges*) of the Carmel City Code. Councilor Griffiths made a motion to move this item into business. Councilor Rider seconded. Councilor Snyder presented this item to the Council. Councilor Snyder referred to John Duffy, Director, Carmel Utilities, to address the Council. John Skomp, Crowe Horwath, addressed the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2069-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2070-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Concerning the Construction of Additions and Improvements to the Waterworks of the City, and the Refunding of its Waterworks Revenue Bonds of 2002, Series A, Waterworks Revenue Bonds of 2002, Series B and Waterworks Revenue Bonds of 2003, Series A; and Authorizing the Issuance of Revenue Bonds (*$27,000,000*). Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded and presented this item to the Council. Councilor Snyder referred to John Duffy, Director, Carmel Utilities, to address the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2070-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2071-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Acquisition, Construction and Installation of Certain Improvements for the Sewage Works System of the City of Carmel, Indiana; The

Issuance of Revenue Bonds to Provide the Cost, The Collection, Segregation and Distribution of the Revenue of such System. Including the Issuance of Notes in Anticipation of such Bonds, and Repealing Ordinances Inconsistent (*$11,200,000*). Councilor Griffiths made a motion to move this item into business. Councilor Rider seconded. Councilor Snyder referred to John Duffy, Director, Carmel Utilities, to present this item to the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2071-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2072-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving an Amendment to Lease Agreement Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission, and the Issuance of Refunding Bonds Designated as "City of Carmel Redevelopment Authority Lease Rental Revenue Refunding Bonds of 2011", in the Aggregate Principal Amount not to Exceed ($*29,500,000*). Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded and presented this item to the Council. Councilor Snyder referred to Bruce Donaldson, Barnes & Thornburg, to address the Council. There was brief Council discussion. Council President Seidensticker referred Ordinance D-2072-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance D-2073-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Issuance and Sale of the City of Carmel, Indiana, COIT Revenue Refunding Bonds to Procure Funds to be Applied to the Refunding of Certain Outstanding Obligations, Including Costs and Expenses (*$7,500,000*) in Connection with the Issuance of the Bonds. Councilor Griffiths made a motion to move this item into business. Councilor Rider seconded. Councilor Snyder presented this item to the Council. Bruce Donaldson, Barnes & Thornburg, addressed the Council. There was no Council discussion. Council President Seidensticker referred Ordinance D-2073-11 to the Finance, Administration and Rules Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance A-97-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 2, Division IV, Sections 9-44 (*Application Fees for Water Service*)*;* 9-45 (*Service Charge and Installation Fee*)*;* 9-51 (*Water Meter Pit Accessibility: Inspection*)*;* 9-52 (*Cross Connection Control*)*;* 9-58 (*Tapping Fees*)*;* 9-62 (*Disconnection for Non-Payment: Returned Checks*)*;* 9-65 (*Rates and Charges for Recurring Sales of Raw Water (Untreated) Water - $225 per million Gallons*)*;* 9-75 (*Hydrant Meters*) of the Carmel City Code. Councilor Griffiths made a motion to move this item into business. Councilor Snyder seconded and presented this item to the Council. Councilor Snyder referred to John Duffy, Director, Carmel Utilities, to address the Council. There was no Council discussion. Council President Seidensticker referred Ordinance A-97-11 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

Council President Seidensticker announced the **First Reading of Ordinance S-73-11**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 9, Article 4, Sections 9-196 (*Availability Costs*); 9-199 (*Oversizing*); 9-200 (*Individual Connection Inside and Outside of City*); 9-207 (*Allocation of Receipts*) and Deleting Section 9-205 (*Individual Connections Cost -Developed Areas)* of the Carmel City Code. Councilor Griffiths made a motion to move this item into business. Councilor Rider seconded. Councilor Snyder presented this item to the Council and referred to John Duffy, Director, Carmel Utilities, to address the Council. There was no Council discussion. Council President

Seidensticker referred Ordinance S-73-11 to the Utilities, Transportation and Public Safety Committee for further review and consideration.

OTHER BUSINESS

There was none.

ANNOUNCEMENTS

There were none.

EXECUTION OF DOCUMENTS

ADJOURNMENT

Mayor Brainard adjourned the meeting at 10:40 p.m.

Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

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James Brainard, Mayor

ATTEST:

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Diana L. Cordray, IAMC, Clerk-Treasurer