

**City Council Meeting  
Regular Minutes  
May 18, 2020**

THE CITY COUNCIL MEETING WAS CONDUCTED ELECTRONICALLY IN ACCORDANCE WITH STATE GUIDANCE REGARDING COVID-19.

All approved documents will be assigned electronically.

**BOARD/COMMISSION:** City Council Meeting

**DATE:** 5/18/2020

**REGULAR CITY COUNCIL MEETING, 7:00 p.m.**

**1. Meeting Called to Order with the Pledge of Allegiance**

- The meeting was called to order by President Cecilia Coble at 7:00 p.m. Present were Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha DeLong and Jocelyn Vare. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Tony Bagato, Lisa Bradford, Eric Pethtel, Rick Hall, Dave Compton, Steve Harden, Jason Taylor, Jessie Boshell and Megan Schafer.

**2. Announcements:**

- a. National Public Works Week
  - Cecilia Coble recognized Eric Pethtel and his staff for National Public Works Week.

**3. Proclamations:**

- a. Mental Health Awareness Month: Cecilia Coble read the proclamation.

**4. Presentations:**

- 5. Finance Committee Report:** Chairman John Weingardt gave a brief report on the items the committee approved to send to the council for full approval.

**6. Consent Agenda: - Signed Adoption**

- a. Request to Approve the previous meeting minutes: [Regular April 24, 2020](#)
- b. **R051820** - A Resolution of the City of Fishers Authorizing the City Controller to Transfer Funds:
  - Pete Peterson made a motion to approve the Consent Agenda. John Weingardt seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

## REGULAR AGENDA

### *Economic Development*

- None

### *Government/Miscellaneous*

7. **051820A** - An Ordinance of the Common Council for the City of Fishers Amending Chapter 98 (Noise) of the Fishers Code of Ordinances Establishing a Nickel Plate District Construction Waiver: - **Signed Adoption**

- Chris Greisl made his presentation to the council members.
- Chris is asking for guidance from the council how they interpret the current ordinance. 98.02e was adopted in 2000 and 98.03j was amended in 2011.
- Cecilia Coble asked all council members one by one if they had any questions or comments.
- David George asked if this amendment would be project specific or project specific upon city approval. If the Board of Public Works would establish regulations, would it be project specific or by zone. Would there be a waiver process set up?
- Todd Zimmerman stated when a permit is issued it means it is an approved project by the city. Would Public and citizens have any input on the waiver?
- Brad DeReamer had no questions. He feels the ordinance already establishes the Board of Works authority on exemptions.
- Samantha DeLong had no questions. She feels the ordinance already establishes the Board of Works authority on exemptions.
- John Weingardt feels the ordinance already establishes the Board of Works authority on exemptions and no other legislation is needed.
- Jocelyn Vare asked what the intent was in this ordinance amendment. Does it protect the residents? Does the developer have to establish a specific need for the waiver? Developers must communicate with the residents.
- Pete Peterson stated that we are here to legislate. The exemption already exists and gives the authority to the Board of Works.
- Selina Stoller and Cecilia Coble agrees with Pete Peterson
- Pete Peterson made a motion to ***Confirm the Council's intent of section 98.03 subsection "I" of the Fishers Code of Ordinances that provides "sounds emitted by construction work or road work approved by the city or other governmental entity" means that any construction work or road work may be exempted from the Noise regulations contained within section 98.02 of the Fishers Code of Ordinances, if the City, through the City's Board of Public Works & Safety, approves such exemption***

*upon whatever mechanism it chooses to establish thereafter. Selina Stoller seconded the motion.*

- A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha Delong and Jocelyn Vare all voted yay. There was no remonstrance and all member voted yay. The motion passed.

### ***Budget/Financial***

- 8. R051820A** - Request to approve a Resolution Declaring an Official Intent to Reimburse Expenditures and Approving Matters Related Thereto: - **Signed Adoption**
  - Lisa Bradford made her presentation to the city council members.
  - Cecilia Coble asked all council members one by one if they had any questions or comments. Jocelyn Vare asked if this was an overage for Fire Station Station 91. Mayor Fadness said it was for Station 91 and Station 93.
  - Pete Peterson made a motion to approve resolution **R051820A**, a request to approve a Resolution Declaring an Official Intent to Reimburse Expenditures and Approving Matters Related Thereto. John Weingardt seconded the motion.
  - A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha Delong and Jocelyn Vare all voted yay. There was no remonstrance and all member voted yay. The motion passed.
  
- 11. 051820** - An Ordinance Amending Ordinance No. 032320A, Authorizing General Obligation Bonds of the City of Fishers, Indiana - **Public Hearing - 1<sup>st</sup> Reading:**
  - Lisa Bradford made her presentation to the city council members.
  - Cecilia Coble asked all council members one by one if they had any questions or comments. There were no comments or questions.
  - Cecilia Coble opened the meeting for **Public Hearing**. There were no electronic questions submitted and no one was in city hall. The **Public Hearing** was closed.
  - Pete Peterson made a motion to have the **1<sup>st</sup> Reading**.
  
- 9. R051820B** - Request to approve a resolution to appropriate additional Bridge Impact Fee Funds: **Public Hearing - Signed Adoption**
  - Lisa Bradford made her presentation to the city council members.
  - Cecilia Coble asked all council members one by one if they had any questions or comments. There were no comments or questions.
  - Cecilia Coble opened the meeting for **Public Hearing**. There were no electronic questions submitted and no one was in city hall. The **Public Hearing** was closed.

- Pete Peterson made a motion to approve resolution **Ro51820B**, a request to approve a resolution to appropriate additional Bridge Impact Fee Funds. John Weingardt seconded the motion.
  - A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha Delong and Jocelyn Vare all voted yay. There was no remonstrance and all member voted yay. The motion passed.
- 10. Ro51820C** - Request to approve a resolution authorizing temporary transfers/Interfund loans to certain funds as a result of delayed Property tax payments from covid-19: - **Signed Adoption**
- Lisa Bradford made her presentation to the city council members.
  - Cecilia Coble asked all council members one by one if they had any questions or comments. There were no comments or questions.
  - Todd Zimmerman made a motion to approve resolution **Ro51820C**, a request to approve a resolution authorizing temporary transfers/Interfund loans to certain funds as a result of delayed Property tax payments from covid-19. Pete Peterson seconded the motion.
  - A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha Delong and Jocelyn Vare all voted yay. There was no remonstrance and all member voted yay. The motion passed.

### ***Planning & Zoning***

- 12. 021720** - Request to approve a rezone from R2 Residential to PUD-R for a new single-family residential development to be called Iron Pointe: - **Signed Adoption**
- Megan Schaefer and Tony Bagato made their presentation to the city council members.
  - Cecilia Coble asked all council members one by one if they had any questions or comments.
  - Jocelyn Vare stated these are higher priced homes and the proposal was made prior to February. Has anything changed regarding lowering the price of homes? Steve Harden stated nothing has changed.
  - Pete Peterson made a motion to approve ordinance **021720**, a request to approve a rezone from R2 Residential to PUD-R for a new single-family residential development to be called Iron Pointe. John Weingardt seconded the motion.
  - A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Todd Zimmerman, Samantha

Delong and Jocelyn Vare all voted yay. Brad DeReamer abstained from voting. The vote was 8 - yay and 1 - abstention. The motion passed.

- 13. 021720C** - Consideration of a Text Amendment to the City of Fishers Unified Development Ordinance (UDO) to amend Chapter 6 and Chapter 8 to establish a Payment in Lieu of Open Space (PILOS) fee as an option for compliance with the City's Open Space Standards - **Final Reading: - Signed Adoption**

- Tony Bagato made his presentation to the city council members.
- Cecilia Coble asked all council members one by one if they had any questions or comments.
- Todd Zimmerman stated he was concerned on the impact it would have on our entrepreneurs and small business owners if they had to pay a fee in lieu of having the open space.
- Pete Peterson made a motion to approve ordinance **021720C**, Consideration of a Text Amendment to the City of Fishers Unified Development Ordinance (UDO) to amend Chapter 6 and Chapter 8 to establish a Payment in Lieu of Open Space (PILOS) fee as an option for compliance with the City's Open Space Standards. Selina Stoller Seconded the motion.
- A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReam, Samantha Delong and Jocelyn Vare all voted yay. Todd Zimmerman voted nay. The vote was 8 - yay and 1 - nay. The motion passed.

- 14. 051820B** - Request to approve a rezone of two (2) properties from ER and R-2 to PUD-R. The properties consist of 154 acres and are located at the corner of 113<sup>th</sup> Street and Southeastern Parkway. Project is known as Grantham PUD - **1st Reading:**

- Jessie Boshell and Tony Bagato made their presentation to the city council members.
- Cecilia Coble asked all council members one by one if they had any questions or comments.
- Brad DeReamer has met with surrounding landowners. The Developer should meet with all the landowners. There will not be any urban lots available. He has concerns with entrances on Southeastern Parkway due to the traffic. We should wait at least 30 days to have the **1<sup>st</sup> Reading.**
- John Weingardt is concerned with the traffic.
- Pete Peterson agrees with Brad DeReamer and this should be continued.
- Cecilia Coble agrees with Brad DeReamer and Pete Peterson.
- Steve Harden said they were in the process of meeting with the landowners when Covid-19 hit, and letters have also gone out. He has no problem with tabling this until June.

- Brad DeReamer made a motion to table ordinance **051820B** - Request to approve a rezone of two (2) properties from ER and R-2 to PUD-R. The properties consist of 154 acres and are located at the corner of 113<sup>th</sup> Street and Southeastern Parkway. Pete Peterson seconded the motion.
- A roll call vote was taken by City Clerk Jennifer Kehl. Cecilia Coble, Selina Stoller, David George, Pete Peterson, John Weingardt, Brad DeReamer, Todd Zimmerman, Samantha Delong and Jocelyn Vare all voted yay. There was no remonstrance and all member voted yay. The motion passed.

## REGULAR ITEMS

### 15. Any other Unfinished / New Business

- None

### 16. Community Comment

- The attachment to the minutes were submitted electronically by:
  - Andrew Young, 13482 Gypsum Way, Fishers, IN 46038
  - Timothy O'Connor, 9724 Covington Blvd., Fishers, IN 46037
  - Roxanne Kehl, 8645 South Street, Fishers, IN 46038
  - Andrea W., 10100 Tremont Dr., Fishers, IN 46038
- Rolland Slope, 16501 Southeastern Parkway, Fishers, IN 46037 was in person at city hall. He is concerned with the quantity of homes being built around his property as well as the amount of traffic already on Southeastern Parkway.

### 17. Meeting Adjournment

- Todd Zimmerman made a motion to adjourn the meeting. The meeting was adjourned at 8:43 p.m.

Respectfully submitted,



Jennifer L. Kehl  
City Clerk

Form Name: Public Meeting Comment Form  
Submission Time: May 14, 2020 12:33 pm  
Browser: Chrome 81.0.4044.138 / OS X  
IP Address: 184.170.166.170  
Unique ID: 613368978  
Location: 40.31489944458, -86.890800476074

**Name** Andrew Young

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**Address** 13482 GYPSUM WAY  
FISHERS, IN 46038-5495

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**Email** kb9szf@gmail.com

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**Subdivision or business name** old town fishers

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**Please select the meeting to which you would like to submit a public comment** May City Council - 5/18/2020

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**Project Name/Number** 051820A

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**May City Council - 5/18/2020**

This ordinance that the City of Fishers is trying to pass is just wrong. From my discussion with the people around this specific project of building a multi-story parking garage, the reason for this ordinance is to allow them to pump concrete starting at 9pm (approx.) and ending at 1 or 2 am in the morning.

Is there any person on this city council who would allow that to happen next door to their own home or neighborhood? If you wouldn't, then why are you forcing this on these neighbors and taxpayers?

This just appears as another way for the mayor and his team to get accomplished what they solely desire, without the care or concern of the public.

Just wondering... is there an increase in cost to the City if the construction firm(s) would not be allowed to work between 9pm and 7am? Is this ordinance in an effort to save the City money?

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Form Name: Public Meeting Comment Form  
Submission Time: May 15, 2020 5:59 pm  
Browser: Chrome 81.0.4044.138 / Windows  
IP Address: 68.45.36.219  
Unique ID: 613931063  
Location: 38.861999511719, -86.471099853516

**Name** Timothy O'Connor

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**Address** 9724 Covington Boulevard  
Fishers, IN 46037

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**Email** toconnor@oconnorandauersch.com

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**Subdivision or business name** Covington Estates

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**Please select the meeting to which you would like to submit a public comment** Public Works & Safety Board - 5/4/2020  
Public Works & Safety Board - 5/11/2020  
May City Council - 5/18/2020

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**Project Name/Number** Verizon 5G cell towers in Covington Estates

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**Public Works & Safety Board (5/11/2020) Comment** Understanding that neither the City nor its residents can prevent placement of 5G towers, the residents of Covington Estates and other neighborhoods should at least have input into the location of the towers that will be located in their neighborhoods. That requires that the HOAs and the affected property owners be told in advance of the exact intended placement. It's not enough to tell us which property a tower will be on - we need to know where on the property it will be placed (e.g., front yard, side yard, back yard, etc). Also, the neighborhoods should have input into whether the towers feature street lights (many of the towers that have already been placed have them). Every home in Covington Estates has dusk-to-dawn coach lights that provide sufficient illumination. We do not need or want street lights on any 5G cell towers.

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**May City Council - 5/18/2020** Understanding that neither the City nor its residents can prevent placement of 5G towers, the residents of Covington Estates and other neighborhoods should at least have input into the location of the towers that will be located in their neighborhoods. That requires that the HOAs and the affected property owners be told in advance of the exact intended placement. It's not enough to tell us which property a tower will be on - we need to know where on the property it will be placed (e.g., front yard, side yard, back yard, etc). Also, the neighborhoods should have input into whether the towers feature street lights (many of the towers that have already been placed have them). Every home in Covington Estates has dusk-to-dawn coach lights that provide sufficient illumination. We do not need or want street lights on any 5G cell towers.

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**Would you like to receive email communications and updates from the City of Fishers?** Yes

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Form Name: Public Meeting Comment Form  
Submission Time: May 17, 2020 10:03 am  
Browser: Firefox 76.0 / Windows  
IP Address: 98.220.151.113  
Unique ID: 614299304  
Location: 40.045600891113, -86.008598327637

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**Name** Roxanne Kehl

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**Address** 8645 South Street  
Fishers, IN 46038

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**Email** roxanne-kehl@comcast.net

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**Subdivision or business name** Old town - No subdivision

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**Please select the meeting to which you would like to submit a public comment** May City Council - 5/18/2020

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**Project Name/Number** Browning - noise ordinance waiver

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**May City Council - 5/18/2020** 051820A - Browning offers 1000.00 to the neighborhood residents behind me to sign an agreement saying they are ok with Browning working from 8pm to 1:30am then starting again at 5am working till who knows what time. Along with the 7am to 7pm construction work they are already doing on the First Internet Bank. Those residents live further away then 30 - 60 feet from my bedroom. Browning also knows that these resident have probably been without jobs or have lost pay due to the covid19 stay at home orders, so of course they would sign the agreement to get the 1000.00. They are not the ones that are going to be losing sleep, WE ARE. We are not new to the city of Fishers, have lived in this house for over 47 years. Please do not grant the noise ordinance waiver!!!!!!

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**Would you like to receive email communications and updates from the City of Fishers?** Yes

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Form Name: Public Meeting Comment Form  
Submission Time: May 18, 2020 11:29 am  
Browser: Chrome 81.0.4044.138 / Windows  
IP Address: 96.82.43.13  
Unique ID: 614634269  
Location: 39.840099334717, -86.054801940918

**Name** Andrea W

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**Address** 10100 Tremont Dr.  
Fishers, IN 46038

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**Subdivision or business name** Tremont

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**Please select the meeting to which you would like to submit a public comment** May City Council - 5/18/2020

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**Project Name/Number** 021720 - Iron Pointe

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**May City Council - 5/18/2020**

The traffic on 106th over the years has gotten significantly worse and the cars that pass by are often speeding. During peak/rush area times, it is difficult to turn out of the neighborhood with cars backed up at the Mollenkompf Rd. light, sometimes even backed up past Tremont. An addition of 52 houses, upwards of 104 cars, a mile down the road will make this back up unbearable. 106th doesn't have a sidewalk and the road is already very narrow along that stretch. With a backyard on 106th this project will greatly impact or neighborhood. The congestion on 96th and 116th do not help this issue either. A rezone seems like a good option i just don't think the density is viable for the street.

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