

City of Carmel

Common Council

July 6, 2015
6:00 P.M.

**COMMON COUNCIL
MEETING AGENDA
MONDAY, JULY 6, 2015 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE**

MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
 - a. June 15, 2015 Regular Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
 - a. Payroll
 - b. General Claims
 - c. Retirement - \$90,436.37
 - d. Wire Transfers, Month of June, 2015 - \$9,726,258.60
9. COMMITTEE REPORTS
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee
 - e. Report from the Carmel Redevelopment Commission

10. **OLD BUSINESS**

- a. **Eleventh Reading of Ordinance D-2199-14**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 3, Article 1, Division II, Section 3-18 (*Order of Business*) of the Carmel City Code; Sponsor(s): Councilor(s) Carter and Finkam.
- b. **Third Reading of Ordinance D-2215-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Reestablishing the Tax Rate for the City of Carmel Cumulative Capital Development Fund and Reaffirming Carmel City Code Chapter 2, Article 4, Section 2-91 (*Cumulative Capital Development Fund #211*), Accordingly; Sponsor(s): Councilor(s) Snyder and Rider.
- c. **Second Reading of Ordinance D-2217-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2 of the Carmel City Code by Adding Section 2-23 (*Central Indiana Regional Development Authority*), Adopting Provisions to Create a Regional Development Authority; Sponsor(s): Councilor(s) Finkam and Sharp.
- d. **Resolution CC-07-06-15-02 (Formerly Resolution CC-06-01-15-01)**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving Carmel Redevelopment Commission Professional Services Contract with Context Landscaping Architecture (*P.O. # 32948 - \$50,500; Design Services for Sophia Square Courtyard*); Sponsor(s): Councilor(s) Finkam, Schleif and Snyder.
- e. **Second Reading of Ordinance Z-602-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Johnson Addition District Overlay Zone in the Carmel Zoning Ordinance; Sponsor: Councilor Rider.

11. **PUBLIC HEARINGS**

12. **NEW BUSINESS**

- a. **First Reading of Ordinance D-2216-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing and Approving the Additional Appropriation of Monies from the Deferral Fund to Pay Claims for Cost of Administering City Deferral Program; Sponsor(s): Councilor(s) Rider and Snyder.
- b. **First Reading of Ordinance D-2219-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Chapter 8, Section 53 to the Carmel City Code Prohibiting the Stopping, Standing, or Parking of Motor Vehicles in “No Student Pick-Up or Drop-Off Zones”; Sponsor(s): Councilor(s) Rider and Carter.
- c. **First Reading of Ordinance D-2220-15**; An Ordinance of the Common Council of the City of Carmel, Indiana, Regarding the Structure of Funds for the Carmel/Clay Board of Parks and Recreation (Fund #110); Sponsor: Councilor Rider.

- d. **Resolution CC-07-06-15-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Regarding Exchange of Real Property to Third Party (*Acquisition of Property; Approximately 0.297 acres near Old Meridian Street and Grand Boulevard and; City owns Approximately 0.371 acres located at Old Meridian Street and Grand Boulevard – 3 Parcels*); Sponsor: Councilor Snyder.
- e. **Resolution CC-07-06-15-03**; A Resolution of the Common Council of the City of Carmel, Indiana, Expressing Interest in the Purchase of Certain Properties Valued at Over \$25,000 and Associated with the City’s Road Improvement Projects (*7 Properties*); Sponsor(s): Councilor(s) Finkam and Snyder.
- f. **Resolution CC-07-06-15-04**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving IndyGo Red Rapid Transit Line Project Coordination Interlocal Agreement; Sponsor: Councilor Finkam.

13. **OTHER BUSINESS**

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENT**

16. **ADJOURNMENT**

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COMMON COUNCIL MEETING MINUTES

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MONDAY, JUNE 15, 2015 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

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MEMBERS PRESENT:

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Council President Richard L. Sharp, Council Members Sue Finkam, Carol Schleif, W. Eric Seidensticker, Luci Snyder, Ronald E. Carter, Kevin D. Rider, Clerk-Treasurer Diana L. Cordray and Deputy Clerk Lois Craig.

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20

Mayor Brainard was not in attendance.

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22

Council President Sharp called the meeting to order at 6:02 p.m.

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24

Pastor Keith Glasgow, Carmel Friends Church, pronounced the Invocation.

25
26

Councilor Carter led the Pledge of Allegiance.

27
28

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

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30
31

Nancy Chance, Good Samaritan Network of Hamilton County, Inc. presented plaques to the Carmel Fire and Police Departments and to Carmel Financial for their continued support of the Holiday Program.

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33

APPROVAL OF MINUTES:

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Councilor Seidensticker made a motion to approve minutes from the June 1, 2015 Regular Meeting. Councilor Snyder seconded. There was no Council discussion. Council President Sharp called for the vote. Minutes were approved 7-0.

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38

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

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The following individuals addressed the Council in favor of Ordinance Z-602-15 (Johnson Addition District Overlay Zone):

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43
44

Mary Eckard
Chuck Ford

45

The following individual addressed the Council in favor of Ordinance D-2190-14 (stop sign removal from 126th & Auman):

Teresa Kopiwoda

46 The following individuals addressed the Council in opposition to Ordinance D-2190-14 (stop sign
47 removal from 126th & Auman):

48
49 Jordon Barker
50 Aaron Barker

51
52 Mo Merhoff, One Zone, addressed the Council in favor of Ordinance D-2217-15 (Central Indiana
53 Regional Development Authority).

54
55 **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

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

58
59 **ACTION ON MAYORAL VETOES:**

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61 There were none.

62
63 **CLAIMS:**

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65 Councilor Seidensticker made a motion to approve payroll in the amount of \$1,543,321.13. Councilor
66 Schleif seconded. There was no Council discussion. Council President Sharp called for the vote.
67 Payroll was approved 7-0.

68
69 Councilor Seidensticker made a motion to approve claims in the amount of \$1,221,767.73. Councilor
70 Finkam seconded. There was no Council discussion. Council President Sharp called for the vote.
71 Claims were approved 7-0.

72
73 Wire Transfers: Month of May 2015. Councilor Seidensticker made a motion to acknowledge wire
74 transfers in the amount of \$3,492,726.73. Councilor Schleif seconded. There was no Council
75 discussion. Council President Sharp called for the vote. Wire Transfers were acknowledged 7-0.

76
77 **COMMITTEE REPORTS:**

78
79 Councilor Snyder reported that the Finance, Administration and Rules Committee had met and discussed
80 Ordinance D-2199-14, Ordinance D-2213-15 and Carmel's Tax Abatements. The committee report will
81 be given when the item appears on the agenda. The next meeting will be held on Thursday, June 18,
82 2015 at 5:30 p.m.

83
84 Councilor Seidensticker reported that the Land Use, Annexation and Economic Development
85 Committee had not met. The next meeting will be held on Tuesday, June 23, 2015 at 5:30 p.m.

86
87 Councilor Rider reported that the Parks, Recreation and Arts Committee had not met.

88
89 Councilor Finkam reported that the Utilities, Transportation and Public Safety Committee had met and
90 discussed Ordinance D-2190-14, Ordinance D-2211-15, Ordinance D-2214-15 and Ordinance
91 D-2212-15. The committee report will be given when the item appears on the agenda.

92
93 Council President Sharp addressed the Council regarding a spreadsheet that the Finance Manager, Cindy
94 Sheeks, presented to Councilor Sharp and to Councilor Snyder in regards to a \$7,000,000 budget

95 discrepancy to meet the City Budget as approved by the State. Clerk-Treasurer Diana L. Cordray
96 addressed the Council. Council President Sharp referred to Curt Coonrod, C.L. Coonrod and Company,
97 to address the Council.
98

99 **OLD BUSINESS**

100
101 Council President Sharp announced the **Tenth Reading of Ordinance D-2190-14**; An Ordinance of the
102 Common Council of the City of Carmel, Indiana, Amending Carmel City Code Section 8-120 (*Specific*
103 *Locations of Stop & Yield Intersections Designated*) and its “Schedule A. Councilor Finkam presented
104 the Utilities, Transportation and Public Safety Committee report to the Council. This item was referred
105 back to the Council with a 2-1 favorable recommendation. Councilor Finkam made a motion to approve
106 Ordinance D-2190-14. Councilor Carter seconded. Council President Sharp passed the gavel to
107 Councilor Rider to address the Council. There was brief Council discussion. Councilor Rider called for
108 the vote. **Ordinance D-2190-14 FAILED** 3-4 (Councilors Schleif, Seidensticker, Sharp and Snyder
109 opposed).
110

111 Council President Sharp reclaimed the gavel from Councilor Rider.
112

113 Council President Sharp announced the **Tenth Reading of Ordinance D-2199-14**; An Ordinance of the
114 Common Council of the City of Carmel, Indiana, Amending Chapter 3, Article 1, Division II, Section
115 3-18 (*Order of Business*) of the Carmel City Code; Sponsor(s): Councilor(s) Carter and Finkam. This
116 item was Tabled.
117

118 Council President Sharp announced the **Third Reading of Ordinance D-2211-15**; An Ordinance of the
119 Common Council of the City of Carmel, Indiana, Adding New Subsection (e) to Chapter 8, Article 4,
120 Section 8-36 (*Turning Regulations*) of the Carmel City Code. Councilor Finkam presented the Utilities,
121 Transportation and Public Safety Committee report to the Council. This item was referred back to the
122 Council with a 3-0 favorable recommendation with proposed amendments. Councilor Finkam made a
123 motion to amend Ordinance D-2211-15 by substituting in whole Ordinance D-2211-15 As Amended,
124 VERSION A – 6/3/15 – Utilities, Transportation and Public Safety Committee. Councilor Snyder
125 seconded. There was no Council discussion. Council President Sharp called for the vote. The motion
126 was approved 7-0. Councilor Rider made a motion to approve Ordinance D-2211-15 As Amended.
127 Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the
128 vote. **Ordinance D-2211-15 As Amended** was adopted 7-0.
129

130 Council President Sharp announced the **Second Reading of Ordinance D-2212-15**; An Ordinance of
131 the Common Council of the City of Carmel, Indiana, Changing the Speed Limit to 35 Miles Per Hour on
132 River Road and 40 Miles Per Hour on Gray Road. Councilor Finkam presented the Utilities,
133 Transportation and Public Safety Committee report to the Council. This item was referred back to the
134 Council with a 3-0 favorable recommendation with proposed amendments. Councilor Finkam made a
135 motion to amend Ordinance D-2212-15 by substituting in whole Ordinance D-2212-15 As Amended,
136 VERSION A – 6/3/15 – Utilities, Transportation and Public Safety Committee. Councilor Rider
137 seconded. There was no Council discussion. Council President Sharp called for the vote. The motion
138 was approved 7-0. Councilor Rider made a motion to approve Ordinance D-2212-15 As Amended.
139 Councilor Snyder seconded. There was no Council discussion. Council President Sharp called for the
140 vote. **Ordinance D-2212-15 As Amended** was adopted 7-0.
141
142

143 Council President Sharp announced the **Second Reading of Ordinance D-2213-15**; An Ordinance of
144 the Common Council of the City of Carmel, Indiana, Allocating Rate Cap Credits and Appropriating
145 Funds for the Maintenance of Certain City Facilities (*\$659,044 from the General Fund to the Street*
146 *Department*). Councilor Snyder presented the Finance, Administration and Rules Committee report to
147 the Council. This item was referred back to the Council with a 3-0 favorable recommendation.
148 Councilor Snyder made a motion to approve Ordinance D-2213-15. Councilor Rider seconded. There
149 was no Council discussion. Council President Sharp called for the vote. **Ordinance D-2213-15** was
150 adopted 7-0.

151
152 Council President Sharp announced the **Second Reading of Ordinance D-2214-15**; An Ordinance of
153 the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 8, Section 8-91
154 (*Municipal Traffic Violation-Penalties*) and Chapter 3, Article 2, Section 3-58 (*Establishment of*
155 *Violations Bureau and Appointment of Violations Clerk*) of the Carmel City Code. Councilor Finkam
156 presented the Utilities, Transportation and Public Safety Committee report to the Council. This item
157 was referred back to the Council with a 3-0 favorable recommendation. Councilor Finkam made a
158 motion to approve Ordinance D-2214-15. Councilor Rider seconded. There was no Council discussion.
159 Council President Sharp called for the vote. **Ordinance D-2214-15** was adopted 7-0.

160
161 Council President Sharp announced **Resolution CC-06-01-15-01**; A Resolution of the Common Council
162 of the City of Carmel, Indiana, Approving Carmel Redevelopment Commission Professional Services
163 Contract with Context Landscaping Architecture (*P.O. # 32948 - \$50,500; Design Services for Sophia*
164 *Square Courtyard*); Sponsor(s): Councilor(s) Finkam, Schleif and Snyder. Remains in the Finance,
165 Administration and Rules Committee. This item was not discussed.

166
167 Councilor Seidensticker informed the Council that he failed to make a motion under item number 8.
168 (Claims) to remove a claim on page 11 made payable to INDYGO (Tiger Grant Funding) in the amount
169 of \$100,000. The Interlocal Agreement that supports the claim has not been approved by the Council.
170 Councilor Seidensticker referred to Mike Hollibaugh, Director, Department of Community Services, to
171 address the Council. Councilor Seidensticker rescinded his previous motion to approve claims in the
172 amount of \$1,221,767.73. Councilor Schleif withdrew her second. There was no Council discussion.
173 Council President Sharp called for the vote. The motion to remove the INDYGO claims in the amount
174 of \$100,000 was approved 7-0. Council President Sharp called for the question to approve claims in the
175 new amount of \$1,121,767.73. Councilor Rider seconded. There was no Council discussion. Council
176 President Sharp called for the vote. Claims were approved 7-0.

177
178 **PUBLIC HEARINGS**

179
180 Council President Sharp announced the **Second Reading of Ordinance D-2215-15**; An Ordinance of
181 the Common Council of the City of Carmel, Indiana, Reestablishing the Tax Rate for the City of Carmel
182 Cumulative Capital Development Fund and Reaffirming Carmel City Code Chapter 2, Article 4, Section
183 2-91 (*Cumulative Capital Development Fund #211*), Accordingly; Sponsor(s): Councilor(s) Snyder and
184 Rider. Remains in the Finance, Administration and Rules Committee (6/18/15). Council President
185 Sharp opened the Public Hearing at 7:14 p.m. Seeing no one who wished to speak, Council President
186 Sharp closed the Public Hearing at 7:14:30 p.m.

187
188 Council President Sharp announced the **First Reading of Ordinance Z-602-15**; An Ordinance of the
189 Common Council of the City of Carmel, Indiana, Establishing the Johnson Addition District Overlay
190 Zone in the Carmel Zoning Ordinance. Councilor Rider made a motion to move this item into business.
191 Councilor Snyder seconded. Councilor Rider referred to Adrienne Keeling, Department of Community

192 Services, to present this item to the Council. There was brief Council discussion. Council President
193 Sharp opened the Public Hearing at 7:25 p.m.
194

195 The following individual addressed the Council in opposition to this item:
196

197 Jana Souers
198

199 Seeing no one else who wished to speak, Council President Sharp closed the Public Hearing at 7:31 p.m.
200 There was brief Council discussion. Council President Sharp referred Ordinance Z-602-15 to the Land
201 Use, Annexation and Economic Development Committee for further review and consideration.
202

203 **NEW BUSINESS**

204

205 Council President Sharp announced the **First Reading of Ordinance D-2217-15**; An Ordinance of the
206 Common Council of the City of Carmel, Indiana, Amending Chapter 2 of the Carmel City Code by
207 Adding Section 2-23 (*Central Indiana Regional Development Authority*), Adopting Provisions to Create
208 a Regional Development Authority. Councilor Snyder made a motion to move this item into business.
209 Councilor Finkam seconded and referred to Mike Hollibaugh, Director, Department of Community
210 Services, to present this item to the Council. There was no Council discussion. Council President Sharp
211 referred Ordinance D-2217-15 to the Finance, Administration and Rules Committee for further review
212 and consideration.
213

214 Council President Sharp announced the **First Reading of Ordinance D-2218-15**; An Ordinance of the
215 Common Council of the City of Carmel, Indiana, Approving the Transfer of Property (*Fire Station #43,*
216 *Fire Station #44, A New Fire Training and Repair Shop Facility to be located on up to 4 acres to be*
217 *Designated by the City located at or about 4615 E. 106th Street for the Purpose of Constructing*
218 *Improvements*) and Approving and Adopting a Sublease and Management Agreement with Clay
219 Township of Hamilton County, Indiana. Councilor Rider made a motion to move this item into
220 business. Councilor Snyder seconded. Councilor Rider referred to Ashley Ulbricht, Assistant City
221 Attorney, to present this item to the Council. Chief Dave Haboush, Carmel Fire Department, addressed
222 the Council. Doug Callahan, Clay Township Trustee, addressed the Council. Councilor Rider made a
223 motion to suspend the rules and not send this item to committee and vote this evening. There was brief
224 Council discussion. Councilor Rider withdrew his motion. This item was Tabled. There was brief
225 Council discussion.
226

227 **OTHER BUSINESS**

228

229 Property Abatements/Compliance with Statement of Benefits – Deadline was May 15, 2015:
230

- 231 1. Allegient, LLC - COMPLIANT
- 232 2. Baldwin & Lyons, Inc. - COMPLIANT
- 233 3. Belden, Inc. - COMPLIANT
- 234 4. Capital Bank and Trust Co. - COMPLIANT
- 235 5. Dealer Services Corporation - COMPLIANT
- 236 6. Flywheel Healthcare, LLC – COMPLIANT WITH CONCERNS
- 237 7. GEMMS, Inc. - COMPLIANT
- 238 8. KAR Auction Services, Inc. - COMPLIANT
- 239 9. Meridian Medical Partners, LLC - COMPLIANT WITH CONCERNS
- 240 10. Midwest Independent Transmission System Operator (MISO) - COMPLIANT
- 241 11. The Capital Group Companies - COMPLIANT

242 Councilor Snyder presented the Finance, Administration and Rules Committee report to the Council.
243 After review of all of the CF-1's presented, two companies will be receiving a letter requesting that they
244 attend the Finance, Administration and Rules Committee meeting on Thursday, July 16, 2015 at 5:30
245 p.m. to review with the committee their business plan and also provide an update on the their project that
246 was granted a Tax Abatement.

247
248 **ANNOUNCEMENTS**

249
250 There were none.

251
252 **EXECUTION OF DOCUMENT**

253
254 **ADJOURNMENT**

255
256 Council President Sharp adjourned the meeting at 7:53 p.m.

257
258 Respectfully submitted,

259
260
261
262 _____
263 Clerk-Treasurer Diana L. Cordray, IAMC

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265 Approved,

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269 _____
270 James Brainard, Mayor

271
272 **ATTEST:**

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276 _____
277 Diana L. Cordray, IAMC, Clerk-Treasurer

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Total Gross Retirees PAYROLL for checks dated 7 / 1 /2015 \$ 90,436.37

I hereby certify that payroll amount listed above is true and correct and I have audited same in accordance with IC 5-11-10-1.6.

Clerk-Treasurer

We have examined the foregoing payroll charges, consisting of one page(s), and except for payroll not allowed as shown in this register, such payroll in the total amount of \$90,436.37 is compliance with Section 2-12 of the Carmel City Code.

Dated this _____ day of _____, _____ 2015

Acknowledged by the Common Council of the City of Carmel, Indiana.

_____ Presiding officer	_____ Council President
_____	_____
_____	_____
_____	_____

Monthly Report of Wire Transfers

For the Month/Year of: June 2015

<u>Date</u>	<u>Recipient</u>	<u>Amount</u>	<u>Fund</u>	<u>Account</u>	<u>Description</u>
6/1/2015	BAS	13,232.89		301 5023990	Medical payments
6/2/2015	BONY	1,500.00		1150 4354013	Trustee fee
6/2/2015	BAS	12,479.43		301 5023990	Medical payments
6/3/2015	Anthem	199,897.08		301 5023990	Medical payments
6/12/2015	Regions Bank	2,902,500.00	211 and	1150 4354014	2014B Coit Bond payment Street Dept bond payment
6/15/2015	PNC	379,206.00		1150 4354003	2010 Coit Bond payment
6/15/2015	Huntington	860,500.00		1150 4354008	2011 Refunded 1998 Coit bond payment
6/15/2015	Huntington	479,710.75		902 4354001	Trustee fee
6/15/2015	Regions Bank	2,150.00		1150 4354014	Medical payments
6/15/2015	BAS	32,624.91		301 5023990	Medical payments
6/15/2015	Anthem	231,298.88		301 5023990	Medical payments
6/17/2015	Anthem	218,956.86		301 5023990	Medical payments
6/18/2015	Citizens	14,012.29		302 5023990	Workers Comp

Total Wire Transfers: \$ 9,726,258.60

I hereby certify that each of the above listed wire transfers are true and correct and I have audited same in accordance with IC 5-11-10-1.6.

Clerk-Treasurer

We have examined the wires listed above on the foregoing accounts payable register, consisting of one page(s), and except for wires not allowed as shown in this register, such wires in the total amount of \$9,726,258.60 are in compliance with Section 2-12 of the Carmel City Code.

Dated this _____ day of _____, _____

Acknowledged by the Common Council of the City of Carmel, Indiana.

Presiding officer

Council President

Carmel Redevelopment Commission

STRATEGIC HIGHLIGHTS

- The CRC approved the Project Agreement and amended use of TIF funds for the Grand and Main Project (Edward Rose). Final signatures are expected in July, 2015.
- A TIF increment intent statement was approved and will be distributed to required authorities. The CRC intends to utilize all TIF funds received.
- The CRC approved a construction contract to complete the Tarkington Garage masonry façade adjacent to the Mezz.
- Construction projects for the Nash, Mezz, and Reflecting Pool are complete or near completion.

FINANCIAL HIGHLIGHTS

The following highlights represent unrestricted funds available to the CRC to work its mission. Total savings at month-end were 3,832,314. Savings are considered restricted and are in addition to the ending balance noted below.

May Beginning Balance	\$ 5,053,487
May Revenues	\$ 217,014
May Expenditures	\$ 165,673
May Ending Balance	\$ 5,104,828

A draft 2016 CRC budget will be submitted to Council for review in July. As requested, this follows the timeline of the City Department budget process. The CRC will approve a final 2016 budget in Fall, 2015.

FUNCTIONAL HIGHLIGHTS

- CRC staff, the CRC Treasurer, and Clerk Treasurer (CT) staff met once in June to discuss storage of records and the off-site storage unit that the CT office will not continue beyond 2015, which contains CRC records. Attendees were the CT, CRC Director and CRC Office Manager.
- Original records transferred to and/or documents shared with CT office for record-keeping:

DATE	DOCUMENT	METHOD
n/a		

LOOKING AHEAD

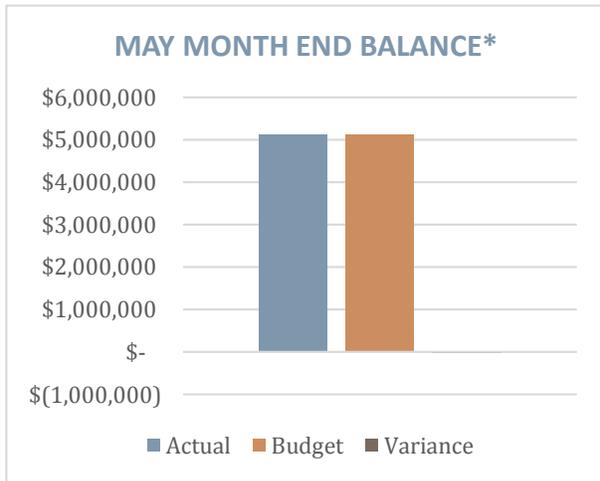
- Agreements will begin to be developed with Anderson Birkla regarding the Party Time site. All agreements and project design will seek Council input and approval this summer.
- Midtown development discussions are underway. A TIF request is anticipated in 2015.
- The CRC will finalize a mid-2015 and 2016 budget in July.

FINANCIAL STATEMENT

Financial Statement

MAY MONTH-END FINANCIAL BALANCE

Ending Balance without Restricted Funds *	\$ 5,104,828
Ending Balance with Restricted Funds	\$ 8,937,142



SUMMARY OF CASH

For the Month Ending May 30, 2015

DESCRIPTION	ACTUAL	MONTHLY PROJECTION	VARIANCE
Cash Balance 5/1/15			
1101 Cash	\$5,004,383.34	\$5,004,383.34	\$-
1110 TIF	49,103.18	49,103.18	-
Total Cash	\$5,053,486.52	\$5,053,486.52	\$-
Receipts			
1101 Cash	\$217,013.93	\$227,475.43	\$(10,461.50)
1110 TIF	-	-	-
Developer Payments	-	-	-
Transfer to SRF	-	-	-
Total Receipts	\$217,013.93	\$227,475.43	\$(10,461.50)
Disbursements			
1101 Cash	\$165,672.59	\$165,672.59	\$-
1110 TIF	-	-	-
Total Disbursements	\$165,672.59	\$165,672.59	\$-
1101 Cash	\$5,055,724.68	\$5,066,186.18	\$(10,461.50)
1110 TIF	49,103.18	49,103.18	0.00
Cash Balance 5/31/15	\$5,104,827.86	\$5,115,289.36	\$(10,461.50)
Total Usable Funds	\$5,104,827.86	\$5,115,289.36	\$(10,461.50)

FINANCIAL STATEMENT

FUND BALANCES AND OUTSTANDING RECEIVABLES

As of May 31, 2015

Restricted Funds

Energy Center Reserve	\$502,055
Civic Rent Reserve	802,341
Supplemental Reserve Fund	2,527,918
Sub-total:	<u>3,832,314</u>

Unrestricted Funds

TIF	49,103
Non TIF	5,055,725
Sub-total:	<u>5,104,828</u>

Total Funds \$8,937,142

Outstanding Receivables

Energy Consumption Payments (1)	10,462
Reimbursement of City Center Phase II invoices (2)	141,374
Reimbursement of Project Blue invoices (3)	<u>13,955</u>
Total Outstanding Receivables	<u>\$165,790</u>

(1) Amount due reflects May 2015 for Office Building One and the Tarkington. REI Real Estate Services, LLC acts as property manager on behalf of the CRC and collects the Energy Consumption Payments to be forwarded.

(2) Amount due is 50% of professional service invoices paid to date by the CRC for the City Center Phase II project as agreed to with Pedcor.

(3) Amounts due are the professional service invoices paid to date by the CRC in regards to the potential development as per the established Reimbursement Agreement.

STATEMENT OF CHANGES IN EQUITY

MONTH END: MAY 2015

DESCRIPTION	REVENUE	EXPENSES
Total Receipts (TIF)	\$0	
Total Receipts (Non-TIF):	\$217,014	
Expenditures (TIF)		\$0
Expenditures (Non-TIF)		\$165,673

Financial Update

TIF REVENUE AND DEBT

Projected TIF revenue available for CRC use and reserve transfers is \$19,957,730.

\$1,927,820 is projected to be transferred to reserves.

Net Developer Pass-Thru TIF Revenue forecast is \$18,029,910.

Bond debt payments were made in June and will be made December. Below are the projected payments;

MONTH	TIF TOTAL	COIT TOTAL
June/July 2015	\$9,056,949	\$479,711
December 2015	\$ 9,054,864	\$479,532

GOING CONCERN

With construction projects underway, we are coordinating closely with contractors to minimize unforeseen change orders.

TAKEAWAYS

- Month-end balance is positive.
- The CRC is evaluating a proposed mid-year/updated budget to reflect up-to-date revenues and expenditures. A public meeting has been scheduled to introduce a proposed mid-year and the 2016 budgets on July 9, 2015 at 3:30pm at City Hall.

PROJECT UPDATES

Project Updates

CITY CENTER

Developer Partner: Pedcor Companies

Allocation Area: City Center

Project Summary: see below

Use: Mixed-Use

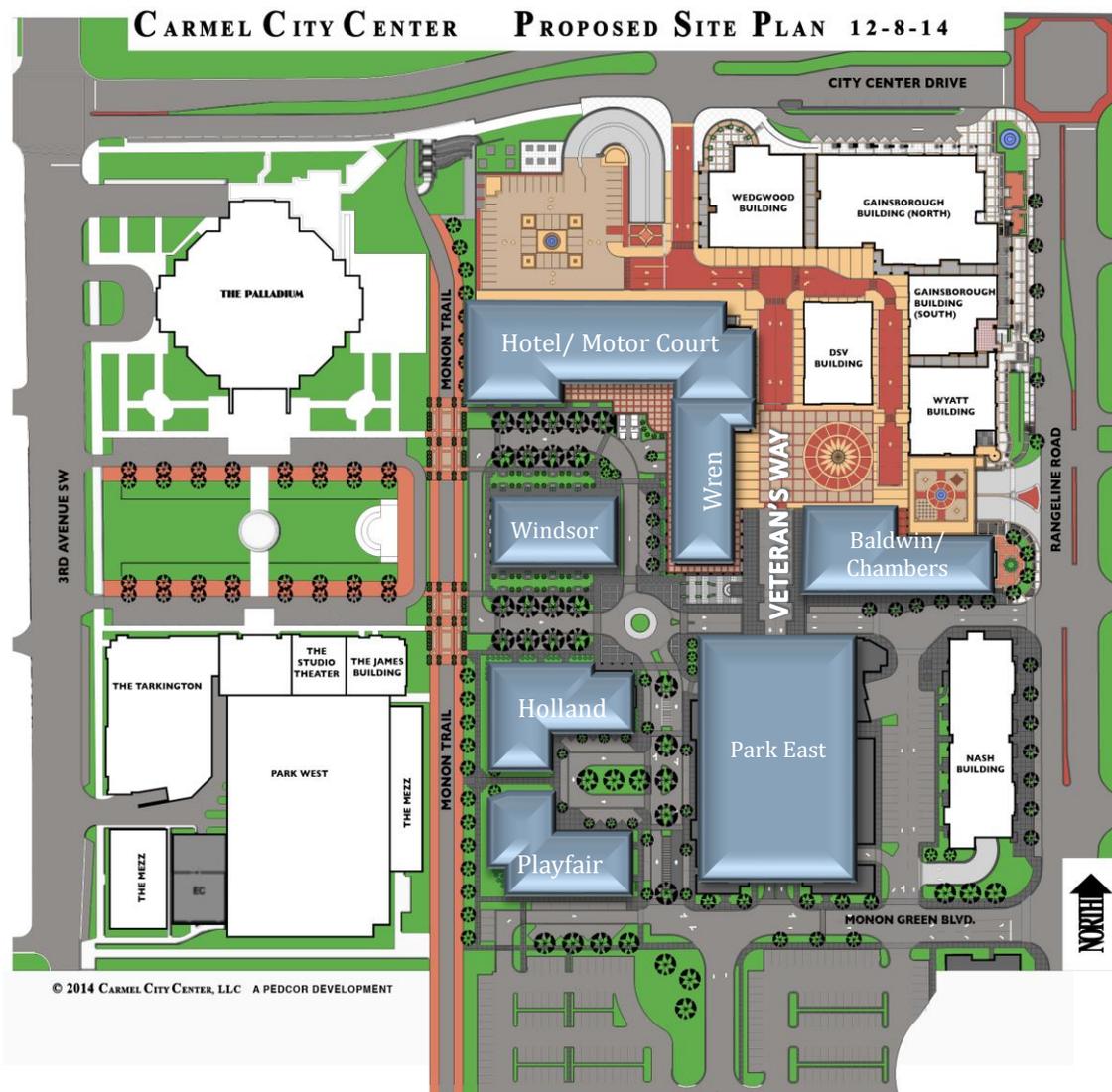


Figure 1 City Center Master Plan, provided by Pedcor City Center Development Company

PROJECT UPDATES

Phase 1 – complete

- 1) Apartments – Apartment demand remains strong, which supports the occupancy and rental rates. Current occupancy is at 91%.
- 2) Retail – Currently, Pedcor leases 95% of the total 79,570 in LSF. United Fidelity Bank opened in mid-May. Langton’s is scheduled to open in July. Beauty & Grace signed a lease for the western half of suite 159 (old Mangia). The build-out of that space will commence in July. If you know of retailers that would be great to have here, please contact Melissa Averitt at 705-7982 or Jimia Smith at 660-3388.

Nash Building/ Parcel 73

- 1) Project Status – under construction
 - 3) Retail – approximately 70% of the 9,500 sf of commercial space has been leased. The Art of Kitchen and Home (Mondana) will open in July and Graeter’s Ice Cream build-out will be underway soon.
 - a) Apartments – 40% of the 30 apartments are leased.
- 2) CRC Commitments: Construction is complete. Final close-out is expected late June.

Provide streetscape along Rangeline Road.

Phase 2

- 1) Project Status – designs are in progress and construction has not started.
 - a) Design Development drawings for Pedcor Sq. 5, Holland, and Playfair will be approved by the CRC Architectural Review Committee in July. Kent schematics will be submitted in June for review by the committee in July.
 - b) The CRC Architectural Review Committee reviewed and approved the design drawing review for the Baldwin/Chambers, Veteran’s Way, and the site in May.
 - c) The TRC met to draft an RFQ for the Park East Design-Build project.

CITY CENTER EVENTS

**Fri, Sat, Sun,
July 17, 18, 19**

Passport to City Center with book offers and sidewalk concerts. More details coming soon.

Thursday, August 20th

ATI sidewalk concert starting at 6:30pm

Friday, October 2

Oktoberfest

PROJECT UPDATES

2) Proposed Construction/Use Sequence

PROJECT	USE	PROJECT DATES	DESIGN RENDERINGS PROVIDED BY PEDCOR
Garage Park East	A four-story parking structure with no less than 620 parking spaces, which will include up to approximately 28,000 square feet of commercial retail/office space. *CRC Public Bid project.	Design/Build 2015-2016 Completion Q1/2 2017	
Baldwin/Chambers	A four story building, of approximately 64,000 square feet, which will include luxury apartments and commercial retail/office space. Pedcor is currently working with four commercial businesses who will occupy approximately 14,000 sf of the commercial space.	Start: Spring 2015 Completion Q4 2017	
Holland	A five story building, of approximately 63,000 square feet, which will include luxury apartments and commercial retail/office space.	Start: Fall 2015 Completion Q4 2017	
Playfair	A five story building, of approximately 63,000 square feet, which will include luxury apartments and commercial retail/office space.	Start: Fall 2015 Completion Q4 2017	
Garage Retail	See Garage East note above.	Start: Fall 2015 Completion Q4 2017	
Pedcor Office 5	A two story building, of approximately 20,000 square feet, which will include office space.	Start: Fall 2015 Completion Q4 2017	
Kent	A three story building, of approximately 111,000 square feet of luxury apartments.	Start: Fall 2015 Completion Q4 2017	

PROJECT UPDATES

Wren	A seven story building, of approximately 88,000 square feet, which will include luxury apartments and commercial office/retail space.	Start: Fall 2016 Completion Q4 2018
Windsor	A four story building, of approximately 64,000 square feet, which will include luxury apartments and commercial office/retail space.	Start: Fall 2017 Completion Q4 2019
Eastern Motor Court Site	A building, of approximately 76,000 to 91,000 square feet, which will include luxury apartments and commercial office/retail space designed so that in the future it could be in whole, or in part, converted to hotel rooms and/or hotel amenities.	Start: Fall 2017 Completion Q4 2019
Hotel	A four story hotel, of approximately 44,000 square feet, which will include parking.	Start: TBD



3) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
None.		

4) CRC Commitments

An overview of commitments have been uploaded to the CRC website.

Most significantly, the CRC commits to publicly bid a four-story parking garage with not less than 620 parking spaces. The CRC also commits to coordinate any significant site plan changes requested by Pedcor with City Council.

PROJECT UPDATES

THE MEZZ/ MONON LOFTS

- 1) Developer Partner: Anderson Birkla
- 2) Allocation Area: City Center
- 3) Project Summary:

Use: Primary Residential. 42 residential units with 8,500 square feet of office.

Total project budget: \$8-9 million

Secured Tenants: A fitness company and Anderson Birkla headquarters



Figure 2 Image provided by Anderson Birkla

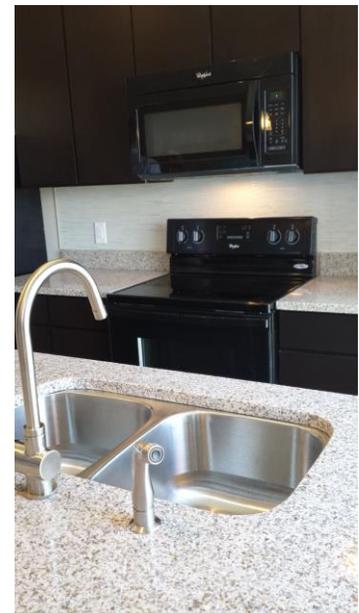
- 4) Anticipated Project Schedule

Office Move In	June, 2015
Project complete	August, 2015

PROJECT UPDATES

5) Construction Milestones

- a. Street sweeping is occurring weekly on Fridays or as needed.
- b. BUILDING 1
 - i. Cleaning of exterior brick and stone is currently being done.
 - ii. EIFS work is nearing completion.
 - iii. Miscellaneous finishes at 1st floor office space has commenced.
 - iv. Floor tile work to begin the week of 06/22/15.
 - v. Installation of the elevator is in progress.
 - vi. Trim carpentry work and final painting is in progress.
- c. BUILDING 2:
 - i. EIFS work is continuing.
 - ii. The 4th floor residential units are nearing completion.
 - iii. The 2nd floor residential units have final paint and all flooring has been installed.
 - iv. MEP finishes work is currently in progress.
 - v. Elevator contractor is completing their final adjustments.



6) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
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None at this time

7) CRC Commitments

Provide parking spaces on 3rd Ave and streetscape on the west and south side of the building and relocate street utilities. Site Improvements, Monon Connection path, Small pocket park (by developer)

- a. Original Budgets- not including construction change orders.

Site Construction	\$67,021 (3 rd Ave)	Invoices are expected to be paid July 2015. Calumet Civil Contractors.
Utility Relocation	\$250,000	Invoices are expected to be paid in summer 2015.
Site Construction	\$ 242,979 (site work)	Invoices are expected to be paid summer 2015. Midwest Constructors.

- b. Design Consultant: American Structurepoint

PROJECT UPDATES

- c. Construction Contractors: Calumet Civil Contractors/ Duke Energy/ Midwest Constructors
- d. CRC Commitment Schedule

Design % Complete	100%
Construction Start Date	September 2014
Anticipated Project Completion	August 2015

REFLECTING POOL

- 1) Contractor: Smock Fansler
- 2) Project Summary: Replace concrete coping with granite stone and install underdrain.
- 3) Total Project Budget: \$613,500

Original Construction Contract	\$463,500
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- 4) Anticipated Project Schedule

Project complete	June, 2015
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- 5) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
None at this time.		

SOPHIA SQUARE PUBLIC PLAZA

- 1) Developer Partner(s): Carmel Lofts/ Keystone
- 2) Project Summary: Create a multi-purpose civic plaza serving residents and merchants of Sophia Square, City of Carmel festival goers, visitors of the Arts and Design District, and individuals/organizations that would reserve the space for special events.

Total project budget: unconfirmed

- 3) Anticipated Project Schedule

Design	June-August 2015
Construction	Late Summer/Fall 2015

- 4) Design Consultant: Context Landscape Architecture
- 5) Construction Milestones : n/a
- 6) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
Approve Context Design Contract	7/6/2015 agenda	Approved

PROJECT UPDATES

PALLADIUM DOME

- 1) Design Engineer: McComas Engineering
- 2) Contractor: TBD
- 3) Project Summary: Engineer and repair eight connections on a truss in the Palladium Dome. These connections were indicated by Walter P. Moore as connections that needed to be addressed to improve the structural longevity and long-term integrity.
- 4) Total Project Budget: TBD

Engineering Contract	\$31,300
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- 5) Anticipated Project Schedule

Project Start	May, 2015
Project Complete	2015

- 6) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
None		

PALLADIUM LANDSCAPING

- 1) Project Summary: In 2011, the CRC purchased limestone for the Palladium site with the intent to complete the landscape package. The current location where the limestone is stored is no longer. The project will include the installation of the existing limestone, site work, and landscape on the south and west sides of the Palladium.

Total project budget: unconfirmed. This project is out to bid with a bid opening on 7/8/15 at 8am in the Council Chambers.

- 2) Anticipated Project Schedule

Design	Complete
Re-package/Bid	Spring/Summer 2015
Construction Complete	October 1, 2015

- 3) Construction Milestones : n/a

- 4) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
None at this time		

PROJECT UPDATES

MONON AT MAIN STREET

- 1) Project Summary: Improve the safety and aesthetics along the Monon between Main Street and 1st St. NW.

Total project budget: \$86,570

Project Partners: Carmel Parks and Recreation Department

- 2) Anticipated Project Schedule

Design	April-June 2015
Construction	Summer/Early Fall 2015

- 3) Design Consultant: Context Landscape Architecture
- 4) Construction Milestones : n/a
- 5) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
None at this time		

FORMER PARTY TIME SITE

- 1) Developer Partner(s): Anderson Birkla
- 2) Economic Development Area: 126th Street
- 3) Project Summary: Mixed-use development, multiple buildings.

Total project budget: unknown



PROJECT UPDATES

4) Anticipated Project Schedule

TIF Request	2015
Design/Construction start	2016

5) Construction Milestones : n/a

6) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
Purchase Agreement	All agreements and the design will seek Council approval based on Ordinance Z-571-13	5/21/15 approved

7) CRC Commitments

No commitments have been made at this point in the negotiations.

MIDTOWN

- 1) Developer Partner(s): Old Town Development/ Barrett & Stokely
- 2) Economic Development Area: Old Town
- 3) Project Summary: Mixed-use development, multiple buildings.

Total project budget: unknown

Secured Tenants: unknown



PROJECT UPDATES

4) Anticipated Project Schedule

TIF Request	2015
Design/Construction Start	Late 2015/2016

5) Construction Milestones : n/a

6) Council and/or CRC Action Items

ACTION ITEM	CITY COUNCIL	CRC
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None at this time

7) CRC Commitments

No commitments have been made at this point in the negotiations.

Respectfully submitted,

Corrie Meyer, AICP, RLA, LEED AP

Director

Carmel Redevelopment Commission/Department

June 26, 2015

Prepared for David Bowers and Bob Dalzell

-End Report-

ORDINANCE D-2199-14

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 3, ARTICLE 1, DIVISION II, SECTION 3-18
OF THE CARMEL CITY CODE**

WHEREAS, the Common Council of the City of Carmel, Indiana, is empowered to adopt rules regarding the conduct of its meetings and the operation of its affairs; and

WHEREAS, the Common Council of the City of Carmel, desires to amend Chapter 3, Article 1, Division II, Section 3-18 of the Carmel City Code to clarify its Order of Business.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana as follows:

Section 1. The foregoing Recitals are incorporated herein by reference.

Section 2. Chapter 3, Article 1, Division II, Section 3-18 of the Carmel City Code should be and the same is hereby amended to read as follows:

“Sec. 3-18 Order of Business

The Common Council shall conduct its order of business as follows:

1. Invocation
2. Pledge of Allegiance
3. Recognition of City Employees and Outstanding Citizens
4. Approval of Minutes
5. Recognition of Persons Who Wish to Address the Council
6. Council, Mayoral and Clerk-Treasurer Comments/Observations
7. Acton on Mayoral Vetoes
8. Claims
9. Committee Reports
 - a. Finance, Administration and Rules Committee
 - b. Land Use, Annexation and Economic Development Committee
 - c. Parks, Recreation and Arts Committee
 - d. Utilities, Transportation and Public Safety Committee
 - e. Carmel Redevelopment Commission
 - f. Carmel Historic Preservation Commission**

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on October 28, 2014 at 4:14 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

f.g. All reports designated by the Chair to qualify for placement under this category

- 10. Old Business
- 11. Public Hearings
- 12. New Business
- 13. Other Business
- 14. Announcements
- 15. Execution of Documents
- 16. Adjournment”

Section 3. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining portions of same.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of _____, 2014, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer

Kevin D. Rider

W. Eric Seidensticker, President Pro Tempore

Carol Schleif

Ronald E. Carter

Richard L. Sharp

Sue Finkam

Luci Snyder

Ordinance D- 2199 -14
Page Two of Three Pages
ATTEST:

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on October 28, 2014 at 4:14 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

81 _____
82 Diana L. Cordray, IAMC, Clerk-Treasurer

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86 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
87 2014, at _____ .M.

88 _____
89 Diana L. Cordray, IAMC, Clerk-Treasurer

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92 Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
93 2014, at _____ .M.

94
95 _____
96 James Brainard, Mayor

97 ATTEST:

98
99 _____
100 Diana L. Cordray, IAMC, Clerk-Treasurer
101 Ordinance D-2199-14
102 Page Three of Three Pages

ORDINANCE D-2199-14

AS AMENDED

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 3, ARTICLE 1, DIVISION II, SECTION ~~3-18~~
3-30 OF THE CARMEL CITY CODE**

WHEREAS, the Common Council of the City of Carmel, Indiana, is empowered to adopt rules regarding the conduct of its meetings and the operation of its affairs; and

WHEREAS, the Common Council of the City of Carmel desires to amend Chapter 3, Article 1, Division II, Section ~~3-18~~ 3-30 of the Carmel City Code to clarify its Order of Business.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana as follows:

Section 1. The foregoing Recitals are incorporated herein by reference.

Section 2. Chapter 3, Article 1, Division II, Section ~~3-18~~ 3-30 of the Carmel City Code should be and the same is hereby amended to read as follows:

“Sec. ~~3-18~~ 3-30 Order of Business

The Common Council shall conduct its order of business as follows:

- ~~1.~~ (a) Invocation.
- ~~2.~~ (b) Pledge of Allegiance.
- ~~3.~~ (c) Recognition of City Employees and Outstanding Citizens.
- ~~4.~~ (d) Approval of Minutes.
- ~~5.~~ (e) Recognition of Persons Who Wish to Address the Council.
- ~~6.~~ (f) Council, Mayoral and Clerk-Treasurer Comments/Observations.
- ~~7.~~ (g) Action on Mayoral Vetoes.
- ~~8.~~ (h) Claims.

Ordinance D-2199-14

Page One of Three Pages

VERSION A - Finance, Administration and Rules Committee 6/9/15

~~9.~~ (i) Committee Reports:

- a. (1) Finance, Administration and Rules Committee;

b. (2) Land Use, Annexation and Economic Development Committee;

c. (3) Parks, Recreation and Arts Committee;

d. (4) Utilities, Transportation and Public Safety Committee;

~~e. (5) Carmel Redevelopment Commission;~~

~~f. (6) Carmel Historic Preservation Commission;~~

~~f, g, e. (6) (7) (5) All reports designated by the Chair to qualify for placement under this category.~~

10. (j) Other Reports:

(1) Carmel Redevelopment Commission (Monthly);

(2) Economic Development Commission (Quarterly – February, May, August, November);

(3) Carmel Historic Preservation Commission (Quarterly – January, April, July, October);

(4) Redevelopment Authority (Bi-annual - April, October);

(5) Carmel Cable and Telecommunications Commission (Bi-annual - April, October);

(6) Ethics Board (Annual-February);

(7) Library Board (Annual-February);

(8) All reports designated by the Chair to qualify for placement under this category.

~~10. 11. (j) (k) Old Business.~~

~~11. 12. (k) (l) Public Hearings.~~

~~12. 13. (l) (m) New Business.~~

~~13. 14. (m) (n) Other Business.~~

~~14. 15. (n) (o) Announcements.~~

~~15. 16. (o) (p) Execution of Documents.~~

~~16. 17. (p) (q) Adjournment.”~~

Section 3. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 4. If any portion of this Ordinance is declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining portions of same.

Ordinance D-2199-14

Page Two of Three Pages

VERSION A - Finance, Administration and Rules Committee 6/9/15

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor and such publication as is required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this _____ day of _____, 2015, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

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Presiding Officer

Kevin D. Rider

Richard L. Sharp, President Pro Tempore

Carol Schleif

Ronald E. Carter

W. Eric Seidensticker

Sue Finkam

Luci Snyder

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
2015, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
2015, at _____ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-2199-14

Page Three of Three Pages

VERSION A - Finance, Administration and Rules Committee 6/9/15

ORDINANCE D-2215-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
REESTABLISHING THE TAX RATE FOR THE CITY OF CARMEL
CUMULATIVE CAPITAL DEVELOPMENT FUND AND REAFFIRMING
CARMEL CITY CODE CHAPTER 2, ARTICLE 4, SECTION 2-91, ACCORDINGLY**

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Whereas Indiana Code 6-1.1-41-1 *et seq.* and 36-9-15.5-1 *et seq.* permit the City of Carmel to establish a cumulative capital development fund and to impose a property tax for the cumulative fund;

Whereas in or about 1990 it was the determination of the City of Carmel, Indiana, and its Common Council, that a need existed for the establishment of the Carmel Cumulative Capital Development Fund, such Fund being most recently re-established in 2011 by City Ordinance No. D-2067-11, pursuant to Indiana Code 6-1.1-41-2 and 36-9-15.5-2, for any and all uses and purposes permitted under Indiana Code 36-9-16-3, for capital improvements; for any purposes permitted under Indiana Code 36-9-16.5, for public ways and sidewalks; for any purposes permitted under Indiana Code 36-9-26, for sewers; for any purposes permitted under Indiana Code 36-9-17, for general improvement; for any purposes permitted under Indiana Code 36-8-14, for firefighting building and equipment and police radios; for any purposes permitted under Indiana Code 36-10-4-36, for parks; and for any purposes permitted under Indiana Code 36-9-16-2 for public buildings and rights-of-way;

Whereas a need now exists for such Cumulative Capital Development to be used for any and all uses and permitted under Indiana Code 36-9-26 for municipal sewers; for purpose permitted under Indiana Code 36-9-27-100 for drainage; and for any purposes permitted under Indiana Code 36-10-3-21 for parks and recreation;

Whereas notwithstanding the above, under Indiana Code 36-9-15.5-8(c), funds accumulated in the Carmel Cumulative Capital Development Fund may be spent for purposes other than those uses and purposes stated herein, provided that the purpose of such expenditure is to protect the public health, welfare or safety in a declared emergency situation or as otherwise authorized by law;

Whereas an ad valorem property tax levy was imposed and the revenues from the levy were retained in the City Cumulative Capital Development Fund, with the maximum rate of levy so imposed not to exceed the highest rate of levy allowed by Indiana law;

Whereas pursuant to Indiana Code 6-1.1-41-11, once the levy has been approved, the Common Council may reduce or rescind the annual levy, if it considers it advisable;

Whereas pursuant to Indiana Code 6-1.1-41-13, once the Fund is established, a property tax may be levied annually at the tax rate approved and advertised annually as other tax levies are advertised;

Whereas for taxes due and payable in the year 2016, the tax will be levied on all taxable real and personal property within the taxing district and will not exceed \$.05 per \$100 assessed valuation; and

Whereas the policy of the Indiana Department of Local Government Finance is to require re-establishment of cumulative funds when the property tax rate in the ensuing year is to exceed the property tax rate in the current year.

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NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Ordinance No. D-2067-11 is hereby re-affirmed.

Section 3. Chapter 2, Article 4, Section 2-91, of the Carmel City Code is hereby amended as follows:

"Sec. 2-91. Cumulative Capital Development Fund (Fund 211).

(a) There is hereby established the City of Carmel Cumulative Capital Development Fund.

(b) An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the City Cumulative Capital Development Fund.

(c) The maximum rate of levy under subsection (b) will not exceed the highest rate of levy allowed by Indiana law.

(d) The rate of levy shall be determined each year by the Council and shall be approved, advertised, and adopted in the same manner as other tax levies are approved, advertised and adopted.

(e) The funds accumulated in the City Cumulative Capital Development Fund will be used for purposes permitted under Indiana Code 36-9-16, for capital improvements; for any purposes permitted under Indiana Code 36-9-16.5, for public ways and sidewalks; for any purposes permitted under Indiana Code 36-9-26, for sewers; for any purposes permitted under Indiana Code 36-9-17, for general improvement; for any purposes permitted under Indiana Code 36-8-14, for firefighting building and equipment and police radios; for any purposes permitted under Indiana Code 36-10-4-36, for parks; for any purposes permitted under Indiana Code 36-9-16-2 for public buildings and rights-of-way; for any and all uses and permitted under 36-9-26 for municipal sewers; for purpose permitted under 36-9-27-100 for drainage; and for any purposes permitted under 36-10-3-21 for parks and recreation.

(f) Notwithstanding uses permitted under subsection (e) above, funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than those purposes stated in subsection (e), provided that the purpose of the expenditure is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Funds may be spent under the authority of this subsection only after the Mayor issues a declaration that the public health, welfare

94 or safety is in immediate danger that requires the expenditure of money in the fund
95 and files notice of such emergency declaration with the Carmel Common Council.
96

97 (g) Except as provided in subsection (f) above, no bids shall be let and no monies
98 shall be spent from the Fund established by this section for projects not submitted
99 during the budget process without the prior approval of a simple majority of the
100 Common Council at a publically noticed meeting of the Common Council, the list
101 should include estimated costs and money sources.
102

103 Section 3. For taxes due and payable in the year 2016, the levy will not exceed \$.05 per \$100
104 assessed valuation.
105

106 Section 4. Proofs of publication of the public hearing held on the 15th day of June, 2015, and a
107 certified copy of this ordinance be submitted to the Department of Local Government of the State of
108 Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local
109 Government Finance.
110

111 Section 5. This Ordinance shall be in full force and effect from and after the date of its passage,
112 signing by the Mayor and such publication as is required by law.
113

114 Adopted by the Common Council of the City of Carmel, Indiana this _____ day of
115 _____, 2015, by a vote of _____ ayes and _____ nays.
116

117 **COMMON COUNCIL FOR THE CITY OF CARMEL**
118

119 _____	_____
120 Presiding Officer	Sue Finkam
121 _____	_____
122 Richard Sharp, President Pro Tempore	Kevin Rider
123 _____	_____
124 Carol Schleif	W. Eric Seidensticker
125 _____	_____
126 Ronald E. Carter	Luci Snyder

127 ATTEST:
128 _____
129 _____
130 Diana L. Cordray, IAMC, Clerk-Treasurer
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138 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
139 _____ 2015, at _____ .M.

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141 _____
142 Diana L. Cordray, IAMC, Clerk-Treasurer

143 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
144 _____ 2015, at _____ .M.

145
146 _____
147 James Brainard, Mayor

148 ATTEST:

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150 _____
151 Diana L. Cordray, IAMC, Clerk-Treasurer

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155 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____
156 2015, at _____ O'clock, ____ . M.

157
158 _____
159 James Brainard, Mayor

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161 ATTEST:

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163 _____
164 Diana L. Cordray, IAMC, Clerk-Treasurer

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167 Ordinance No. _____
168 Page Four of Four Pages

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ORDINANCE D-2217-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL
AMENDING CHAPTER 2 OF THE CARMEL CITY CODE BY ADDING SECTION 2-23,
ADOPTING PROVISIONS TO CREATE A REGIONAL DEVELOPMENT AUTHORITY**

WHEREAS, the 2015 Indiana legislature passed and the Governor signed into law the Indiana Regional Cities Initiative pursuant to House Enrolled Act 1403;

WHEREAS, the Regional Cities Initiative allows municipalities to work across community boundaries for the benefit of the region;

WHEREAS, the Central Indiana communities of Carmel, Greenwood, Indianapolis, and Westfield desire to become a Regional Development Authority for purpose of applying for grant funding from the Indiana Economic Development Corporation for regionally transformative projects including, but not necessarily limited to, the Red Line Phase 1 rapid transit bus line project and regional bicycle trails;

WHEREAS, in order to create a Regional Development Authority each participating entity must pass identical ordinances; and

WHEREAS, the Common Council has determined it is in the best interests of the City of Carmel to form a Regional Development Authority with Indianapolis, Greenwood and Westfield.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AS FOLLOWS:

Section 1. Carmel City Code, as amended, Chapter 2 is hereby amended by adding Section 2-23 to read as follows:

Chapter 2 – OTHER PARTS OF GOVERNMENT

Section 2-23 - CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY

(a) Establishment.

- (1) The Central Indiana Regional Development Authority (referred to as “the authority” in this Article) is hereby established as a regional development authority pursuant to IC 36-7.6-2-3.
- (2) The authority consists of the consolidated City of Indianapolis and Marion County, the City of Carmel, the City of Greenwood, the City of Westfield, and such other counties or municipalities which hereafter may be added to or removed from the authority as provided in IC 36-7.6-2-3, IC 36-7.6-2-4, or IC 36-7.6-2-5.
- (3) Notwithstanding the addition of any other counties or municipalities to the authority, the authority and the board are deemed to be located in Marion County.

(b) Purposes.

The authority is created for those purposes as provided in IC 36-7.6-2-2 for a regional development authority.

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- (c) Establishment of board; membership.
 - (1) The authority shall be under the control of the Central Indiana Regional Development Authority Board (referred to as “the board” in this article), which is hereby established pursuant to IC 36-7.6-2-7. The board consists of five (5) members appointed by written agreement of the executives of the members of the authority.
 - (2) A member appointed to the board:
 - (A) may not be an elected official or an employee of a member county or municipality; and
 - (B) must have knowledge of and at least five (5) years professional work experience in at least one (1) of the following:
 - a) transportation;
 - b) regional economic development;
 - c) business or finance; or
 - d) private, nonprofit sector, or academia.
 - (3) The board shall be organized and shall operate according to the procedures provided in IC Chapter 36-7.6-2, including but not limited to the appointment and terms of members, selection of officers, record-keeping, quorum, requirements for official action, and *per diem*.
- (d) Powers and duties of the board.
 - (1) The board is vested with those powers and duties provided in IC Chapter 36-7.6-3 and IC Chapter 36-7.6-4 for the board of a regional development authority, including but not limited to the appointment of a person to act as executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, consultants, and employees for the authority.
 - (2) Notwithstanding subsection (1) of this section, the board shall not have the power to either levy a tax of any kind or issue bonds unless and until such power may be conferred upon the authority by further action of the council.

Section 2. All other provisions of Carmel City Code not specifically referenced herein shall remain in full force and effect.

Section 3. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 4. This Ordinance shall be in full force from and after its passage, approval and publication according to law.

PASSED by the Common Council of the City of Carmel, Indiana this ____ day of _____, 2015, by a vote of ____ ayes and ____ nays.

94 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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99 Presiding Officer

_____ Kevin D. Rider

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102 Richard L. Sharp, President Pro Tempore

_____ Carol Schleif

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106 Ronald E. Carter

_____ W. Eric Seidensticker

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110 Sue Finkam

_____ Luci Snyder

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113 ATTEST:

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115 _____
116 Diana L. Cordray, IAMC, Clerk-Treasurer

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119 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
120 _____ 2015, at _____ .M.

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123 _____
124 Diana L. Cordray, IAMC, Clerk-Treasurer

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127 Ordinance D-2217-15, approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
128 _____ 2015, at _____ .M.

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132 James Brainard, Mayor

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134 ATTEST:

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138 Diana L. Cordray, IAMC, Clerk-Treasurer



CITY OF CARMEL

JAMES BRAINARD, MAYOR

Date: June 5, 2015

To: Carmel City Council

Copy: Mayor Brainard
Clerk-Treasurer Cordray

From: Mike Hollibaugh, Director, DOCS

Thank you for considering amendments to the Carmel City Code which will create a regional development authority (RDA), to be known as the Central Indiana Regional Development Authority - forming a partnership with the City of Carmel and the City of Greenwood, City of Indianapolis, and City of Westfield for projects with regional impact beyond our borders.

This proposal is one step required by the Governor Pence's Regional Cities Initiative, signed into law in April of 2015, which will allow consideration of grant monies for/to "regions that demonstrate a commitment to excellence in quality of place..." An RDA must be the entity to submit the grant application.

Central Indiana is planning to submit an application to the IEDC for Regional Cities funding for three regionally significant, transformative, place-based projects:

- 1) Red Line Bus Rapid Transit - Phase 1;
- 2) 16 Tech, in support of the Indiana Bioscience Research Institute; and
- 3) Regional Bike Trails.

The RDA will have no authority for taxing or bonding; it will simply act as a conduit for the Regional Cities Initiative projects (and perhaps future state money).

Appointments to the RDA Board will be made by the executives of each member. A member appointed to the development board may not be an elected official or an employee of a member county or municipality; and must have knowledge of and at least five (5) years professional work experience in the fields of: transportation; economic development; business or finance; private or nonprofit sector; and/or academia

Also attached are Regional Cities summary materials provided by the State of Indiana IEDC.

POPULATION STAGNATION THREATENS INDIANA'S GROWTH

Healthy, vibrant communities require dynamic and growing populations. Unfortunately, Indiana remains a net out-migration state like many of its Midwestern neighbors.

- Over the last decade, 80% of Indiana's population growth (6 M to 6.4 M) is attributable to the birth rate outpacing the death rate.
- Talented people continue to move to Southern and Western states, which claimed 84% of the nation's population growth through the past decade.

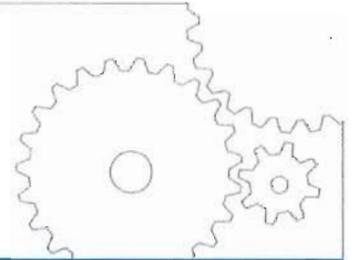
SUPPORTS REGIONAL OWNERSHIP OF THE FUTURE

Indiana has built one of the best business climates in the country. Now is the time to take the same principles that made our state an economic powerhouse and apply them to building a quality of place that attracts and retains future generations of Hoosiers.

- **Inspiring regional collaboration**—Communities across the state are looking beyond individual cities to capitalize on the verified economic benefits of regional collaboration to deliver a network of culture and amenities that attract and retain talent.
- **Encouraging regional development**—The state is asking Indiana regions to develop vision and action plans that will propel them to achieve national reputations as one of the best places to live and work over the next ten years.
- **Partnering financially**—The IEDC is supporting legislation that enables the state to be a financial partner with regions that develop compelling strategic plans, facilitating significant investment that transforms Indiana communities into destinations for talent.



Indiana has worked tirelessly over the last decade to make our state a destination for business. Now is the time to make our state a *destination for talented people to live and work.*



REGIONAL CITIES INITIATIVE

Application Checklist

Beginning in 2015, the state will financially partner with regions that demonstrate a commitment to excellence in quality of place through a cohesive and collaborative vision for the region.

The IEDC will accept, review, and determine which communities will receive matching state funds. The competitive process requires regions to form a Regional Development Authority which then submits a plan to the IEDC.

IDENTIFY THE REGION

- Identify your unique region and the communities contained within it.
- Determine which communities within the region will participate in the development and implementation of an plan for transformative growth.
- Engage both public and private sector leadership.

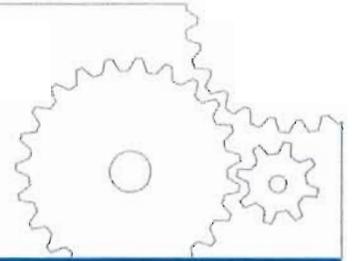
FORM A REGIONAL DEVELOPMENT AUTHORITY (RDA)

- The fiscal bodies of local units participating in the establishment of the RDA must adopt an ordinance authorizing the unit to participate.
- Units eligible to participate in the establishment of an RDA include:
 - Counties
 - Second Class Cities
 - Cities or towns that are eligible for second class city status, but have not yet taken the administrative steps necessary to obtain that legal status.
- If a county participates in the establishment of an RDA, all second class and third class cities within its borders automatically become members.
- Once an RDA is established, it must promptly notify the Indiana Economic Development Corporation (IEDC) in writing.
- *For full details, refer to IC 36-7.6-2-3 (establishment), and IC 36-7.6-2-5 (length of participation).*

APPOINT THE RDA BOARD

- Participating members of the RDA must, by written agreement of their executives, appoint a five (5) member board that will serve as the governing body for the RDA.
- These board members:
 - Cannot be an elected official or an employee of a participating local unit.
 - Must have at least five (5) years of experience in transportation, regional economic development, business or finance, or private, nonprofit sector, or academia.
- There are no residency requirements for the board. The board should represent your unique community and vision.
- *For full details, refer to IC 36-7.6-2-7 through 12 (RDA board & organization).*

IndianaRegionalCities.com



REGIONAL CITIES INITIATIVE

Application Process

DEVELOP A REGIONAL DEVELOPMENT PLAN (RDP)

- Craft an RDP designed to cultivate excellence in quality of place and focused on transformative growth.
- For full details, refer to the **Guidelines for Regional Development Plans**.

OBTAIN STAKEHOLDER APPROVAL OF THE RDP

- Stakeholders—including but not limited to elected officials, private sector leaders, and the members of the development board—must sign off on the plan once it is developed.

SUBMIT PLAN TO THE IEDC (July 1)

- 1) The Strategic Review Committee will examine the RDPs and make recommendations.
 - 2) The RDPs recommended for approval will be reviewed by the State Budget Committee.
 - 3) The IEDC Board will consider recommendations and make final funding determinations.
- Applicants whose plans are not selected will receive feedback from the IEDC following the conclusion of the selection process.

IndianaRegionalCities.com

RESOLUTION CC-07-06-15-02
(FORMERLY RESOLUTION CC-06-01-15-01)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
APPROVING CARMEL REDEVELOPMENT COMMISSION PROFESSIONAL SERVICES
CONTRACT WITH CONTEXT LANDSCAPE ARCHITECTURE.

WHEREAS, the City of Carmel Common Council (“Council”) created by ordinance the Carmel Redevelopment Commission (“CRC”); and

WHEREAS, by subsequent ordinance, the Council now requires the CRC to seek its approval, by simple majority vote, of all professional services contracts that exceed Twenty-Five Thousand Dollars (\$25,000.00) in a calendar year (the “Threshold Amount”); and

WHEREAS, the CRC now desires to enter into the professional services contract with Context Landscape Architecture, the same being attached hereto as Exhibit A, which contract (the “Professional Services Contract”) is in an amount that exceeds the Threshold Amount; and

WHEREAS, the CRC has therefore presented the Professional Services Contract to the Council and has requested its approval of the same.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The Professional Services Contracts should be and the same is hereby APPROVED by the Common Council of the City of Carmel, Indiana.

SO RESOLVED by the Common Council of the City of Carmel, Indiana, this ____ day of _____, 2015, by a vote of _____ ayes and _____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

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Presiding Officer

Kevin D. Rider

Richard L. Sharp, President Pro Tempore

Carol Schleif

Ronald E. Carter

W. Eric Seidensticker

Sue Finkam

Luci Snyder

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
2015, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
2015, at _____ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Resolution CC-06-01-15-01
Page Two of Two Pages

This Resolution was prepared by Jon Oberlander, Asst. Carmel City Attorney, on May 20, 2015 at 2:53 p.m. No subsequent revision to this Resolution has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

ORDINANCE Z-602-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

*An Ordinance establishing the Johnson Addition District
Overlay Zone in the Carmel Zoning Ordinance*

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

WHEREAS, the Carmel Clay Comprehensive Plan “C3 Plan 2009” Docket No. 08070020 CP was given a favorable recommendation by the Carmel Advisory Plan Commission on November 18, 2008, and duly approved by Resolution No. CC-05-04-09-02 of the Common Council on May 4, 2009, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

WHEREAS, the City wishes to establish fundamental criteria to demolish existing homes and to encourage new homes to be compatible with and enhance the Johnson Addition neighborhood; and

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 15020007 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, May 19, 2015, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended), to read as follows:

Section I:

a. Adopt Chapter 23J: Johnson Addition District Overlay Zone as follows:

23J.00 Johnson District Overlay Zone.

23J.00.01 Purpose, Intent and Authority.

The purpose of this overlay zone is to protect and enhance the health, safety and welfare of the citizens and property owners by encouraging the preservation, maintenance, and rehabilitation of existing homes in the district boundaries, while encouraging new homes to complement the character and context of Johnson Addition.

The Johnson Addition neighborhood is one of several post-war era neighborhoods built in City of Carmel and Clay Township. It is one of the more unique neighborhoods of its era in that it remains remarkably intact. As originally marketed in the 1950s, Johnson Addition residents continue to enjoy its convenient location within walking distance to schools, shopping, dining, work and a vibrant downtown.

It is the City’s intent to achieve the purpose of this overlay zone by:

- * Providing a consistent and coordinated treatment of properties;

- * Fostering the preservation and maintenance of the neighborhood by establishing fundamental criteria that govern the demolition of existing homes;
- * Supporting growth in Johnson Addition by encouraging new homes to be compatible with and enhance the neighborhood;

The Overlay Zone establishes regulations in addition to the residential zoning that currently exists. In the case of conflicts between this Overlay Zone District Ordinance and the Zoning Code, the provisions of this Ordinance will prevail.

23J.01 Johnson District Boundaries.

The boundaries of the Johnson District Overlay Zone are hereby established as approved on the Zoning Map. The zone generally includes properties within the Johnson Addition Subdivision Plat, except those adjacent to Main Street. *See Figure 1.*

In addition, the City resolves to help ensure the integrity of the District through proper buffering from adjacent real estate, and by working to achieve appropriate fit and transition of new buildings and redevelopment on adjacent property outside the Johnson Addition.

23J.02 Application of Standards of the Overlay District.

A. New Construction.

The construction of any new Principal Building within the Overlay Zone shall be reviewed pursuant to 23J.04: *Site Plan and Design Review (SDR)* for conformance with the standards in 23J.03(A): *New Construction*.

B. Demolition

The demolition of any existing Principal Building within the Overlay Zone shall be reviewed by the Director, pursuant to 23J.03(B): *Demolition*.

C. Building Additions and Accessory Buildings.

1. Are subject to the Johnson Addition platted Building Line as well as the Height and Area Requirements of the primary underlying zoning district, except that the Building Additions may not exceed twenty-five (25) feet in Building Height.
2. Are subject to general compliance review when an Improvement Location Permit is required, to ensure design consistency with the Characteristics of the Johnson Addition.
3. Shall not be subject to Site Plan and Design Review (SDR) pursuant to 23J.04: *Site Plan and Design Review (SDR)*.

D. Characteristics of the Johnson Addition.

The following are characteristic of homes in the Johnson District:

1. Ranch and two-story floor plans.
2. Wide house fronts compared to depth, although many homes have additions on the rear of the homes, resulting in portions of the home’s footprint to be deeper than its width.
3. Homes oriented parallel with the street and corner homes on a diagonal.
4. Lower pitched roofs, hipped or gable end with consistent overhangs.

- 88 5. Wood, vinyl or aluminum vertical or horizontal siding materials, brick or stone
89 veneer, individually or in combination.
- 90 6. Attached garages in line with or slightly forward of the home or detached garages in
91 the rear yard.
- 92 7. Consistent Setbacks from the street and narrow Side Yards.
- 93 8. Open front porches; typically incorporated directly into home's roof with extended
94 overhang; often with minimal or no railing.

95
96
97 **23J.03**

Standards.

98 **A. New Construction.**

99 The following applies to all new Principal Buildings within the district boundary.

- 100 1. **Building Mass.**
 - 101 a. Buildings are to be oriented parallel and perpendicular to the street, with the
102 exception of corner lots, which buildings may be oriented diagonally to the
103 intersection.
 - 104 b. Buildings will generally be wider than they are deep, with the widest
105 dimension facing the street.
- 106 2. **Setbacks.**
 - 107 a. Front Yard Setbacks shall follow the Building Line, as platted and recorded
108 for the Johnson Addition.
 - 109 b. A Corner Lot is presumed to have a Front Yard Setback on both streets that it
110 faces.
 - 111 c. Side and Rear Yard Setbacks shall follow the requirements of the underlying
112 primary zoning district.
- 113 3. **Lot Dimensions and Coverage.**
 - 114 i. Existing lot dimensions as originally platted shall govern.
 - 115 ii. No lot may be created by Subdivision or by joining which results in a width of
116 greater than one hundred (100) feet.
 - 117 iii. Maximum Lot Coverage: Thirty-five percent (35%) of the lot, pursuant to the
118 underlying primary zoning district.
- 119 4. **Materials.**
 - 120 i. Exteriors shall be clad in wood, brick, stone, concrete plank or high-quality
121 vinyl siding, individually or in combination.
 - 122 ii. Roofs with a pitch greater than a two to twelve (2:12) are to be finished with a
123 shingle-style material.
- 124 5. **Windows.**
 - 125 i. Rectangular double-hung or casement windows are required. These may be
126 used in multiple sets to create larger expanses of window area.
 - 127 ii. Arched windows are not allowed on the front façade.

- 128 iii. Special windows are allowed (ovals, hexagon, *etc.*) as accents.
- 129 6. Roof.
- 130 i. The roof of the Principal Building may be flat, gabled, multi-gabled, or
- 131 hipped, with a maximum pitch of six to twelve (6:12).
- 132 7. Porches.
- 133 i. Covered porches facing the street should be designed consistent with
- 134 Characteristics of Johnson Addition.
- 135 ii. Uncovered decks are not allowed in the Front Yard.
- 136 8. Building Height.
- 137 i. Minimum: none.
- 138 ii. Maximum: Two stories, not to exceed twenty-five (25) feet.
- 139 9. Parking and Driveways.
- 140 i. Driveway approaches leading to the garage shall be a maximum of twenty
- 141 (20) feet wide, and any portion constructed within the public right-of-way
- 142 shall be built per City of Carmel Standards.
- 143 ii. Within twenty-four (24) feet of the front of the garage, a driveway may be up
- 144 to thirty (30) feet wide.

145 **B. Demolition.**

146 No Principal Building, or any part of it, may be demolished in this overlay without the
 147 consent of the Director. Before receiving any permits or undertaking any work that constitutes
 148 demolition, the applicant must comply with *Section 23J.04: Site Plan and Design Review*
 149 (*SDR*) of this Ordinance.

- 150 1. For the purpose of this Overlay ordinance, demolition shall be defined as the razing,
 151 wrecking, or removal by any means of the entire or partial exterior of a structure. The
 152 following examples are meant to help define demolition and are not all-inclusive:
- 153 a. The razing, wrecking, or removal of a total structure.
- 154 b. The razing, wrecking, or removal of a part a structure, resulting in a reduction
 155 in its mass, height or volume.
- 156 c. The razing, wrecking, or removal of an enclosed or open addition.
- 157 2. Examples of work not included in demolition:
- 158 a. Any work on the interior of a structure.
- 159 b. The removal or maintenance of exterior elements that are not structurally
 160 integrated with the main structure, such as: mechanical equipment, awnings,
 161 gutter and downspout replacement, light fixtures, fencing, sidewalks,
 162 driveways, curbs, landscaping, asphalt, and glass repair.
- 163 3. The Director shall only consider the following when determining whether a building
 164 or any part of it may be demolished:
- 165 a. Structural conditions that pose an imminent safety hazard.
- 166 b. An advanced state of dilapidation or fire damage that would make it
 167 unfeasible to repair the building for any reasonable economic use.

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c. Significance. The Director shall consider the architectural significance of the structure individually, in relation to the street, and as a part of the district as a whole. These same considerations will be given to parts of the building. The Director will also consider how the loss of a building, or a portion thereof, will affect the character of the overlay district, the neighboring buildings, and, in the case of partial demolition, the building itself.

In making its determination of significance, the Director shall consider the following:

- i. Architectural and historic information and significance.
- ii. The City of Carmel/Clay Township Historic Architecture Survey, published October 2014 by the Carmel Historic Preservation Commission.
- iii. The opinion of Staff.
- iv. Evidence presented by the applicant.
- v. Evidence presented by recognized experts in architectural history.

d. Replacement: Demolition of a structure may be justified when, in the opinion of the Director, the proposed new construction with which it will be replaced is of greater significance to the enhancement of the overlay district than retention of the existing structure. This will only be the case if the new construction will be compatible, appropriate and beneficial to the district.

To afford the Director the ability to consider demolition on the basis of replacement development, the applicant shall submit the following:

- i. information required by *Section 23J.04: Site Plan and Design Review (SDR)* of this Ordinance;
- ii. a scaled streetscape drawing showing the new development in its context, including at the buildings on either side; and
- iii. other pertinent documents deemed relevant by the Director.

4. Buildings that have been demolished due to fire or other accident or disaster that is customarily covered by insurance, may be reconstructed as follows:

- a. in substantially the same exterior design as existed prior to the accident, subject to obtaining an Improvement Location Permit; or
- b. in accordance with the applicable standards in *Section 23J.03*, and subject to Site Plan and Design Review, per *Section 23J.04*, prior to obtaining an Improvement Location Permit.

207 **23J.04 Site Plan and Design Review (SDR).**

208 **A. Submittal Process/Application Procedure.**

209 Applicants shall meet with the Director to review the zoning classification of their site,
210 review the regulatory ordinances and materials, review the procedures and examine the
211 proposed use and development of the property. The Director shall aid and advise the
212 applicant in preparing his application and supporting documents as necessary. Applicants
213 shall submit the following:

- 214 1. two (2) copies of the written Site Plan and Design Review application form,
- 215 2. two (2) copies of the Existing Features & Site Analysis Plan including adjacent
216 zoning and land use,
- 217 3. two (2) copies of the proposed Site Plan and Drainage Plan, and/or
- 218 4. two (2) copies of the required information on building elevations, landscaping,
219 driveway/parking areas, as well as
- 220 5. all necessary supporting documents and materials.

221 **B. Review.**

222 Following the receipt of the written application and required supporting information by the
223 Director, the Director shall review the submittal for the sole purpose of determining whether
224 the application is complete and in technical compliance with all applicable ordinances, laws
225 and regulations.

226 If the submittal by the applicant is not complete or does not comply with the necessary legal
227 requirements, the Director shall inform the applicant of the deficiencies.

- 228 1. Unless and until the Director formally accepts the application as complete and in
229 legal compliance, it shall not be considered as formally filed for the purpose of
230 proceeding to succeeding steps toward approval as hereinafter set forth.
- 231 2. Within ten (10) days of the formal acceptance of the application by the Director, he
232 shall formally approve, deny, or request additional information about the petition.

233 **C. Approval or Denial of the Application.**

- 234 1. An approved Site Plan and Design Review petition shall be valid for three (3) years
235 from the date of approval. If construction of the building(s) has (have) not started at
236 the end of the three-year period, the Site Plan and Design Review request must be re-
237 submitted to the Director.
- 238 2. If an approved Site Plan and Design Review petition is (are) substantially altered, re-
239 submittal to the Director for approval is required.
- 240 3. If the petition is denied by the Director, the Director shall provide the applicant with a
241 copy of said reasons, if requested.
- 242 4. The applicant may appeal the decision of the Director, as specified in *Chapter 30*.

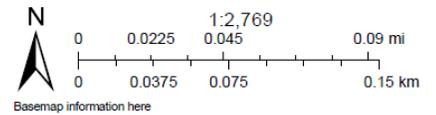
245 **23J.05 Sunset Provision. This Chapter expires *(two years after adoption)*.**

Figure 1.
District Boundaries



January 30, 2015

Parcels



Section II: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section III: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

261 **ADOPTED** by the Common Council of the City of Carmel, Indiana this _____ day of
262 _____ 2015, by a vote of _____ ayes and _____ nays.

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265 **COMMON COUNCIL FOR THE CITY OF CARMEL**
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269 Presiding Officer

Kevin D. Rider

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272 Richard L. Sharp, President Pro Tempore

Carol Schleif

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Luci Snyder

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284 **ATTEST:**

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286 _____
287 Diana L. Cordray, IAMC, Clerk-Treasurer

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289
290 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
291 _____ 2015, at _____ .M.

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293 _____
294 Diana L. Cordray, IAMC, Clerk-Treasurer

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297 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
298 _____ 2015, at _____ .M.

299
300 _____
301 James Brainard, Mayor

302
303 **ATTEST:**

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305 _____
306 Diana L. Cordray, IAMC, Clerk-Treasurer

307
308 Prepared by:
309 Adrienne Keeling, Planning Administrator, One Civic Square, Carmel, IN 46032

Johnson Addition Overlay Zone - Comparison to Existing Zoning

	Existing Zoning (R-2)	Johnson Addition Overlay Zone
Permitted Land Uses	Single Family Residential	follow existing zoning
Additions to Existing Buildings		
Minimum Building Height	none	none
Maximum Building Height	up to 35' to the midpoint with additional setbacks	25' to the midpoint
Front Setback	35'	25' or 30' per Johnson Addition plat
Side Setback	5'	follow existing zoning
Rear Setback	20'	follow existing zoning
Lot Coverage	35%	35%
Follow Characteristics List?	not required	checked at Building Permit
New Homes		
Lot Area	10,000 square feet	existing platted lot
Minimum Ground Floor Area	1,100 sqft. one-story, 900 sqft. two-story	follow existing zoning
Building Mass/Orientation	none	parallel w/street, corners on diagonal
Front Setback	35'	25' or 30' per Johnson Addition plat
Side Setback	5'	follow existing zoning
Rear Setback	20'	follow existing zoning
Minimum Lot Width	80'	as platted
Maximum Lot Width	none	as platted, but may not join to create >100'
Lot Coverage	35%	35%
Materials	none	Wood, brick, stone, concrete plank or high-quality vinyl siding (or combination). Shingle-style roof.
Windows	none	Rectangular double-hung or casement; no arched on front; ovals, hexagons allowed as accents.
Roof	none	Flat, gabled or hipped. Max. 6:12 pitch
Porches	none	Incorporated into roof w/extended overhang. No uncovered decks in front.
Minimum Building Height	none	none
Maximum Building Height	up to 35' to the midpoint with additional setbacks	25' to the midpoint
Parking & Driveways	none	Max width 20', up to 30' w/in 24' of garage
Demolition of Existing Homes	No Criteria/Restrictions	Director Approval
Site Plan & Design Review (SDR)	Not required prior to Building Permit	New Homes - Required prior to Building Permit

**CERTIFICATION
OF THE CARMEL PLAN COMMISSION'S RECOMMENDATION
ON THE PETITION TO THE CITY OF CARMEL
TO AMEND THE ZONING ORDINANCE
PURSUANT TO INDIANA CODE 36-7-4-605**

**ORDINANCE
Z-602-15**

**Johnson Addition Overlay Zone
Ordinance Text**

**To: The Honorable Common Council
Of the City of Carmel
Hamilton County, Indiana**

Dear Members:

The Carmel Plan Commission offers you the following report on the application for **Docket No. 15020007 – to establish Chapter 23J: Johnson Addition District Overlay Zone.**

The Carmel Plan Commission's recommendation on the petition of the applicant is **'Favorable.'**

At its regularly scheduled meeting of May 19, 2015, the Carmel Plan Commission voted Ten (10) in Favor, Zero (0) Opposed, One (1) Absent, to forward to the Common Council the proposed **Ordinance No. Z-602-15** with a **"Favorable Recommendation"**.

Please be advised that by virtue of the Plan Commission's **Favorable** Recommendation, pursuant to IC 36-7-4-607(e), the Council has ninety (90) days to act on this petition before it becomes effective as Certified by the Commission. Ninety days from the date of the Certification is Thursday August 20, 2015.

CARMEL PLAN COMMISSION

BY: Steven R Stromquist/um
Steven R. Stromquist, President

ATTEST:

Lisa Motz
Lisa Motz, Secretary
Carmel Plan Commission
Dated: May 22, 2015

ORDINANCE NO. D-2216-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AUTHORIZING AND APPROVING THE ADDITIONAL APPROPRIATION OF MONIES
FROM THE DEFERRAL FUND TO PAY CLAIMS FOR COST OF ADMINISTERING CITY
DEFERRAL PROGRAM**

WHEREAS, an amount of Sixty Thousand Five Hundred Twenty Five Dollars (\$60,525.00) is needed to cover unanticipated expenses in the 2015 Deferral Fund Budget; and

WHEREAS, Deferral Program fees are not tax payer funds but fees collected by the Carmel City Court from City ordinance violations and deposited in the City’s Deferral Fund (“Fund 209”); and,

WHEREAS, the City of Carmel has excess funds in the amount of Sixty Thousand Five Hundred Twenty Five dollars (\$60,525.00) in the Deferral Fund to appropriate to the line item(s) for the unanticipated but necessary expense(s).

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that the following additional sum of money is hereby appropriated from available cash balance to the Deferral Fund and for the purposes specified, subject to applicable laws, as follows:

CITY OF CARMEL DEFERRAL DEPARTMENT (209)

To

Line Item #410-10000	Salaries and Wages - Full Time Regular	\$ 27,250.00
Line Item #410-12000	Overtime	\$ 5,000.00
Line Item #410-21000	Employer’s Share of Social Security	\$ 1,666.00
Line Item #410-22000	Employer’s Share of Health Insurance	\$ 11,677.00
Line Item #410-22200	Employer’s Share of Life Insurance	\$ 32.00
Line Item #410-22100	Short-Term Disability Insurance	\$ 1,000.00
Line Item #410-23000	Employer’s Share of Retirement-PERF	\$ 3,730.00
Line Item #410-24000	Medicare	\$ 389.00
Line Item #410-20000	Employer’s Share of Deferred Compensation	\$ 7,781.00
Line Item #440-63000	Office Furniture	\$ 2,000.00

TOTAL: \$60,525.00

This Ordinance shall become effective upon its passage and execution by the Common Council and the Mayor as required by law.

47
48 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of _____
49 _____, 2015, by a vote of _____ ayes and _____ nays.
50

51 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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55 Presiding Officer Kevin D. Rider
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57 _____
58 Richard L. Sharp, President Pro Tempore Carol Schleif
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60 _____
61 Ronald E. Carter W. Eric Seidensticker
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63 _____
64 Sue Finkam Luci Snyder
65

66 ATTEST:
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68 _____
69 Diana L. Cordray, IAMC, Clerk-Treasurer
70

71
72 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
73 _____ 2015, at _____ .M.
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75 _____
76 Diana L. Cordray, IAMC, Clerk-Treasurer
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78 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
79 _____ 2015, at _____ .M.
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81 _____
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83 James Brainard, Mayor
84

85 ATTEST:
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88 _____
89 Diana L. Cordray, IAMC, Clerk-Treasurer
90 Ordinance No. D-2216-15
91 Page Two of Two Pages

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on 6/8/15 at 1:30 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

ORDINANCE D-2219-15

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, ADDING CHAPTER 8, SECTION 53, TO THE CARMEL CITY CODE PROHIBITING THE STOPPING, STANDING, OR PARKING OF MOTOR VEHICLES IN “NO STUDENT PICK-UP OR DROP-OFF ZONES”

WHEREAS, pursuant to Indiana Code 9-21-1-3(a)(13), the City of Carmel, Indiana (“City”), has the authority to adopt by ordinance traffic regulations governing traffic control on public school grounds when requested by the governing body of the school corporation; and

WHEREAS, the Board of School Trustees of the Carmel Clay Schools has requested the City to adopt traffic regulations prohibiting the stopping, standing, or parking of motor vehicles in its “No Student Pick-Up or Drop Off Zones” which are located on their public school grounds; and

WHEREAS, The Common Council of the City of Carmel finds that the adoption of such traffic regulations is in the interest of public safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. City Code Chapter 8, Section 53, should be and the same is hereby added to read as follows:

“§ 8-53 Carmel-Clay “No Student Pick-Up or Drop-Off Zones”.

- (a) No person shall stop, stand, or park a motor vehicle at any time on any Carmel-Clay school grounds that have been designated as a “No Student Pick-Up or Drop off Zone”.
- (b) This section shall not apply to any emergency, maintenance, law enforcement, fire, government agency, or medical services vehicle then responding to a service call on or at the school grounds.
- (c) The Carmel Street Department shall post or cause to be posted appropriate “No Student Pick-Up or Drop-off Zone”; or similar language signs or markings upon or at the entrances to those school grounds so affected.
- (d) Any person who operates a motor vehicle in violation of this Section shall, upon conviction thereof, be fined in an amount not to exceed One Hundred Dollars (\$100.00) for each such offense.

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on December 3, 2014 at 4:01 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

46 Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are
47 hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the
48 repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued,
49 penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and
50 proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance
51 as if this Ordinance had not been adopted.

52
53 Section 4. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent
54 jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as
55 enforcement of same can be given the same effect.

56
57 Section 5. This Ordinance does not affect, alter, or replace any applicable laws of the State of Indiana or
58 otherwise that affect or relate to the subject matter hereof.

59
60 Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the
61 Mayor and such publication as is required by law.

62
63 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of
64 _____, 2015, by a vote of _____ ayes and _____ nays.

65
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67 COMMON COUNCIL FOR THE CITY OF CARMEL

68	_____	_____
69	Presiding Officer	Kevin D. Rider
70	_____	_____
71	Richard L. Sharp, President Pro Tempore	Carol Schleif
72	_____	_____
73	Ronald E. Carter	W. Eric Seidensticker
74	_____	_____
75	Sue Finkam	Luci Snyder

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77 ATTEST:
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85 _____
86 Diana L. Cordray, IAMC, Clerk-Treasurer

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Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
2015, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
2015, at _____ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-2219-15
Page Three of Three

ORDINANCE D-2220-15

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, REGARDING THE STRUCTURE OF FUNDS FOR THE
CARMEL/CLAY BOARD OF PARKS AND RECREATION**

WHEREAS, the City of Carmel, Indiana (“City”) and Clay Township of Hamilton County, Indiana (“Township”) entered into a certain Interlocal Cooperation Agreement (“Interlocal Agreement”), dated July 26, 2002, to provide joint park and recreation services to the City and the Township; and

WHEREAS, the Interlocal Agreement, as the same has been subsequently amended from time to time, remains in full force and effect as the date of this Ordinance; and

WHEREAS, pursuant to the terms of the Interlocal Agreement, the Carmel/Clay Board of Parks and Recreation (“Park Board”) was created to administer the park and recreation services provided to the City and the Township, which Park Board remains duly formed and operating as of the date of this Ordinance; and

WHEREAS, pursuant to Ordinance No. D-2018-10 and in an effort to efficiently administer Park Board funds, the office of the Carmel Clerk-Treasurer has administered two non-reverting operating funds: the Extended School Enrichment Fund, #108 (the “ESE Fund”), and the Monon Center Operating Fund, #109 (the “Monon Operating Fund”); and

WHEREAS, with the addition of new revenue generating recreational facilities not connected with the ESE Fund or Monon Operating Fund, and in an effort to ensure the continued efficient administration of Park Board Funds, the Council desires the creation of a third non-reverting operating fund titled the Parks and Recreation Facilities Fund, #110 Parks (the “Rec Facilities Fund”).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, as follows”

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Carmel City Code, Chapter 2, Article 4, is hereby amended to add a new Section 144 which shall read as follows:

“§ 2-144 Parks and Recreation Facilities Fund (Fund #110 Parks).

(a) The City, pursuant to the request of the Carmel/Clay Board of Parks and Recreation (“Park Board”) , hereby establishes a Non-reverting Parks and Recreation Facilities Fund (“Rec Facilities Fund”) for the purpose of accounting for operating receipts and disbursements, revenues and other monies received or made for park purposes in connection with the City and Clay Township’s joint provision of recreation programs and facilities at Park Board facilities not part of the Monon Community Center.

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on June 30, 2015 at 4:30 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or otherwise.

47 The monies in the Rec Facilities Fund shall be used for general maintenance, for the
48 acquisition, repair and/or replacement of capital improvements, for equipment, for other
49 property, goods and services necessary to the operation of park and recreation facilities
50 owned and/or managed by the Park Board, and as otherwise permitted by law. The Rec
51 Facilities Fund shall be administered and maintained by the Fiscal Officer of the City as
52 herein set forth:

53
54 (1) The funds contained in the Rec Facilities Fund shall be received and
55 deposited therein from the City, from Clay Township, and from all other lawful sources,
56 in accordance with applicable law; and

57
58 (2) The funds contained in the Rec Facilities Fund shall be accounted for and
59 maintained separate and apart from all other City funds, and shall be invested with the
60 interest earned thereon deposited in the Rec Facilities Fund; and

61
62 (3) The funds held and accounted for in the Rec Facilities Fund shall be non-
63 reverting and withdrawn only for the purpose of maintaining, administering, improving,
64 and/or operating park and recreation facilities; and

65
66 (4) All property acquired from funds held in the Rec Facilities Fund shall be
67 titled in the name of the Park Board.

68
69 (b) The life of the Rec Facilities Fund shall be perpetual, unless terminated by
70 subsequent ordinance duly enacted by the City’s legislative body.”

71
72 **Section 3.** All other obligations and requirements set forward in prior Ordinances and
73 Resolutions are hereby incorporated by reference, and shall continue in full force and effect.

74
75 **Section 4.** This Ordinance shall become effective on and after the date and time it is
76 properly approved and signed by a majority of the members of the Carmel Common Council and
77 the Mayor.

78
79 **PASSED** by the Common Council of the City of Carmel, Indiana, this _____ day of
80 _____, 2015, by a vote of _____ ayes and _____ nays.

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on June 30, 2015 at 4:30 p.m.
No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or
otherwise.
Z:\craig\LFine D Drive\Files\Ordinances\2015\D-2220-15.doc June 30, 2015 at 3:32 PM

COMMON COUNCIL FOR THE CITY OF CARMEL

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Presiding Officer

Kevin D. Rider

Richard L. Sharp, President Pro Tempore

Carol Schleif

Ronald E. Carter

W. Eric Seidensticker

Sue Finkam

Luci Snyder

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
2015, at _____ .M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
2015, at _____ .M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

This Ordinance was prepared by Douglas C. Haney, Carmel City Attorney, on June 30, 2015 at 4:30 p.m.
No subsequent revision to this Ordinance has been reviewed by Mr. Haney for legal sufficiency or
otherwise.
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RESOLUTION CC-07-06-15-01

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, REGARDING EXCHANGE OF REAL PROPERTY TO THIRD PARTY

WHEREAS, the Common Council of the City of Carmel, Indiana (the "Council") is the fiscal body for the City of Carmel, Indiana (the "City");

WHEREAS, the Council has determined that a need exists for the City's acquisition of that certain specific property consisting of approximately 0.297 acres near Old Meridian Street and Grand Boulevard located in the City of Carmel, County of Hamilton, State of Indiana, which property is more fully described in Exhibit A, attached hereto and made a part hereof by this reference (the "Right of Way Property");

WHEREAS, the Council is interested in purchasing the Right of Way Property as part of a public improvement project known as the Main Street Extension (the "Project"), and for all other lawful purposes;

WHEREAS, the City owns certain property located at Old Meridian Street and Grand Boulevard consisting of approximately three (3) parcels in Carmel, Indiana, totaling approximately 0.371 acres and being a part of Tax Parcel Nos. 17-09-26-04-01-034.000, 16-09-26-00-00-015.004 and 17-09-26-04-01-007.000, (collectively the "Property");

WHEREAS, the City has now determined that the Property is not necessary for right-of-way purposes and is not needed for any other public purpose;

WHEREAS, the legal description of the Property is set forth on Exhibit B attached hereto;

WHEREAS, the Right of Way Property and the Property are shown on Exhibit C attached hereto and made a part hereof by this reference;

WHEREAS, the sale of the Property was approved by the City's Board of Public Works & Safety (the "BPW") on June 3, 2015, as Resolution No. BPW 06-03-15-03, a copy of which is attached hereto as Exhibit D; and

WHEREAS, it is in the City's best interest to enter into an exchange pursuant to which the City will exchange the Property for the Right of Way Property plus closing and related costs for the Property and the Right of Way Property.

48
49 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
50 CITY OF CARMEL, INDIANA, AS FOLLOWS:
51

- 52 1. The foregoing Recitals are incorporated herein as though fully set forth herein below.
53
54 2. That, pursuant to Indiana Code 36-1-10.5-5, the Council hereby states that it is
55 interested in purchasing the Right of Way Property described on attached Exhibit A,
56 such Right of Way Property to be used as a part of the Project, and for all other lawful
57 purposes.
58
59 3. The Council hereby approves the exchange of the Property and the Right of Way
60 Property (the "Exchange") pursuant to I.C. 36-1-11-9.
61
62 4. The value of the Property shall not be less than \$49,550.00 adjusted by reasonable and
63 customary closing costs, and other expenses incurred by the City as a result of the
64 Exchange.
65
66 5. The value of the Right of Way Property shall not be more than \$51,850.00 adjusted by
67 reasonable and customary closing costs and other expenses incurred by the City as
68 result of the Exchange.
69
70 6. The Common Council hereby directs the BPW to proceed with the Exchange pursuant
71 to the requirements of I.C. 36-1-10.5-5 and 36-1-11-9 and designates Steve Engelking,
72 Director of the Department of Administration for the City of Carmel, Indiana, as its
73 agent for purposes of completing the Exchange. Steve Engelking is hereby authorized
74 to execute all documents required in connection with the Exchange pursuant to this
75 Resolution and to take all other lawful actions necessary to complete the Exchange as
76 contemplated herein.
77
78 7. That this Resolution shall take effect upon its passage by Council and such execution
79 by the Mayor as is required by law.
80

81 PASSED by the Common Council of the City of Carmel, Indiana, this ____ day of
82 July, 2015, by a vote of ____ ayes and ____ nays.
83
84
85
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88 Resolution CC-07-06-15-01

89 Page Two of Three Pages

90 Prepared by Douglas C. Haney, City Attorney, City of Carmel, One Civic Square, Carmel, Indiana 46032

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92
93 **COMMON COUNCIL FOR THE CITY OF CARMEL**
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96 _____
97 Presiding Officer

Kevin D. Rider

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101 Richard L. Sharp, President Pro Tempore

Carol Schleif

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105 Ronald E. Carter

W. Eric Seidensticker

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109 Sue Finkam

Luci Snyder

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111 ATTEST:

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114 Diana L. Cordray, IAMC, Clerk-Treasurer

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116 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
117 _____ 2015, at _____ .M.

118
119 _____
120 Diana L. Cordray, IAMC, Clerk-Treasurer

121
122 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
123 _____ 2015, at _____ .M.

124
125 _____
126 James Brainard, Mayor

127 ATTEST:

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131 Diana L. Cordray, IAMC, Clerk-Treasurer

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133 Resolution CC-07-06-15-01

134 Page Three of Three Pages

135 Prepared by Douglas C. Haney, City Attorney, City of Carmel, One Civic Square, Carmel, Indiana 46032

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EXHIBIT A

LEGAL DESCRIPTION

RIGHT OF WAY PROPERTY

PARCEL 4:

PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 06 MINUTES 43 SECONDS WEST (BEARINGS PER THE ROUTE SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 2009053314 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA) 13.49 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE CENTERLINE OF OLD MERIDIAN STREET; THENCE SOUTH 35 DEGREES 42 MINUTES 01 SECOND WEST 348.55 FEET ALONG SAID CENTERLINE TO THE NORTHEAST CORNER OF THE LAND CONVEYED TO EDWARD ROSE DEVELOPMENT COMPANY, L.L.C. IN INSTRUMENT NUMBER 2015003890, ON FILE IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 89 DEGREES 06 MINUTES 43 SECONDS WEST 62.27 FEET ALONG THE NORTH LINE OF SAID PARCEL TO A LINE THAT IS 50.00 FEET NORTHWEST OF AND PARALLEL WITH SAID CENTERLINE OF OLD MERIDIAN STREET, BEING THE POINT OF BEGINNING; THENCE SOUTH 35 DEGREES 42 MINUTES 01 SECOND WEST, 1,293.00 FEET ALONG SAID CENTERLINE TO THE SOUTH LINE OF SAID EDWARD ROSE PARCEL; THENCE SOUTH 89 DEGREES 04 MINUTES 04 SECONDS WEST 12.46 FEET ALONG SAID SOUTH LINE TO A LINE THAT IS 60.00 FEET NORTHWEST OF AND PARALLEL WITH SAID CENTERLINE; THENCE NORTH 35 DEGREES 42 MINUTES 01 SECOND EAST 1,293.02 FEET ALONG SAID PARALLEL LINE TO THE NORTH LINE OF SAID EDWARD ROSE PARCEL; THENCE NORTH 89 DEGREES 06 MINUTES 43 SECONDS EAST 12.45 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 0.297 ACRES, MORE OR LESS.

173 EXHIBIT B

174 LEGAL DESCRIPTION

175 THE EXCHANGE PROPERTY

176
177
178
179 PARCEL 1:

180
181 A PART LOT NUMBERED FIFTEEN (15) IN R.A. FRANKE'S ADDITION TO THE CITY
182 OF CARMEL, HAMILTON COUNTY, INDIANA, PER THE PLAT RECORDED IN PLAT
183 [BOOK 128, PAGE 197](#), IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY,
184 INDIANA, DESCRIBED AS FOLLOWS:

185
186 COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15; THENCE NORTH 89
187 DEGREES 11 MINUTES 52 SECONDS EAST (ASSUMED) 47.71 FEET ALONG THE
188 NORTH LINE OF SAID LOT 15 TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
189 THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 11 MINUTES
190 52 SECONDS EAST 164.60 FEET; THENCE SOUTH 35 DEGREES 42 MINUTES 01
191 SECONDS WEST 19.81 FEET; THENCE SOUTH 67 DEGREES 19 MINUTES 29 SECONDS
192 WEST 53.61 FEET; THENCE WESTERLY 110.70 FEET ALONG AN ARC TO THE RIGHT
193 HAVING A RADIUS OF 190.00 FEET AND SUBTENDED BY A LONG CHORD HAVING
194 A BEARING OF NORTH 71 DEGREES 36 MINUTES 04 SECONDS WEST AND A
195 LENGTH OF 109.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.088
196 ACRES, MORE OR LESS.

197
198 PARCEL 2:

199
200 A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
201 SECTION 26, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY,
202 INDIANA, DESCRIBED AS FOLLOWS:

203
204 BEGINNING ON THE NORTH LINE OF SAID QUARTER-QUARTER SECTION NORTH
205 88 DEGREES 44 MINUTES 51 SECONDS EAST 1252.41 FEET FROM THE NORTHWEST
206 CORNER OF SAID QUARTER-QUARTER SECTION; THENCE CONTINUING NORTH 88
207 DEGREES 44 MINUTES 51 SECONDS EAST 77.50 FEET ALONG SAID NORTH LINE TO
208 THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0
209 DEGREES 06 MINUTES 16 SECONDS EAST 73.43 FEET ALONG SAID EAST LINE;
210 THENCE NORTHWESTERLY 105.78 FEET ALONG AN ARC TO THE RIGHT HAVING A
211 RADIUS OF 750.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING
212 OF NORTH 47 DEGREES 15 MINUTES 11 SECONDS WEST AND A LENGTH OF 105.69
213 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.068 ACRES, MORE OR
214 LESS.

215
216 PARCEL 3:

217

218 PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26,
219 TOWNSHIP 18 NORTH, RANGE 3 EAST, IN HAMILTON COUNTY, INDIANA,
220 DESCRIBED AS FOLLOWS:

221
222 COMMENCING AT THE NORTHWEST CORNER OF SAID HALF-QUARTER SECTION;
223 THENCE NORTH 89 DEGREES 06 MINUTES 43 SECONDS EAST (ASSUMED BEARING)
224 899.00 FEET ALONG THE NORTH LINE OF SAID HALF-QUARTER SECTION TO THE
225 NORTHWEST CORNER OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF
226 CARMEL, INDIANA DESCRIBED IN THE WARRANTY DEED RECORDED AS
227 INSTRUMENT NUMBER [2007037107](#) IN THE OFFICE OF THE RECORDER OF
228 HAMILTON COUNTY INDIANA; THENCE SOUTH 00 DEGREES 09 MINUTES 18
229 SECONDS WEST 60.12 FEET ALONG THE WEST LINE OF SAID PARCEL OF LAND
230 DESCRIBED IN INSTRUMENT NUMBER [2007037107](#) TO THE POINT OF BEGINNING
231 OF THIS DESCRIPTION; THENCE SOUTH 23 DEGREES 07 MINUTES 09 SECONDS
232 EAST 133.38 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 29 SECONDS WEST
233 116.40 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE SOUTH 89 DEGREES 06
234 MINUTES 43 SECONDS WEST 52.54 FEET ALONG THE SOUTH LINE OF SAID PARCEL
235 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 09 MINUTES
236 18 SECONDS EAST 239.88 FEET ALONG THE WEST LINE OF SAID PARCEL TO THE
237 POINT OF BEGINNING AND CONTAINING 0.215 ACRES, MORE OR LESS.
238

239
240

EXHIBIT C

Location of Property and Right of Way Property

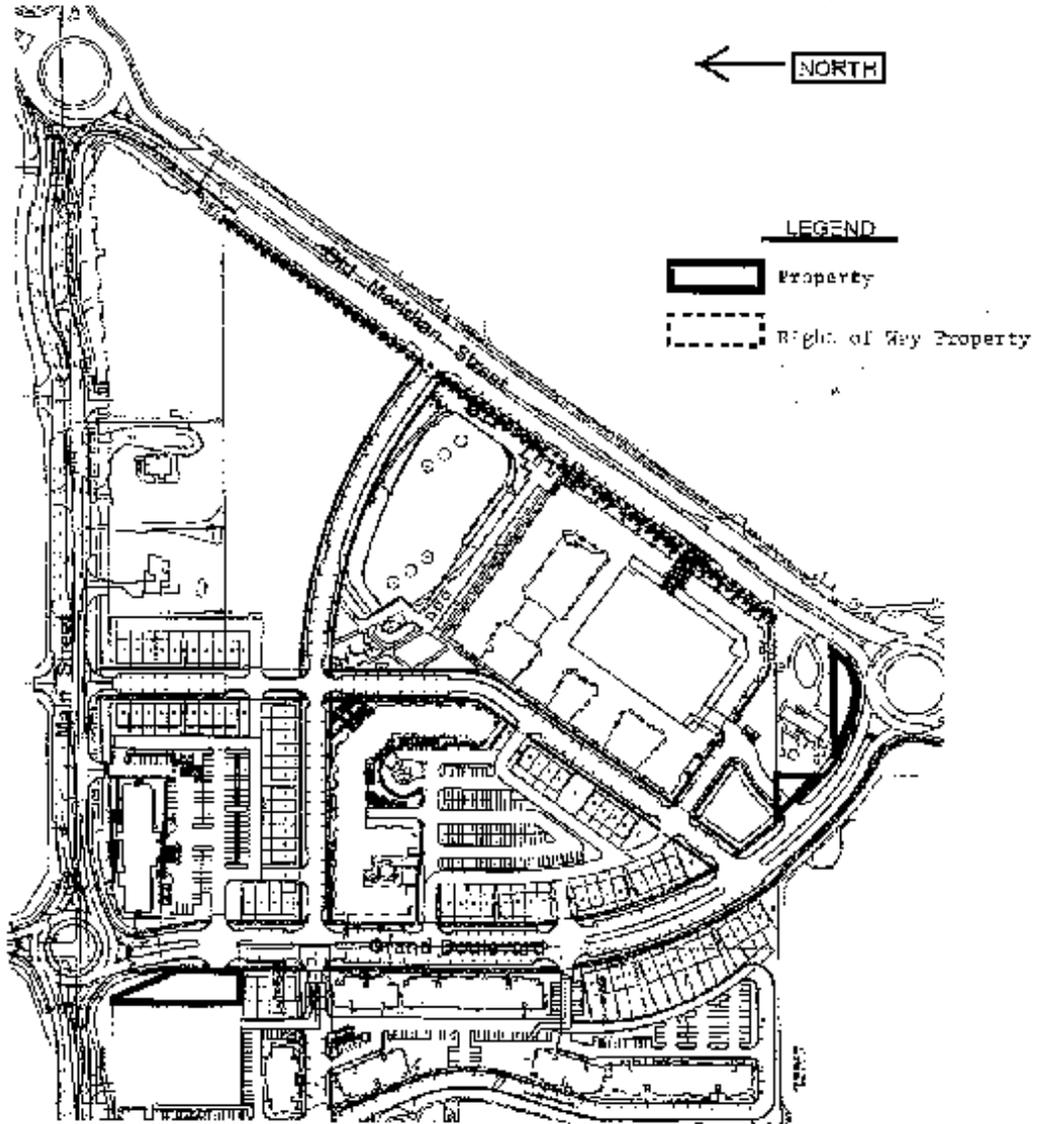


Exhibit C
Page 1 of 1

JNDR1 DW/ 14549.796

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EXHIBIT D

RESOLUTION OF THE BOARD OF PUBLIC WORKS

EXHIBIT D

Resolution of the Board of Public Works

RESOLUTION NO. BPW 06-03-15-03

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF CARMEL, INDIANA, REGARDING THE
THIRD PARTY TRANSFER OF REAL PROPERTY**

WHEREAS, the City of Carmel, Indiana (hereinafter, the "City") owns certain property generally located at Old Meridian Street and Grand Boulevard consisting of three (3) parcels in Carmel, Indiana being 0.088 acres, 0.068 acres and 0.215 acres (collectively the "Property"); and

WHEREAS, the City has now determined that the Property is not necessary for right-of-way purposes and that the Property is not needed for any other public purpose; and

WHEREAS, the legal description and a depiction of the Property is set forth on Exhibit A attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Carmel, Board of Public Works and Safety ("BPW") hereby makes the following findings:

The foregoing Recitals are incorporated herein by this reference.

1. Upon approval of the sale of the Property by the Common Council of the City of Carmel, Indiana, the Property shall be sold or exchanged pursuant to I.C. 36-1-11-7.
2. The purchase price for the Property shall not be less than \$49,550.00 adjusted by reasonable and customary closing costs and other expenses incurred by the City as result of such sale.
3. The BPW hereby designates Steve Engelking, Director of the Department of Administration for the City of Carmel, Indiana, as its agent for purposes of completing the disposition of the Property. Mr. Engelking is hereby authorized to execute all documents required in connection with the disposition of the Property pursuant to this Resolution and to take all other lawful actions as are necessary or appropriate to complete the acquisition, offering and disposition of the Property as contemplated herein.

3 PASSED by the Board of Public Works and Safety of the City of Carmel, Indiana, this day of June, 2015, by a vote of 3 ayes and 0 nays.

CITY OF CARMEL, INDIANA

By and through its Board of Public Works and Safety

By: [Signature]
James Brainard, Presiding Officer

Date: 6-3-15

[Signature]

Mary Ann Burke, Member
Date: 6-3-15

[Signature]

Lori Watson, Member
Date: 6/3/15

ATTEST:

[Signature]

Diana L. Cordray, IAMC, Clerk-Treasurer
Date: 6-3-15

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Mayor James Brainard, Mary Ann Burke, Lori Watson, by me known to be the Members of the City of Carmel Board of Public Works and Safety, and ~~Diana L. Cordray~~ ^{Sandra M. Johnson, Deputy} Clerk-Treasurer of the City of Carmel, who acknowledged the execution of the foregoing "Resolution" on behalf of the City of Carmel, Indiana.

Witness my hand and Notarial Seal this 3rd day of June, 2015.

Notary Public Signature

C Ann Davis

Notary Public - Printed

Commission Expires: _____

County of Residence: Hamilton

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

A PART LOT NUMBERED FIFTEEN (15) IN R.A. FRANKE'S ADDITION TO THE CITY OF CARMEL, HAMILTON COUNTY, INDIANA, PER THE PLAT RECORDED IN PLAT BOOK 128, PAGE 197, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15; THENCE NORTH 89 DEGREES 11 MINUTES 52 SECONDS EAST (ASSUMED) 47.71 FEET ALONG THE NORTH LINE OF SAID LOT 15 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 11 MINUTES 52 SECONDS EAST 164.60 FEET; THENCE SOUTH 35 DEGREES 42 MINUTES 01 SECONDS WEST 19.81 FEET; THENCE SOUTH 67 DEGREES 19 MINUTES 29 SECONDS WEST 53.61 FEET; THENCE WESTERLY 110.70 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 190.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 71 DEGREES 36 MINUTES 04 SECONDS WEST AND A LENGTH OF 109.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.088 ACRES, MORE OR LESS.

PARCEL 2:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 3 EAST IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF SAID QUARTER-QUARTER SECTION NORTH 88 DEGREES 44 MINUTES 51 SECONDS EAST 1252.41 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER-QUARTER SECTION; THENCE CONTINUING NORTH 88 DEGREES 44 MINUTES 51 SECONDS EAST 77.50 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0 DEGREES 06 MINUTES 16 SECONDS EAST 73.43 FEET ALONG SAID EAST LINE; THENCE NORTHWESTERLY 105.78 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 750.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 47 DEGREES 15 MINUTES 11 SECONDS WEST AND A LENGTH OF 105.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.068 ACRES, MORE OR LESS.

PARCEL 3:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 3 EAST, IN HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID HALF-QUARTER SECTION; THENCE NORTH 89 DEGREES 06 MINUTES 43 SECONDS EAST (ASSUMED BEARING) 899.00 FEET ALONG THE NORTH LINE OF SAID HALF-QUARTER SECTION TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND CONVEYED TO THE CITY OF CARMEL, INDIANA DESCRIBED IN THE WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 2007037107 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY INDIANA; THENCE SOUTH 00 DEGREES 09 MINUTES 18 SECONDS WEST 60.12 FEET ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 2007037107 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 23 DEGREES 07 MINUTES 09 SECONDS EAST 133.38 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 29 SECONDS WEST 116.40 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE SOUTH 89 DEGREES 06 MINUTES 43 SECONDS WEST 52.54 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 09 MINUTES 18 SECONDS EAST 239.88 FEET ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING AND CONTAINING 0.215 ACRES, MORE OR LESS.

EXHIBIT A - PARCEL 1

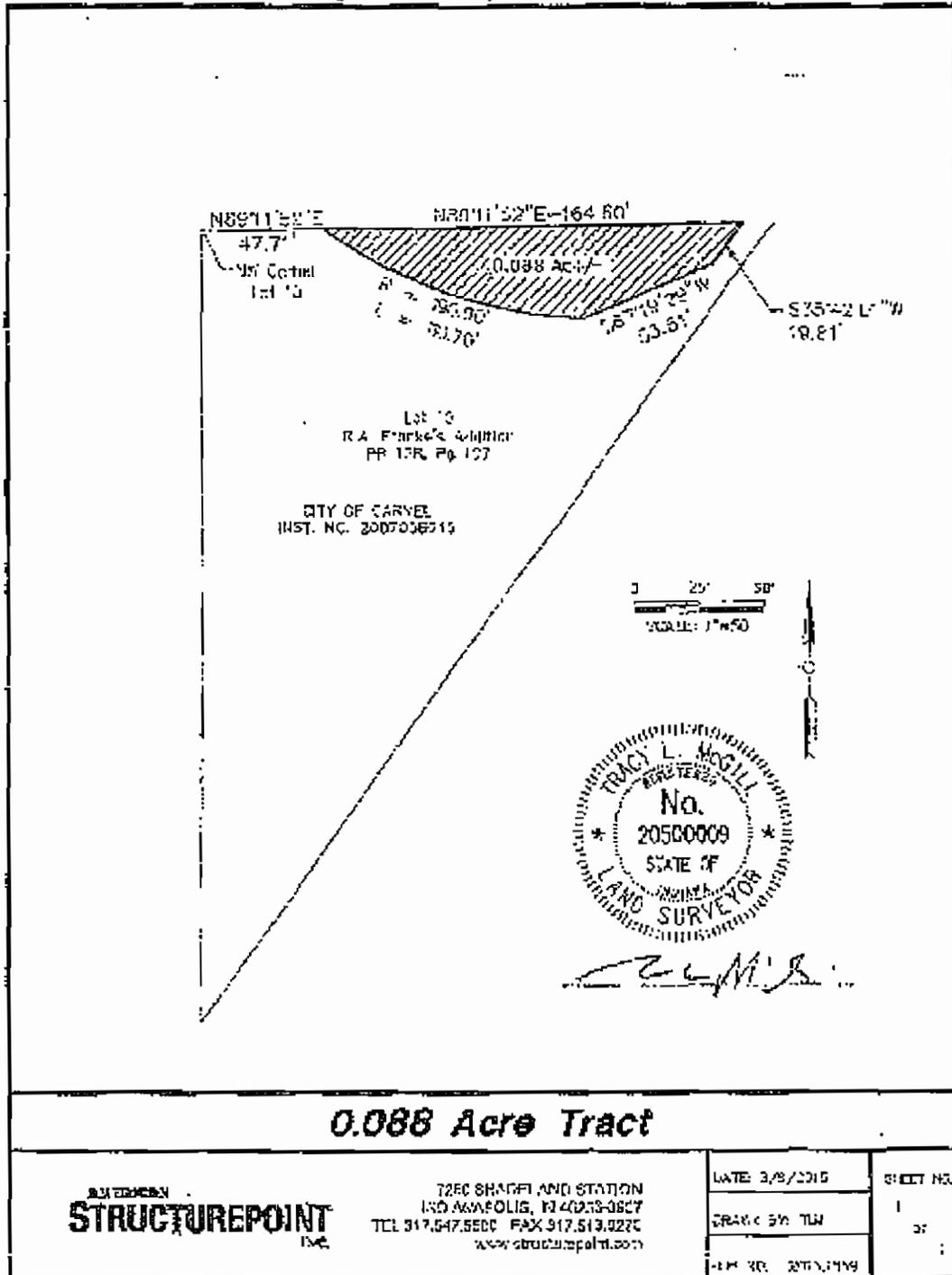
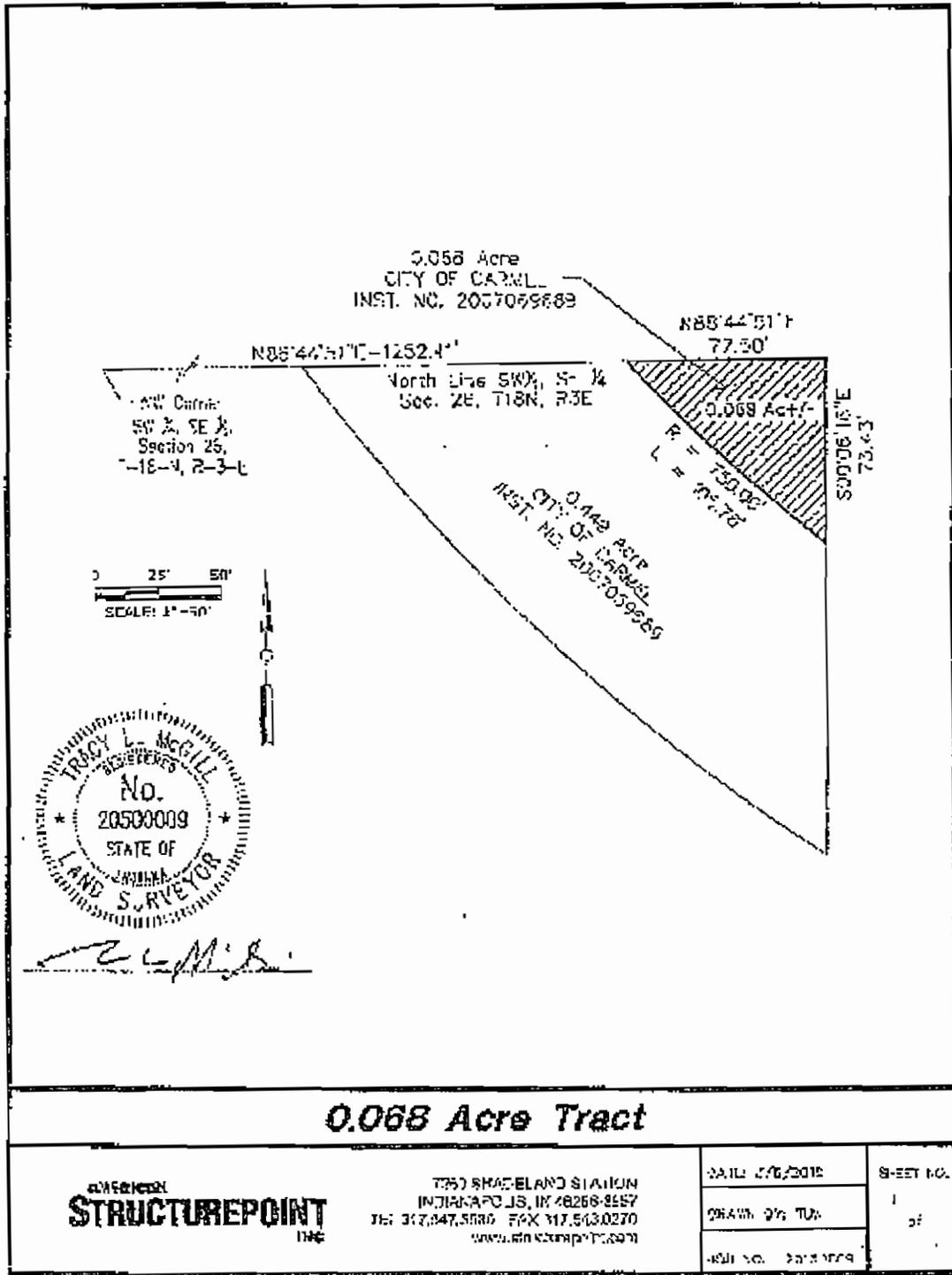


EXHIBIT A - PARCEL 2



0.068 Acre Tract

CONSTRUCTION
STRUCTUREPOINT
INC.

7757 SHADBLAND STATION
INDIANAPOLIS, IN 46268-8557
TEL: 317.847.5580 FAX: 317.543.0270
www.structurepoint.com

DATE: 07/6/2010
DRAWN BY: TUN
JOB NO. 2007099689

SHEET NO.
1
of
1

EXHIBIT A - PARCEL 3

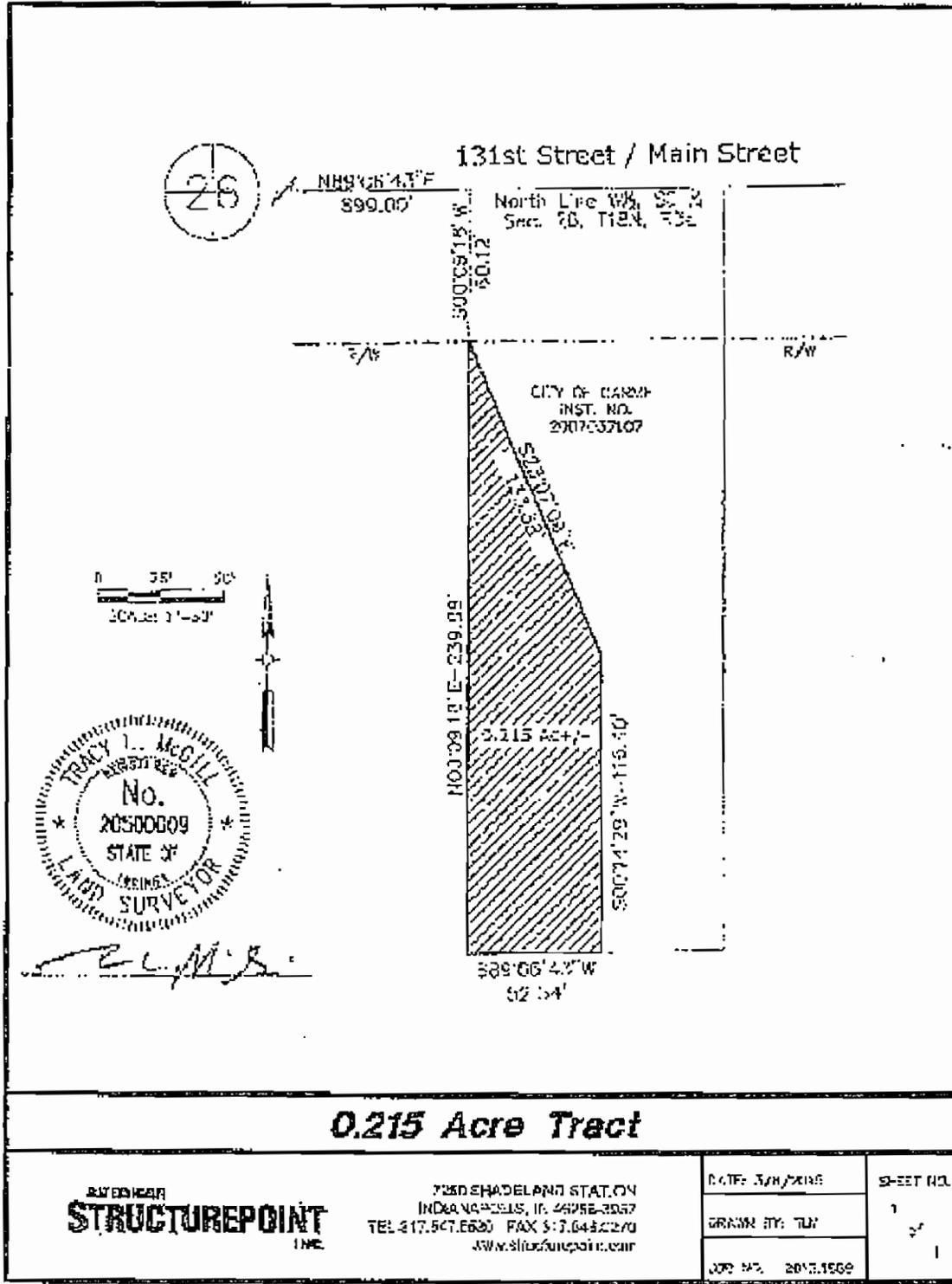
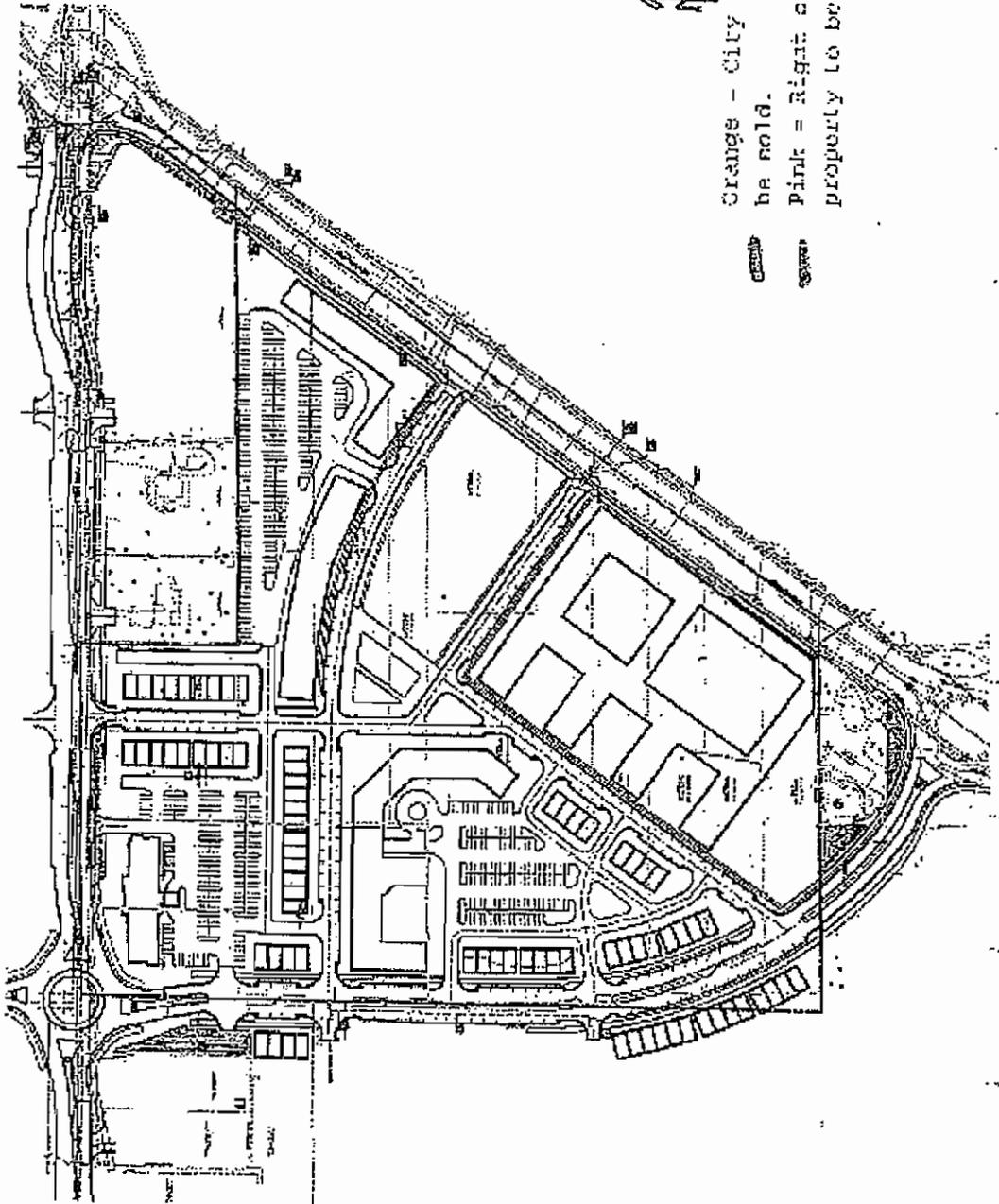


EXHIBIT A - OVERVIEW



Orange - City property to
be sold.
Pink - Right of Way
property to be obtained.

RESOLUTION NO. CC-07-06-15-03

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
EXPRESSING INTEREST IN THE PURCHASE OF CERTAIN PROPERTIES VALUED AT
OVER \$25,000 AND ASSOCIATED WITH THE CITY'S ROAD IMPROVEMENT PROJECTS**

WHEREAS, prior to the City's purchase of certain land or structures valued at over Twenty-Five Thousand Dollars (\$25,000.00), Indiana Code 36-1-10.5 requires the Common Council to indicate by resolution the City's interest in purchasing same; and

WHEREAS, the City has determined that some properties that it is interested in purchasing as part of the City's Road Improvement Projects may exceed Twenty-Five Thousand Dollars (\$25,000.00) in value.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, that:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The City of Carmel, Indiana, is interested in purchasing the following described properties, or a portion thereof, that may be valued in excess of Twenty-Five Thousand Dollars (\$25,000.00) and which are associated with the City's Road Improvement Projects:

1. 116th Street and Gray Road Roundabout Carmel 12-03

a. Owner: Judith L Pope Trustee, Judith L Pope Family Trust (50%);
Pope, Judith L (50%)
Owner Address: 11300 Gray Road
Carmel, Indiana 46033
Property Address: 4601 East 116th Street
Carmel, Indiana 46033
Parcel ID Number: 16-14-05-00-00-001.000
State Parcel ID Number: 2914-05-000-001.000-018

b. Owner: Morgan, Charles P (50%); Morgan, Charles P Trustee,
Charles P Morgan Fam Tr (50%)
Owner Address: 11250 Gray Road
Carmel, Indiana 46033
Property Address: 4607 East 116th Street
Carmel, Indiana 46033
Parcel ID Number: 16-14-05-00-00-003.000
State Parcel ID Number: 2914-05-000-003.000-018

48 c. Owner: Stuart E & Lisa D Lawrence
49 Owner Address: 2399 East 98th Street
50 Indianapolis, Indiana 46280
51 Property Address: 4611 East 116th Street
52 Carmel, Indiana 46033
53 Parcel ID Number: 16-14-05-00-00-004.000
54 State Parcel ID Number: 2914-05-000-004.000-018
55

56 2. 116th Street and Hazel Dell Parkway Roundabout Carmel 15-03
57

58 a. Owner: Crowley, Thomas M Trustee of the Thomas M Crowley
59 Revocable Trust
60 Owner Address: 501 Pennsylvania Parkway, Suite 160
61 Indianapolis, Indiana 46280
62 Property Address: 0 Hazel Dell Parkway
63 Indianapolis, Indiana 46280
64 Parcel ID Number: 17-14-04-00-00-007.006
65 State Parcel ID Number: 2914-04-000-007.006-018
66

67 b. Owner: Randolph D & Gretchen R Martin
68 Owner Address: 5700 East 116th Street
69 Carmel, Indiana 46033
70 Property Address: 5700 East 116th Street
71 Carmel, Indiana 46033
72 Parcel ID Number: 17-10-33-00-00-014.000
73 State Parcel ID Number: 2910-33-000-014.000-018
74

75 c. Owner: Mansion Real Estate LLC
76 Owner Address: 5801 East 116th Street
77 Carmel, Indiana 46033
78 Property Address: 5801 East 116th Street
79 Carmel, Indiana 46033
80 Parcel ID Number: 17-14-04-00-00-008.001
81 State Parcel ID Number: 2914-04-000-008.001-018
82

83 3. River Road Reconstruction – Tall Timber to Community Drive Carmel 14-03
84

85 a. Owner: Conner Prairie Foundation, Inc.
86 Owner Address: 13400 Allisonville Road
87 Fishers, Indiana 46038
88 Property Address: 0 River Road
89 Carmel, Indiana 46033
90 Parcel ID Number: 17-10-23-00-00-001.002
91 State Parcel ID Number: 2910-23-000-001.002-018
92

95 **SO RESOLVED** by the Common Council of the City of Carmel, Indiana, this ____ day of
96 _____ 2015, by a vote of _____ ayes and _____ nays.

97
98
99 **COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA**

100
101 _____
102 Presiding Officer

Kevin D. Rider

103
104 _____
105 Richard L. Sharp, President Pro Tempore

Carol Schleif

106
107 _____
108 Ronald E. Carter

W. Eric Seidensticker

109
110 _____
111 Sue Finkam

Luci Snyder

112
113
114 **ATTEST:**

115
116 _____
117 Diana L. Cordray, IAMC, Clerk-Treasurer

118
119
120 Presented by me to the Mayor of the City of Carmel, Indiana, this ____ day of _____ 2015, at
121 _____ O'clock, ____ M.

122
123 _____
124 Diana L. Cordray, IAMC, Clerk-Treasurer

125
126
127 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2015, at
128 _____ O'clock, ____ M.

129
130 _____
131 James Brainard, Mayor

132
133 **ATTEST:**

134
135 _____
136 Diana L. Cordray, IAMC, Clerk-Treasurer

RESOLUTION CC-07-06-15-04

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
APPROVING INDYGO RED RAPID TRANSIT LINE PROJECT COORDINATION
INTERLOCAL AGREEMENT**

WHEREAS, the City of Carmel, Indiana, by and through its Board of Public Works and Safety, and the Indianapolis Public Transportation Corporation (“IndyGo”), a municipal corporation, entered into that certain project management interlocal agreement attached hereto as Exhibit A, the same being incorporated herein by reference (the “IndyGo Agreement”); and

WHEREAS, the IndyGo Agreement pertains to the Red Line Project, which would create a rail line that would extend from the City of Westfield at the north end, through downtown Carmel and downtown Indianapolis, to the City of Greenwood at the south end; and

WHEREAS, the Common Council of the City of Carmel, Indiana, pursuant to Indiana Code 36-1-7-11.5, now wishes to approve the IndyGo Agreement, finding the same to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The IndyGo Agreement should be and the same is hereby approved pursuant to and in accordance with the terms of this Resolution.

Section 3. This Resolution shall take effect immediately upon its adoption.

[remainder of page intentionally blank]

46 **PASSED** by the Common Council of the City of Carmel, Indiana, this ____ day of _____,
47 2015, by a vote of _____ ayes and _____ nays.

48
49 COMMON COUNCIL FOR THE CITY OF
50 CARMEL

51
52 _____
53 Presiding Officer

Kevin D. Rider

54
55 _____
56 Richard L. Sharp, President Pro Tempore

Carol Schleif

57
58 _____
59 Ronald E. Carter

W. Eric Seidensticker

60
61 _____
62 Sue Finkam

Luci Snyder

63
64
65 ATTEST:

66
67 _____
68 Diana L. Cordray, IAMC, Clerk-Treasurer
69 Page One of Two Pages

70
71
72 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____,
73 2015, at _____ .M.

74
75 _____
76 Diana L. Cordray, IAMC, Clerk-Treasurer

77
78
79 Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of _____,
80 2015, at _____ .M.

81
82 _____
83 James Brainard, Mayor

84
85 ATTEST:

86
87 _____
88 Diana L. Cordray, IAMC, Clerk-Treasurer

89 Resolution CC-07-06-15-04
90 Page Two of Two Pages

91
This Resolution was prepared by Jon Oberlander, Assistant Carmel City Attorney, on June 24, 2015 at 2:38 p.m. No subsequent revision to this Resolution has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE INDIANAPOLIS PUBLIC TRANSPORTATION CORPORATION
AND
THE CITY OF CARMEL, INDIANA**

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement ("Agreement") entered into as of the 19th day of February 2015 by and between the City of Carmel (Carmel) and the Indianapolis Public Transportation Corporation (hereinafter "IndyGo").

WHEREAS, under Article IV, Section 116-402, of the Code of Ordinances of Indianapolis, the Indianapolis Public Transportation Corporation ("IndyGo") was created as a distinct municipal corporation in order to establish and maintain an urban mass transportation system necessary for the welfare of the general public in that it expands the economic and social opportunities available to the residents of the city and renders adequate service essential to relieve traffic congestion which would otherwise prevent the rapid and efficient movement of persons and goods in and about the city ("IndyGo's Purposes"); and

WHEREAS, in furtherance of IndyGo's Purposes, IndyGo operates, among other facilities, the urban mass transportation system for the City of Indianapolis, which facilitates tourism and economic growth in Marion County and serves the general public as the primary municipal travel mechanism; and

WHEREAS, the operation of the urban mass transportation system has been found to promote significant opportunities for the gainful employment of Marion County citizens, to attract major new business enterprises to Marion County, and to retain and expand significant business enterprise within Marion County including adequate service necessary to proper utilize the factories, stores, warehouses, commercial, professional and governmental offices, schools, recreational facilities and other places where members of the general public congregate ("economic development activities"); and

WHEREAS, for several years IndyGo and Carmel have actively been involved with studies for a proposed Red Rapid Transit Line that would extend from the City of Westfield at the north end, through downtown Carmel and downtown Indianapolis, to the City of Greenwood at the south end (the "Red Line Project"), which would stimulate further economic development activities in areas located in or directly serving and benefiting downtown Carmel and downtown Indianapolis, among others; and

WHEREAS, IndyGo is requesting stakeholder communities along the Red Line to assist in funding additional planning activities for the Red Line Project, including engineering costs, with the goal of also leveraging federal funds for the Red Line Project; and

WHEREAS, the City of Carmel, a key Red Line stakeholder, desires to facilitate the development of the Red Line Project by contributing funds to these additional planning activities; and

WHEREAS, under Indiana Code Section 36-1-7-11, appropriated monies collected by Carmel may be used to pay the costs of carrying out eligible efficiency projects within Carmel; and

WHEREAS, under Indiana Code Section 36-9-41-1.5(1), an eligible efficiency project includes a project necessary or useful to carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; and

WHEREAS, under Indiana Code Section 36-1-7, Carmel and IndyGo are authorized to enter into an interlocal cooperation agreement to undertake projects and activities necessary or useful in furtherance of their respective purposes including particularly economic development activities; and

WHEREAS, under Indiana Code Section 36-1-7-11.5, the statute contemplates interlocal agreements to facilitate an economic development project as defined therein and by Indiana Code 6-3.5-7-13.1(o), including projects related to transportation services and transportation infrastructure and associated administrative costs, and permits one party to the agreement to transfer money to the other party to help carry out the economic development objectives; and

WHEREAS, a portion of the Red Line Project will be located in and directly serving and benefiting the City of Carmel; and

WHEREAS, Carmel and IndyGo mutually and specifically desire to enter into this Agreement for the purpose of furthering the Red Line Project; and

WHEREAS, the parties hereto desire this Agreement to be an agreement satisfying the requirements of Indiana Code Sections 36-1-7, 36-7-15.1-26(b)(3)(J) and 36-9-41-1.5(1), and find that carrying out this Agreement more efficiently benefits and furthers the respective Carmel Purposes and IndyGo Purposes (including particularly economic development activities) than would be achieved by attempting to do so separately;

NOW, THEREFORE, in consideration of the terms and conditions contained herein, IndyGo and Carmel agree as follows:

1. **TERM:** The term of this Agreement will be from January 1, 2015 (the "Commencement Date"), through December 31, 2017 (the "Expiration Date").
2. **PURPOSE:** The purpose of this Agreement is to protect, further, increase and enhance the benefits that result from the operation of the public transportation system and the proposed activities of the Red Line Project (including, among others, to allow opportunities for synergies and efficiencies related to costs and benefits in respect of utilities, downtown parking, creation of jobs, regional promotion and other benefits and the mutual furtherance of the respective Carmel Purposes and IndyGo Purposes including particularly economic development activities).

3. **ELIGIBLE EFFICIENCY PROJECTS:** IndyGo and Carmel agree that adequate funding of the planning activities for the Red Line Project are useful projects that are more efficiently carried out under this Agreement and such meet the purposes and intents of Indiana Code Section 36-9-41-1.5(1). It is also agreed that the funding of a portion of the Red Line Project planning costs by Carmel will generate consolidated efficiencies (including synergies and efficiencies in respect of costs and benefits related to utilities, job creation, downtown parking, regional promotion and other mutually beneficial activities including particularly with respect to the economic development activities), IndyGo and Carmel recognize and agree that financial support is critical for the Red Line Project, and thereby achieve such consolidated efficiencies and mutual benefits including particularly with respect to the economic development activities.

4. **FINANCIAL COMMITMENT:** Subject to Section 6 of this Agreement, pursuant to Indiana Code sections 36-7-15.1-7(12) and 36-7-15.1-26(b) (3) (J) and during the term of this Agreement, the City of Carmel agrees to and does hereby pledge and commit to transfer to IndyGo pursuant to all state laws and conditioned upon appropriation in the amount of \$196,592.00 ("Committed Funds") of the available appropriated monies. Such Committed Funds shall be paid over to IndyGo in two installments: \$100,000.00 with the first installment and \$96,592.00 with the second installment, due and payable all follows:
 - First installment payment will occur on or Before February 28, 2015.
 - The second installment shall be paid on or before June 30, 2015.IndyGo agrees to expend the Committed Funds to further planning activities for the Red Line Project. The Clerk-Treasurer of the City of Carmel shall be the disbursing officer tasked with disbursing and accounting for all monies of the Agreement.

5. **JOINT UNDERTAKING:** Because this is not a joint undertaking within the meaning of Indiana Code Sections 36-1-7, this Agreement need not address other matters related to the financing, staffing, budget, administration, or real and personal property of the joint undertaking.

6. **APPROVAL:** The obligations in this Agreement shall be subject to all requirements of state law and subject to appropriation. This Agreement shall not be effective until approved by resolution of the Carmel Board of Public Works and Safety and IndyGo Board of Directors.

7. **MODIFICATION:** IndyGo and Carmel may, by mutual written agreement, alter, change or amend the terms and conditions hereof. Any alteration, change or amendment of this Agreement requires approval by resolution of Carmel and IndyGo.

8. **SUPPLEMENTAL DOCUMENTS:** IndyGo and Carmel agree to execute any and all supplementary documents and to take any and all

supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.

9. **SEVERABILITY**: The provisions in this Agreement are hereby deemed to be severable to the effect that if any provision shall be declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
10. **COMPLETE AGREEMENT**: This Agreement constitutes the entire and complete agreement between the parties with respect to its subject matter, supersedes any prior discussions, negotiations, and understandings between them; and cannot be altered, amended, or terminated without the written agreement of both parties participating herein. The parties acknowledge that neither IndyGo nor Carmel, nor any of their employees, agents, or other representatives have made any representations relied upon by any other party other than the agreements contained herein.
11. **THIRD PARTY BENEFICIARIES**: Third party beneficiaries are not contemplated under this Agreement.
12. **BINDING EFFECT**: This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors.
13. **TERMINATION**: This agreement may be terminated upon written notification of either party. The assets and funds under this agreement will be used in furtherance of the planning activities for the Red Line Project or remitted to City of Carmel.

IN WITNESS WHEREOF, IndyGo and City of Carmel have executed this Agreement effective the date and year first above written.

INDIANAPOLIS PUBLIC
TRANSPORTATION CORPORATION

By: Walter King 3-16-15
President

BOARD OF PUBLIC WORKS & SAFETY
CITY OF CARMEL, INDIANA,

By: James Brown
President/Mayor

RESOLUTION NO. BPW 05-20-15-05

**RESOLUTION OF THE CITY OF CARMEL BOARD OF PUBLIC WORKS AND SAFETY
ACKNOWLEDGING RECEIPT OF CONTRACT**

WHEREAS, pursuant to Indiana Code 36-1-4-7, the City of Carmel, Indiana ("City"), is authorized to enter into contracts; and

WHEREAS, pursuant to Indiana Code 36-4-5-3, the City's mayor may enter into contracts on behalf of the City; and

WHEREAS, pursuant to his authority under Indiana law, the City's mayor, the Honorable James C. Brainard, has caused to be signed the City contract attached hereto as Exhibit A (the "Contract"); and

WHEREAS, Mayor Brainard now wishes to present the contract to the City's Board of Public Works and Safety for it to be publicly acknowledged, filed in the Clerk-Treasurer's Office, and made available to the public for review.

NOW, THEREFORE, BE IT RESOLVED by the City of Carmel Board of Public Works and Safety as follows:

1. The foregoing Recitals are incorporated herein by this reference.

2. The receipt of the Contract is hereby acknowledged.

3. The Contract shall be promptly filed in the office of the Clerk-Treasurer and thereafter made available to the public for review.

SO RESOLVED this 20th day of May, 2015.

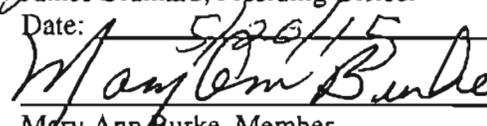
CITY OF CARMEL, INDIANA

By and through its Board of Public Works and Safety

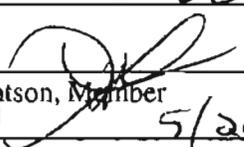
BY:


James Brainard, Presiding Officer

Date: 5/20/15


Mary Ann Burke, Member

Date: 5-20-15


Lori S. Watson, Member

Date: 5/20/15

ATTEST:


Diana Cordray, IMCA, Clerk-Treasurer

Date: 5-20-15