

COMMON COUNCIL MEETING MINUTES

MONDAY, AUGUST 5, 2024 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEETING CALLED TO ORDER

Council Vice-President Adam Aasen; Council Members: Jeff Worrell, Ryan Locke, Rich Taylor, Teresa Ayers, Matthew Snyder, Anita Joshi, Shannon Minnaar and Deputy Clerk Jessica Komp were present. Council President Anthony Green was not present.

Council Vice-President Aasen called the meeting to order at 6:00 p.m.

AGENDA APPROVAL

Councilor Snyder moved that the agenda be re-ordered to move Ordinance Z-692-24 from Item 14.c. to Item 12.a. Councilor Taylor seconded. There was no discussion. Council Vice-President Aasen called for the vote. Motion to re-order the agenda approved 8-0. Councilor Taylor made a motion to approve the re-ordered agenda. Councilor Ayers seconded. The re-ordered agenda was approved unanimously.

INVOCATION

Chaplain George Davis of the Carmel Police Department delivered the Invocation.

Thorpe Creek Elementary 3rd grader Layla Halvorson led the pledge of allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS

Police Chief Drake Sterling introduced seven new Carmel Police Officers, Kaitlyn Colgate, Victoria Simmons, Bailey Boyd, Brian Vasquez, Andrew Gordon, Cameron Miller and Tawk Hnin Thang. The new officers were sworn in by Mayor Finkam.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL

Jill Meisenheimer spoke in opposition to Ordinance Z-692-24. Ms. Meisenheimer stated that she hoped this item would be sent to committee for more discussion. She stated that since The GOAT Tavern was not named in the agenda, citizens might not know which property is being referred to. She would also like for it to be made easier for citizens to sign up to receive agendas for city meetings. Ms. Meisenheimer also felt that the establishment should commit to not stay open later than 12:00 a.m. on weeknights and 1:00 a.m. on weekends, and to limit hours that outdoor speakers could be used. She would like to see a DORA enact set hours for establishments to stay open, and she would like the Council to discuss what recourse neighbors of The GOAT would have if current commitments are terminated, and issues return.

Jane Fleck spoke in favor of Ordinance Z-692-24, stating that as a neighbor to The GOAT, she has not recently been bothered by noise coming from the restaurant, even when the restaurant is full. She anticipates that when the windows are opened and patrons are dining outside, the noise will not become a nuisance, as it had been before the commitments in question were made. She also stated that Kevin Paul has agreed to reconstruct the fence between The GOAT and Ms. Fleck's property once the depot's

construction has been completed. She stated that Mr. Paul has done a good job of keeping his commitment and she expects that once the restrictions are lifted, he will continue to be a good neighbor.

Nancy Tatum stated that she would like to see the Carmel City Council follow suit with the Indianapolis City Council and protect our urban forests. She would like Carmel to institute a curb-side leaf pickup program so that leaves can be raked into the street as Noblesville has done. Ms. Tatum is concerned about motorized bikes speeding through neighborhoods, disregarding traffic signs. She also stated that she thinks there are too many apartments in Carmel.

Mark Hall spoke in favor of Ordinance D-2725-24. Mr. Hall is the Vice President of the Hamilton County Regional Development Commission and a Hamilton County Councilor. He asked the Council to pass this ordinance tonight, as the TIF dollars are what will make this very important project possible.

Carmel Police Chief Drake Sterling spoke in favor of Ordinance D-2725-24. Chief Sterling believes that this investment will help bring training up to national standards so that we may continue to have fantastic public safety in Hamilton County.

Sheriff Dennis Quakenbush spoke in favor of Ordinance D-2725-24. Sheriff Quakenbush stated that this training facility will offer the highest level of technology, and will allow the public safety units of the different cities within Hamilton County to partner together.

Tony Murray, Noblesville firefighter and paramedic, spoke in favor of Ordinance D-2725-24. Mr. Murray believes that we are at a time when this facility is needed so that training can be updated and adapted to best fit the changing needs of fighting fires in mid-rise and high-rise buildings.

Tim Fagin spoke in favor of Ordinance D-2725-24. Mr. Fagin is a Carmel firefighter and paramedic as well as a Carmel S.W.A.T. paramedic, and he believes that every public safety department will benefit from this training facility.

Sean Sutton, Training and Safety Chief for the Carmel Fire Department, spoke in favor of Ordinance D-2725-24. Chief Sutton stated that this training facility will provide the opportunity for live fire safety training, which is especially important to adapt fire-fighting practices for mid and high-rise buildings.

Sue Maki, Hamilton County Councilor At-Large, spoke in favor of Ordinance D-2725-24. Ms. Maki stated that her constituents, the citizens of Hamilton County, overwhelmingly support the building of this public safety training center.

COUNCIL AND MAYORAL COMMENTS/OBSERVATIONS

Layla Halvorson, third grader at Thorpe Creek Elementary School, gave the Mayor's Report to Council. The Mayor reports that the Fire Chief search has been narrowed down to finalists, and she hopes to have an announcement within the next two weeks. The next Housing Task Force meeting is solely for the work group to meet and discuss ideas, on Thursday, August 8th, at 7:30 a.m. The budget is progressing, the city leaders did a great job prioritizing requests. Budget requests exceeded the available revenue. The Mayor and CFO are meeting with department leaders to work through those requests. The City will soon be making an announcement regarding its banking RFP. The Indy Chamber is hosting a spotlight on Carmel at the Hotel Carmichael on August 16th, tickets are just \$15.00. The Mayor would like to thank Councilor Matt Snyder for chairing the Commission on Veterans and Military Families, and Councilor Rich Taylor for chairing the Commission on Senior Living. The commission members have been selected and will be announced this week.

Councilor Taylor stated that the first meeting of the Mayor’s Advisory Commission on Senior Living will take place on Wednesday, August 28, 2024, at 5:30 p.m. in Council Chambers.

CONSENT AGENDA

Councilor Snyder moved to approve the consent agenda. Councilor Minnaar seconded. There was no discussion. Council Vice President Aasen called for the vote. The consent agenda was approved 8-0.

a. Approval of Minutes

1. July 15, 2024 Regular Meeting

b. Claims

1. Payroll - \$3,715,897.86
2. General Claims - \$4,665,236.84

ACTION ON MAYORAL VETOES

There were none.

COMMITTEE REPORTS

Councilor Worrell reported that the Finance, Utilities and Rules Committee had not met since the last Council meeting. The Finance Committee will have one item on its agenda for the Tuesday, August 13th meeting, Ordinance D-2719-24, the “Proscenium III” ordinance. The Finance, Utilities and Rules Committee meets at 6:00 p.m. in Council Chambers.

Councilor Snyder reported that the Land Use and Special Studies Committee met on July 17th at the Carmel Clay Public Library to discuss the DORA. The ordinances pertaining to the DORA will be coming back from committee tonight and will be discussed later in this meeting.

OTHER REPORTS

The Carmel Redevelopment Commission’s monthly report was given by Director Henry Mestetsky. The Wren and The Windsor buildings continue their progress. The plans for the Tavern on the Green at the Proscenium continue to move forward. 1st on Main is generally open, the condos are currently under construction. The Magnolia has its third elevator up. The Muse is close to announcing its retail tenants. The Signature’s tenants are all in, and there is a vegetable garden on the north side of that property. The Civic Square condos are currently in design, those should start early next year. The headquarters space for Republic Airways at Hamilton Crossing is currently under construction. Lots of headquarters are moving from Indy to the 111 S. Rangeline building. Icon on Main is moving forward, the last part of construction will be the public plaza. The public is invited to a beam-signing event at the Carmel Clay Historical Society on Thursday, August 8th at 10:00 a.m.

Councilor Snyder also announced that the dedication and grand opening of the Carmel Clay Building which houses the Carmel Fire Department Headquarters, and the Fire Buffs Museum will be on August 15th at 6:00 p.m.

OLD BUSINESS

Council Vice President Aasen announced the first reading of **Ordinance Z-692-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, to Modify or Terminate the Commitments recorded on 220 2nd Street SW; Sponsor(s): Councilor(s) Snyder, Green, Aasen and Taylor. Councilor Minnaar made a motion to introduce. Councilor Snyder seconded. Councilor Snyder presented the item to Council. Councilor Snyder shared that it was important to address this issue before voting on the DORA, as all participating DORA establishments should have to play by the same rules. Several years ago, during the pandemic, restrictions were placed on this parcel, which houses the establishment known as The GOAT. However, these restrictions are now prohibiting this establishment from competing on a level playing field with neighboring restaurants. Councilor Snyder read a statement from Alan Cohen, whose property is adjacent to The GOAT, who now supports the restrictions being lifted. Dave Coots, legal representative for the landowner, Kevin Paul of Tomahawk Holdings, then spoke to Council about the difference between The GOAT as it operated when these restrictions were put in place, and The GOAT as it has operated since being renovated and reopened. The building is different, the outdoor games area has been eliminated, leaving only outdoor dining along the Monon. There are no outdoor speakers, nor are there plans to install any. Mr. Paul is willing to comply with the hours of operation standards that will be established for all restaurants in the district. The current restriction of ending outdoor dining past 7:00 p.m. has made The GOAT the only restaurant along the Monon required to end outdoor service early, which has resulted in The GOAT losing business to its neighbors.

Councilor Taylor stated that he spoke with Mr. Cohen, who reiterated that Mr. Paul has made the needed changes, and has been a good neighbor, doing everything he committed to do to rectify the issues that took place during the pandemic. Councilor Taylor stated that he felt comfortable supporting the lifting of the restrictions with the hours of operation being midnight on weekdays and 1:00 am on weeknights. Councilor Worrell asked Mr. Coots to confirm the hours of operation that The GOAT would now adhere to, which he did. Councilor Worrell stated that he felt comfortable with the response from the neighboring homeowners, Mr. Cohen and Mrs. Fleck, and that he felt comfortable with the new hours of operation. Councilor Locke asked Mr. Coots to review how we got into this situation with The GOAT. Mr. Coots shared that when The GOAT opened, it was taking the place of a previous family café that was only open until 2:30 p.m. When Mr. Paul was granted the permit to operate The GOAT, it was basically unrestricted. He invested a great deal to create the establishment, and then the issues came along with the late-night clientele that were disruptive. This is when city enforcement got involved. After a variance process did not yield results, Mr. Paul sought a change in zoning, but in order to get the rezone approved, these commitments were required. Mr. Paul has lived up to all of those commitments. If noise offenses were to occur again, this could be handled through the Department of Community Services and the Carmel Police Department. But based on how The GOAT has operated over the last two years, there is no indication that this will become a problem again. Councilor Worrell asked about what recourse the city would have should we have bad behaviors again. City Attorney Sergey Grechukhin answered that we could not revoke their liquor license, but there are many mechanisms the city has, such as the noise ordinance, general nuisance ordinance, and criminal code. Also, if the DORA ordinance passes, this will add another layer of regulations. Councilor Minnaar stated that she feels the commitments have been upheld, and that removing them is a reasonable ask at this time. Councilor Joshi stated that she is glad that the neighbors of The GOAT have been satisfied with the changes that were made, but she wants to make sure that this bad behavior does not happen again. She feels that the recourse the city has should satisfy that. Council Snyder made a motion to suspend the rules to vote on this tonight, Councilor Taylor seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to suspend the rules approved 8-0. Councilor Snyder moved to amend the ordinance to include the hours of operation to be no later than midnight on weekdays and 1:00 a.m. on Fridays and Saturdays. Councilor Worrell seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to amend approved 8-0. Councilor Snyder thanked everyone for their work on this amendment, as it is important

that our small businesses are all on the same playing field. Council Vice President Aasen stated that he was admittedly tough on The GOAT when all of this happened, and the restrictions that were placed were necessary to mitigate what had been happening. But he gives credit to Kevin Paul for upholding his end of the bargain and creating a completely different environment at the newly renovated establishment. For the reasons discussed tonight, he is in support of this amendment. Councilor Taylor moved to approve the ordinance as amended. Councilor Minnaar seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to approve **Ordinance Z-692-24** as amended approved 8-0.

Council Vice President Aasen announced the fifteenth reading of **Ordinance D-2696-23**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Chapter 8, Article 4, Section 8-44 to the Carmel City Code; Sponsor(s): Councilor(s) Worrell and Aasen. This remains in the Finance, Utilities and Rules Committee.

Council Vice President Aasen announced the third reading of **Ordinance D-2716-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 5, Article 1, Section 5-3(b)(2) of the Carmel City Code; Sponsor(s): Worrell, Snyder, Aasen, Ayers and Taylor. This ordinance returned from the Land Use and Special Studies Committee. Councilor Snyder explained that this ordinance would lift the ban of alcoholic drinks along the Monon Trail throughout the proposed DORA district, which would be necessary for the DORA to be instituted. Councilor Snyder then moved to approve the ordinance. Councilor Ayers seconded. There was no discussion. Council Vice President Aasen called for the vote. **Ordinance D-2716-24** approved 6-2.

Council Vice President Aasen announced the third reading of **Ordinance D-2718-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, establishing a designated outdoor refreshment area; Sponsor(s): Worrell, Snyder, Aasen, Ayers and Taylor. This returns from the Land Use and Special Studies Committee with a 3-1 favorable recommendation, with the stipulation that a DORA committee be established, which will be required to meet a minimum of two times per year. The public may present any issues of concern to said committee. There will be three appointments from the City Council with one being a DORA permit holder, two appointments from the Mayor's office, one appointment from CCPR, one appointment from CPD (a sworn officer), and one appointment from the Carmel Street Department. All of the appointees must be Carmel residents. The majority of signage within the DORA will be on the sidewalk, so as to decrease sign pollution. The hours shall be Friday and Saturday from 11:00 a.m. – 11:00 p.m., Monday through Thursday from 5:00 p.m. to 10:00 p.m., and Sunday from 11:00 a.m. to 9:00 p.m. The only exceptions to this would be city-wide events such as CarmelFest, Late Night on Main, etc. The committee has also recommended a \$250 fine to those in violation of the DORA ordinance. The map was also adjusted to eliminate a small area of residential properties. Lastly, the committee decided that permittees will use stickers to designate DORA cups. City attorney Sergey Grechuckhin also added that the Council will have final approval of the stickers and signage design, the BPW will be the local approving body, and that there are now 12 DORA applicants. He also explained that each business within the DORA (regardless of whether or not it is a designated DORA permittee) can decide whether or not they will allow patrons to enter with DORA cups obtained elsewhere. Councilor Taylor voted to amend the ordinance. Councilor Minnaar seconded. There was no discussion. Council Vice President called for the vote. Motion to amend approved 8-0.

Councilor Locke asked for a clarification between temporary vendors and designated permittees. He also asked if this ordinance meant that events such as Gazebo concerts would now require that all alcohol be purchased within the DORA instead of brought from home, and Mr. Grechuckhin answered yes. Mr. Grechuckhin also recommended that the ordinance be amended to require the legal department to finalize the DORA map with depictions of where the permittees are located. Councilor Taylor moved to amend the ordinance to include this requirement. Councilor Snyder seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to amend approved 8-0.

Councilor Joshi stated that she has a hard time supporting an ordinance that takes away a right that the public used to have, but then telling the public that it won't be enforced. Councilors Snyder and Aasen responded that the police will enforce it, but at their own discretion. Councilor Taylor asked if there could be a work-around for gazebo concerts by requesting the allowance of outside alcohol when the facility use request comes to the BPW. Mr. Grechuckhin stated that this could not happen, as statute clearly states that outside alcohol cannot be consumed within the DORA. Councilor Snyder made a motion to approve the ordinance as amended. Councilor Taylor seconded. There was no further discussion. Council Vice President called for the vote. **Ordinance D-2718-24** approved 7-1.

Council Vice President Aasen announced the second reading of **Ordinance D-2719-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the Issuance of Economic Development Tax Increment Revenue Bonds to Support the Proscenium III Project, and Authorizing and Approving Other Actions in Respect Thereto; Sponsor: Aasen. This item remains in the Finance Utilities and Rules Committee.

PUBLIC HEARINGS

Council Vice President Aasen announced the first reading of **Ordinance D-2722-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing and Approving an Additional Appropriation of Funds from the Operating Balance of the General Fund to the 2024 Department of Community Services Budget; Sponsor: Councilor Worrell. Councilor Worrell made a motion to introduce. Councilor Taylor seconded. Councilor Worrell introduced the item into business, explaining that this is a reimbursement of funds to be moved from the General Fund so that they can be used. Council Vice President Aasen then opened the public hearing at 7:55:27 p.m. Seeing no one who wished to address the Council, Councilor Aasen closed the public hearing at 7:55:39 p.m. Councilor Taylor motioned to suspend the rules and act on this tonight. Councilor Snyder seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to suspend the rules approved 8-0. Councilor Minnaar made a motion to approve. Councilor Taylor seconded. There was no discussion. Motion to approve **Ordinance D-2722-24** approved 8-0.

NEW BUSINESS

Council Vice President Aasen announced the first reading of **Ordinance D-2724-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, Adding Chapter 9, Article 5 Section 9-193 to the Carmel City Code; Sponsor: Councilor Joshi. Councilor Joshi made a motion to introduce. Councilor Snyder seconded. Councilor Joshi introduced the item into business. This issue was brought to her attention by multiple constituents who ran into issues inadvertently cutting through telecom, cable, coaxial, or fiber optic wires doing simple yard work, such as planting flowers. There is a telecom industry standard of burying cables a minimum of six inches deep, but the installers being hired are not following the protocol. This ordinance attempts to regulate installers, contractors and sub-contractors to follow the correct procedures. Councilor Joshi publicly thanked Councilor Minnaar for her help in working on this ordinance. Councilor Snyder moved to suspend the rules and act on this tonight. Councilor Minnaar seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to suspend the rules approved 8-0. Councilor Joshi moved to approve. Councilor Minnaar seconded. There was no discussion. Council Vice President Aasen called for the vote. **Ordinance D-2724-24** approved 8-0.

Council Vice President Aasen announced the first reading of **Ordinance D-2725-24**; An Ordinance of the Common Council of the City of Carmel, Indiana, Consenting to Hamilton County, Indiana's Use of Allocated Property Tax Proceeds from the 96th Street – U.S. 421 Allocation Area to the Payment of Bonds or Lease Rentals used for Financing a Public Safety Training Facility; Sponsor: Councilor Taylor. Councilor Taylor moved to introduce. Councilor Joshi seconded. Councilor Taylor introduced the item

into business. Carmel Fire Fighter and Hamilton County Councilor Tim Griffin presented the ordinance to Council, sharing how the training center that will be built with this financing will change the way the public safety departments of Hamilton County are able to train. Councilor Taylor explained that the TIF from this allocation area performed far better than was expected, which is how these funds are available to be used for this purpose. The facility will have approximately 20,000 square feet for fire safety training, classrooms to hold 250 firefighters and EMT's, a 4-story fire training burn tower, a 20,000 square foot police and safety training facility, a tactics training room, a classroom to hold 100 police officers, an outdoor firing range with upgrades not found at local ranges, and a 14,000 square foot EMA training facility. This facility will allow cross-training amongst the different public safety responders throughout the county. The City of Westfield will be donating 110 acres to this project. Noblesville will be waiving all fees required to design, permit and connect to utilities for this project. Councilor Minnaar voiced her support for this project. Councilor Locke asked for confirmation that our county fire and police departments would have first access to this facility and Councilor Griffin confirmed that they would. Oscar Gutierrez, Municipal Advisor to the Hamilton County Redevelopment Commission, explained the structure of this Hamilton County TIF, which they are asking to issue debt against. Councilor Worrell stated that it would be an honor to vote yes on this. Councilors Snyder and Joshi also voiced their support for this ordinance. Mayor Sue Finkam also voiced her support of this project, and her thanks to this current Hamilton County Council, and to all of the county's fire and police departments for their support. Councilor Snyder moved to suspend the rules and vote on this tonight. Councilor Taylor seconded. There was no discussion. Council Vice President Aasen called for the vote. Motion to suspend the rules approved 8-0. Councilor Minnaar moved to approve, Councilor Joshi seconded. There was no discussion. Council President Aasen called for the vote. **Ordinance D-2725-24** approved 8-0.

AGENDA ADD-ONS

There were none.

OTHER BUSINESS

There was none.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Council Vice President Aasen adjourned the meeting at 8:29 p.m.

Respectfully Submitted,

DocuSigned by:
Jacob Quinn
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Jacob Quinn, Clerk

Approved,

Signed by:
Anthony Green
CC22646DE8B841A

Anthony Green, Council President

ATTEST:

DocuSigned by:
Jacob Quinn
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Jacob Quinn, Clerk