



The public may [stream the meeting online](#).

Members of the public may [submit comments online](#) before 12pm on Monday, January 1, 2023.

**BOARD/COMMISSION: City Council Meeting**

**DATE: 5/15/2023**

**DIRECTIONS: Launch Fishers, 12175 Visionary Way, Fishers, Indiana 46038**

**WORK SESSION, 6:30p.m., Launch Fishers, Auditorium**

- a. Public Safety Nuisance - PRESENTATION

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

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

**2. Announcements**

**3. Proclamations**

**4. Presentations**

- a. Nina Hersberger - Kids Journal Fishers City Parks; FHS Robotic Team; Mayors Youth Academy

**5. Council Committee Reports**

- a. Finance Committee Report - REPORT

**6. Department Reports**

- a. Health Department Report - REPORT
- b. Engineering Report - REPORT

**7. Council Business**

**8. Consent Agenda**

- a. Request to approve the previous meeting minutes for Monday, April 17, 2023.
- b. R051523 - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds: Council Action Form I Exhibit A I Resolution

**9. Regular Agenda - Budget/Financial**

- a. R051523A - A Request to Approve Additional Appropriation of Sewer Availability Fees (Grantham Lift Station) - Public Hearing: Council Action Form I Exhibit A I Exhibit B I Resolution
- b. 051523A - Ordinance Regarding the City of Fishers, Hamilton County, Indiana's Investment Policy - 1st, 2nd, and 3rd Reading: Council Action Form I Ordinance
- c. 051523 - Ordinance of the City of Fishers Approving Short Term Loan Financing for 2023 Fire Equipment (SCBA) - 1st, 2nd, and 3rd Reading: Council Action Form I Exhibit A I Exhibit B I Ordinance
- d. R051523E – Request to Approve an Amendment of a Resolution of the Common Council, Approving An Amendment to Lease, and Taking Other Actions Related Thereto (Stevenato BAN): Council Action Form I Resolution

**10. Regular Agenda - Economic Development**

- a. R051523C - Request to Approve Project Agreement with OnPoint Innovation Park 3, LLC: Council Action Form I Exhibit A I Resolution

**11. Regular Agenda - Government/Miscellaneous**

- a. R051523D - A Request to Approve an Interlocal Agreement with Hamilton County Indiana Concerning a One-Time Distribution of Public Safety Income Tax Proceeds: Council Action Form I Exhibit A I Resolution
- b. R051523B - A Request to Approve Additional Appropriation of Public Safety Income Tax Proceeds (one time PSAP distribution) - Public Hearing: Council Action Form I Exhibit A I Exhibit B I Resolution
- c. R051523F - A Resolution of the Common Council for the City of Fishers Approving Certain Parking Fees for Geist Waterfront Park: Council Action Form I Exhibit A I Resolution
- d. 051523C - An Ordinance of the Common Council Creating Chapter 100 (Public Safety Nuisance) and Amending Chapter 36 of the City of Fishers Code of Ordinances - 1st Reading: Council Action Form I Exhibit A I Ordinance



## 12. Regular Agenda - Planning & Zoning

- a. 091922C – Consideration of a rezone of 1.76 acres from R2 to C1 to allow for Magnolia Grove Salon. Subject site is located at a common address of 13484 E. 116th St. (RZ-22-4) - Final Reading: Council Action Form I Exhibit A I Exhibit B I Exhibit C I Staff Report I Ordinance
- b. 022023C - Consideration of a text amendment to the Unified Development Ordinance (UDO). Case #TA-23-2 – Final Reading: Council Action Form I Staff Report I Ordinance
- c. 051523D - Consideration of a rezone of .98 acres from R2 to C1 to allow for the Drive Planning office located at 13562 E. 116th St. (RZ-23-2) - 1st Reading: Council Action Form I Exhibit A I Petitioner Packet I Ordinance
- d. *Voluntary Annexations - Willow Crest Lot 3: R051523G - Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 3 (ANX-23-2): Council Action Form I Exhibit A I Resolution*
- e. Voluntary Annexations - Willow Crest Lot 3: 041723F - Request to approve a voluntary annexation of .29 acres known as the Willow Crest Annexation, Lot 3. Subject site is generally located east of Allisonville Road with a common address of 14543 Allisonville Road (ANX-23-2) - Final Reading: Council Action Form I Ordinance
- f. Voluntary Annexations - Willow Crest Lot 5: R051523H - Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 5 (ANX-23-3): Council Action Form I Exhibit A I Resolution
- g. Voluntary Annexations - Willow Crest Lot 5: 041723G - Request to approve a voluntary annexation of .4 acres known as the Willow Crest Annexation, Lot 5. Subject site is generally located east of Allisonville Road with a common address of 14521 Allisonville Road (ANX-23-3) - Final Reading: Council Action Form I Ordinance
- h. Voluntary Annexations - Willow Crest Lot 4: R051523I - Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 4 (ANX-23-4): Council Action Form I Exhibit A I Resolution
- i. Voluntary Annexations - Willow Crest Lot 4: 041723H - Request to approve a voluntary annexation of .37 acres known as the Willow Crest Annexation, Lot 4. Subject site is generally located east of Allisonville Road with a common address of 14541 Allisonville Road (ANX-23-4) - Final Reading: Council Action Form I Ordinance
- j. Flat Fork PUD Annexations: 051523E - Request to approve a voluntary annexation of 50.10 acres known as the Flat Fork PUD Annexation. Subject site is generally located

north of E 96th Street and east of Georgia Road. (ANX-23-5) - 1st Reading & Public Hearing: Council Action Form I Ordinance

- k. Flat Fork PUD Annexations: 051523F - Request to approve a voluntary annexation of 58.64 acres known as the Flat Fork PUD Annexation. Subject site is generally located north of 96th Street and west of Cyntheanne Road. (ANX-23-6) - 1st Reading & Public Hearing: Council Action Form I Ordinance

**13. Regular Items - Any other Unfinished / New Business**

**14. Regular Items - Community Comment**

- a. ONLINE COMMENTS

**15. Regular Items - Meeting Adjournment**





# Public Safety Nuisance

City of Fishers Council Work Session – May 15, 2023



# Introduction

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Public Safety Nuisance Team

Chief Ed Gebhart

Chief Steve Orusa

Monica Heltz, Director of Health Department

# Public Safety Nuisance Purpose/History

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- To abate excessive repeat calls to the same commercial properties
- Examples of excessive repeat calls

# If Chapter 100 were in effect today

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- 10 Businesses would be a Chronic Violator and subject to fines
  - Large hotels, large Retailers, a few local businesses
- 15 Violations in the last 90 days each



# Application of Ordinance

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- The Public Safety Nuisance applies to:
  - Commercial (childcare, indoor entertainment, office, outdoor recreation, overnight lodging, personal service, restaurant/bar, retail sales, vehicle sales/rental)
  - Industrial (Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets)
- Does NOT apply to Residential
- Does NOT apply to medical facilities, other governmental entities, or schools.

# What Counts Towards Chronic Violator Designation

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## Call for Service

Any time when a sworn member of the Fishers Police Department or Fire & Emergency Service Department is dispatched, deployed or responds to an incident at a specific location, whether or not it results in a Valid Complaint or Citation.

## Valid Complaints

Valid Complaint(s) shall mean a documented call that requires a Public Safety Response at a business. If more than one (1) valid complaint occurs within a twenty-four (24) hour time period, then each valid complaint is considered a separate and distinct event except for valid complaints originating from one incident.

## Citations

A written notice of violation of ordinance, federal or state law or penalty requiring payment of a fine.



7<sup>th</sup>

Call, Complaint or Citation

- **Warning Notification** will be sent by the Public Safety Team to business owner who has received 7 Calls for Service, Valid Complaints or Citations in a 90-day time period

10<sup>th</sup>

Call, Complaint or Citation

- **Meeting with Public Safety Team:** A mandatory meeting is required within 30 days of the 10<sup>th</sup> valid complaint.
- **Remediation Agreement:** Following the 10<sup>th</sup> Call for Service, Complaint or Citation, the business owner is required to enter into a remediation agreement with the Public Safety Team

15<sup>th</sup>

Call, Complaint or Citation

- **Chronic Violator:** Following the 15<sup>th</sup> Valid complaint, within the 90-day period, and either 1) a failure to enter into a Remediation Agreement, or 2) a failure to substantially meet the obligations of the Remediation Agreement, the business will be designated as a Chronic Violator for 6 months & will receive \$250 fine for subsequent violations\*

\*If the business is working with the Public Safety Team on Remediation Plan, following the 10<sup>th</sup> complaint, to improve the situation, the business will *not* be fined the \$250, regardless of hitting its 15<sup>th</sup> Valid Complaint

## “7” = Warning Notification

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Once a business owner has accumulated **seven (7)** Calls in 90 days for Service, Valid Complaints and/or Citations they will be sent a warning letter advising that at **ten (10)** Calls for Service, Valid Complaints and/or Citations, they will be subject to a mandatory meeting and a remediation agreement.



# “10” = Meeting/Remediation Agreement

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- Once business owner has ten (10) Calls for Service, Valid Complaints or Citations, the public safety team will set a mandatory meeting to occur within 30 days.
- Remediation Agreement:
  - (1) In writing and signed by the business owner and the Public Safety Team;
  - (2) Set forth reasonable remedial measures, as established by the City, which must be initiated within ninety (90) calendar days of executing the Remediation Agreement, and thereafter establish periodic thresholds and needed corrective actions which will be monitored by the Public Safety Team;
  - (3) Include proactive measures determined necessary to abate the public health, safety and welfare violations identified and may include Calls for Service, Valid Complaints, Citations and any other compliance letter or order that has been issued by any City department;
  - (4) Have a term of no more than six (6) months;
  - (5) Be fully executed within thirty (30) days after the notice of mandatory meeting was received by the business owner; and
  - (6) The business owner shall provide reports of progress toward the remedial and proactive measures contained in the Remediation Agreement no less than one (1) time per month during the term of the Remediation Agreement.

# Remediation Agreement Examples

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## Example: Abandoned Vehicles

- Register Vehicles per Customer
  - Address broken down vehicles on lot at city meeting
  - Proactive keep eye on parking lot and identifying unwanted vehicles and working with Public Safety Team to have them removed.
  - Vehicles can be tagged immediately and removed within 72 hours
- 

## Example: False Alarms

- Train all employees on alarm system
  - Make sure staff is attentive to alarm system throughout the evening
  - Update and maintain alarm system to make sure it is working properly
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## Example: Suspicious Person

- Issue one card key per customer
- Post customers only allowed signs throughout business
- Address any solicitation or activity in the lobby that is not business related



# “15” = Chronic Violator

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If the Public Safety Team determines that the Commercial Business Property has been the subject of fifteen (15) or more Calls for Service, Valid Complaints and/or Citations in 90 days

AND

either (i) the business owner has not entered into a Remediation Agreement or (ii) the business owner has failed to substantially meet the obligations set forth in the Remediation Agreement,

THEN the Public Safety Team shall designate the Commercial Business Property as a Chronic Violator.

\*\*\*If the business is working with the Public Safety Team on Remediation Plan, following the 10<sup>th</sup> complaint and is compliance with their Remediation Agreement, the business will *not* be fined the \$250, regardless of hitting its 15<sup>th</sup> Valid Complaint

# Chronic Violator, Now What?

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- 6 Month Designation
- Any subsequent Calls for Service, Valid Complaints or Citations will be accompanied by a fine of \$250, payable to the OVB.
- Law Department can take additional action to abate the nuisance in accordance with Indiana law, such as injunctions.

# Example 1

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## Remediation Agreement, Substantial Compliance, 15 Calls, Complaints or Citations

- Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner has hit 10 Calls, Complaints or Citations and met with Public Safety Team
- Business Owner executed Remediation Agreement
- Business Owner is substantially complying with the Remediation Agreement
- Business Owner reaches 15 Calls, Complaints or Citations

Business is NOT a Chronic Violator

# Example 2

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## Remediation Agreement, No Substantial Compliance, 15 Calls, Complaints or Citations

- Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner has hit 10 Calls, Complaints or Citations and met with Public Safety Team
- Business Owner has executed a Remediation Agreement
- Business Owner has done nothing in the Agreement or is not attempting to substantially comply
- Business Owner reaches 15 Calls, Complaints or Citations

Business IS a Chronic Violator



# Example 3

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## No Remediation Agreement, 15 Calls, Complaints or Citations

- Business Owner has hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner has hit 10 Calls, Complaints or Citations
- Business Owner refused to meet with the Public Safety Team or execute a Remediation Agreement
- Business Owner reaches 15 Calls, Complaints or Citations

Business IS a Chronic Violator

# Example 4

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## Property is a Chronic Violator, 6 months has passed, still has outstanding fees and fines

- Business Owner had hit 7 Calls, Complaints or Citations and was issued a Warning Notification
- Business Owner had hit 10 Calls, Complaints or Citations
- Business Owner did not execute a Remediation Agreement or had done nothing in the Agreement or did not attempt to substantially comply
- Business Owner reached 15 Calls, Complaints or Citations
- Business was designated a Chronic Violator
- Six months has passed but Business Owner has not paid fees and fines

Business IS STILL a Chronic Violator until fees and fines are paid

# Public Outreach Efforts

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Ordinance Effective Date – August 1, 2023

June 8, 2022 – Meeting with 96<sup>th</sup> Street Businesses

April 12, 2023 – Meeting with Jack Russell, CEO of OneZone Chamber of Commerce

## Planned Outreach:

- Week of May 15: (following May City Council meeting)
  - Notification of OneZone Chamber of Commerce members
  - One-on-one outreach to “hot spot” locations
- Week of May 22:
  - Virtual meeting with Fishers businesses for Q&A
  - Follow up meetings as needed
- Week of June 19: (following June City Council meeting)
  - Follow up with “hot spot” locations
  - Follow up virtual business meeting for final Q&A



**ANY QUESTIONS?**

**Thank you!**



**BUDGET & FINANCE COMMITTEE REPORT  
COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

\* This is a Report of the Budget & Finance Committee. Minutes of the committee meeting can be found online at [www.fishers.in.us/agendacenter](http://www.fishers.in.us/agendacenter)

John Weingardt, Chairperson  
Cecilia Coble, Committee Member  
Jocelyn Vare, Committee Member  
David Giffel, Committee Member

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**Meeting Date: 5/11/2023**

- I.     Resolution R051523** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds.

Committee Recommendation:

- ☒ Passage
- ☐ Non-Passage
- ☐ Amendment
- ☐ No Recommendation

- II.    Resolution R051523A** - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Sewer Availability Funds to the City of Fishers Municipal Budget.

Committee Recommendation:

- ☒ Passage
- ☐ Non-Passage
- ☐ Amendment
- ☐ No Recommendation

- III.   Resolution R051523B** – A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Public Safety Local Income Tax Funds to the City of Fishers Municipal Budget.

Committee Recommendation:

- ☒ Passage
- ☐ Non-Passage
- ☐ Amendment
- ☐ No Recommendation

- IV. **Resolution 051523E** – A Resolution of the Common Council of the City of Fishers, Indiana Approving An Amendment of A Resolution of the Common Council, Approving an Amendment to Lease, and Taking Other Actions Related Thereto.

Committee Recommendation:

- ☒ Passage  
☐ Non-Passage  
☐ Amendment  
☐ No Recommendation

- V. **Ordinance 051523A** – Ordinance Governing the City of Fishers, Hamilton County, Indiana's Investment Policy.

Committee Recommendation:

- ☒ Passage  
☐ Non-Passage  
☐ Amendment  
☐ No Recommendation

- VI. **Ordinance 051523** – An Ordinance of the Common Council for the City of Fishers, Hamilton County, Indiana Approving Short Term Loan Financing for Certain Equipment for the Fishers Fire Department.

Committee Recommendation:

- ☒ Passage  
☐ Non-Passage  
☐ Amendment  
☐ No Recommendation

ATTEST:   
**Jennifer L. Kehl, Fishers City Clerk**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana, 46038.

**City of Fishers Finance Committee  
Minutes  
May 11, 2023**

**BOARD/COMMISSION:** City of Fishers Finance Committee

**DATE:** 05/11/2023

**DIRECTIONS:** Fishers [Pavilion](#) Conference Room (the standalone building behind City Hall)

**FINANCE COMMITTEE MEETING, 5:00 p.m., Pavilion Conference Room**

**1. Meeting Called to Order**

- Chairman John Weingardt called the meeting to order at 5:02p.m. Present were David Giffel, Cecilia Coble and Jocelyn Vare. Others present were City Clerk Jennifer Kehl, Deputy Mayor Elliot Hultgren, Lisa Bradford and Jake Reardon-McSoley.

**2. Announcements**

**3. Geist Waterfront Park Update**

- Jake Reardon-McSoley gave his presentation to the Finance Committee members on the parking fees for the Geist Waterfront.

**4. Consent Agenda**

- a. Request to review the previous meeting memoranda: Minutes:
  - i. Minutes: [March 20th, 2023](#)
- b. **R051523** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds: [Council Action Form](#) | [Resolution](#) | [Exhibit A](#)
- Jocelyn Vare made a motion to approve the Consent Agenda. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

***RESOLUTIONS:***

5. **R051523A** - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Sewer Availability Funds to the City of Fishers Municipal Budget: [Council Action Form](#) | [Resolution](#) | [Exhibit A](#) | [Exhibit B](#)
  - Lisa Bradford made her presentation to the Finance Committee members.
  - Jocelyn Vare made a motion to send resolution **R051523A** to the full council for approval. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
6. **R051523B** - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Public Safety Local Income Tax Funds to the City of Fishers Municipal Budget: [Council Action Form](#) | [Resolution](#) | [Exhibit A](#) | [Exhibit B](#)
  - Lisa Bradford made her presentation to the Finance Committee members.
  - David Giffel made a motion to send resolution **R051523B** to the full council for approval. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.



7. **R051523E** - A Resolution of the Common Council of the City of Fishers, Indiana, Approving an Amendment of a Resolution of the Common Council, Approving An Amendment to Lease, and Taking Other Actions Related Thereto: [Council Action Form](#) | [Resolution](#)
- Lisa Bradford made her presentation to the Finance Committee members.
  - David Giffel made a motion to send resolution **R051523E** to the full council for approval. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

#### **ORDINANCES:**

8. **051523A** - Ordinance Governing the City of Fishers, Hamilton County, Indiana's Investment Policy: [Council Action Form](#) | [Ordinance](#)
- Lisa Bradford made her presentation to the Finance Committee members.
  - This ordinance expires every 3 years. This is just a renewal.
  - David Giffel made a motion to send ordinance **051523A** to the full council for approval. Cecilia Coble seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
9. **051523** - An Ordinance of the Common Council for the City of Fishers, Hamilton County, Indiana Approving Short Term Loan Financing for Certain Equipment for the Fishers Fire Department: [Council Action Form](#) | [Ordinance](#) | [Exhibit A](#) | [Exhibit B](#)
- Lisa Bradford made her presentation to the Finance Committee members.
  - David Giffel made a motion to send ordinance **051523** to the full council for approval. Jocelyn Vare seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

#### **Discussion Topics**

10. Food & Beverage Update
- Lisa Bradford and Elliott Hultgren gave a brief update on the money collected to date from the Food and Beverage Tax.
11. Redevelopment Commission Annual Report for 12/31/22
- Finance Committee Members were given a copy of the report to review. Lisa Bradford briefly went over the highlights of the document.

#### **Regular Items**

12. Any other Unfinished / New Business
- None
13. Meeting Adjournment
- Cecilia Coble made a motion to adjourn the meeting. Jocelyn Vare seconded the motion. There was no remonstrance and all members voted yay.
  - The motion passed. The meeting was adjourned at 6:01 p.m.

Respectfully submitted,



Jennifer L. Kehl  
Fishers City Clerk

Calendar Year  
2022

# Annual Report – Tax Increment Financing



## FISHERS REDEVELOPMENT COMMISSION

The Fishers Redevelopment Commission was created to serve the city for the purpose of reviewing redevelopment proposals for underdeveloped and blighted areas.

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## Fishers Redevelopment Commission (“FRDC”) Background

### What is the FRDC?

The FRDC is a body of five citizens that reviews and acts on redevelopment activities as defined by Indiana Code 36-7-14. These activities can include acquiring real property; laying out and constructing public improvements such as infrastructure and parks; rehabilitating, maintaining or demolishing real property; disposing of property; and making payments required or authorized for bonds and redevelopment activities in Fishers (the “City”).

In addition, the FRDC authorizes the issuance of bonds for redevelopment districts (The “District”), in the name of the City, in anticipation of revenues of the District and to use the proceeds of such bonds to acquire and redevelop property in the Economic Development Area (“EDA”). A redevelopment commission is charged with finding ways to address areas needing redevelopment in the manner that best serves the social and economic interests of the unit and its inhabitants. They also consider the authorization of Tax Increment Financing (“TIF”) districts.

### Who are the members?

- Five citizens are appointed to be members of the FRDC. Two members are appointed by the City Council and the remaining three members are appointed by the Mayor. There is an additional non-voting member that is appointed by the Hamilton Southeastern School Board. Each member’s term is one year in length and expires on January 1 of each year. The following are the 2021 Members of the FRDC:
  - Tony Bonacuse (President)
  - Damon Grothe (Vice President)
  - Anderson Schoenrock (Secretary)
  - Brad Johnson
  - Dan Canan
  - Brad Boyer (School Board Representative)
- The daily operations of the FRDC are handled by City employees primarily from the Controller’s Department and Economic Development Department at no cost to the FRDC. The following employees are primarily responsible for FRDC functions:
  - Megan Baumgartner (Economic and Community Development Director)
  - Jordin Willy (Assistant Director of Economic Development)
  - Lisa Bradford (City Controller)
  - Lawrence Summers (Senior Controller, Economic Development)

### When was it created?

The FRDC was created in March of 1989 out of a growing need for redevelopment.



## Why is it important?

The FRDC is vital to the City's development for its ability to create TIF districts to spur development activity in certain areas and to pledge TIF revenues toward the repayment of debt incurred for redevelopment purposes. The FRDC authorizes the issuance of debt in the redevelopment district. Statutory debt for the redevelopment district is based on the assessed value of the district which is the same as the City's assessed value. In addition, the FRDC acts as an oversight committee for the City to investigate, study, and select areas that need redevelopment or economic development.

## Where does the FRDC have jurisdiction?

The FRDC's jurisdiction is congruent with the City of Fishers' city limits.

## What has the FRDC done in recent history?

The following are significant actions passed by the FRDC since 2007.

### 2007 Highlights

- Approve Economic Development Plan for the Shops at Geist Pointe and declare the area an Economic Development Area (EDA) and an allocation area.
- Approve economic development plan for Olio Road/I-69 and designate the related EDA to encourage growth near the Exit 10 interchange area.
- Pledge of TIF revenues to the payment of the Town of Fishers, Indiana Taxable Economic Development Revenue Bonds, Series 2007 B (BD Northeast Medical Center Development, LLC Project) (the 2007 Bonds) used for infrastructure and utility costs of the St. Vincent emergency facility on 26 acres at Exit 10. The project consists of a 120,000 square foot building comprised of three (3) stories with helipad. The anchor programs consist of a free-standing emergency departments, diagnostic imaging services, and an ambulatory surgery center.
- Approval of and EDA and Allocation Area designated as the St. Vincent Economic Development Area.

### 2008 Highlights

- Approval of Economic Development Plan for the Shops at Geist Pointe and declaration of the area an Economic Development Area (EDA) and an allocation area.
- Pledge of TIF revenues to the payment of the Town of Fishers, Indiana Taxable Economic Development Revenue Bonds, Series 2008A (Shops at Geist Pointe, LLC Project) (the 2008 Bonds) to be loaned to Shops at Geist Point LLC and applied to certain demolition costs and costs of the construction of certain road, drainage, sanitary, sewer and other infrastructure improvements.
- Designation Crosspoint TIF District and approval of related project. Concourse at Crosspoint is a Class A office park located along the west side of I-69 close to 106<sup>th</sup> Street.
- Pledge of TIF Revenues to economic development bonds for the Concourse at Crosspoint

- Approval of Economic Development Agreement with Clarian Health Partners. The project was for a medical and health related facility. As part of the project, the City (Town at the time) provided necessary public infrastructure in the area.
- Designation of Clarian Allocation Area.
- Approval of Clarian bonds for Infrastructure improvements in the area

### 2009 Highlights

- Designation of Clarian Allocation Area.
- Pledge of TIF revenues to the payment of the Town of Fishers, Indiana Taxable Economic Development Revenue Bonds, Series 2009 (Clarian Saxony Medical Center Project) to finance certain infrastructure improvements.
- Approval of economic development agreement with Interchange Diversified, LLC for a mixed-use development located near the intersection of State Road 238 and 136<sup>th</sup> Street.
- Approval to issue bonds for infrastructure and other costs related to development near SR 238 and 136<sup>th</sup> Street and near the southwest intersection of I-69 and SR 238 (Saxony Bonds).
- Designation of Saxony Allocation Area. The property tax increment from this approximately 100-acre area will support the debt service for the Saxony Bonds.
- Designation of Village, Commons and Town Allocation Areas in the Olio Road/I-69 EDA.
- Approve Research and Technology Park EDA and Allocation Area.

### 2010 Highlights

- Approval of amendment to the lease agreement to allow for the refunding of RDA Lease Rental Revenue Bonds of 2001 with the Fishers RDA Lease Rental Refunding Bonds of 2010.
- Approval of Fishers Automotive Project and related bonds authorized.
- Approval of River Place Project.
- Approval of Lease Financing for 96th and Allisonville Road Project backed by special benefits taxes.
- Approval of the State Road 37 Economic Development plan and designation of the State Road 37 EDA and Allocation Area.
- Authorization of State Road 37 bonds issued by the Town of Fishers.
- Approval of Fishers Automotive Economic Development Agreement and Allocation Area.

### 2011 Highlights

- Pledge of TIF revenues to the repayment of the Town of Fishers Redevelopment District Bonds, Series 2011 (State Road 37 Project).
- Approval of bonds related to improvements in the Geist Annexation Area
- Pledge of TIF revenues to the repayment of the Economic Development Revenue Bonds, Series 2011 (Fishers Automotive Project).

## 2012 Highlights

- Approval of expansion of SR 37 EDA.
- Approval of expansion of Fishers/I-69 EDA.

## 2013 Highlights

- Acquisition of property from US post Office and transfer of property to the Town of Fishers for downtown redevelopment.
- Acquisition of property in the Downtown area to spur redevelopment.
- Approval of Blast media EDA.
- Approval of Lease Agreement with Forum Credit Union for Blast Media space.
- Approval of Blue Bridge Digital EDA and subsequently approval of associated sublease.

## 2014 Highlights

In 2014, the FRDC approved several projects in the Downtown TIF district. The major projects are described in more detail below.

### *The Depot at Nickel Plate*

- 241 Luxury Apartments
- 15,719 square feet ground floor retail
- Approximately 430 structured parking garage spaces
- Approximately 50-75 additional jobs
- \$40M total project investment
- Completed in April 2015

### *Central Green Improvements*

- Improved public green space plaza
- 20+ additional trees

### *The Edge*

- 60,187 square feet mixed-use (3-story)
- 22,000 square feet leased by Community Health Network
- Restaurants, retail, medical office, office space
- 330 space parking garage
- \$18M total project investment
- Approximately 100-150 additional jobs
- Completed in 2016

### *The Switch*

- 33,150 square feet mixed-use building (3-story)
- Restaurants, retail, office
- 100+ Class A luxury apartments (Studio, 1BR, 2BR)

- 400+ space parking garage (Shared by tenants/public)
- Approximately 100-120 additional jobs
- Enhanced train platform and pedestrian plaza
- \$28.5M total project investment
- Completed in 2016

#### *Meyer Najem Building*

- 40,000 square feet office building (2-story)
- 71 new jobs from Meyer Najem Headquarters (15 additional jobs by 2019)
- 115 space parking lot
- \$7M total project investment

#### *116th St. Pocket Park*

- Temporary urban pocket park
- Promotes activity through ping pong table, stage, benches, and bike racks
- Serves as a venue for community art

### 2015 Highlights

The FRDC took actions to help secure the following companies in Fishers in 2015.

#### *Blue Bridge Digital, LLC*

The FRDC approved a sublease agreement for a 9,095 square foot office space in the Meyer Najem building in downtown Fishers for Blue Bridge Digital, an app development and service company, primarily focused on non-profit groups, colleges and small businesses. The company expects a \$50,000 total investment in Fishers. Blue Bridge expects to add approximately 32 jobs for an estimated total expected job of 60 and is one of Launch Fishers success stories. In addition to these, the FRDC also approved subleases for **12 Stars Media** (a video production company) and **Quad Med, LLC** (Medical Clinic) for spaces in the Meyer Najem building on the second floor which is master leased by the FRDC.

#### *Launch Fishers*

In 2015 the FRDC approved a lease with **Launch Fishers** for a 51,571 space that was previously used by Deca Financial Services. The property will allow Launch Fishers accommodate the growth in members since its inception in 2012. Launch Fishers has grown to approximately 550 members. Launch Fishers was developed with entrepreneur John Wechsler to serve the unique needs of entrepreneurs working to start and build high-potential enterprises across a broad range of categories including technology, health information, life sciences, biotech, agri-tech and more. More than just a space, however, Launch Fishers offers its members the opportunity to connect and collaborate with like-minded individuals.

#### *Ginovus*

The FRDC also approved a 10-year lease with **Ginovus**, a site selection consulting company, for a 6,444 square foot space owned by the City located in The Switch office building.



### *IKEA*

IKEA announced plans to open a 296,000 square foot store in Fishers in 2017 at a total investment of \$40,000,000. It is expected to bring 250 jobs to Fishers.

### *CloudOne*

The FRDC approved an economic development agreement with CloudOne to place them as a tenant in The Switch building. Along with CloudOne and Ginovus, another major tenant in the Switch building is Purdue University College of Pharmacy's Center for Medication Safety Advancement and Purdue Manufacturing Extension Partnership.

### *Four Day Ray*

Four Day Ray as a mixed-use development with 2nd floor dedicated to tech office space and 1st floor to a brewery/restaurant. Total investment is estimated to be \$6,200,000.

## **2016 Highlights**

The FDRC was involved in approving following projects in 2016.

### *Citimark Partners*

As part of a \$32.7 million development plan, Indianapolis-based Citimark committed to purchase a 23-acre site that includes the former Charles Schwab & Co. regional client center on the corner of Visionary Way and Technology Lane and the building that houses Launch Fishers in the city's Certified Technology Park. Citimark plans to spend \$4.5 million to renovate the Schwab building. It also intends to add 80,000 square feet of additional office buildings on the property, which will be transformed into a corporate campus with walking trails and shared amenities such as food services and open green space.

### *Central Indiana Orthopedics*

Muncie-based Central Indiana Orthopedics plans to spend \$13 million to start a 37-acre technology-focused medical campus in Fishers that would include a clinic and surgery center for the health care provider along with additional space for medical offices. The development, to be called MedTech Park, would encompass 37 acres to the east of St. Vincent's Hospital along 136th Street and Interstate 69 and would be worth about \$52 million when fully completed. Central Indiana Orthopedics plans to buy the entire property and construct a 50,000-square-foot facility that will have space for a clinic, surgery center, and imaging and physical therapy services.

### *RQAW Engineering*

RQAW Corp. plans to invest \$4 million to relocate its headquarters and 60 employees to the new building. They plan to build a 30,000 square foot office building. The engineering and architecture firm would occupy 15,000 square feet of space on the second and third floors.

### *Fishers District at The Yard*

Developer Thompson Thrift Retail Group plans to develop a project called The Yard, which could cost \$40 million to \$60 million to develop. It would be adjacent to the new Ikea store and near the Top golf venue.

The 17-acre property would be redeveloped into a culinary and entertainment center with 10 to 12 lots for restaurants and possibly a combination theater-dining establishment. The development would also include an acre of green space and up to two buildings totaling 3,000 square feet that would be used for shared culinary space to incubate new businesses, like Launch Fishers.

#### *Braden Business Systems*

Braden Business Systems is building a 35,000-square-foot, four-story building and plans to bring more than 70 jobs to Fishers' emerging downtown, called the Nickel Plate District. The business is building on land the city owned north of the Switch apartment complex. The company will operate on the top two floors of the building and also plans to lease a 10,000-square-foot warehouse nearby. Fishers estimates the company's investment at \$5.6 million to \$7 million. The City will Master Lease 15,000 square feet.

#### *1 North (Now Spark Apartments)*

A \$47 million mixed-use project on the northwest corner of North Street and Lantern Road is currently under construction. The Fishers City Council provided \$16.5 million in economic incentives. The project, which is a collaboration between three companies, is slated to include a three-story, 30,000-square-foot office building, 500-space parking garage and a four-story mixed-use building with 240 apartments and 5,000 square feet of commercial space.

### **2017 Highlights**

The FDRC was involved in approving following projects in 2017.

#### *IoT Lab:*

The first Internet of Things (IoT) laboratory in the state of Indiana and is located on Technology Drive in NE Commerce Park. This is a public private partnership that is intended to facilitate the next wave of entrepreneurs from Launch Fishers. The building is 24,562-square-feet and is designed to house a combination of maker areas, development labs, and testing spaces for companies to experiment in designing new IoT technologies.

#### *Police Station and Garage:*

Due to the exponential growth the City of Fishers has enjoyed there is a need for a larger police station to house the staff and courts. The new police station will wrap a parking garage the will serve both the city's and public's purposes. The station is located just east of the existing station on Municipal Drive.

#### *CEDIA*

CEDIA (Custom Electronic Design and Installation Association) is constructing a new 40,000 square foot \$13.7 million headquarters in Delaware Park along Kincaid Drive and visible from I-69. 30,000 square feet are intended to be used by CEDIA and the balance of space will be rented to other businesses. CEDIA represents 3,700 member companies worldwide and serves more than 30,000 industry professionals that manufacture, design, and integrate goods and services for the connected home.

### *Geist Park*

The city is investing in a 70-acre waterfront park at Geist Reservoir. The park will be developed at the last-remaining undeveloped parcel of the 1,900-acre reservoir, located approximately at 111th Street on the east side of Olivo Road. The cost of land acquisition is \$15.7 million and now that the land price is settled the city will proceed with the planning process to determine how the park will be developed.

### *Knowledge Services*

Knowledge Services is planning to construct an 80,000-square foot \$17 million headquarters on a 17-acre parcel on USA Parkway and I-69 with the addition of 400 new jobs by 2021. Knowledge Services is the largest government MSP (managed service provider) in the nation with eight state accounts and counting.

## **2018 Highlights**

### *BW*

A \$10 million development is currently under construction on the northeast corner of the Fishers' Municipal Complex. The 4-story building will add to the vibrancy of the municipal ellipse, providing 45,000 square feet of office space options to innovative companies, looking to locate in Fishers. The City of Fishers is contributing a 10-year tax abatement to the project.

### *Flexware Headquarters*

Flexware Innovation continues to invest in Fishers, with their intent to develop a 35,000 square foot office building, to serve as the company's headquarters. The \$3.5 million project will sit to the northwest of the Nickel Plate District Amphitheater and include a 100-space surface parking lot, available to the public, after working hours. The City of Fishers is contributing incentives to the project through a tax abatement, utility relocation, and impact fee waivers.

### *TechWay:*

The Hageman Group intends to develop a 3 story, 31,000 square foot office building, at the entrance of the City's Certified Tech Park (CTP). In the heart of Fishers' Nickel Plate District, the building will be surrounded by walkable amenities, including the future Nickle Plate Trail. Situated as the gateway to the CTP, the building will provide an opportunity for growing, innovation companies to participate in the entrepreneurial economy of Fishers. The total project investment is \$8.5 million. The City of Fishers will provide \$2.06 million in bond proceeds and a waiver of impact fees to assist with costs, only in the event the building is pre-leased and under construction in a 30-month time frame.

### *Browning Investment and First Internet Bank:*

In December 2018, Browning Investments announced plans for a \$157 million development in the Fishers' Nickel Plate District, on the north and south sides of 116th Street. Anchoring the project is the 6 story, 175,000 square foot First Internet Bank Headquarters, situated on the south side of the development. The south side will also consist of a 750-space parking garage and a 110-room boutique

hotel. First internet Bank intends to occupy the upper 5 floors of the building with the first-floor retail and an event center.

### *Hub & Spoke*

A \$14 million makerspace and design center are planned for 106th street along the future Nickel Plate Trail. The 86,000 square foot project will consist of a training facility, a maker's space, a community connect coworking spaces, and an event space. The project intends to increase awareness around the skilled trades and broadening the career options for students.

## 2019 Highlights

### *Nickel Plate Hotel*

In December 2019, Browning Investments, Dora Hotel Company, and the City of Fishers announced the plans to bring a 5-story, 116-room high-end, boutique hotel to the city's downtown Nickel Plate District. The \$21 million Hotel Nickel Plate is a part of the larger master development by Browning announced in December 2018, which includes First Internet Bank's new 180,000 square foot headquarters. The Tapestry Collection by Hilton hotel will feature a full-service restaurant on the first floor and Nickel Plate Trail access. The project aims for a completion date in 2022.

### *Mattingly Development*

Fishers-based Mattingly Construction announced plans for a \$7 million development at Sunlight Drive, off the 106th Street interchange. The first phase will feature three buildings 8,227ft<sup>2</sup>, 10,433 ft<sup>2</sup>, and 14,600 ft<sup>2</sup> respectively, on three of the twelve-acre joint parcel. The development is intended to provide leasing alternatives to small businesses in Fishers.

### *Pullman Pointe*

Indianapolis-based Scannell Properties announced plans for a \$29 million 180-unit multifamily at Lantern Road and Fishers Point Boulevard. The project will consist of two multifamily buildings, a clubhouse, limited retail, and a leasing center. A completion date for this project will fall in 2021.

### *Strongbox*

Strongbox, an Indianapolis- based commercial developer, announced plans to rehabilitate the former Marsh Supermarkets property located at 96th Street and Lantern Road. Strongbox, plans to invest \$7 million to demolish 20,000 ft<sup>2</sup> of the existing building to accommodate a new tenant to the community, add landscaping and parking lot improvements, and build a 10,000 ft<sup>2</sup> out lot retail building.

### *Crew Carwash Headquarters*

In April of 2019, Crew Carwash announced plans to build a \$10 million & 40,000 square foot headquarters and carwash on 116th street, off I-69, near Top Golf.

### *The Station*

Thompson Thrift announced The Stations, as the final phase of their mixed- used development project, which currently consists of the newly developed culinary- focused Fishers District project. The Stations



will sit on 8.6 acres of land, adjacent to Fishers District and include a hotel, townhomes, a restaurant, 8800 sf2 of retail and 60,000 sf2 of commercial office.

### *Maple Sturup*

In 2019, Maple Sturup, LLC announced plans for a \$2.7 million, 3- story, 16,280 sf2 office building on Maple Street in Fishers Nickel Plate District. This announcement come after the completion of its sister-building, Master Station, which sits adjacent.

## 2020 Highlights

### *Genezen Labs*

Genezen Labs, a viral vector production contractor for gene and cell therapy, plans to open an R&D lab and clean manufacturing facility with office space in the Crosspoint Business Park. Genezen has committed to growing by 36 employees by 2024 and investing \$7.8 million in capital improvements as part of their incentive package.

### *INCOG BioPharma*

INCOG BioPharma announced plans to establish its first manufacturing facility and global headquarters in Fishers, in the Exit 5 Business Park. INCOG intends to invest \$60 million in the new location, creating up to 150 new jobs by the end of 2024. The startup is breaking ground in 2021, with plans to be fully operational in the first half of 2022.

### *Knowledge Services*

Knowledge Services announced its purchase the old Marsh Headquarters building in the Crosspoint Business Park. The Indianapolis-based government and commercial workforce management software company will occupy a portion of the 165,000 sf building, while leasing the remaining unused space to other tenants.

### *Memory Ventures*

Fishers-based Memory Ventures announced plan to purchase and relocate into the former Marsh building at 96th Street & Lantern Road. The company plans to invest \$1 million in renovating the space, occupying part of the site and leasing the remaining available space. Memory Ventures' move to the building is a part of the larger redevelopment push, along 96th street.

### *Round Room*

Round Room announced its acquisition of the two-story, 190,000-square-foot property at 10300 Kincaid Dr. Round Room (old Roche building), which had sat vacant for several years. The nation's largest Verizon authorized retailer plans on renovating the building, while occupying 120,000 square feet and leasing the remainder to tenants. The move allows Round Room to consolidate more than 200 of its employees.

### *U.Group*

Washington, D.C. area-based U.Group announced plans to establish a Fishers location in January 2020. The digital transformation partner selected Fishers for its Midwest office, planning to create up to 130

high-wage jobs in the surrounding community, spanning the full range of its capabilities—including technology, data, consulting, and creative services. The company is operating out of Launch Fishers, until it can identify a permanent location in Fishers.

#### *ZergNet*

The New York- based digital media tech company announced its plans to establish a Midwest presence, with its move into space in the Meyer Najem Building in Fishers. The company’s relocation is a part of the City’s master-lease program, which provides companies with flexible short-term lease options.

### 2021 Highlights

#### *Fishers Life Science and Innovation Park*

The city purchased 75 acres at the intersection of 126<sup>th</sup> and Cumberland Road to create a new Life Science and Innovation Park to recruit new companies to Fishers. The RDC completed the purchase in August.

#### *Stevanato Group*

Stevanato Group committed to build a new, 375,000 SF pharmaceutical manufacturing facility in the Fishers Life Science and Innovation Park. The facility will produce sterilized vaccine vials and cartridges. The total investment will exceed \$200 million and the company plans to hire 200 new employees with average salaries of \$75,000.

#### *List Bio*

List Bio committed to building a new 110,000 SF pharmaceutical manufacturing facility in Fishers. List will manufacture microbiome treatments in a CDMO facility and hire 200 new employees. They will build this facility in the Life Science and Innovation Park.

#### *Quantigen*

Quantigen, a diagnostic pharmaceutical company, announced plans to expand its footprint in Fishers by moving into 10300 Kincaid Blvd. The company plans to invest nearly \$7M and hire an additional 26 employees.

### 2022 Highlights

#### *Stevanato Group*

Stevanato Group announced an expansion of its Fishers facility in 2022. The expansion increases the building to over 500,000 SF and a total investment of \$515 million. Stevanato is an Italian pharmaceutical glass manufacturer of vaccine vials and cartridges. This facility will be their first US manufacturing location.

#### *The Next Phase of Fishers District*

The Next Phase of Fishers District was announced in September 2022. This \$550M investment includes the Fishers Event Center, the Union at Fishers District, and the development area surrounding the Fishers

Event Center. The Fishers Event Center is 8,000 seat arena that will HSE School District graduations, community events, and will be the new home of the Indy Fuel.

The Union at Fishers District is an extension of the Yard at Fishers District, with an additional hotel, multi-family project, and first-in-class restaurants, retail, and entertainment options. The Union will connect The Yard with the Slate, down to the Fishers Event Center and surrounding area.

#### *Andretti Autosport Global Headquarters*

Andretti Autosport announced its plans to construct its new global headquarters in Fishers at the Indianapolis Metropolitan Airport. Andretti began construction on the 580,000 SF facility at the end of 2022 and they plan to hire 500 additional employees over the next several years and relocate over 100 to the new Fishers location.

Andretti plans to purchase all of the remaining developable area at the Indy Metro Airport with the goal of developing a true campus along the Nickel Plate Trail.

#### *REV Condominium Project*

In 2022, the City was able to announce its first condominium project in the Nickel Plate District. Birkla Investments and Mike Alboher plan to redevelop the site at 8603 E. 116<sup>th</sup> Street into a 5-story for-sale luxury condo project. The first two floors will have a mix of retail and office and will overlook the Nickel Plate Trail.

## New Committed Jobs:

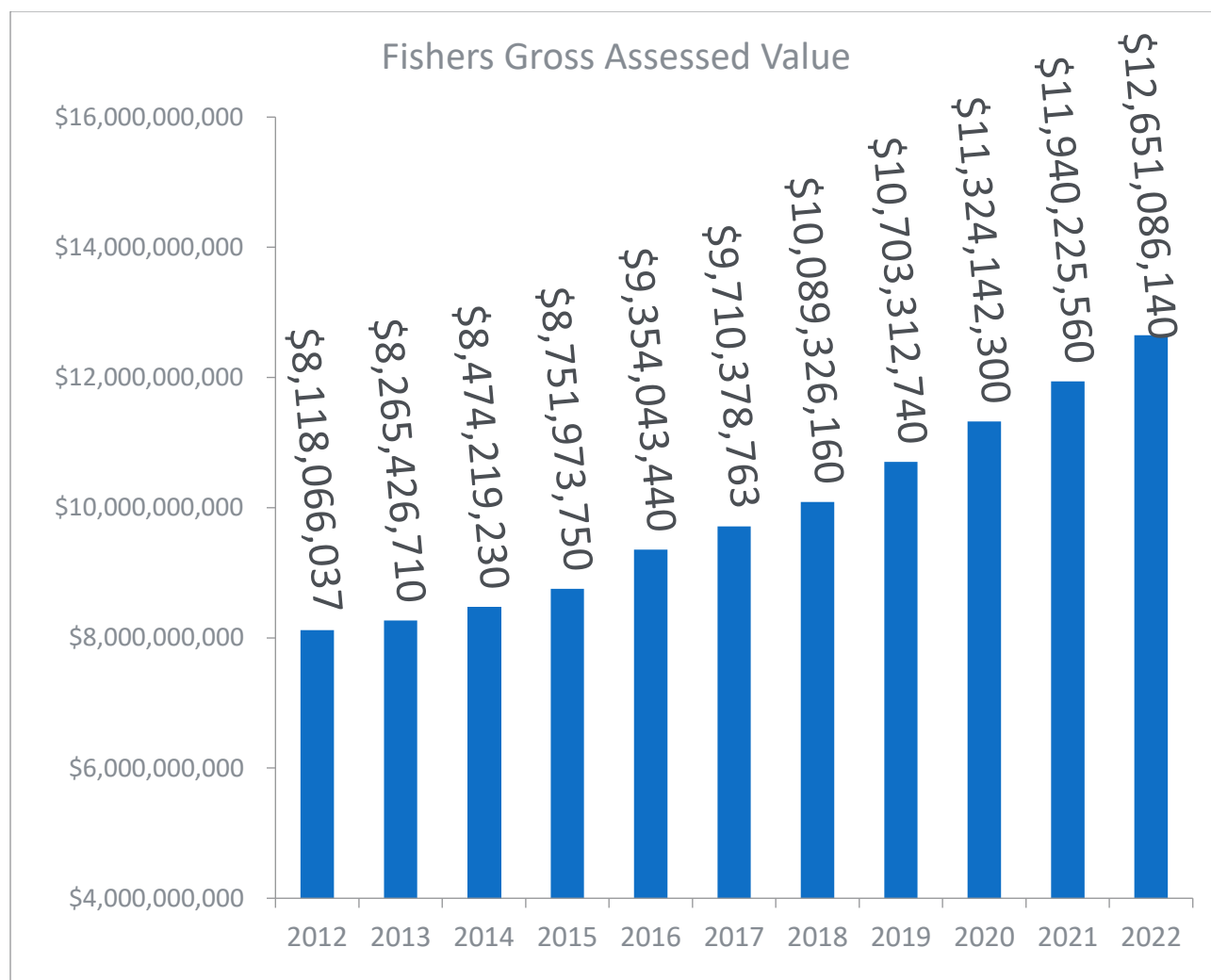
This table illustrates the job growth in Fishers from 2017 – 2022 and represents how new development is impacting the jobs sector in a positive way for Fishers’ residents. For 2022, the average salary of the new jobs was \$94,800 with a total amount investment of \$1,264,215,616.

|                    | 2017 | 2018 | 2019 | 2020 | 2021 | 2022  |
|--------------------|------|------|------|------|------|-------|
| New Jobs Committed | 2033 | 473  | 1109 | 1101 | 955  | 1,286 |



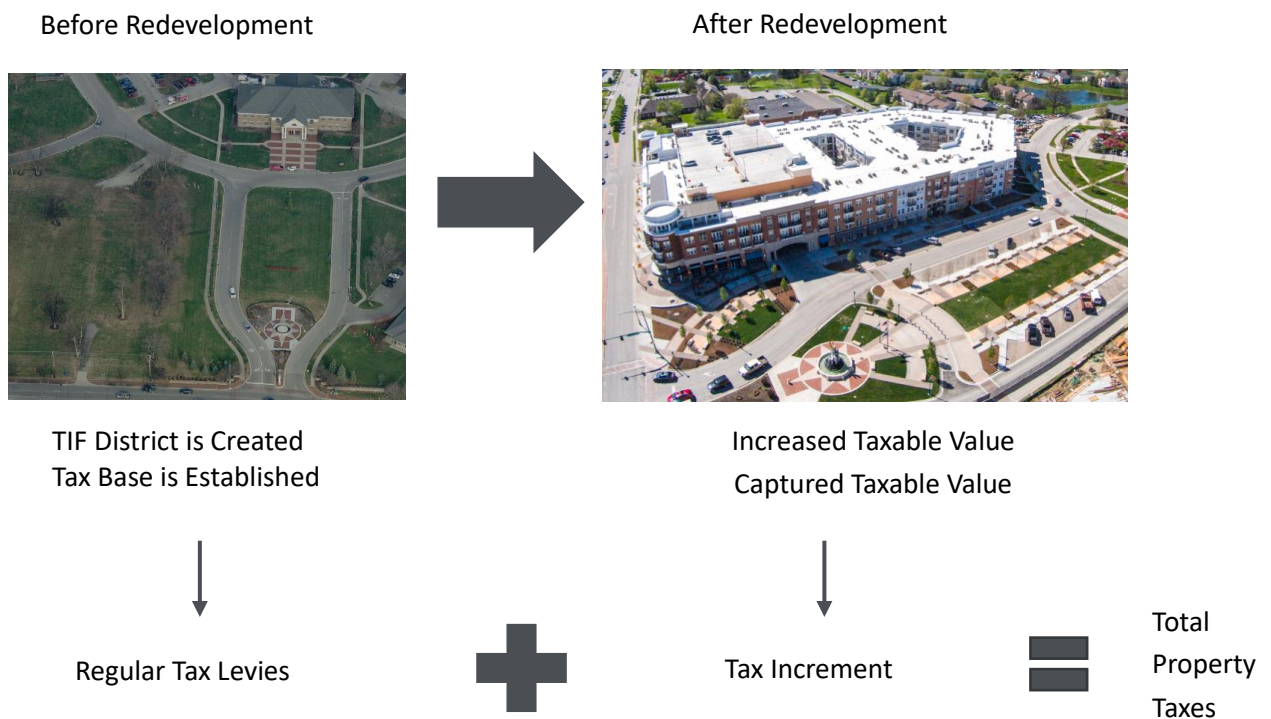
## Gross Assessed Value Growth (“GAV”)

Fishers has seen a steady rise in Gross Assessed Value over the past few years (refer to graph below). This growth can be explained from Fishers’ growing population as well as the expansion and redevelopment of many locations throughout the City. A portion of the AV growth has occurred in the downtown area, which is being rehabilitated into a dynamic urban center where people can eat, live, shop, and work (refer to Downtown TIF District for more detail). According to a report in 2019, the impact to overlapping districts has been far outweighed by the impact of new growth and projects to the City and areas as a whole.



## 2022 Active TIF Districts

The FRDC has created a total of 30 TIF districts and covers approximately 2,289 acres as of December 31, 2022 (Refer to the table on Page 18). The TIF revenues captured and available for use in redeveloping the associated TIF districts are based on the increase in assessed value of the area after it is established as a TIF district. TIF captures only the incremental increases in taxes for the area designated as a TIF district. Those incremental increase in taxes are considered TIF revenue. This captured revenue is then used for improvements within that TIF District or in areas that would benefit the TIF District. Below is a basic illustration of how TIF revenues are captured.



## Assessed Value Information by TIF District

### 2021 Pay 2022 Assessed Values

| TIF District                   | Gross AV             | Net AV               | Base AV            | Incremental AV     |
|--------------------------------|----------------------|----------------------|--------------------|--------------------|
| 116th St Fishers               | 80,502,800           | 80,423,745           | 24,921,078         | 55,502,667         |
| Allisonville Corridor          | 138,847,500          | 134,295,644          | 83,012,919         | 51,282,725         |
| Britton Park                   | 63,715,500           | 63,715,500           | 2,323,438          | 61,392,062         |
| Clarian                        | 60,814,800           | 16,039,904           | 0                  | 16,039,904         |
| Commons                        | 127,000              | 127,000              | 127,000            | 0                  |
| Crosspoint                     | 22,611,100           | 22,611,100           | 1,820,456          | 20,790,644         |
| Downtown                       | 512,811,100          | 469,729,570          | 181,185,413        | 288,544,157        |
| Fishers Automotive EDA         | 8,411,500            | 8,411,500            | 3,457,945          | 4,953,555          |
| Fishers Tech Park              | 66,892,800           | 64,999,300           | 12,809,739         | 52,189,561         |
| River Place                    | 6,972,700            | 6,972,700            | 5,784,498          | 1,188,202          |
| Saxony                         | 79,006,700           | 66,684,087           | 7,636,369          | 59,047,718         |
| Shops at Geist Pointe          | 11,440,000           | 11,400,000           | 1,328,630          | 10,071,370         |
| Sun King                       | 21,800               | 21,800               | 21,800             | 0                  |
| St. Vincent EDA                | 55,753,200           | 2,189,335            | 0                  | 2,189,335          |
| State Road 37                  | 114,801,000          | 112,921,565          | 71,378,790         | 41,542,775         |
| Town                           | 17,299,200           | 17,299,200           | 1,294,733          | 16,004,467         |
| Village Center                 | 550,800              | 550,800              | 495,423            | 55,377             |
| Downtown Personal Property     | 718,440              | 718,440              | 326,940            | 391,500            |
| Sun King Personal Property     | 208,630              | 208,630              | 0                  | 208,630            |
| Central Indiana Orthopedics    | 11,651,800           | 11,651,800           | 137,722            | 11,514,078         |
| Metropolitan Airport           | 0                    | 0                    | 0                  | 0                  |
| The Yard                       | 62,748,500           | 62,748,500           | 1,223,638          | 61,524,862         |
| The Stations                   | 6,109,000            | 5,378,845            | 1,776,673          | 3,602,172          |
| Pullman Pointe                 | 12,445,600           | 12,445,600           | 1,396,305          | 11,049,295         |
| 126 <sup>th</sup> & Cumberland | 97,500               | 97,500               | 97,500             | 0                  |
| Highline                       | 0                    | 0                    | 0                  | 0                  |
| Andretti                       | 0                    | 0                    | 0                  | 0                  |
| 96 <sup>th</sup> Residential   | 0                    | 0                    | 0                  | 0                  |
| 96 <sup>th</sup> Commercial    | 0                    | 0                    | 0                  | 0                  |
| Rev                            | 0                    | 0                    | 0                  | 0                  |
| <b>TOTAL</b>                   | <b>1,334,558,970</b> | <b>1,171,642,065</b> | <b>402,557,009</b> | <b>769,085,056</b> |

## TIF Fund Balance Sheet as of December 31, 2022

### Assets

|                                    |               |
|------------------------------------|---------------|
| Cash and Cash Equivalents          | \$ 11,291,327 |
| Receivables (Net of Uncollectable) | -             |
| Prepays                            | -             |
| Total Assets                       | <u>\$</u>     |

### Liabilities and Fund Balances

|                                          |          |
|------------------------------------------|----------|
| Accounts payable                         | \$ -     |
| Accrued payroll and withholdings payable | -        |
| Total Liabilities                        | <u>-</u> |

### Fund Balance:

|                                    |                      |
|------------------------------------|----------------------|
| Non spendable                      |                      |
| Restricted                         | \$                   |
| Committed                          |                      |
| Assigned                           |                      |
| Total fund balances                | <u></u>              |
| Total liabilities and fund balance | <u>\$ 11,291,327</u> |

## TIF Fund Combined Statement of Revenues, Expenditures and Changes in Fund Balances for the year ended December 31, 2022

|                  |                                              |                |
|------------------|----------------------------------------------|----------------|
| Revenues         |                                              |                |
|                  | Taxes - TIF revenues                         | 14,958,278     |
|                  | Charges for services (Rent Revenue)          | 454,785        |
| A                | Other Revenues                               | 2,186,089      |
|                  | <br>Total Revenues                           | <br>17,599,152 |
| <br>Expenditures |                                              |                |
|                  | Debt service and capital lease payments      | 5,978,327      |
|                  | Rent                                         | 1,149,414      |
|                  | Pass-Throughs for economic development bonds | 5,695,053      |
|                  | Capital outlay                               | 2,203,925      |
|                  | Contractual Services                         | 618,235        |
|                  | Refunds                                      | 11,580         |
|                  | <br>Total Expenditures                       | <br>15,572,393 |
|                  | <br>Excess of revenues over expenditures     | <br>2,026,759  |
|                  | <br>Net change in fund balance               | <br>2,026,759  |
|                  | <br>Fund Balance – beginning                 | <br>9,264,568  |
|                  | <br>Find Balance – ending                    | <br>11,291,327 |

A → other revenue includes 2.1% revenue share from Fishers Test Kitchen, along with IEDC Passthrough grants



## TIF Fund Statement of Revenues, Expenditures and Fund Balances

Detail by TIF District for the year ended December 31, 2022. Numbers rounded to nearest dollar.

| TIF District                   | 2021 Fund<br>Balance | Revenue<br>Received | Expenses<br>Paid  | 2022 Fund<br>Balance |
|--------------------------------|----------------------|---------------------|-------------------|----------------------|
| 116th St Fishers               | 1,355,257            | 1,027,171           | 837,777           | 1,544,651            |
| Allisonville Corridor          | 754,958              | 995,256             | 811,746           | 938,468              |
| Britton Park                   | 1,377,397            | 1,109,764           | 1,062,608         | 1,424,553            |
| Clarian                        | 0                    | 305,138             | 305,138           | 0                    |
| Commons                        | 0                    | 0                   | 0                 | 0                    |
| Crosspoint                     | 0                    | 401,155             | 401,155           | 0                    |
| Downtown                       | 5,028,712            | 6,387,529           | 5,255,962         | A 6,160,279          |
| Fishers Automotive EDA         | 0                    | 142,128             | 142,128           | 0                    |
| Fishers Tech Park              | 614,378              | 1,040,947           | 849,013           | 806,312              |
| River Place                    | 51,681               | 18,317              | 69,998            | 0                    |
| Saxony                         | 0                    | 1,123,564           | 1,123,564         | 0                    |
| Shops at Geist Pointe          | 0                    | 192,355             | 192,355           | 0                    |
| Sun King                       | 0                    | 0                   | 0                 | 0                    |
| St. Vincent EDA                | 39,765               | 41,649              | 22,427            | 58,987               |
| State Road 37                  | 0                    | 790,135             | 790,135           | 0                    |
| Town                           | 0                    | 283,274             | 283,274           | 0                    |
| Village Center                 | 0                    | 1,053               | 1,053             | 0                    |
| Downtown Personal Property     | 34,749               | 7,554               | 6,161             | 36,142               |
| Sun King Personal Property     | 7,641                | 4,026               | 3,284             | 8,413                |
| Central Indiana Orthopedics    | 0                    | 219,040             | 219,040           | 0                    |
| Metropolitan Airport           | 0                    | 0                   | 0                 | 0                    |
| The Yard                       | 0                    | 1,216,845           | 1,187,119         | 29,726               |
| The Stations                   | 0                    | 395,498             | 395,498           | 0                    |
| Pullman Pointe                 | 0                    | 106,598             | 106,598           | 0                    |
| 126 <sup>th</sup> & Cumberland | 0                    | 1,790,156           | 1,506,360         | 283,796              |
| Highline                       | 0                    | 0                   | 0                 | 0                    |
| Andretti                       | 0                    | 0                   | 0                 | 0                    |
| 96 <sup>th</sup> Residential   | 0                    | 0                   | 0                 | 0                    |
| 96 <sup>th</sup> Commercial    | 0                    | 0                   | 0                 | 0                    |
| Rev                            | 0                    | 0                   | 0                 | 0                    |
| <b>TOTAL</b>                   | <b>9,264,568</b>     | <b>17,599,152</b>   | <b>15,572,393</b> | <b>11,291,327</b>    |

**Note A:** Revenue and expenses include rent and other revenues. Rent received on subleases are netted against the rent paid on master lease.

## Debt – Expected to be Serviced using TIF Revenues

As of December 31, 2022

| <u>Name</u>                                                                        |          | <u>Issue Date</u> | <u>Outstanding Par<br/>amount as of<br/>12/31/2022</u> | <u>Total<br/>Outstanding<br/>Principal and<br/>Interest as of<br/>1/1/2022</u> | <u>Principal and<br/>Interest due in 2022</u> |
|------------------------------------------------------------------------------------|----------|-------------------|--------------------------------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------|
| <b>Redevelopment Commission Obligations</b>                                        |          |                   |                                                        |                                                                                |                                               |
| Taxable Economic Development Revenue Bonds, Series 2016A (Downtown Projects)       | <b>A</b> | 11/10/2016        | 15,550,000                                             | 20,624,300                                                                     | 1,425,659                                     |
| Taxable Economic Development Revenue Bonds, Series 2018C (North of North Project)  | <b>C</b> | 11/15/2018        | 20,855,000                                             | 32,712,390                                                                     | 1,681,565                                     |
| Taxable Economic Development Revenue Bonds, Series 2013 (Flaherty/Fishers Station) | <b>A</b> | 9/12/2013         | 11,710,000                                             | 18,713,327                                                                     | 1,133,905                                     |
| Taxable Econ. Dev. Rev Bonds, Series 2019B                                         |          | 10/24/2019        | 15,180,000                                             | 23,247,709                                                                     | 471,608                                       |
| Taxable Econ. Dev. Rev Bonds, Series 2019A                                         |          | 12/4/2019         | 17,480,000                                             | 29,119,595                                                                     | 763,525                                       |
| Taxable Econ. Dev. Rev. Bond Anticipation Notes, Series 2019A                      |          | 6/24/2019         | 0                                                      | 10,908,113                                                                     | 10,797,075                                    |
| Taxable Economic Development Revenue Bond Anticipation Notes, Series 2020A         |          | 4/30/2020         | 0                                                      | 14,572,106                                                                     | 14,489,738                                    |
| Taxable Econ. Dev. Rev. Ref. Bonds, Series 2020 (Fishers Station Project)          | <b>A</b> | 11/20/2020        | 13,030,000                                             | 16,687,836                                                                     | 1,010,797                                     |
| Taxable Lease Rental Revenue Bond Anticipation Notes, Series 2022A                 | <b>C</b> | 1/28/2022         | 25,575,000                                             | 23,629,889                                                                     | 147,873                                       |
| <b>Redevelopment District Obligations</b>                                          |          |                   |                                                        |                                                                                |                                               |
| Redevelopment District Refunding Bonds, Series 2017A1                              | <b>D</b> | 9/13/2017         | 9,535,000                                              | 12,729,075                                                                     | 574,950                                       |
| Taxable Redevelopment District Bonds, Series 2017A2                                | <b>D</b> | 9/13/2017         | 0                                                      | 212,363                                                                        | 212,363                                       |
| Redevelopment District Refunding Bonds, Series 2017C                               | <b>D</b> | 9/13/2017         | 2,825,000                                              | 3,667,463                                                                      | 286,650                                       |
| Redevelopment District Refunding Bonds, Series 2017B                               | <b>D</b> | 10/5/2017         | 4,255,000                                              | 5,864,275                                                                      | 441,400                                       |
| County Option Income Tax Revenue Bonds, Series 2016                                | <b>B</b> | 12/4/2016         | 5,590,000                                              | 7,388,700                                                                      | 511,300                                       |
| Taxable Redevelopment District Refunding Bonds, Series 2020                        |          | 7/1/2020          | 4,325,000                                              | 5,477,243                                                                      | 439,603                                       |
| Taxable Lease Rental Revenue Bond Anticipation Notes, Series 2021C                 | <b>C</b> | 1/28/21           | 23,350,000                                             | 23,629,889                                                                     | 135,119                                       |
| Taxable Lease Rental Revenue Bond Anticipation Notes, Series 2022A                 | <b>C</b> | 1/28/22           |                                                        |                                                                                |                                               |
| <b>Economic Development Bonds (Developer Bonds)</b>                                |          |                   |                                                        |                                                                                |                                               |
| Taxable Econ. Dev. Rev. Bonds, Series 2006A (Britton Park)                         |          | 12/4/2006         | 6,250,000                                              | 9,323,849                                                                      | 1,107,210                                     |
| Taxable Econ. Dev. Revenue Bond, Series 2008 (Crosspoint)                          |          | 11/14/2008        | 4,000,064                                              | 3,150,898                                                                      | 708,067                                       |
| Taxable Econ. Dev. Rev. Bond, Series 2008A (Geist Landing)                         |          | 6/19/2008         | 1,515,000                                              | 2,558,147                                                                      | 184,585                                       |
| Taxable Econ. Dev. Rev. Bond, Series 2009 (Clarian Saxony)                         |          | 12/23/2009        | 379,426                                                | 1,230,084                                                                      | 837,269                                       |
| Econ. Dev. Revenue Bonds, Series 2011 (Fishers Automotive)                         |          | 3/31/2011         | 1,440,000                                              | 2,159,085                                                                      | 171,538                                       |
| Economic Development Revenue Bonds, Series 2017A (CIO)                             |          | 8/3/2017          | 4,600,000                                              | 7,581,812                                                                      | 237,582                                       |
| Economic Development Revenue Bonds, Series 2017B (CIO)                             |          | 8/3/2017          | 1,900,000                                              | 2,960,063                                                                      | 0                                             |
| Taxable Econ. Dev. Rev. Bonds, Series 2018A (Yard)                                 | <b>D</b> | 7/5/2018          | 8,795,000                                              | 13,603,599                                                                     | 634,905                                       |
| Taxable Econ. Dev. Rev. Bonds, Series 2018B (Yard Garage)                          | <b>D</b> | 8/21/2018         | 7,115,000                                              | 11,026,389                                                                     | 403,334                                       |
| Taxable Econ. Dev. Rev. Bonds, Series 2019C (The Stations)                         | <b>D</b> | 12/18/2019        | 4,915,000                                              | 7,172,196                                                                      | 241,445                                       |
| Economic Development Revenue Bonds, Series 2021A (Pullman Pointe)                  |          | 2/23/2021         | 6,790,000                                              | 10,958,800                                                                     | 426,300                                       |
| Taxable Economic Development Revenue Bonds, Series 2022 (Highline)                 | <b>E</b> | 9/28/2022         | 7,410,000                                              | 13,508,990                                                                     | 0                                             |

**NOTES:**

**A** – The Series 2013 debt service for 2016 was funded with TIF revenues from the Allisonville Corridor and Downtown TIF District. The Taxable Economic Development Revenues BANs, Series 2015, 2015B and 2015C related to the Edge, The Switch, Meyer Najem and overall downtown redevelopment were permanently financed with the Taxable Economic Development Bonds, Series 2016A (The Downtown Projects Bonds). The Downtown Projects Bonds are to be repaid from the revenue from the TIF Districts (Allocation Areas) in the Fishers/I-69 Economic Development Area. The TIF districts to contribute to the repayment of these debt obligations are 116<sup>th</sup> St Fishers, Allisonville Corridor, Downtown, and Fishers Tech Park. The 2013 Series was advanced refunded with Taxable Economic Development Revenue Refunding Bonds, Series 2020 (Fishers Station Project).

**B** – The County Option Income Tax Revenue BANs, Series 2015 was permanently financed with the County Option Income Tax Revenue Bonds, Series 2016. The debt service is expected to be paid from the TIF districts in the Fishers/I-69 Economic Development Area.

**C** – Debt is pledged with local income tax but expected to be paid from TIF districts in Fishers/I-69 Economic Development Area

**D** – 2018A is pledged to be paid out of the Yard Allocation area. In the event of a shortfall, the developer is responsible for 85% of debt service and the City for 15%. 2018B and 2019C are fully developer backed.

**E** – 2022 is pledged to be paid out of the Highline Allocation area. In the event of a shortfall, the developer is responsible for 85% of debt service and the City for 15%.



## **Fishers Health Department Update – 5/15/2023**

### **Annual Report**

- The 2022 annual report is available [here](#).

### **Senate Enrolled Act 4 - Governors Public Health Commission Legislation**

- Historic increase in funding for local public health in Indiana has passed. Requires core public health services to be provided. County executive must opt-in to receive apportioned funding with biennial budget process. LHDs must submit plan and budget by September 1. State Fiscal Year amounts \$75M 2024 and \$150M 2025.

### **Health Conditions Under Watch:**

- COVID-19: US public health emergency ended May 11. CDC will stop tracking cases as a measure community spread and shift focus to monitoring hospitalizations and deaths from COVID-19. World Health Organization removed COVID-19 as public health emergency of international concern on Friday 5/5/23.
- Recent cluster outbreak of Mpox (monkeypox) observed in Chicago between April 17 and May 5. FHD has vaccine on hand if needed and will monitor ongoing situation.

### **Community Health Assessment:**

- Wrapping up secondary data analyses by June 30, 2023. The remaining work includes community-based surveys, stakeholder focus groups and report writing.

### **Core Health Services (April 2023)**

- 123 patients seen for non-COVID-19 immunizations and tuberculosis (TB) tests.
- 168 COVID-19 vaccines administered. Booster uptake 22.4%.
- 11 COVID-19 tests administered. All tests are currently offered free of charge through COVID-19 grant funding.
- Signed on with IDOH to offer HIV, hepatitis C, chlamydia, gonorrhea, syphilis, and lead testing services. Working on processes to roll out testing services this summer and treatment services this fall/winter.
- Reportable conditions continue to be managed at a steady pace and monitored for outbreak potential.
- Health Inspector certified as home lead risk assessor to assist with lead exposure investigations.

### **Mental Health**

- Launched Stigma Free Fishers [CredibleMind](#) platform May 1. This free online platform covers hundreds of topics and has thousands of mental health related resources, assessments, referral checks, and more. Over 475 individuals have visited the site to date. Users have explored over 50 different mental health topics and taken over 215 assessments.
- Hope for Happiness, led by Bring Change2Mind clubs at HSE, occurred on May 13.
- Internal Mental Health Action Teams continue to meet. Teams are focused on People, Place, Purpose and Prevention Resources.

### **Environmental Health & Inspections**

- 2023 inspections underway with grading system in place. Graded 244 facilities to date with 215 receiving grade A, 21 grade B, and 7 grade C. One facility failed inspection and will remain closed until critical issues are remediated. There are 150 more facilities to be inspected and graded. Grades to be posted publicly on September 30, 2023.
- Public facing GIS dashboard to be launched this summer after final input and testing. Allows any member of the public to view and access all facilities and associated inspection reports, grades, etc.

### **Community Outreach and Social Media**

- May social media is highlighting Mental Health Awareness Month, CredibleMind, community events, lead testing changes, and service-awareness.



- Outreach activities include participation in Fishers Farmers Markets, Hope for Happiness, Touch-A-Truck, and Fishers Frenzy.
- FHD's first Teen Public Health Academy application deadline May 14. Academy to be held July 17-22.

#### Emergency Preparedness:

- Finalizing Improvement Plan based on COVID-19 After Action Report.

#### Grants and Funding:

- FHD is host-site for Indiana Public Health Association public health student internship opportunity. Intern started on May 8, 2023. Intern will primarily support mental health initiative and CredibleMind roll out.
- We anticipate a third year of CoAg grant funding, which supports our school liaison position and efforts to improve relationships and services with our schools.
- We anticipate a third year of COVID Supplemental funding which will continue to support our Community Health Advocate position as well as COVID testing and vaccination efforts.
- We are awaiting word on VFC grant funding. This funding supports staff to provide all scheduled vaccinations, and vaccinations for underinsured and uninsured children.
- We have collected \$2,896,541.21 to date from IDOH to date for COVID vaccines administered.



## CDC COVID-19 COMMUNITY LEVEL

### LOW



| INDICATOR | DESCRIPTION                                                                     |
|-----------|---------------------------------------------------------------------------------|
| 17.5      | New COVID-19 cases per 100,000 people in the past 7 days                        |
| 0.9       | New COVID-19 admissions per 100,000 population (7-day total)                    |
| 0.7%      | Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average) |

► = increasing  
◄ = decreasing  
■ = no change

Updated on 05/08/2023





To: Fishers City Council  
From: Jason Taylor, P.E. –Director of Engineering  
Date: May 12, 2023

***RE: Barrett Law of Commercial Private Roadways – Britton Park/Trade Center and Publishers Business Parks***

Purpose

The purpose of this memorandum is to provide the City Council with information concerning the current status of the Barrett Law of Commercial Private Roadways. Specifically, the private roadways within the Britton Park/Trade Center and Publishers Business Parks. (exhibits included)

Summary

Since 2022, the City and the business owners within the above mentioned business parks have been collaborating on ways the private roadways can be improved and what support the City can provide to the business owners. Through the discussions, it was determined the Barrett Law process was an avenue that allowed the improvements to occur while not requiring the businesses to bear the costs in a single lump sum. Once the Barrett Law process was determined to be a way to accomplish the improvements while spreading the payments over time, the Department of Engineering communicated with the businesses of the intent through a series of presentations and one-on-one meetings.

On March 14<sup>th</sup>, the Board of Public Works & Safety approved the preliminary resolution to begin the Barrett Law process for both commercial private roadways. Those resolutions can be found here: [Barrett East](#) and [Barrett West](#). Per Indiana Code 36-9-36, the City mailed official notifications to the property owners/businesses that a Public Hearing will be held at the Board of Public Works and Safety meeting on March 28, 2023. Although not required, the City provided additional information to the property owners/businesses concerning the construction costs that can be expected. An example letter is included as an attachment in this memo.

Approximately eight (8) of the property and/or business owners, including the property manager, were in attendance at the March 28, 2023 meeting for the public hearing. Comments were provided and the video of the meeting can be found [here](#). One property owner hired an attorney, of which was present and spoke against the project with the other property owners being generally supportive of the need of the improvements but had concerns related to the total costs. As such, the mayor and other board members requested the Department of Engineering to revisit the scope of the work to determine if there were other methods for the improvements that could be explored and provide an alternate of the work being performed in 2024.

Since those meetings, the Department of Engineering and City Attorney have communicated the allocation percentage to the property/business owners through the property manager, but due to the requirements of IC-36-9-36, the total costs of the project will not be determined until after full completion of the improvements.

With the feedback and direction from the board, an updated timeline (60 days) for the project has been determined:

- Ma
- y 8<sup>th</sup> thru June 11<sup>th</sup> – *revised from previous update.*
  - May 11<sup>th</sup> - Core samples were taken in the field for Geo-tech firm laboratory evaluation.
  - Geo-tech firm analyzes core samples in laboratory of existing cross -section of pavement and condition of sub grade.
  - Geo-Tech firm will create report on lab analysis with recommendations on possible scope changes.
  - Revise scope and prepare project manual bid documents to be advertised for bid.
  - This timeline has changed due to the industry not having availability to perform the work sooner.
- June 12<sup>th</sup> thru June 27<sup>th</sup> *Revised from previous update*
  - Continue discussion on ways to reduce financing costs.
  - Advertise projects for bids – this is to help have actual costs instead of engineer estimates.
- June 28<sup>th</sup> thru July 10<sup>th</sup> – *revised from previous update.*
  - Bids Due - Open contractor bids
  - Bid prices shared with property owners.
  - Property Owners approve conditional road dedication agreement document to be presented at following Board of Public Works and Safety.
- July 11<sup>th</sup> – *revised from previous update.*
  - Present updates (bid and dedication documents) to the Board of Public Works & Safety
  - The City is still working towards trying to maintain this schedule and feel the 11<sup>th</sup> is the earliest we will be able to present, however that date is subject to change.

The Engineering Department has been in continuous communication with all property owners via the Property Owners Association management with weekly status updates including timeline, road dedication process, and current steps being taken. Progress has also been made on determining a revised construction scope. The Engineering Department hired Geo-Tech firm Terracon to collect roadway and subgrade core samples in the field for laboratory analysis and further recommendations on construction/rehabilitation options in an effort to reduce overall costs. Engineering staff met with the Controller's Office, City Attorney, and a bond finance professional to continue to evaluate and explore bond financing cost savings. Under the current timeline we anticipate being able to share results from the bid process with property owners/businesses by the end of June. The intent is still for the roadways to be under construction and completed prior to the end of the 2023 construction season, but it has been communicated the work may move to 2024 due to pricing.



## CITY OF FISHERS AGENDA

**THE PUBLIC MAY STREAM THE MEETING BY GOING TO: <http://tinyurl.com/CityOfFishers>**  
**MEMBERS OF THE PUBLIC MAY SUBMIT COMMENTS BEFORE 12PM ON Monday, April 17, 2023, BY GOING TO: [https://townoffishers.formstack.com/forms/public\\_meeting\\_comment\\_form](https://townoffishers.formstack.com/forms/public_meeting_comment_form).**

**BOARD/COMMISSION: City Council Meeting**

**DATE: 4/17/2023**

**DIRECTIONS: Launch Fishers, 12175 Visionary Way, Fishers, Indiana 46038**

### **REGULAR CITY COUNCIL MEETING, 7:00 p.m., Launch Fishers, Auditorium**

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

- President John Weingardt called the meeting to order. Present were Cecilia Coble, Selina Stoller, Pete Peterson, Todd Zimmerman, Brad DeReamer, Crystal Neumann, Jocelyn Vare and David Giffel. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Lisa Bradford, Ross Hilleary, Monica Heltz, Judge Dan Henke, Chief Ed Gebhart, Jake McReadon-McSoley, Lindsey Bennett, Megan Baumgartner, Ashley Elrod, Megan Vukusich, Jim Dickerson, Michael Colby, Mark Leach, Murray Clark, Maddie Young, Joyce Slusher, Ross Reinhardt, Blackburns, Betsy Terpening, Sarah Schmidt, Janet Pritchett, Lane Skeeters, John Delucia, Mike Kiley, Angie Kiley, Robert Evans, Mary Jo Hamman, Alley Stein, Rachel Quade, Tiffanie Ditlevson, Tom Teitgen, and John Lapp..

#### **2. Announcements:**

#### **3. Proclamations:**

#### **4. Presentations:**

##### **a. State Championship Recognition:**

- i. FHS - We the People - The FHS We the People are the state champions and are heading to the National Competition.
- ii. HSE Cheerleading Team - The HSE Cheerleaders are state champions and have won the most state championships than any other cheerleading team.

##### **b. Service Awards FPD**

- i. Jonathan Floyd (20 years), Brad Myers (25 years), and Anthony David (25 years) - Police Chief Ed Gebhart introduced Brad Meyers and Anthony David. Jonathan Floyd was not present. He spoke about both officers and presented them with their awards.

#### **5. Council Committee Reports**

- a. Finance Committee Report - **MEETING WAS CANCELLED**

#### **6. Department Reports**

- a. Health Department Report - **REPORT**
  - **2022 ANNUAL REPORT**
- b. Engineering Report - **REPORT**



## 7. Consent Agenda:

- a. Request to approve the previous meeting [Minutes from Monday, March 20, 2023](#).
- b. **R041723** - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds: [Council Action Form](#) | [Exhibit A](#) | [Resolution](#) **SIGNED ADOPTION**
  - Pete Peterson made a motion to approve the Consent Agenda. Selina Stoller seconded the motion. John Weingardt, Cecilia Coble, Pete Peterson, Selina Stoller, Brad DeReamer, Crystal Neumann, Jocelyn Vare and David Giffel voted yay. Todd Zimmerman abstained. The vote was 8-Yay, 0-Nay, and 1-Abstained. The motion passed.

## REGULAR AGENDA

### Economic Development

8. **R041723A** - A Request to Approve a Project Agreement (City Walk): [Council Action Form](#) | [Exhibit A](#) | [Resolution](#) **SIGNED ADOPTION**
  - Megan Baumgartner made her presentation to the city council members.
  - Representatives for the project spoke on this project and answered questions.
  - Several council members spoke. Jocelyn Vare asked to have the renderings attached to the minutes.
  - **R041723A** - [Renderings Attached Here](#)
  - Pete Peterson made a motion to approve resolution **R041723A**. Selina Stoller seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

### Government/Miscellaneous

9. **032023** - An Ordinance of the City of Fishers, Hamilton County, Indiana, Amending Chapters 36 and 118 of the City of Fishers Code of Ordinances (Towing Ordinance)- **2nd Reading:** [Council Action Form](#) | [Exhibit A](#) | [Ordinance](#) **SIGNED ADOPTION**
  - Lindsey Bennett presented the ordinance to the city council members.
  - Pete Peterson made a motion to approve ordinance **032023**. Selina Stoller seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
10. **R041723B** - A Request to Approve an Interlocal Agreement with Hamilton Southeastern School Corporation (SRO MOU): [Council Action Form](#) | [Exhibit A](#) | [Resolution](#) **SIGNED ADOPTION**
  - Chief Ed Gebhart made his presentation to the city council members.
  - Pete Peterson made a motion to approve resolution **R041723B**. Todd Zimmerman seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

### Planning & Zoning

11. **041723A** - Request to approve a vacation of existing sanitary sewer easement located at 13450 Dockside Dr. Sanitary sewer main is being relocated as a part of the Silver Collection at Saxony multifamily project (VAC-23-2) - **Public Hearing, 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Reading:** [Council Action Form](#) | [Ordinance](#) **SIGNED ADOPTION**
  - Megan Vukusich made her presentation to the city council members.
  - John Weingardt opened the Public Hearing. No one came forward. The Public Hearing was closed.



## CITY OF FISHERS AGENDA

- Pete Peterson made a motion to suspend the minutes and have the **1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Reading** on ordinance **041723A**. Todd Zimmerman seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
- Pete Peterson made a motion to approve ordinance **041723A**. Todd Zimmerman seconded the motion. There was no remonstrance and all members voted yay. The motion passed.

**12. 041723C** - Consideration of a rezone of 109 acres from R2 Residential to PUD-M known as the Flat Fork PUD. (RZ-23-3) - **1<sup>st</sup> Reading:** [Council Action Form](#) I [Petitioner's Packet](#) I [Petitioner's Packet](#) I [Ordinance](#)

- Megan Vukusich made her presentation to the city council members.
- Murray Clark came forward and spoke on the project.
- Brad DeReamer asked we are going against the current zone and have PUD's. He has an issues with the setbacks, lot width, etc. He stated the people he represents are tired of the current zoning requirements being followed. Curbs are also needed.
- Jocelyn Vare stated she is concerned with the fluctuation of zoning requirements. Why do we have PUD's? Megan said she would put the information together.
- Pete Peterson said he has no interest in any commercial in that area. He told the mayor that Georgia Road needs addressed. We need a round-a-bout at 104<sup>th</sup> and Georgia Road and 96<sup>th</sup> and Georgia road as well as 104<sup>th</sup> and Cyntheanne Road and 96<sup>th</sup> and Cyntheanne Road.
- Selina Stoller is in agreement with Pete Peterson.
- Cecilia Coble wants to see the rear articulation. She also would like for them to consider universal designs like no step ins for empty nesters so they can stay in their homes. The petitioner stated they would consider this for their ranch homes.
- John is concerned about the roads in that area.
- Pete Peterson made a motion to have the **1<sup>st</sup> Reading** on ordinance **041723C**.

**13. 041723D** - Consideration of a text amendment to various sections of the Nickel Plate District Code (NPDC), including the Zone Map to add the Technology Center (TC) Zoning District, Figure 1.3. Development Standards, Figure 1.4. Building Types, and streetscape options. (TA-22-36) - **1<sup>st</sup> Reading:** [Council Action Form](#) I [Exhibit A](#) I [Ordinance](#)

- Ross Hilleary made his presentation to the city council members.
- Jocelyn state section 9 of the Nickel Plate Code needs updating. She asked Ross if the code could be updated. He stated yes. She asked Megan Vukusich if they currently refer to the 2040 plan. She said yes. She could not give a timeline as to when the code could be updated.
- Pete Peterson made a motion to have the **1<sup>st</sup> Reading** on ordinance **041723D**.





### ***Voluntary Annexations***

- 14. 041723E** - Request to approve a voluntary annexation of 29.04 acres, known as Geist Forest. Subject site is generally located Northeast of Geist Ridge and Florida Rd. (ANX-22-10) - **1<sup>st</sup> Reading & Public Hearing** **The petitioner has asked for a continuance until May.**
- 15. 041723F** - Request to approve a voluntary annexation of .29 acres known as the Willow Crest Annexation, Lot 3. Subject site is generally located east of Allisonville Road with a common address of 14543 Allisonville Road (ANX-23-2) - **1<sup>st</sup> Reading & Public Hearing: [Council Action Form I Ordinance](#)**
- Megan Vukusich made her presentation to the council members. She stated 15-17 are related to the sewer extension.
  - President John Weingardt opened the Public Hearing. No one came forward. The public hearing was closed.
  - Pete Peterson made a motion to have the **1<sup>st</sup> Reading** of ordinance **041723F**.
- 16. 041723G** - Request to approve a voluntary annexation of .4 acres known as the Willow Crest Annexation, Lot 5. Subject site is generally located east of Allisonville Road with a common address of 14521 Allisonville Road (ANX-23-3) - **1<sup>st</sup> Reading & Public Hearing: [Council Action Form I Ordinance](#)**
- President John Weingardt opened the Public Hearing. No one came forward. The public hearing was closed.
  - Pete Peterson made a motion to have the **1<sup>st</sup> Reading** of ordinance **041723G**.
- 17. 041723H** - Request to approve a voluntary annexation of .37 acres known as the Willow Crest Annexation, Lot 4. Subject site is generally located east of Allisonville Road with a common address of 14541 Allisonville Road (ANX-23-4) - **1<sup>st</sup> Reading & Public Hearing: [Council Action Form I Ordinance](#)**
- President John Weingardt opened the Public Hearing. No one came forward. The public hearing was closed.
  - Pete Peterson made a motion to have the **1<sup>st</sup> Reading** of ordinance **041723H**.

### **REGULAR ITEMS**

- 18. Any other Unfinished / New Business**
- Brad Dereamer brought up that in New Paslestine, Lennar Homes has sold a block of homes 26 of 46 homes to out of state investors to be used as rental properties. He asked if we can prevent the flip of these homes to a out of state corporate company? This could mean that a HOA could end up being controlled by the corporate company.
  - Mayor Fadness stated they need to create an ordinance to set a level of home ownership verses rentals. They have been looking into this and need to thoroughly think this through.



## CITY OF FISHERS AGENDA

### 19. Community Comment

- Sarah Smith came forward to speak on climate change. She stated the city needs to create a committee that is open to the public to get ideas on how they can work on this.
- Crystal Neuman stated they do have some working groups established. They will do a better job publicizing it to get more residential involvement.
- Jim Dickerson came forward and said the city has a lack of ethics programs. There is nothing in place if someone needs to come forward and file a complaint. The City of Carmel has a clear program established and accessible.
- Michael Colby came forward and thanked the city for providing two locations for early voting. He wanted to remind everyone you can have two signs during early voting per person and one sign during the primary election.
- [Online Submitted Community Comments](#)

### 20. Meeting Adjournment

- Pete Peterson made a motion to adjourn the meeting. Todd Zimmerman seconded the motion. There was no remonstrance and all members voted yay. The motion passed.
- The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Jennifer L. Kehl  
Fishers City Clerk

DATE:

April 17, 2023

|    | PLEASE PRINT NAME | STAFF/ BUSINESS NAME /<br>RESIDENT ADDRESS / OTHER |
|----|-------------------|----------------------------------------------------|
| 1  | Jim Dickerson     | 6427 Stratford Dr N 46038                          |
| 2  | MIKE COLBY        | 7105 KOLDYKE DR 46038                              |
| 3  | Mark Leach        | Faegre Dinker                                      |
| 4  | Murray Clark      | " "                                                |
| 5  | Maddie Young      |                                                    |
| 6  | Tom Teitgans      | 12946 FAUNS RIDGE                                  |
| 7  | Joyce Slusher     | 1576 Mandavi DR                                    |
| 8  | Ross Remhardt     | Resident                                           |
| 9  | Blackburns        | Resident                                           |
| 10 | Betsy Terpening   | Resident                                           |
| 11 | Sara Schmidt      | Resident                                           |
| 12 | Janet Pritchett   | residing 11585 Wilderness Trl                      |
| 13 | Lane Skeeters     | resident                                           |
| 14 | John DeLucia      | 5942 TANNIN DR                                     |
| 15 | John Lapp         | 6944 RIVERVIEW CANY                                |
| 16 | Mike Kiley        | 10262 Whitetail Circle                             |
| 17 | Angie Kiley       | " " "                                              |
| 18 | Robert EVANS      | 10707 BURNING ROSE LANE                            |
| 19 | Dittler           | 10433 Brixton Ln                                   |
| 20 | MARY Jo HAMMAN    | 107 CHIPPENHAM LN                                  |
| 21 | Ally Stein        | HSE cheer state champ                              |
| 22 |                   |                                                    |
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| 25 |                   |                                                    |
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| 30 |                   |                                                    |



## **Fishers Health Department Update – 4/17/2023**

### **Annual Report**

- 2022 annual report available [here](#).

### **Health Conditions Under Watch:**

- Influenza-like illness ER/urgent care visits remain in plateau from December 2022 peak.
- COVID-19 cases remain low over the last 30 days. All counties in Indiana are in CDC COVID-19 Community Level 'Low' this past reporting period.
- 

### **Community Health Assessment:**

- Wrapping up secondary data analyses. Remaining work includes community-based surveys, stakeholder focus groups and report writing.
- 

### **Core Health Services (March 2023)**

- 220 patients seen for non-COVID-19 immunizations and tuberculosis (TB) tests.
- 208 COVID-19 vaccines administered. Booster uptake 22.3%.
- 13 COVID-19 tests administered. All tests are currently offered free of charge through COVID-19 grant funding.
- Working to streamline processes and add additional services over coming months.
- Reportable conditions continue to be managed at a steady pace; monitoring for outbreak potential.
- Indiana Vital Records Association hosting conference in Fishers this Friday.

### **Mental Health**

- [Credible Mind](#) launch scheduled for May 2023. Free online platform covering over 200 topics and 16,000+ self-care resources and evidence-based interventions to assist individuals with mental health inquiries, needs, assessment and referral, etc.
- Hope for Happiness, led by Bring Change2Mind clubs at HSE, planned for Farmer's Market on May 13.
- Internal Mental Health Action Teams convening focused on People, Place, Purpose and Prevention Resources

### **Environmental Health & Inspections**

- 2023 inspections underway with new grading system in place. Graded 192 facilities to date with 173 receiving grade A, 15 grade B, and 5 grade C. There are 191 more facilities to be inspected and graded. Grades to be posted publicly on September 30, 2023.
- Public facing GIS dashboard to be launched this summer. Allows any member of the public to view and access all facilities and associated inspection reports, grades, etc.

### **Community Outreach and Health Promotion**

- Participated in Mudsock Youth Athletics Softball recreational opening day April 15. Used mobile clinic trailer to deliver health education and routine vaccinations for children entering 6<sup>th</sup> grade.
- April social media to spotlight lead testing changes, public health week, staff profiles, community events, and Narcan (Naloxone) training courses.
- FHD's first Teen Public Health Academy now accepting applications [here](#).

### **Emergency Preparedness:**

- Completing Improvement Plan based on COVID After Action Report.

### **Grants and Funding:**

- FHD will be host-site for Indiana Public Health Association public health student internship opportunity.
- Senate Bill 4 currently working through state legislature, in combination with HB 1001, with potential to



substantially increase funding for public health at the local level. Senate Bill 1 has high potential to impact behavioral health crisis response system, if passed. We are actively monitoring.

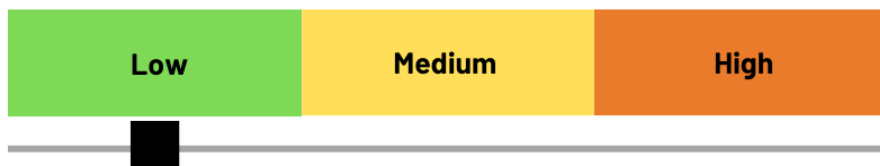
- We anticipate a third year of CoAg grant funding, which supports our school liaison position and efforts to improve relationships and services with our schools.
- We anticipate a third year of COVID Supplemental funding which will continue to support our Community Health Advocate position as well as COVID testing and vaccination efforts.
- We are awaiting word on VFC grant funding. This funding supports staff to provide all scheduled vaccinations, and vaccinations for underinsured and uninsured children.
- We have collected \$2,896,541.21 to date from IDOH to date for COVID vaccines administered.

#### Open Positions

- Health educator, Kacy Brobst, hired. Full-time role starts June 5.
- Health Department Social Worker, Brittany Cheviron, LCSW, LSSW, started April 10. Grant funded position.



## CDC COVID-19 COMMUNITY LEVEL LOW



| INDICATOR | DESCRIPTION                                                                     |
|-----------|---------------------------------------------------------------------------------|
| 15.5      | New COVID-19 cases per 100,000 people in the past 7 days                        |
| 4.7       | New COVID-19 admissions per 100,000 population (7-day total)                    |
| 1.7%      | Percent of staffed inpatient beds occupied by COVID-19 patients (7-day average) |

► = increasing  
◄ = decreasing  
■ = no change

Updated on 04/10/2023





To: Fishers City Council  
From: Jason Taylor, P.E. –Director of Engineering  
Date: April 18, 2023

***RE: Barrett Law of Commercial Private Roadways – Britton Park/Trade Center and Publishers Business Parks***

Purpose

The purpose of this memorandum is to provide the City Council with information concerning the current status of the Barrett Law of Commercial Private Roadways. Specifically, the private roadways within the Britton Park/Trade Center and Publishers Business Parks. (exhibits included)

Summary

Since 2022, the City and the business owners within the above mentioned business parks have been collaborating on ways the private roadways can be improved and what support the City can provide to the business owners. Through the discussions, it was determined the Barrett Law process was an avenue that allowed the improvements to occur while not requiring the businesses to bear the costs in a single lump sum. Once the Barrett Law process was determined to be a way to accomplish the improvements while spreading the payments over time, the Department of Engineering communicated with the businesses of the intent through a series of presentations and one-on-one meetings.

On March 14<sup>th</sup>, the Board of Public Works & Safety approved the preliminary resolution to begin the Barrett Law process for both commercial private roadways. Those resolutions can be found here: [Barrett East](#) and [Barrett West](#). Per Indiana Code 36-9-36, the City mailed official notifications to the property owners/businesses that a Public Hearing will be held at the Board of Public Works and Safety meeting on March 28, 2023. Although not required, the City provided additional information to the property owners/businesses concerning the construction costs that can be expected. An example letter is included as an attachment in this memo.

Approximately eight (8) of the property and/or business owners, including the property manager, were in attendance at the March 28, 2023 meeting for the public hearing. Comments were provided and the video of the meeting can be found [here](#). One property owner hired an attorney, of which was present and spoke against the project with the other property owners being generally supportive of the need of the improvements but had concerns related to the total costs. As such, the mayor and other board members requested the Department of Engineering to revisit the scope of the work to determine if there were other methods for the improvements that could be explored and provide an alternate of the work being performed in 2024.

Since those meetings, the Department of Engineering and City Attorney have communicated the allocation percentage to the property/business owners through the property manager, but due to the requirements of IC-36-9-36, the total costs of the project will not be determined until after full completion of the improvements.

With the feedback and direction from the board, an updated timeline (60 days) for the project has been determined:

- May 1<sup>st</sup> – Complete revised scope of work
- May 1<sup>st</sup> through 19<sup>th</sup>
  - Advertise for bids
  - Explore ways to reduce financing costs
- May 19<sup>th</sup> through May 26<sup>th</sup> – Open contractor bids
- June 13<sup>th</sup> – Present updates to Board of Public Works & Safety

As can be seen from the information above, the Engineering Department is continuing to work with the Controller's Office and City Attorney to determine and provide the allocation apportionment and financial information to the property owners/businesses as quickly as possible. The intent is still for the roadways to be under construction and completed prior to the end of the 2023 construction season, but it has been communicated the work may move to 2024 due to pricing.





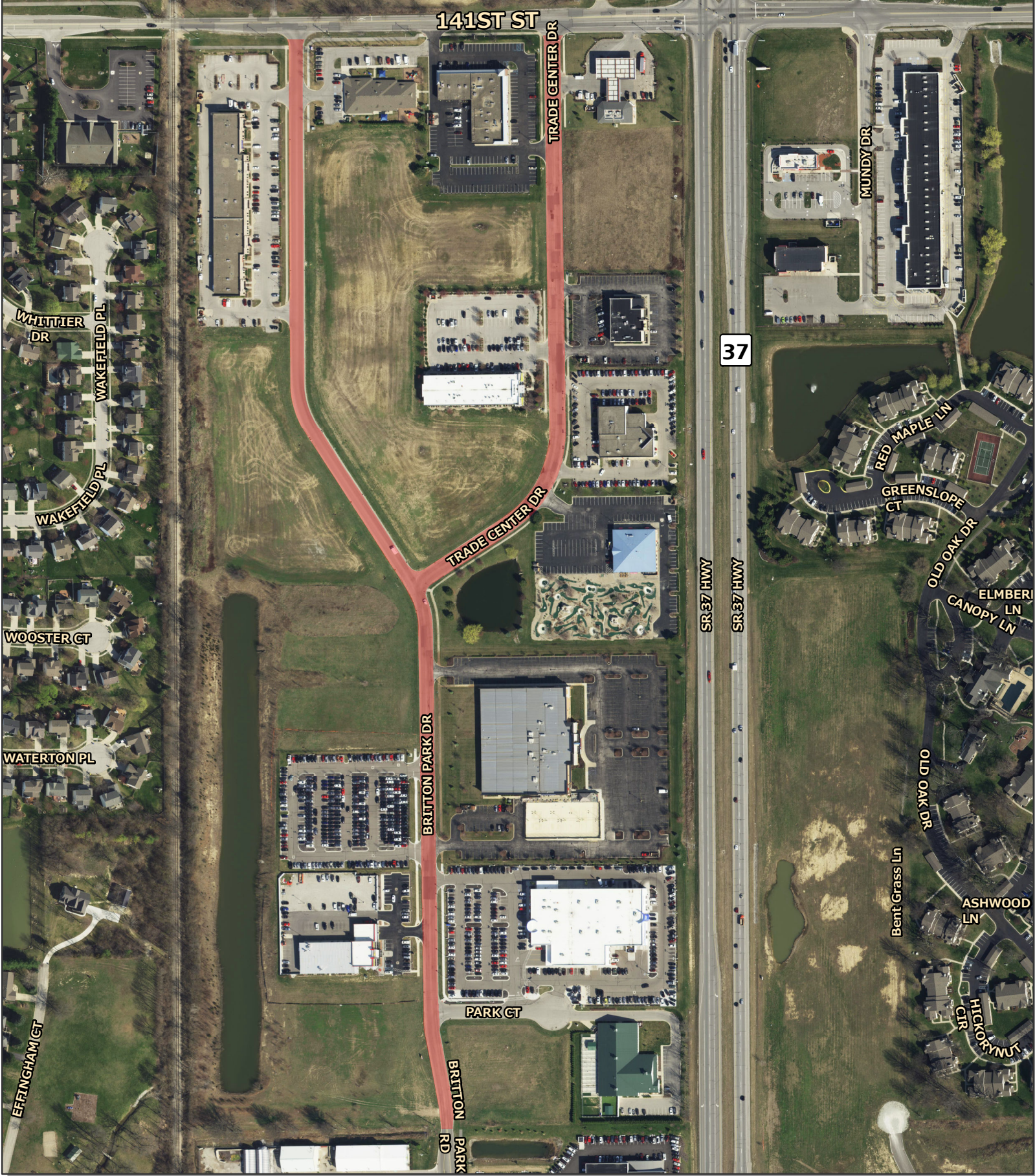
# Parkside Dr, Publishers Dr, and Enterprise Dr

Legend  
Project Limits

1 inch = 300 feet







# Britton Park Rd and Trade Center Dr

Legend  
Project Limits

1 inch = 300 feet











|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | April 1, 2023 1:08 pm       |
| Browser:         | Chrome 111.0.0.0 / Windows  |
| IP Address:      | 68.45.38.31                 |
| Unique ID:       | 1086321214                  |
| Location:        | 39.9564, -85.9651           |

|             |                  |
|-------------|------------------|
| <b>Name</b> | Carol Richardson |
|-------------|------------------|

|                |                                         |
|----------------|-----------------------------------------|
| <b>Address</b> | 11301 Avery Circle<br>Fishers, IN 46038 |
|----------------|-----------------------------------------|

|              |                    |
|--------------|--------------------|
| <b>Email</b> | mctr@sbcglobal.net |
|--------------|--------------------|

|                                     |                |
|-------------------------------------|----------------|
| <b>Subdivision or business name</b> | Burberry Place |
|-------------------------------------|----------------|

|                                                                                     |                                                                                                                   |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council<br>Planned Unit Development Committee Meeting<br>Redevelopment Authority<br>Redevelopment Commission |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|

|                     |              |
|---------------------|--------------|
| <b>Meeting Date</b> | Apr 12, 2023 |
|---------------------|--------------|

|                                       |                    |
|---------------------------------------|--------------------|
| <b>Project Name/Resolution Number</b> | Maple Del location |
|---------------------------------------|--------------------|

|                |        |
|----------------|--------|
| <b>Comment</b> | Hello! |
|----------------|--------|

The Maple Del neighborhood would be a fabulous location for an over 55 new home community. Not a rental community. Please!!! We have too many apartments and not enough housing for over 55. If it could be affordable, under \$400,000 for each home or \$360,000 for condominiums, that would be great. The older generation would spend their money in downtown Fishers. Walkability would be awesome. It would be a peaceful neighborhood due to the age and we need affordable housing for this age group. Thank you!!  
Carol Richardson

|                                                                                             |     |
|---------------------------------------------------------------------------------------------|-----|
| <b>Would you like to receive email communications and updates from the City of Fishers?</b> | Yes |
|---------------------------------------------------------------------------------------------|-----|

|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | April 17, 2023 9:45 am      |
| Browser:         | Mobile Safari / iOS         |
| IP Address:      | 166.196.110.141             |
| Unique ID:       | 1091799718                  |
| Location:        | 38.5774, -90.6709           |

|             |              |
|-------------|--------------|
| <b>Name</b> | Matt Dittmar |
|-------------|--------------|

|                |                                           |
|----------------|-------------------------------------------|
| <b>Address</b> | 12322 Cool Winds Way<br>Fishers, IN 46037 |
|----------------|-------------------------------------------|

|              |                          |
|--------------|--------------------------|
| <b>Email</b> | matt.b.dittmar@gmail.com |
|--------------|--------------------------|

|                                     |                 |
|-------------------------------------|-----------------|
| <b>Subdivision or business name</b> | Sumerlin Trails |
|-------------------------------------|-----------------|

|                                                                                     |              |
|-------------------------------------------------------------------------------------|--------------|
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council |
|-------------------------------------------------------------------------------------|--------------|

|                     |              |
|---------------------|--------------|
| <b>Meeting Date</b> | Apr 17, 2023 |
|---------------------|--------------|

|                                       |                      |
|---------------------------------------|----------------------|
| <b>Project Name/Resolution Number</b> | R041723A - City Walk |
|---------------------------------------|----------------------|

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Comment</b> | <p>Hello,</p> <p>Thanks for taking my question.</p> <p>While reading the proposed project agreement for the City Walk development, I was not able to determine if there will be planned stipulations on retail/dining offerings and their potential location in the plot.</p> <p>Can you please speak to that (and detail out what those stipulations/quotas might be)?</p> <p>It is fantastic to see the growth, but it would be great to ensure a sufficient allotment of entertainment/dining is provided with city backed projects and hoping there are stipulations in the agreement to facilitate that.</p> <p>I've noticed a great deal of living space added to downtown fishers, but the growth in retail/dining appears to be trailing behind by a wide margin. I understand the current economic conditions are not conducive to business boon, but that further lends to city backed projects incorporating those stipulations within their contracts.</p> <p>Thanks,<br/>Matt</p> |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                             |     |
|---------------------------------------------------------------------------------------------|-----|
| <b>Would you like to receive email communications and updates from the City of Fishers?</b> | Yes |
|---------------------------------------------------------------------------------------------|-----|

|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | April 17, 2023 10:01 am     |
| Browser:         | Safari 16.3 / OS X          |
| IP Address:      | 73.168.228.82               |
| Unique ID:       | 1091806291                  |
| Location:        | 40.0623, -86.0585           |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name</b>                                                                                 | Randy Siebert                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Address</b>                                                                              | 129 Northland Street<br>Fishers, IN 46038                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Email</b>                                                                                | mail.siebert@att.net                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Subdivision or business name</b>                                                         | Sunblest                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Please select the meeting to which you would like to submit a public comment</b>         | City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Meeting Date</b>                                                                         | Apr 17, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Project Name/Resolution Number</b>                                                       | R041723A - A Request to Approve a Project Agreement (City Walk):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Comment</b>                                                                              | <p>I have several concerns with what I see as this plan.</p> <ol style="list-style-type: none"><li>1. I see close to 250 condos/apartments replacing 16 homes. The traffic added to an already busy Lantern Road, and intersection at 116th Street will be huge. I do not see anything addressing this significant increase in traffic.</li><li>2. Six stories will be the tallest building in Fishers, and it is being plopped down right next to residential homes (Sunblest) and the two-story apartments. This is way too much building for this area, and will destroy the nature of the area.</li><li>3. It appears from the drawing that buildings will be built right on top of the Nickel Plate Trail. Will the trail users have to navigate around the huge buildings. Looks more like a dark downtown alley way and could be dangerous. It also means rerouting the Nickel Plate trail will erase the continued use of the rail bed, and I thought it was specifically indicated this would be maintained when the NPT was initially proposed.</li></ol> |
| <b>Would you like to receive email communications and updates from the City of Fishers?</b> | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                |
| <b>TITLE</b>                                                                                                                                                                    | A Resolution Authorizing the City Controller to Transfer Certain City of Fishers Budget Funds Into Certain Budget Categories                                                                      |                                                  |                                                                                                                                |                                                                                                |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                                |                                                                                                |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                   | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                               |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input checked="" type="checkbox"/> Consent                                                                                                                                                       | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                               |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523                                                                                                          |                                                                                                |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                |



|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                   |                                                                           |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>APPROVALS/REVIEWS</b>                                                                    | <input checked="" type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                   | <input checked="" type="checkbox"/> Controller's Office                   |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                   | <input checked="" type="checkbox"/> Finance Committee                     |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                   | <input type="checkbox"/> Technical Advisory Committee                     |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                   | <input checked="" type="checkbox"/> Other: Corresponding Department Heads |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                   |                                                                           |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>A transfer of funds from one appropriation to another means removing monies from one category such as “supplies” and moving it to another such as “contractual services”.</p> <p>Due to various circumstances and reasons sometimes throughout the year budget appropriations in their respective funds need to be transferred to avoid drawing a negative balance. When this occurs, the respective department provides a written and signed transfer request to the Controller's Office.</p> <p>All transfers require Department Head approval before submission to the Controller's Office, whether or not they are between categories (ex. 200's to 300's) in the same department or transfers between departments. Transfers between departments also require City Council approval in addition to Department Head approval. As such, all transfers requiring City Council approval are prepared by the Controller's Office and submitted to the City Council for approval. Upon approval they are processed by the Controller's Office. Money cannot be transferred between funds.</p> <p>Attached is a resolution and its accompanying Exhibit A ("Transfers") requesting authorization for the City Controller to transfer all funds as outlined in the exhibit.</p> |                                                                                                                                                                                   |                                                                           |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                                                                                                                                               |                                                                           |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A                                                                                                                                                                               |                                                                           |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | See Exhibit A                                                                                                                                                                     |                                                                           |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A                                                                                                                                                                               |                                                                           |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | This action does not require an expenditure or receive a revenue, rather it is transferring funds within various City funds. See Exhibit A for all transfers and transfer detail. |                                                                           |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Approve this resolution and authorize the City Controller to make the transfers                                                                                                   |                                                                           |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Deny this resolution and request                                                                                                                                                  |                                                                           |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Approve selected transfer requests                                                                                                                                                |                                                                           |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Provide alternate direction                                                                                                                                                       |                                                                           |
| <b>PROJECT TIMELINE</b>                                                                     | All approved transfers will be transferred respectively immediately following approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                   |                                                                           |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that the City Council approve this resolution authorizing the City Controller to transfer all funds as outlined in Exhibit A and fully oversee this process and request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                   |                                                                           |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Resolution<br>2. Exhibit A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                   |                                                                           |



**BUDGET AMENDMENTS JOURNAL ENTRY PROOF**

| LN               | ORG                    | OBJECT     | PROJ  | ORG DESCRIPTION | ACCOUNT DESCRIPTION                                 | EFF DATE                | PREV BUDGET | BUDGET CHANGE | AMENDED BUDGET | ERR |
|------------------|------------------------|------------|-------|-----------------|-----------------------------------------------------|-------------------------|-------------|---------------|----------------|-----|
| ACCOUNT          |                        |            |       |                 | LINE DESCRIPTION                                    |                         |             |               |                |     |
| YEAR-PER         | JOURNAL                | EFF-DATE   | REF 1 | REF 2           | SRC JNL-DESC                                        | ENTITY AMEND            |             |               |                |     |
| 2023 05          | 4                      | 05/16/2023 | PZ    | R051523         | BUA FMDAMExp                                        | 1 1                     |             |               |                |     |
| 1                | 21703012 43100         |            |       |                 | Planning & Zoning - Donations Professional Services |                         | 19,500.00   | -3,000.00     | 16,500.00      |     |
|                  | 2170.301.32.000.43100. |            |       |                 | Cover FAC FMDAM supply purchas                      | 05/16/2023              |             |               |                |     |
| 2                | 21703012 42200         |            |       |                 | Planning & Zoning - Donations Operating Supplies    |                         | 4,074.55    | 3,000.00      | 7,074.55       |     |
|                  | 2170.301.32.000.42200. |            |       |                 | Cover FAC FMDAM supply purchas                      | 05/16/2023              |             |               |                |     |
| ** JOURNAL TOTAL |                        |            |       |                 |                                                     |                         |             | 0.00          |                |     |
| YEAR-PER         | JOURNAL                | EFF-DATE   | REF 1 | REF 2           | SRC JNL-DESC                                        | ENTITY AMEND            |             |               |                |     |
| 2023 05          | 238                    | 05/16/2023 | LRSPW | R051523         | BUA UnusedCap                                       | 1 1                     |             |               |                |     |
| 1                | 20209011 44500         |            |       |                 | LR&S PW Streets                                     | Machinery and Equipment | 180,000.00  | -39,914.26    | 140,085.74     |     |
|                  | 2020.901.91.000.44500. |            |       |                 |                                                     |                         | 05/16/2023  |               |                |     |
| 2                | 20209011 43100         |            |       |                 | LR&S PW Streets                                     | Professional Services   | 410,812.00  | 39,914.26     | 450,726.26     |     |
|                  | 2020.901.91.000.43100. |            |       |                 |                                                     |                         | 05/16/2023  |               |                |     |
| ** JOURNAL TOTAL |                        |            |       |                 |                                                     |                         |             | 0.00          |                |     |

**BUDGET AMENDMENT JOURNAL ENTRY PROOF**

CLERK: valois1

| YEAR | PER            | JNL | SRC | ACCOUNT | EFF DATE   | JNL DESC  | REF 1 | REF 2   | REF 3 | ACCOUNT DESC<br>LINE DESC      | T | OB    | DEBIT     | CREDIT    |
|------|----------------|-----|-----|---------|------------|-----------|-------|---------|-------|--------------------------------|---|-------|-----------|-----------|
| 2023 | 5              | 4   |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 21703012-43100 |     |     |         | 05/16/2023 | FMDAMExp  | PZ    | R051523 |       | Professional Services          | 5 |       |           | 3,000.00  |
|      |                |     |     |         |            |           |       |         |       | Cover FAC FMDAM supply purchas |   |       |           |           |
| BUA  | 21703012-42200 |     |     |         | 05/16/2023 | FMDAMExp  | PZ    | R051523 |       | Operating Supplies             | 5 |       | 3,000.00  |           |
|      |                |     |     |         |            |           |       |         |       | Cover FAC FMDAM supply purchas |   |       |           |           |
|      |                |     |     |         |            |           |       |         |       | JOURNAL 2023/05/4              |   | TOTAL | .00       | .00       |
| 2023 | 5              | 238 |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 20209011-44500 |     |     |         | 05/16/2023 | UnusedCap | LRSPW | R051523 |       | Machinery and Equipment        | 5 |       |           | 39,914.26 |
|      |                |     |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 20209011-43100 |     |     |         | 05/16/2023 | UnusedCap | LRSPW | R051523 |       | Professional Services          | 5 |       | 39,914.26 |           |
|      |                |     |     |         |            |           |       |         |       |                                |   |       |           |           |
|      |                |     |     |         |            |           |       |         |       | JOURNAL 2023/05/238            |   | TOTAL | .00       | .00       |



BUDGET AMENDMENT JOURNAL ENTRY PROOF

| FUND<br>ACCOUNT | YEAR | PER | JNL | EFF DATE | ACCOUNT DESCRIPTION | DEBIT | CREDIT |
|-----------------|------|-----|-----|----------|---------------------|-------|--------|
| FUND TOTAL      |      |     |     |          |                     | .00   | .00    |

\*\* END OF REPORT - Generated by Lorena valois \*\*

**RESOLUTION NO. R051523**

**A RESOLUTION AUTHORIZING THE CITY CONTROLLER  
TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS  
INTO CERTAIN BUDGET CATEGORIES**

**WHEREAS**, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted certain amounts of funds that are used for general municipal operational purposes of the City;

**WHEREAS**, the certain funds as described in Exhibit A, which is attached hereto and incorporated herein (“Transfers”) are in need of various transfers in order to continue their intended purposes and operations; and

**WHEREAS**, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

**Section 1.** The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

**Section 2.** This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the   15th   day of   May  , 2023 at                      p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                        |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                        |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Sewer Availability Funds to the City of Fishers Municipal Budget                                     |                                                  |                                                                                                                        |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller<br>Department: Controller                                                                                                                            |                                                  |                                                                                                                        |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                         | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input checked="" type="checkbox"/> Public Hearing                                                                     | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523A                                                                                                 |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office           |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                |
|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> Controller's Office                                                                                                        |
|                                                                                             | <input type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> Finance Committee                                                                                                          |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Technical Advisory Committee                                                                                                          |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> Other:                                                                                                                                |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>An additional appropriation is a request from staff to move allocated funding that exists in an account or fund that has not been approved for spending, to be allocated for spending. In other words, if an account or fund has a certain amount of money in it and the fiscal body has only authorized a certain percentage or amount that can be spent; then the fiscal body must authorize funds out of the cash balance (the portion of funding that exists between the authorized amount and the total amount in the fund) before such can be used.</p> <p>The City of Fishers Board of Public Works approved a resolution on January 10, 2023 regarding a contract for extension of sewer mains and facilities for Grantham Regional Lift Station. This contract was related to the upsizing cost of the proposed Grantham local wastewater lift station and force main to a regional lift station which will serve the proposed Grantham subdivision and areas east in the City of the Fishers.</p> |                                                                                                                                                                |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                                                                                                                            |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Sewer Availability Funds \$850,000                                                                                                                             |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Cash Balance                                                                                                                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 60804010 44920                                                                                                                                                 |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | This item is an action of requesting that \$850,000 be moved from the cash balance (unappropriated funding) into the spending category (appropriated funding). |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Approve this resolution and request                                                                                                                            |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Deny this resolution and request                                                                                                                               |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Provide alternate direction                                                                                                                                    |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                |
| <b>PROJECT TIMELINE</b>                                                                     | This item is effective upon adoption and has to be reported to the Indiana Department of Local Government Finance (DLGF) which will be done immediately.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends adoption of this resolution and authorization for the City Controller to fully oversee and execute this request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Resolution<br>2. Exhibit A - Advertising<br>3. Exhibit B - Additional Appropriation Worksheet for DFLG online entry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                |







## Sagamore News Media

The Paper • The Times  
The Weekly • Sheridan News  
P.O. Box 272  
Crawfordsville, IN 47933

# Invoice

| Date     | Invoice # |
|----------|-----------|
| 5/3/2023 | TL20373   |

The Times of  
Noblesville

Bill To

| Due | 6/2/2023 |
|-----|----------|
| Rep | LR       |

Balances over 90 days past due will be turned over to collections. Please contact our Business office to make a payment or a payment plan. Customers in a "pay-by-the-month" plan are exempt from collections while payments are being made.

| Description                                                                                                                                                                                                                                   | Qty | Rate  | Amount |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|--------|
| Additional Appropriations Runs 05/05                                                                                                                                                                                                          |     | 26.69 | 26.69  |
| <b>In this time of uncertainty, we here at the Times are requesting that you pay your invoice with credit card or bank transfer directly through Quickbooks via the link in the invoice email. Thank you in advance for your cooperation!</b> |     |       |        |

Thank you for choosing The Times of Noblesville. We value your local business! This invoice states that you have agreed to purchase an ad, or ad package from us. If you have any questions you can contact your sales rep or call the Business Office at 765-361-0100 x 3

|                    |         |
|--------------------|---------|
| <b>Total</b>       | \$26.69 |
| <b>Balance Due</b> | \$26.69 |

**NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION**

The City of Fishers, Hamilton County, Indiana ("City"), pursuant to Ind. Code §6-1.1-18-5, hereby provides NOTICE that the City's Common Council ("Council") will conduct a public hearing during its May 15, 2023 regularly scheduled Council meeting for considering the following additional appropriation(s) in excess of the budget for the current year.

|                                                              | Addition    | Reduction |
|--------------------------------------------------------------|-------------|-----------|
| Sewer Availability Fund— Capital Expenses                    | \$850,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund—Supplies           | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund—Professional Svcs. | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund—Capital Expenses   | \$500,000   | \$0       |
| Total                                                        | \$2,350,000 | \$0       |

The Council meeting will take place at 7:00pm at the Huston Theatre, Launch Fishers, 12175 Visionary Way, Fishers, IN. Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriation within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated this 3rd day of May, 2023

CITY OF FISHERS

Lisa Bradford

City Controller

Hamilton County, Indiana

*TL2033 5/5 It hspaxlp*

# Purdue Football Players Drafted In 2023 NFL Draft



**KENNY THOMPSON**  
Columnist

When Jalen Graham's name was called by the San Francisco 49ers early Saturday evening, the line-backer became the fifth former Purdue football standout selected in Rounds 4-7 of the 2023 NFL Draft.

All-American wide receiver Charlie Jones, quarterback Aidan O'Connell, tight end Payne Durham, cornerback Cory Trice and Graham gave the Boilermakers their highest representation in an NFL Draft since 2004. If these five athletes have the same good fortune as the nine Purdue standouts taken 19 years ago, they will enjoy several seasons in the NFL.

Nick Hardwick, Stuart Schweigert, Gilbert Gardner, Landon Johnson, Shaun Phillips, Niko Koutouvides, Kelly Butler, Craig Terrill and Jacques Reeves lasted between three seasons (Butler) and 11 (Hardwick, Phillips) in the NFL.

Schweigert, Phillips, Terrill, Gardner and Johnson started on defense for Purdue in the 2001 Rose Bowl. Koutouvides and Reeves also saw action at linebacker and cornerback, respectively, against Washington. Hardwick, inspired by Drew Brees and the Rose Bowl run, joined the Boilermakers in 2001 as a walk-on. Butler was a highly regarded recruit out of Grand Rapids, Mich., who entered the NFL Draft after three seasons as a starting tackle.

The only Big Ten Conference schools with more players drafted were no surprise: champion Michigan (9), Ohio State (6) and Penn State (6). Indiana was the only Big Ten school with no draft picks.

The Cincinnati Bengals made Jones the first Boilermaker selection with the 131st overall pick. That extended a run of three consecutive Purdue wide receivers drafted, follow-



**DURHAM PAYNE**

ing fellow All-Americans Rondale Moore in 2021 and David Bell last season. Jones, a transfer from Iowa, led the nation with 110 receptions and set the Purdue single-season record with 1,361 receiving yards. The yardage ranked second nationally and his 12 touchdowns were fourth among receivers. His eight 100-yard games also broke a Purdue record shared by Bell, Moore, John Standford and Steve Griffin.

The pick drew praise from ESPN's team of analysts.

"He can play inside or outside at 5-11, 175 pounds, Todd McShay said. "He ran a 4.4 in the 40-yard dash. I love his quickness just as much as his speed. He's kind of a little sneaky, one of those kind of a pain in the butt receivers."

Added Louis Riddick: "He plays big. Don't be misled. He's not just a slot guy. He will burn your rear end on the outside. I saw him whip every defensive back he went against this year."

Troy Walters, the Bengals' receivers coach, told team radio broadcaster Dan Hoard that Jones is a technical route runner.

"If it's a 15-yard route, he's going to run 15," Walters said. "If it's 12 yards, he's going to get 12. He knows how to manipulate coverages and defenders at the top of his route. He just knows how to get open."

Joe (Barrow) wants to be in the right spot at the right time and that's what Charlie does. He's count on."

The Bengals are loaded at wide receiver with Ja'Marr Chase, Tee

Higgins and Tyler Boyd so Jones could return to his collegiate roots as a return specialist at first.

"It's something I want to do, and something I've loved doing," Jones told Hoard. "I want to be able to come in and make an impact any way I possible can."

Jones' childhood pal,



**GRAHAM JALEN**

O'Connell, became the first Purdue quarterback selected since Curtis Painter went to the Indianapolis Colts in 2009. O'Connell leaves as Purdue's all-time leader in completion percentage (66.7), passing efficiency (141.8) and 500-yard passing games (2). His 9,219 passing yards are sixth in school history, and his 65 touchdown passes rank fifth.

According to Levi Edwards of raiders.com, general manager Dave Ziegler saw O'Connell as a prospect since midseason of 2022.

"The one thing about quarterbacks that you don't get to see if you're just watching tape or if you're just watching games, I'd say over 50 percent of their success rate is really about what they're made of from the neck up," Ziegler said.

of evaluating O'Connell. "Intelligence, ability to process, those type of intangibles, leadership. Felt like he has a lot of those different intangible qualities that we think are really, really important to have any chance to be successful in the league at quarterback."

A lot of the things that he did at Purdue, some of the things that he showed - there's areas to grow into - but he showed a lot of the things we wanted from

the quarterback position." ESPN's McShay agrees with the Raiders about O'Connell's intelligence.

"He will learn the offense fast and be ready to go as No. 2," McShay said.

Durham is one of only three Purdue tight ends drafted during the past 15 years, joining Dustin Keller in 2008 and former teammate Brycen Hopkins in 2020. Only All-American Dave Young caught more touchdown passes as a tight end (27) than Durham's 21.

"He's one of those guys that does everything well, director of player personnel Mike Biehl told Scott Smith of buccaneers.com. "I wouldn't say he's elite



**JONES CHARLIE**

at anything, but he does everything really well."

ESPN draft analyst Mel Kiper Jr. likes Durham's 6-5, 253-pound frame.

"At Purdue he evolved into a heck of a target," Kiper said. "I thought he played faster than the 4.87 time at the Combine. He will run you over once he gets his hands on the football."

Trice ended a seven-year drought of Purdue cornerbacks in the NFL Draft since Dallas took Anthony Brown in 2016.

"This guy could be a steal," Kiper said of Trice, who some draft forecasts had going as high as the third round.

Trice, like future teammate Joey Porter Jr. of Penn State, seems to fit what the Steelers are looking for from their cornerbacks.

"He played a lot of press coverage and that's huge," secondary coach Grady Brown told Teresa Varley of steelers.com. "Just the way that he plays press,

being able to go down and ... just use that frame to just take up a lot of space and make guys work on the line of scrimmage."

Graham played both safety and linebacker at Purdue, a versatility that impressed 49ers general manager John Lynch.

"When we took Dee Winters (a sixth round pick from TCU), there was some discussion about who we wanted: Dee Winters or Jalen Graham," Lynch said. "For Jalen to still be there at the end of the draft, we talked about bringing him in as a free agent but we said let's have some certainty to this. Jalen is a guy we really like and are intrigued by."

With its top offensive weapons now playing professionally, Purdue's cupboard of NFL prospects may resemble Old Mother Hubbard's.

The roster at purduesports.com lists 21 seniors. However, 15 have two seasons of eligibility remaining thanks to the NCAA's COVID-19 ruling that made 2020 not



**O'CONNEL AIDAN**

count against the eligibility clock.

Thanks to some recruiting misses by former coach Jeff Brohm's staff, the football class of 2023 would be even more lean without a handful of transfers. Former Iowa wide receiver Tyrone Tracy is now a running back. Jamarr Brown (Kentucky) is a two-year starter at cornerback. Outside

linebacker Scotty Humpich (Murray State), offensive tackle Daniel Johnson (Kent State) and 2023 transfer Isaiah Nichols (defensive end, Arkansas) are also entering their final season of eligibility.

The sixth true senior,

three-year starting safety Cam Allen, has something to prove after struggling with tackling in 2022. If he rebounds under first-year coach Ryan Walters, Allen is the best bet to be an NFL Draft pick.

Allen was part of Brohm's best-rated recruiting class (25th in the 247Sports composite) in 2019. That class was led by George Karlaftis (first round pick in 2022 by Kansas City), David Bell (2022 third-round pick by Cleveland) and Jalen Graham.

Karlaftis and Bell were among five four-star recruits. Wide receiver Milton Wright and safety Marvin Grant also became starters at Purdue. Academics ended Wright's career at Purdue. Grant transferred to Kansas before the 2022 season.

The fifth, defensive tackle Steven Fauchaux, never saw the field and transferred to Marshall, where he was converted to offensive tackle.

Only six members of that 27-man recruiting class remain at Purdue.

Three - Allen, wide receiver T.J. Sheffield and tight end Garrett Miller - are likely starters this fall. Quarterback-turned-tight end Paul Pifer caught 10 passes for 143 yards and a touchdown in 2022. Linebacker Jacob Wahlberg was seventh on the team with 41 tackles. Defensive end Sulaiman Kpaka made



**TRICE CORY**

19 tackles in a reserve role.

- Kenny Thompson is the former sports editor for the Lafayette Journal & Courier and an award-winning journalist. He has covered Purdue athletics for many years.

## PUBLIC NOTICES

### NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION

The City of Fishers, Hamilton County, Indiana ("City"), pursuant to Ind. Code §§ 1-1-1-1, hereby provides NOTICE that the City's Common Council ("Council") will conduct a public hearing during its May 15, 2023 regularly scheduled Council meeting for considering the following additional appropriations in excess of the budget for the current year:

|                                                              | Addition    | Reduction |
|--------------------------------------------------------------|-------------|-----------|
| Sever Availability Fund-Capital Expenses                     | \$850,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Supplies           | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Professional Svcs. | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Capital Expenses   | \$500,000   | \$0       |
| Total                                                        | \$2,350,000 | \$0       |

The Council meeting will take place at 7:00pm at the Hamilton Theatre, 14401 Fishers, 12175 Visitation Way, Fishers, IN. Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriation within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated this 3rd day of May, 2023

CITY OF FISHERS  
Lisa Bradford  
City Controller  
Hamilton County, Indiana

TL202373 5/5 11 hupac01

### NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given to the taxpayers of Sheridan Civil Town, Hamilton County, Indiana, that the proper legal officers of the Town of Sheridan, at their regular meeting place at 150 East 6th Street, Sheridan, IN, at 6:00 PM PM on the 16TH day of May, 2023, will consider the following additional appropriations in excess of the budget for the current year:

|                   |              |
|-------------------|--------------|
| 1101 GENERAL FUND | \$138,800.00 |
| Total             | \$138,800.00 |

Taxpayers appearing at such meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The Department will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a certified copy of the action taken.

Elizabeth Walden, IAWC, CMO, CMC  
Clerk-Treasurer Town of Sheridan

TL202374 5/5 11 hupac01

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**8496 Comet Lane Pendleton • \$349,900**  
**NEW LISTING!**

Stunning custom home, 4BR, 2.5BA, luxury vinyl plank on main, 10ft ceilings, recessed lights & gas fireplace, kitchen with quartz, subway tile backsplash, SS appliances, large pantry, open laundry, primary BR w/way ceiling, ensuite BA and walk-in closet, 3 large bedrooms with walk-in closets. **BLC216917748**

**19344 Morrison Way Noblesville • \$434,900**  
**SOLD!**

Charming 4 BR, 2.5 BA home in popular Potters Woods. Hardwood throughout main level, family room with fireplace, kitchen with center island, new granite, finished basement, fenced parklike backyard, 3-car garage and so much more. **BLC216906032**

**7076 Willowleaf Court Noblesville • \$345,900**  
**PENDING**

Lovely home in Willow Lake neighborhood, home is pristine and overlooks pond, w/2BR and 2 full BA, den, sunroom, 2-sided gas fireplace, kitchen w/pantry, solid surfaces and all appliances stay. **BLC216915325**

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PUBLISHER'S AFFIDAVIT

State of Indiana       )  
                                  ) ss:  
**Hamilton** County    )

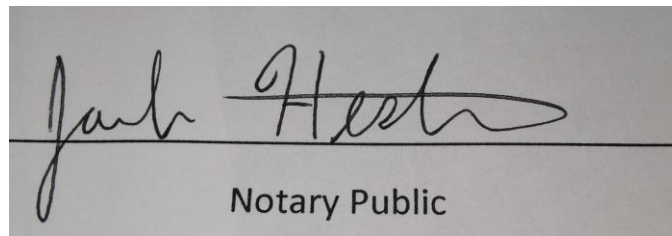
Personally appeared before me, a notary public in and for said county and state, the undersigned Tim Timmons who, being duly sworn, says that he is Publisher of **The Times** newspaper of general circulation printed and published in the English language in the city of **Noblesville** in state and county afore-said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **1** time(s), the date(s) of publication being as follows:

**5/5/2023**



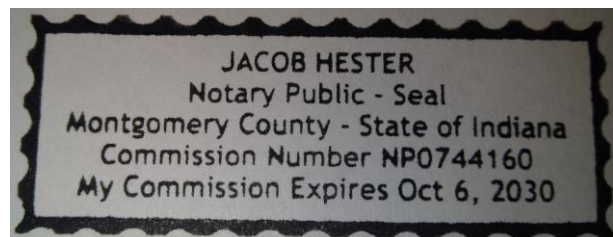
---

Subscribed and sworn to before me this **5** day of **May, 2023**.



My commission expires:   **10/06/2030**  
                                  **Jacob Hester**  
                                  **Resident of Montgomery County**

Publisher's Fee: **\$26.69**



**Cause #Additional Appropriations**  
**TICKET: TL20373**



**CERTIFIED COPY OF ADDITIONAL APPROPRIATION**

State Form 55819 (R3 / 11-17)

PRESCRIBED BY THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

**Section I**

When reporting the appropriation of bond proceeds, complete Section I; lines A, B, C and 5 of Section II; Section III; and Section IV.

UNIT NAME: City of Fishers

Unit Number: 0642

COUNTY NAME: Hamilton

County Number: 29

Date of Publication

(month, day, year): 5/5/2023Newspaper Name: The Times of Noblesville

Date of Publication

(month, day, year): \_\_\_\_\_

Newspaper Name: \_\_\_\_\_

Date of Public Hearing

(month, day, year): 5/15/2023

Date Resolution Passed

(month, day, year): 5/15/2023**DLGF USE ONLY**

Date Received

(month, day, year): \_\_\_\_\_

Order Number: \_\_\_\_\_

**Section II**

Complete a column for each fund for which the additional appropriations are being made. Values omitted from the sheet may impact the Department's review and approval of the request. Rows A and B should be completed using the fund number and fund name as listed on the Fund Report of the Final 1782 Notice issued by the Department. A listing of these values may be found at: <http://www.in.gov/dlgf/files/pdf/170630%20-%20Jones%20Memo%20-%20Additional%20Appropriations%20-%20Supplemental%20Information.pdf>

|                                                                                                              |                    |                     |        |        |        |
|--------------------------------------------------------------------------------------------------------------|--------------------|---------------------|--------|--------|--------|
| A. DLGF Fund Number                                                                                          | N/A                | N/A                 |        |        |        |
| B. Fund Name                                                                                                 | Sewer Availability | Public Safety Funds |        |        |        |
| C. Appropriation Amount Requested                                                                            | \$850,000.00       | \$1,500,000.00      | \$0.00 |        |        |
| D. Amount by Reduction (Enter as a positive number.)                                                         | \$0.00             | \$0.00              | \$0.00 |        |        |
| E. Net Amount of Increase (C minus D.)                                                                       | \$850,000.00       | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 1. Property Tax Levy (Line 16)                                                                               | \$0.00             | \$0.00              | \$0.00 |        |        |
| 2. Levy Excess (Line 15)                                                                                     | \$0.00             | \$0.00              | \$0.00 |        |        |
| 3. PTRC from Local Income Tax (LIT) (Line 13A)                                                               | \$0.00             | \$0.00              | \$0.00 |        |        |
| 4. LIT Levy Freeze Amount (Line 13B)                                                                         | \$0.00             | \$0.00              | \$0.00 |        |        |
| 5. Misc. Revenue (Line 8B) (See Note #1.)                                                                    | \$1,100,000.00     | \$1,500,000.00      | \$0.00 |        |        |
| 6. January 1 Cash Balance (Include investments.)                                                             | \$5,663,317.00     | \$0.00              | \$0.00 |        |        |
| 7. Subtotal of Funds (Add 1 thru 6.)                                                                         | \$6,763,317.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 8. Less Circuit Breaker<br>(Amount From Circuit Breaker Report)                                              | \$0.00             | \$0.00              | \$0.00 |        |        |
| 9. Total Funds (7 minus 8.)                                                                                  | \$6,763,317.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 10. DLGF Approved Budget (Line 1C)                                                                           | \$1,100,000.00     | \$0.00              | \$0.00 |        |        |
| 11. Encumbered Appropriations Carried Forward From<br>Previous Year                                          | \$2,594,533.00     | \$0.00              | \$0.00 |        |        |
| 12. Temporary Loans Outstanding as of January 1                                                              | \$0.00             | \$0.00              |        |        |        |
| 13. Beginning Obligations (Add 10 thru 12.)                                                                  | \$3,694,533.00     | \$0.00              | \$0.00 | \$0.00 | \$0.00 |
| 14. Surplus Funds (9 minus 13.)                                                                              | \$3,068,784.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 15. Previous additional appropriation(s) approved since<br>January 1, less any reductions in appropriations. | \$0.00             | \$0.00              | \$0.00 |        |        |
| 16. Amount transferred to the Rainy Day Fund (See Note #2.)                                                  | \$0.00             | \$0.00              | \$0.00 |        |        |
| 17. Surplus Funds Remaining (14 minus 15 minus 16.)                                                          | \$3,068,784.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |

**Note #1:** If amount report on Row 5 is higher than 8B amount, then a revised Budget Form 2 must be attached with the Additional Appropriation Request.**Note #2:** Row 16 cannot be used for additional appropriations for the rainy day fund. Transfers to the rainy day fund are entered as miscellaneous revenues on Line 5.**Section III**

Please check the requested method for the Department to inform your unit of the status of the Additional Appropriation Request.

Check One:

☐

Follow Up Via E-mail

bradfordl@fishers.in.us

E-mail Address(es)

☐

Follow Up Via Mail

3 Municipal Drive Fishers, IN 46038

Mailing Address (Number, Street, City, State, ZIP Code)

**Section IV**

I, Lisa Bradford fiscal officer of City of Fishers, do hereby certify that the above information is true and correct.  
(Please Print) (Please Print)

City Controller

317-595-3111

May 15, 2023

Signature

Title

Telephone Number

Date (month, day, year)

Completed additional appropriation requests may be submitted to the Department via e-mail at

[AdditionalAppropriationRequests@dlgf.in.gov](mailto:AdditionalAppropriationRequests@dlgf.in.gov)

or via fax (317) 974-1629.

**RESOLUTION NO. R051523A**

**A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING  
THE CITY CONTROLLER TO APPROPRIATE ADDITIONAL  
SEWER AVAILABILITY FUNDS TO THE CITY OF FISHERS MUNICIPAL BUDGET**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted a certain amount of funds that are used for municipal operational purposes of the City of Fishers;

WHEREAS, it has been determined that it is now necessary to appropriate more money than what was appropriated in the annual budget as a certain appropriation is needed in order to continue this fund’s intended purpose and operation;

WHEREAS, the Common Council for the City of Fishers (“City Council”) is desirous to authorize the City Controller to make such appropriation; and

WHEREAS, a duly noticed public hearing has been held in accordance with Indiana law.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

**Section 1.** The following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

Fund Name: Sewer Availability Fund

|                                       | AMOUNT<br>REQUESTED | AMOUNT APPROVED<br>BY FISCAL BODY |
|---------------------------------------|---------------------|-----------------------------------|
| Major Budget Classification:          |                     |                                   |
| <u>Personal Services</u>              | \$ _____            | \$ _____                          |
| <u>Supplies</u>                       | \$ _____            | \$ _____                          |
| <u>Other Services &amp; Charges</u>   | \$ _____            | \$ _____                          |
| <u>Township Assistance</u>            | \$ _____            | \$ _____                          |
| <u>Debt Service</u>                   | \$ _____            | \$ _____                          |
| <u>Capital Outlays</u>                | \$ 850,000          | \$ 850,000                        |
| <br>TOTAL for Sewer Availability Fund | <br>\$ 850,000      | <br>\$ 850,000                    |

**Section 2.** The City Council hereby authorizes the City Controller to complete the additional appropriation as further described herein.

**Section 3.** This Resolution shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the City Council of the City of Fishers, Hamilton County, Indiana, this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523A**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor  
Scott Fadness on the \_\_15th\_\_ day of \_\_May\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
May 15, 2023  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                             |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                             |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Ordinance Governing the City of Fishers, Hamilton County, Indiana's Investment Policy                                                                                                             |                                                             |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller<br>Department: Controller's Office                                                                                                                   |                                                             |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular                 | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input checked="" type="checkbox"/> Ordinance               | <input type="checkbox"/> Resolution                                                                                            | <input checked="" type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading | Public Hearing                                                                                                                 | <input checked="" type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 051523A                                                                                                                                                                              |                                                             | Resolution #:                                                                                                                  |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input checked="" type="checkbox"/> Contract <b>required</b> for this item                                                                                                                        |                                                             | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                             | <input type="checkbox"/> <b>No contract</b> for this item                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                             | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                             | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                       |



|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | X Controller's Office                                 |
|                                                                                             | <input type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br>Name of Reviewer: Jennifer C. Messer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>As the City's population has increased, so too has City revenue and expenditures, and in 2023, the City's budget totals over \$150.8 million. With its budget, the City will focus on the continued delivery of exceptional essential services like police and fire protection, development of major amenities like the Fishers Event Center and White River Park, together with additional pedestrian trails, and improvements to City roads and public infrastructure. Additionally, City residents will continue to enjoy the lowest municipal tax rate of Indiana's largest ten (10) cities.</p> <p>With a AAA Bond Rating from S&amp;P and investment portfolio totaling more than \$27 Million, the City desires to continue properly and effectively managing its current investments in a manner that complies with state statutes while yielding a reasonable rate of return and protecting taxpayer funds. The subject ordinance allows the City to comply with state statute concerning its investment policy and to invest its portfolio funds to the greatest extent allowed by state statute.</p> |                                                       |
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | None                                                  |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | None                                                  |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | None                                                  |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>OPTIONS</b><br>(Include Deny Approval Option)                                            | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Approve the Ordinance                                 |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Reject the Ordinance                                  |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | Effective upon passage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Approve the Investment Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |

## ORDINANCE NO. 051523A

### ORDINANCE GOVERNING THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA'S INVESTMENT POLICY

WHEREAS, as the City of Fishers, Hamilton County, Indiana's (the "City") population has increased, so too has City revenue and expenditures;

WHEREAS, the City's 2023 budget totals over \$150.8 million with spending focused on the continued delivery of exceptional essential services like police and fire protection, development of major amenities like the Fishers Event Center and White River Park, together with additional pedestrian trails, and improvements to City roads and public infrastructure;

WHEREAS, the City's residents will continue to enjoy the lowest municipal tax rate of Indiana's largest ten (10) cities; and

WHEREAS, with a AAA Bond Rating from S&P and investment portfolio totaling more than \$27 Million, the City desires to continue properly and effectively managing its current investments in a manner that complies with state statutes while yielding a reasonable rate of return and protecting taxpayer funds.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fishers meeting in a duly noticed and regularly scheduled meeting as follows:

**Section 1. Purpose.** The purpose of this policy is to provide investment objectives and guidelines for the management of public funds, to safeguard funds on behalf of the City, to assure the availability of funds when needed, to encourage investments that earn a competitive rate of return, and, at all times, invest according to and consistent with Ind. Code § 5-13-9 *et seq.*, as amended.

**Section 2. Investing officer.** The City Controller is hereby designated, for the limited purpose of this Ordinance, as the City's investing officer and is hereby authorized to invest City funds in authorized funds or any fund that state statutes, as amended, may deem or consider an authorized fund prior to expiration of this Investment Policy. For the avoidance of doubt, this policy shall be interpreted to authorize the City Controller to invest in any manner allowed by the Act (as defined herein below), and to the extent that the Act allows greater investment authority than this Ordinance, the Act shall control.

**Section 3. Minimum rating.** Authorized funds in which the City's investing officer invests City funds shall have attained at least the minimum rating required by state statutes, as amended.

**Section 4. State statutes.** All investments made by the City's investing officer shall be made in accordance with Ind. Code § 5-13 *et seq.* (the "Act").

**Section 5. Maturity date.** The City's investing officer is hereby authorized to make investments up to five (5) years in maturity. This policy authorizes longer term investments defined as more

than two (2) years but not more than five (5) years after the date of purchase or entry into a repurchase agreement ("longer term investments") pursuant to Ind. Code § 5-13-9-5.6, as amended.

**Section 6. Longer-term investments.** The City's investing officer shall limit total longer-term investments outstanding to not more than twenty-five percent (25%) of the City's total portfolio, including balances in the City's transaction accounts. However, an investment is authorized and remains legal even if a subsequent decrease in the City's total portfolio of public funds invested, including balances in transaction accounts, causes the percentage of longer-term investments outstanding to exceed twenty-five percent (25%) of the City's total portfolio.

**Section 7. Term of policy.**

(A) This Investment Policy is and shall be effective upon adoption and publication as required by Ind. Code § 5-13-9-5.7 and shall expire on May 15, 2027 (the "Expiration Date"). The power to make investments under this Investment Policy terminates on the Expiration Date.

(B) Investments made in accordance with this Investment Policy that are outstanding on or after the expiration date remain valid investments, and nothing herein shall be construed to render such investments improper or unlawful.

**Section 8. Approval of investment officer.** All investments made pursuant to this Investment Policy must be approved by the investing officer.

**Section 9. Internal control/external review.**

(A) The City Controller is responsible for establishing and maintaining policies and procedures to ensure that City assets are protected from loss, theft, or misuse. Such policies and procedures shall be discussed with and approved by the Mayor. The City Controller shall review all proposed investments with the Mayor or his designee before investing to maintain dual control, legal/ethical compliance, and to ensure both parties agree with the proposed investment.

(B) Annually, the City Controller shall conduct an independent review by an external auditor to ensure compliance with policies and procedures.

**Section 10. Investment advisor.** The investing officer is hereby authorized to contract with a federally regulated investment advisor or other institutional money manager to make investments under this Investment Policy.

**Section 11. Certificates of deposit (CDs).** Certificates of deposits, transaction accounts, and other interest-bearing deposit accounts may be used for investment of City funds pursuant to Ind. Code § 5-13-9-5. The investment pool may be invested in negotiable CDs providing that market yields on CDs exceed treasury bills of comparable maturity and duration. All CD investments shall be insured by the FDIC. However, for institutions rated Prime-1, there is no limitation of total investment per institution. Total investment with a non-rated institution is limited to the lesser of ten percent (10%) of the institution's capital and ninety (90) days maximum maturity. In

accordance with state law, this subchapter will expire two years from the date this section is adopted.

**Section 12. Diversification of investments.** The City's investment portfolio shall be diversified by institution, investment instruments and maturity schedule to the extent practical and prudent. Maturities shall be time diversified over a schedule determined by known liability to achieve target duration or weighted average maturity for the portfolio based on the judgment of the City Controller.

**Section 13. Ethics and conflicts of interest.** The Investment Officer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or which could impair their ability to make impartial decisions. The Investment Officer and employees involved in the investment process shall complete a conflict-of-interest form provided by the City Attorney affirming that the Investment Officer or employee does not have a pecuniary interest in the city's investments.

**Section 14. Reporting.**

(A) The City Controller shall maintain an inventory of all obligations and securities and shall provide quarterly investments reports to the city's Finance Committee detailing the following information: types of investments, depository institutions, principal balances, maturity dates, rates of return, purchases, and sales.

(B) The City Controller shall make an annual written report to the City Council summarizing the city's investments during the previous calendar year. The report must contain the name of each financial institution, government agency or instrumentality, or other person with whom the City invested money during the previous calendar year (Ind. Code § 5-13-7). The City Council shall review the report and review the City's overall investment policy.

(C) The City Controller or his or her designee shall review the investment policy at least annually and propose such changes to safeguard funds on behalf of the City, to assure the availability of funds when needed, and to provide a competitive investment return.

ALL OF WHICH IS ORDAINED by the Common Council for the City of Fishers, Hamilton County, Indiana this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**051523A**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett







# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                             |                                                                                                                                   |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                             |                                                                                                                                   |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | An Ordinance of the Common Council for the City of Fishers, Hamilton County, Indiana Approving Short Term Loan Financing for Certain Equipment for the Fishers Fire Department                    |                                                             |                                                                                                                                   |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller<br>Department: Controller                                                                                                                            |                                                             |                                                                                                                                   |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular                 | <input type="checkbox"/> Special                                                                                                  | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input checked="" type="checkbox"/> Ordinance               | <input type="checkbox"/> Resolution                                                                                               | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                           | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 051523                                                                                                                                                                               |                                                             | Resolution #:                                                                                                                     |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input checked="" type="checkbox"/> Contract <b>required</b> for this item                                                                                                                        |                                                             | <input type="checkbox"/> Signed copy of contract attached                                                                         |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                             | <input type="checkbox"/> <b>No contract</b> for this item                                                                         |                                                                                            |
|                                                                                                                                                                                 | <input checked="" type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                  |                                                             | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input checked="" type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                             | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                      |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input checked="" type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> Controller's Office              |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> Finance Committee                |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee                |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                                      |
|                                                                                             | <input checked="" type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer: Chris Greisl</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                      |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The approved 2023 Municipal Budget included funding for the replacement of all members of the Fire Department's self contained breathing apparatus ("SCBA") equipment. In general, this equipment is required to be replaced every 5-10 years and the current equipment is at the end of its useful life.</p> <p>The City published a certain Request For Proposal ("RFP"), seeking short-term loan financing to fund the procurement of the City Equipment on semi-annual payments over five (5) years (collectively, the "Financing Terms"); There were 7 bidders. Bank of America was the lowest bidder.</p> |                                                                      |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$300,000                                                            |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$280,580                                                            |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CCD                                                                  |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Approve this request and award the lease purchase to Bank of America |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Deny this request                                                    |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Provide alternate direction                                          |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                      |
| <b>PROJECT TIMELINE</b>                                                                     | Effective upon adoption. The City will begin the process of the lease purchase with the awarded bidder with the intent to close as soon as possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                      |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that the City Council approve this request as presented and authorize the City Controller and the City Attorney to completely oversee and execute this request.                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                      |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Ordinance<br>2. Exhibit A: Bank of America Response<br>3. Exhibit B: Bid response matrix                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |

Jill M. Forsyth  
Senior Vice President  
Global Leasing

14636 N. Scottsdale Road, Suite #200  
Scottsdale, AZ 85254  
T 480.624.0369 F 415.796.1301  
jill.m.forsyth@BofA.com

## SUMMARY OF TERMS AND CONDITIONS

**Date:** May 5, 2023

**Lessee:** Fishers, Indiana (“Lessee”)

**Lessor:** Banc of America Public Capital Corp (“BAPCC”)

**Structure:** Lease Purchase with appropriation

**Amount:** Approximately \$1.3MM

**Security:** A security interest in the equipment being financed

**Interest Rate/Payments:** 3.4695%: See amortization below: Semi-annual in advance

| Date       | Funding        | Payment        | Interest<br>@ 3.4695 | Principal      | Balance        |
|------------|----------------|----------------|----------------------|----------------|----------------|
| -----      | -----          | -----          | -----                | -----          | -----          |
| 6/30/2023  | \$1,300,000.00 |                |                      |                | \$1,300,000.00 |
| 6/30/2023  |                | \$140,289.62   | \$0.00               | \$140,289.62   | \$1,159,710.38 |
| 12/30/2023 |                | \$140,289.62   | \$20,118.08          | \$120,171.54   | \$1,039,538.85 |
| 6/30/2024  |                | \$140,289.62   | \$18,033.40          | \$122,256.22   | \$917,282.63   |
| 12/30/2024 |                | \$140,289.62   | \$15,912.56          | \$124,377.05   | \$792,905.58   |
| 6/30/2025  |                | \$140,289.62   | \$13,754.93          | \$126,534.69   | \$666,370.89   |
| 12/30/2025 |                | \$140,289.62   | \$11,559.87          | \$128,729.75   | \$537,641.14   |
| 6/30/2026  |                | \$140,289.62   | \$9,326.73           | \$130,962.89   | \$406,678.26   |
| 12/30/2026 |                | \$140,289.62   | \$7,054.85           | \$133,234.76   | \$273,443.49   |
| 6/30/2027  |                | \$140,289.62   | \$4,743.56           | \$135,546.05   | \$137,897.44   |
| 12/30/2027 |                | \$140,289.62   | \$2,392.18           | \$137,897.44   | \$0.00         |
|            | -----          | -----          | -----                | -----          |                |
|            | \$1,300,000.00 | \$1,402,896.15 | \$102,896.15         | \$1,300,000.00 |                |

This rate is good for fundings within 60 days of the proposal IF the Town lets BAPCC know of its intent to award the transaction within 10 days of this proposal, subject to formal Council action. Otherwise, the rate may be modified to maintain economics.

“Bank of America” is the marketing name used by certain Global Banking and Global Markets businesses of Bank of America Corporation. Lending, leasing, equipment finance and other commercial banking activities, and trading in certain financial instruments are performed globally by banking affiliates of Bank of America Corporation, including Bank of America, N.A., Member FDIC. Banc of America Public Capital Corp, a wholly-owned subsidiary of Bank of America, National Association, is not a municipal advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the Securities Exchange Act of 1934, as amended, with respect to any municipal financial product or issuance of municipal securities. The information provided in this document is not intended to be and should not be construed as “advice” with the meaning Section 15B of the Securities Exchange Act of 1934 and the municipal advisor rules of the SEC. © 2019 Bank of America Corporation. All rights reserved.

**Prepayment:** Pre-payable in full after the first 2 years on any regularly scheduled payment date without penalty.

**Governmental Entity Lease:** The Payments are calculated on the assumptions, and Lessee will represent, that Lessee is a political subdivision within the meaning of Section 103(c) of the Internal Revenue Code (the "Code"), and that this transaction will constitute an obligation of Lessee within the meaning of Section 103(a) of the Code, notwithstanding Section 103(b) of the Code. Lessee shall provide Lessor with such evidence as Lessor may request to substantiate and maintain such tax status. Lessee shall comply with the filing requirements of Section 149(e) of the Code.

**End of Term:** At the expiration of the Lease Term, Lessee will own the equipment.

**Opinion of Counsel:** Lessee's counsel shall deliver a validity opinion to Lessor at closing satisfactory to Lessor. The opinion will cover that counsel has reviewed the documents and examined, approved and attached the text of the enabling resolution of Lessee's governing body authorizing Lessee to enter into the Lease.

**Documentation:** BAPCC have a master lease in place with the Town and therefore the documents in place are in substantial form. In addition, the proceeds will be funded into an escrow account, with the set-up fee waived.

**Credit:** Subject to acceptable documentation and credit review. This process can be done timely upon an award.

**Market Disruption:** Notwithstanding anything contained herein to the contrary, in the event any material change shall occur in the financial markets after the date of this Proposal Letter, including but not limited to any governmental action or other event which materially adversely affects the extension of credit by banks, leasing companies or other lending institutions, the Lessor may modify the indicative pricing.

**USA Patriot Act Compliance:** Lessee acknowledges that pursuant to the requirements of the USA Patriot Act, as amended from time to time (including as amended by the USA Freedom Act of 2015) (the "Patriot Act"), Lessor is required to obtain, verify and record information that identifies Lessee, which information includes the name and address of Lessee and other information that will allow Lessor to identify Lessee in accordance with the Patriot Act.

**Proposal Expiration:** This proposal will expire December 31, 2023

## **FIRM QUALIFICATIONS: Banc of America Public Capital Corp**

Banc of America Public Capital Corp (“BAPCC”) is a corporation and wholly-owned subsidiary of Bank of America, National Association, one of the world's largest financial institutions, providing a full range of banking, investing, asset management and other financial and risk management products and services. Along with Global Leasing the number one market share leader in net assets and syndicated volume among U.S. leasing companies<sup>1</sup>, BAPCC provides full-service leasing and equipment financing solutions that structure, invest in and distribute equipment financing products. BAPCC and Global Leasing have a strong combined presence in both the domestic and international markets with nearly 1,000 associates worldwide. Our team includes associates with a wide range of skills and expertise, including originators, debt and equity syndicators, pricing specialists, attorneys, equipment appraisers, credit analysts, portfolio managers, and contract administrators. These professionals ensure that our clients receive the soundest advice, the most competitive solutions, and the best execution available in the market.

<sup>1</sup>2021 Monitor 100 Special Issue (August)

## **APPROACH:**

As stated above, BAPCC is one of the largest Lessors in the industry and its municipal finance team is highly experienced. The resumes of the key individuals are included in the following section.

Once awarded, the credit team will underwrite the transaction. BAPCC completed the transaction with the Town in 2021 and therefore this can be documented as a schedule to the master lease already in place. It is anticipated that this will fund within 60 days.

## **KEY INDIVIDUALS INVOLVED WITH THE TRANSACTION**

The two key individuals that will support Fishers with its equipment financing lease needs are Jill Forsyth and Lisa Coggi. Jill is a government leasing expert that has been in the municipal business for over 30 years. She has prepared this RFP response and is ultimately responsible for this relationship. Jill is supported by her team of experts; Lisa Coggi, who is her transaction manager and handles the coordination of documents and timing with the operation staff. She has vast operational experience and is a member of the Missouri Bar Association.

Banc of America Public Capital Corp will commit the necessary resources to the Town so that the financing schedules are handled timely and efficiently. All of the personnel from operations to legal, support the public- sector are very experienced to insure a smooth process. Customer assistance can be obtained from 6 AM to 6 PM when you consider the customer service area located in Tucker, GA (east coast time) and the documentation team in San Francisco (west coast time). In addition, we have a person dedicated to title issues which is beneficial for clients that are financing titled vehicles



**Jill M. Forsyth:** Senior Vice President, Banc of America Public Capital Corp  
14636 North Scottsdale Road, Suite 200; Scottsdale, AZ 85254; Phone: 480-624-0369  
[jill.m.forsyth@bofa.com](mailto:jill.m.forsyth@bofa.com)

Jill is a Senior Vice President Banc of America Public Capital Group and is responsible for tax-exempt equipment transactions in the Western and Central portions of the US. Jill works directly with issuers including cities, counties, school districts, City governments and agencies, to structure unique solutions to finance equipment and provides master lease lines of credit. Jill has over twenty-five years of experience in the tax-exempt leasing industry and resides in Arizona. She joined Banc of America Leasing fifteen years ago after over 20+ years with JP Morgan Chase. Jill has received both her undergraduate and Master of Business degrees from Arizona City University.

**Lisa Coggi:** Senior Vice President – Transaction Management, Banc of America Public Capital Corp  
16900 Chesterfield Airport Road, Chesterfield, MO 63005 Phone: 312-537-6773  
[lisa.a.coggi@bofa.com](mailto:lisa.a.coggi@bofa.com)

Lisa is a Senior Vice President, Transaction Management with the Banc of America Public Capital Corp (“BAPCC”) Government Finance team. In that role, Lisa is responsible for acting as liaison between clients and internal BAPCC support services. Lisa joined Banc of America in 2006 after previously working with organizations such as Key Equipment Finance and The CIT Group. Lisa has in excess 25 years of experience in equipment finance in lease administration, originations, relationship management and process improvement roles. Lisa has earned her Bachelor of Arts degree from Loyola University–Chicago and her Juris Doctor degree from Saint Louis University School of Law, and she is a member of the Missouri Bar Association.

SCBA - RFP

| Proposal Date | Lender Name                         | Interest Rate | Semi-Annual Payment | Last Payment Date |
|---------------|-------------------------------------|---------------|---------------------|-------------------|
| 5/5/2023      | Bank of America Public Capital Corp | 3.4695%       | \$ 140,289.62       | 12/30/2027        |
| 5/5/2023      | Public Sector Capital, LLC          | 4.1231%       | \$ 142,455.36       | 12/31/2027        |
| 5/4/2023      | Cogent Bank                         | 4.1800%       | \$ 142,430.03       | 12/5/2027         |
| 5/5/2023      | Bank Funding, LLC                   | 4.2400%       | \$ 143,316.72       | 12/30/2027        |
| 5/4/2023      | JP Morgan Chase Bank                | 4.4200%       | \$ 143,876.09       | 12/30/2027        |
| 5/5/2023      | Baystone Government Finance         | 4.9700%       | \$ 145,662.18       | 12/31/2027        |
| 5/1/2023      | STAR                                | 5.1000%       | \$ 146,670.78       | 12/30/2027        |

## **ORDINANCE 051523**

### **AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA APPROVING SHORT TERM LOAN FINANCING FOR CERTAIN EQUIPMENT FOR THE FISHERS FIRE DEPARTMENT**

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“Council”) may, by ordinance, make loans of money for not more than five (5) years and issue notes for the purpose of refunding those loans, in order to procure money to be used in the exercise of the powers of the City of Fishers, Hamilton County, Indiana (“City”);

WHEREAS, in accordance with the 2023 municipal budget, the City, by and through the Fishers Fire & Emergency Services Department (“FFD”), desires to purchase certain equipment, including up to 95 Self-Contained Breathing Apparatus (“SCBAs”) and related equipment (collectively, the “City Equipment”), all for the benefit of the City in accordance with any and all procurement procedures available under Indiana law;

WHEREAS, on or around April 21, 2023, the City published a certain Request For Proposal (“RFP”), seeking short-term loan financing to fund the procurement of the City Equipment at One Million Three Hundred Thousand and no/100 Dollars (\$1,300,000.000), on semi-annual payments over five (5) years (collectively, the “Financing Terms”);

WHEREAS, Banc of America Public Capital Corp (“BAPCC”) submitted a timely response to the RFP, and provided the City with the most advantageous proposal by providing short-term loan financing in accordance with the Financing Terms at an interest rate of 3.4695%, which equates to ten (10) semi-annual payments of One Hundred Forty Thousand Two Hundred Eighty-Nine and 62/100 Dollars (\$140,289.62) (“Loan Payments”), all as more particularly described in Exhibit A, which is attached hereto and incorporated herein (the “Term Sheet”);

WHEREAS, the City will pledge revenues from its Cumulative Capital Development Fund to satisfy the Loan Payments; and

WHEREAS, the Council now desires to approve the Term Sheet and authorize the City to enter into short-term loan financing with BAPCC to fund the procurement of the City Equipment in accordance with the Term Sheet.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

- Section 1.** The Council hereby approves the short-term loan financing proposed by BAPCC to fund the procurement of the City Equipment in accordance with the Term Sheet, which is attached hereto and incorporated herein as Exhibit A.
- Section 2.** The Council hereby authorizes the Mayor to enter into and execute the Term Sheet, and any and all agreements or documents necessary to effectuate the short-term loan financing with BAPCC.
- Section 3.** Upon closing of the short-term loan financing with BAPCC, the Council hereby authorizes the City Controller to make ten (10) semi-annual payments (to occur on or around June 30 and December 30 of each year)

of One Hundred Forty Thousand Two Hundred Eighty-Nine and 62/100 Dollars (\$140,289.62) from its Cumulative Capital Development Fund.

**Section 4.** This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SO ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana,  
meeting this \_\_15th\_\_ day of \_May\_, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**051523**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_, 2023 at \_\_\_\_\_p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_

**Scott A. Fadness, Mayor**

\_\_\_\_\_

**DATE**

**MAYOR'S VETO**

\_\_\_\_\_

**Scott A. Fadness, Mayor**

\_\_\_\_\_

**DATE**



This instrument prepared by: Lindsey M. Bennett, 1 Municipal Drive, Fishers, Indiana 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/ Lindsey M. Bennett

**Exhibit A**

*[Term Sheet]*





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                            |                                                  |                                                                                                                                |                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                               |                                                  |                                                                                                                                |                                                                                                           |
| <b>TITLE</b>                                                                                                                                                                    | A Resolution of the Common Council of the City of Fishers, Indiana Approving An Amendment of A Resolution of the Common Council, Approving an Amendment to Lease, and Taking Other Actions Related Thereto |                                                  |                                                                                                                                |                                                                                                           |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller                                                                                                                                                               |                                                  |                                                                                                                                |                                                                                                           |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                                |                                                  |                                                                                                                                |                                                                                                           |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                            | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                          |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                           | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                                          |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                               |                                                  | Resolution #: R051523E                                                                                                         |                                                                                                           |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                            |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                    |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                      |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                           |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office          |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                           |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> Controller's Office |
|                                                                                             | <input type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> Finance Committee   |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Technical Advisory Committee   |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Other:                         |
|                                                                                             | <input checked="" type="checkbox"/> Legal Counsel –<br>Name of Reviewer: Rick Hall,<br>Barnes and Thornburg, LLP                                                                                                                                                                                                                                                                                                                            |                                                         |
| <b>BACKGROUND</b><br>(Includes description, background,<br>and justification)               | The Redevelopment Authority and Redevelopment Commission previously entered into a Lease Agreement date of June 21, 2021 as approved by Resolution 01R060621A of the Common Council. This Resolution approves an amendment to that Lease and that prior Resolution to adjust the interest rate, maximum principal, and maximum annual rental in response to changes in market conditions since the initial approval of the Lease Agreement. |                                                         |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A                                                     |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                                                     |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A                                                     |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A                                                     |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                     |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                          | Approve Resolution                                      |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                          | Deny Approval of Resolution                             |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         |
| <b>PROJECT TIMELINE</b>                                                                     | Following approval of the Council, the Redevelopment Commission and Redevelopment Authority will consider an Amendment to Lease as authorized by this Resolution.                                                                                                                                                                                                                                                                           |                                                         |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that the Common Council approve the Resolution at this meeting.                                                                                                                                                                                                                                                                                                                                                            |                                                         |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Resolution<br>2.                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                         |



## **RESOLUTION R051523E**

### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA, APPROVING AN AMENDMENT OF A RESOLUTION OF THE COMMON COUNCIL, APPROVING AN AMENDMENT TO LEASE, AND TAKING OTHER ACTIONS RELATED THERETO**

WHEREAS, the City of Fishers Redevelopment Authority (the “Authority”) has been created pursuant to Indiana Code 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of Fishers, Indiana (the “City”) to finance local public improvements for lease to the City of Fishers Redevelopment Commission (the “Commission”); and

WHEREAS, the Authority, as lessor, and the Commission, as lessee, entered into a Lease Agreement, dated as of June 25, 2021 (the “Original Lease”); and

WHEREAS, the Authority previously issued its Taxable Lease Rental Revenue Bond Anticipation Notes, Series 2021C (Land Acquisition Project) (the “2021 BANs”), in the original aggregate principal amount of Twenty-Three Million Three Hundred Fifty Thousand Dollars (\$23,350,000), pursuant to Resolution No. FRA 01R062121 adopted by the Authority at its June 21, 2021 meeting (the “Authority Resolution”); and

WHEREAS, the 2021 BANs are currently outstanding in the aggregate principal amount of Twenty-Three Million Three Hundred Fifty Thousand Dollars (\$23,350,000); and

WHEREAS, on June 21, 2021 the Common Council adopted its Resolution No. R062121A (the “Common Council Resolution”) which approved bonds to be issued by the Authority (the “2021 Bonds”) and which approved a pledge of the Pledged LIT Revenues (as defined in the Common Council Resolution) to the Original Lease; and

WHEREAS, the Authority desires to issue one or more series of taxable lease rental revenue bond anticipation notes pursuant to the Authority Resolution to be designated as the “Fishers Redevelopment Authority Taxable Lease Rental Revenue Bond Anticipation Notes, Series 2023\_\_ (\_\_\_\_\_)” (or such additional or different series designation as may be determined to be necessary or appropriate) (the “2023 BANs”) to (a) redeem the 2021 BANs on the date of final maturity of the 2021 BANs, and (b) to pay all costs incurred on the account of the issuance and sale of such 2023 BANs; and

WHEREAS, pursuant to the Original Lease, as consideration for the Leased Premises (as defined in the Original Lease), the Commission has agreed to pay the Authority fixed annual rental payments in an amount sufficient to pay principal and interest due in each twelve (12) month period, payable in semi-annual installments on January 15 and July 15 of each year; and

WHEREAS, due to changes in market conditions from the time of the issuance of the 2021 BANs to the present date, the Authority requires changes to the terms of the Lease to align with the terms of the to be issued 2023 BANs and 2021 Bonds; and

WHEREAS, the Authority has proposed an amendment to the Original Lease (the “Lease Amendment”), for the purpose of increasing the maximum semi-annual lease rental payments

due under the Original Lease to correspond with the changed market conditions with respect to the 2023 BANs and 2021 Bonds; and

WHEREAS, the Lease Amendment shall authorize a maximum annual lease rental under the Original Lease, as amended by the Lease Amendment (as amended, the "Lease"), of not to exceed \$3,300,000 annually; and

WHEREAS the Authority has further proposed an amendment to the Common Council Resolution (the "Resolution Amendment") for the purposes of (i) increasing the maximum semi-annual lease rental payments due under the Original Lease to correspond with the changed market conditions with respect to the 2023 BANs and (ii) increasing the maximum principal of the 2021 Bonds to correspond with the changed market conditions; and

WHEREAS, the Resolution Amendment shall amend the Common Council Resolution to (i) authorize a maximum annual lease rental under the Lease of not to exceed \$3,300,000 annually and (ii) authorize a maximum aggregate principal amount of the 2021 Bonds, in one or more series, of \$29,000,000; and

WHEREAS, the Common Council now desires to approve the Lease Amendment and the Resolution Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA, as follows:

Section 1. Approval of Lease Amendment. The Common Council hereby approves the execution and delivery of the Lease Amendment, subject to the following conditions: (a) the maximum aggregate original principal amount of the 2021 Bonds shall not exceed \$29,000,000; (c) the maximum annual lease rental payment during the term of the Lease shall not exceed \$3,300,000; (d) the maximum interest rate on the 2021 Bonds shall not exceed six percent (6.00%) per annum; (e) the Bonds may be subject to redemption prior to maturity on such dates and on such terms as determined at the time of the sale of the Bonds and approved by the City in the purchase agreement for the Bonds, all upon the advice of the financial advisor to the City; and (f) the maximum term of the Lease shall be no later than the term specified in the Original Lease.

Section 2. Approval of Resolution Amendment. The Common Council hereby amends its Resolution No. R062121A so that Section 2 of such Common Council Resolution states as follows:

"Section 2. Approval of 2021 Lease. Pursuant to Indiana Code 36-7-14-25.2, the Common Council hereby approves the 2021 Lease, with such lease rentals due thereunder in an amount sufficient to pay the debt service on the 2021 Bonds, and the issuance of the 2021 Bonds by the Authority, pursuant to IC 26-7-14.5-19, and the execution and delivery of a trust indenture securing the 2021 Bonds by, on the following conditions: (a) the maximum term of the 2021 Lease shall be not more than twenty-five (25) years, starting on the date of issuance of the 2021 Bonds; (b) the maximum annual lease payment during the term of the 2021 Lease shall be Three Million Three Hundred Thousand Dollars (\$3,300,000), and the maximum lease rental over the term of the 2021

Lease is Fifty Million Dollars (\$50,000,000); (c) the maximum aggregate principal amount of the 2021 Bonds, in one or more series, shall be Twenty-Nine Million Dollars (\$29,000,000); (d) the maximum rate of interest on the Bonds shall not exceed six percent (6.0%) per annum; (e) the maximum term of the 2021 Bonds shall be twenty-five (25) years, commencing on the date of issuance of the 2021 Bonds; (f) the 2021 Bonds may be subject to redemption commencing no sooner than eight years after the date of issuance of the 2021 Bonds, and the 2021 Bonds may be issued as one or more term bonds having a stated maturity or maturity of February 1 or August 1, in either case on such dates and with such redemption terms as determined at the time of the sale of the 2021 Bonds and approved by the Authority in the purchase agreement for the Bonds, all upon the advice of the municipal advisor to the Commission and the Authority, and (g) there may be capitalized interest funded with the proceeds of the 2021 Bonds for a period of no longer than three years after the date of issuance of the 2021 Bonds, or as otherwise determined to be necessary or appropriate by the City, with the advice of the bond counsel and the municipal advisor to the City.”

Section 3. Pledge of LIT Revenues for the Payment of Lease Rentals. The Common Council hereby reaffirms the pledge of the Pledged LIT Revenues to the payment of Lease Rentals under the Lease and further reaffirms the terms of such pledge, all as set forth in the Common Council Resolution.

Section 4. Authorization of Other Actions. Each of the Mayor, any member of the Common Council and the Controller, and any other officer, employee or agent of the City is hereby authorized and directed, for and on behalf of the City, to execute and deliver any contract, deed, agreement, certificate, instrument or other document and to take any action as such person determines to be necessary or appropriate to accomplish the purposes of this Resolution, such determination to be conclusively evidenced by such person’s execution of such contract, deed, agreement, certificate, instrument or other document or such person’s taking of such action.

Section 5. Effectiveness. This Resolution shall be in full force and effect from and after its adoption by the Common Council.



ALL OF WHICH IS SO RESOLVED by the Common Council of the City of Fishers, Indiana, this \_15th\_ day of \_\_May\_\_\_\_\_, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523E**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_15th\_\_ day of \_\_May\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_**May 15, 2023**\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Richard J. Hall, Barnes & Thornburg LLP, 11 South Meridian, Indianapolis, IN 46204

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." \_\_\_\_\_  
/s/ Richard J. Hall  
(Name)



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                             |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                             |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Resolution Approving Project Agreement                                                                                                                                                            |                                                             |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Baumgartner, Economic Development Director<br>Department: Economic Development                                                                                                |                                                             |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular                 | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance                          | <input checked="" type="checkbox"/> Resolution                                                                                 | <input checked="" type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading | Public Hearing                                                                                                                 | <input checked="" type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                             | Resolution #: <b><u>R051523C</u></b>                                                                                           |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input checked="" type="checkbox"/> Contract <b>required</b> for this item                                                                                                                        |                                                             | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                             | <input type="checkbox"/> <b>No contract</b> for this item                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                             | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                             | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                       |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                     |                                                       |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                     |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br>Name of Reviewer: Jennifer C. Messer                                                                                                                                                                                                                                                                                    |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | OnPoint Innovation Park 3, LLC ("Developer") is an Indiana limited liability company and sister company to Mayer Najem Construction, a Fishers-based construction company that has developed and constructed healthcare and other facilities throughout Indiana and in several other states.                                                                        |                                                       |
|                                                                                             | Developer has advised the City that it desires to develop an approximately 100,000 sq. ft., Class-A, flex/industrial, commercial office building on an approximately 8-acre portion of Fishers Life Sciences Park (the "Project") Various life sciences companies will locate to the Project, and the Project will culminate in not less than eighty-one (81) jobs. |                                                       |
|                                                                                             | To incent Developer's completion of the Project, the City desires to (a) transfer the Site to Developer; (b) waive City Fees; and (c) undertake the required procedural steps to authorize the Abatement, all pursuant to the subject Project Agreement.                                                                                                            |                                                       |
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                     |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                        | None                                                  |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                     | None                                                  |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                    | Abatement & Fee Waiver                                |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                         |                                                       |
|                                                                                             | Narrative:                                                                                                                                                                                                                                                                                                                                                          |                                                       |
| <b>OPTIONS</b><br>(Include Deny Approval Option)                                            | 1.                                                                                                                                                                                                                                                                                                                                                                  | Approve the Resolution                                |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                  | Reject the Resolution                                 |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | Closing: December 31, 2023                                                                                                                                                                                                                                                                                                                                          |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Approve the Project Agreement                                                                                                                                                                                                                                                                                                                                       |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            |                                                                                                                                                                                                                                                                                                                                                                     |                                                       |



**BUDGET AMENDMENTS JOURNAL ENTRY PROOF**

| LN               | ORG                    | OBJECT     | PROJ  | ORG DESCRIPTION | ACCOUNT DESCRIPTION                                 | EFF DATE                | PREV BUDGET | BUDGET CHANGE | AMENDED BUDGET | ERR |
|------------------|------------------------|------------|-------|-----------------|-----------------------------------------------------|-------------------------|-------------|---------------|----------------|-----|
| ACCOUNT          |                        |            |       |                 | LINE DESCRIPTION                                    |                         |             |               |                |     |
| YEAR-PER         | JOURNAL                | EFF-DATE   | REF 1 | REF 2           | SRC JNL-DESC                                        | ENTITY AMEND            |             |               |                |     |
| 2023 05          | 4                      | 05/16/2023 | PZ    | R051523         | BUA FMDAMExp                                        | 1 1                     |             |               |                |     |
| 1                | 21703012 43100         |            |       |                 | Planning & Zoning - Donations Professional Services |                         | 19,500.00   | -3,000.00     | 16,500.00      |     |
|                  | 2170.301.32.000.43100. |            |       |                 | Cover FAC FMDAM supply purchas                      | 05/16/2023              |             |               |                |     |
| 2                | 21703012 42200         |            |       |                 | Planning & Zoning - Donations Operating Supplies    |                         | 4,074.55    | 3,000.00      | 7,074.55       |     |
|                  | 2170.301.32.000.42200. |            |       |                 | Cover FAC FMDAM supply purchas                      | 05/16/2023              |             |               |                |     |
| ** JOURNAL TOTAL |                        |            |       |                 |                                                     |                         |             | 0.00          |                |     |
| YEAR-PER         | JOURNAL                | EFF-DATE   | REF 1 | REF 2           | SRC JNL-DESC                                        | ENTITY AMEND            |             |               |                |     |
| 2023 05          | 238                    | 05/16/2023 | LRSPW | R051523         | BUA UnusedCap                                       | 1 1                     |             |               |                |     |
| 1                | 20209011 44500         |            |       |                 | LR&S PW Streets                                     | Machinery and Equipment | 180,000.00  | -39,914.26    | 140,085.74     |     |
|                  | 2020.901.91.000.44500. |            |       |                 |                                                     |                         | 05/16/2023  |               |                |     |
| 2                | 20209011 43100         |            |       |                 | LR&S PW Streets                                     | Professional Services   | 410,812.00  | 39,914.26     | 450,726.26     |     |
|                  | 2020.901.91.000.43100. |            |       |                 |                                                     |                         | 05/16/2023  |               |                |     |
| ** JOURNAL TOTAL |                        |            |       |                 |                                                     |                         |             | 0.00          |                |     |

**BUDGET AMENDMENT JOURNAL ENTRY PROOF**

CLERK: valois1

| YEAR | PER            | JNL | SRC | ACCOUNT | EFF DATE   | JNL DESC  | REF 1 | REF 2   | REF 3 | ACCOUNT DESC<br>LINE DESC      | T | OB    | DEBIT     | CREDIT    |
|------|----------------|-----|-----|---------|------------|-----------|-------|---------|-------|--------------------------------|---|-------|-----------|-----------|
| 2023 | 5              | 4   |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 21703012-43100 |     |     |         | 05/16/2023 | FMDAMExp  | PZ    | R051523 |       | Professional Services          | 5 |       |           | 3,000.00  |
|      |                |     |     |         |            |           |       |         |       | Cover FAC FMDAM supply purchas |   |       |           |           |
| BUA  | 21703012-42200 |     |     |         | 05/16/2023 | FMDAMExp  | PZ    | R051523 |       | Operating Supplies             | 5 |       | 3,000.00  |           |
|      |                |     |     |         |            |           |       |         |       | Cover FAC FMDAM supply purchas |   |       |           |           |
|      |                |     |     |         |            |           |       |         |       | JOURNAL 2023/05/4              |   | TOTAL | .00       | .00       |
| 2023 | 5              | 238 |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 20209011-44500 |     |     |         | 05/16/2023 | UnusedCap | LRSPW | R051523 |       | Machinery and Equipment        | 5 |       |           | 39,914.26 |
|      |                |     |     |         |            |           |       |         |       |                                |   |       |           |           |
| BUA  | 20209011-43100 |     |     |         | 05/16/2023 | UnusedCap | LRSPW | R051523 |       | Professional Services          | 5 |       | 39,914.26 |           |
|      |                |     |     |         |            |           |       |         |       |                                |   |       |           |           |
|      |                |     |     |         |            |           |       |         |       | JOURNAL 2023/05/238            |   | TOTAL | .00       | .00       |



BUDGET AMENDMENT JOURNAL ENTRY PROOF

| FUND<br>ACCOUNT | YEAR | PER | JNL | EFF DATE | ACCOUNT DESCRIPTION | DEBIT | CREDIT |
|-----------------|------|-----|-----|----------|---------------------|-------|--------|
| FUND TOTAL      |      |     |     |          |                     | .00   | .00    |

\*\* END OF REPORT - Generated by Lorena valois \*\*

**RESOLUTION NO. R051523**

**A RESOLUTION AUTHORIZING THE CITY CONTROLLER  
TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS  
INTO CERTAIN BUDGET CATEGORIES**

**WHEREAS**, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted certain amounts of funds that are used for general municipal operational purposes of the City;

**WHEREAS**, the certain funds as described in Exhibit A, which is attached hereto and incorporated herein (“Transfers”) are in need of various transfers in order to continue their intended purposes and operations; and

**WHEREAS**, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

**Section 1.** The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

**Section 2.** This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the   15th   day of   May  , 2023 at                      p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                 |                                                             |                                                                                                                                |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                    |                                                             |                                                                                                                                |                                                             |
| <b>TITLE</b>                                                                                                                                                                    | A RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, APPROVING AN INTERLOCAL AGREEMENT CONCERNING A ONE-TIME DISTRIBUTION OF PUBLIC SAFETY INCOME TAX PROCEEDS |                                                             |                                                                                                                                |                                                             |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lindsey Bennett - City Attorney<br>Department:                                                                                                                                    |                                                             |                                                                                                                                |                                                             |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                     | <input checked="" type="checkbox"/> Regular                 | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                            |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                | <input type="checkbox"/> Ordinance                          | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                            |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                     | <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input checked="" type="checkbox"/> 3 <sup>rd</sup> Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                    |                                                             | Resolution #: R051523D                                                                                                         |                                                             |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                 |                                                             | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                             |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                         |                                                             | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                             |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                           |                                                             | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                             |

|                                                                                             |                                                                                                                                                                                                                                                                                                                        |                                                         |                                                                                                              |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                  | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office                                                                                                                      |                                                         | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                              | <input type="checkbox"/> Controller's Office            |                                                                                                              |
|                                                                                             | <input type="checkbox"/> Department Head                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Finance Committee              |                                                                                                              |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Technical Advisory Committee   |                                                                                                              |
|                                                                                             | <input checked="" type="checkbox"/> Mayor                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> Other: City Council |                                                                                                              |
|                                                                                             | <input checked="" type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i><br>Lindsey Bennetl                                                                                                                                                                                                                     |                                                         |                                                                                                              |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | Attached is a Resolution approving an Interlocal with Hamilton County, Indiana wherein the County agrees to make a one time distribuiton of the County's public safety income tax proceeds to the City of Fishers for the City to use for Public Safety Access Point ("PSAP") purposes in the amount of \$1,079,432.00 |                                                         |                                                                                                              |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                           |                                                         |                                                                                                              |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                        |                                                         |                                                                                                              |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                       |                                                         |                                                                                                              |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                            |                                                         |                                                                                                              |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                      |                                                         |                                                                                                              |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                     | Approve the Resolution                                  |                                                                                                              |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                     | Provide an alternative direction                        |                                                                                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                     |                                                         |                                                                                                              |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                     |                                                         |                                                                                                              |
| <b>PROJECT TIMELINE</b>                                                                     |                                                                                                                                                                                                                                                                                                                        |                                                         |                                                                                                              |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) |                                                                                                                                                                                                                                                                                                                        |                                                         |                                                                                                              |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | Resolution<br>Interlocal Agreement                                                                                                                                                                                                                                                                                     |                                                         |                                                                                                              |

**AN INTERLOCAL AGREEMENT CONCERNING A ONE-TIME  
DISTRIBUTION OF PUBLIC SAFETY INCOME TAX PROCEEDS**

This Interlocal Agreement entered by and between Hamilton County, Indiana, acting by the Board of Commissioners of Hamilton County, ("the County"); the Hamilton County Council ("the Council"); and \_\_\_\_\_, as the fiscal body of City of Fishers ("the Unit") on the dates set out herein.

**WITNESS THAT:**

WHEREAS, in 2019, the Hamilton County Local Income Tax Council ("the Income Tax Council"), adopted Ordinance No. LIT-2019-1 ("the 2019 Ordinance"), to increase the Hamilton County Income Tax Rate by a one-tenth of one- percent (.01%) to be used to pay the costs of the Hamilton County Public Safety Access Point ("PSAP") and connectivity costs related thereto; and,

WHEREAS, the Hamilton County Communications Operations Board ("the HCCOB") was created under the 2019 Ordinance as an advisory board to Hamilton County regarding the budgetary and contractual obligations of the PSAP; and,

WHEREAS, the HCCOB has recommended that Five Million Dollars (\$5,000,000) from the Public Safety Income Tax Fund be distributed as a special distribution among Units within the County that provide one (1) or more public safety services as described in Indiana Code 6-3.6-6-8 to be used by the Units for legally permissible uses of Public Safety Revenue for PSAP purposes; and,

WHEREAS, Hamilton County has reviewed the request and agrees that the requested special distribution not to exceed Five Million Dollars (\$5,000,000) ("the 2023 Special Distribution") may be distributed among the Units within the County which provide one (1) or more public safety services as described in Indiana Code 6-3.6-6-8 and agree to expend it upon legally permissible uses of Public Safety Revenue for PSAP purposes and agree to indemnify and hold the Hamilton County harmless therefrom; and,



WHEREAS, the parties agree that a fair and equitable distribution of the Special Distribution is described on Exhibit A, which is attached hereto, and will be distributed to the Units that execute this form of interlocal agreement within \_\_\_\_ days of presentment.

IT IS THEREBY AGREED by Hamilton County and the Unit as follows:

1. The Unit acknowledges that its employees and officials of the Unit have reviewed and understand the legally permissible uses of Public Safety Revenue for PSAP purposes and agrees that the Unit's 2023 Special Distribution shall be expended solely for legally permissible uses of Public Safety Revenue for PSAP purposes.
2. The Unit acknowledges and agrees that in the event any expenditures by the Unit from the Unit's 2023 Special Distribution are found to be for an improper use or misuse of the 2023 Special Distribution by the Unit, the Unit shall be solely liable for replacement or reimbursement of the improperly used funds.
3. The Unit agrees to indemnify and hold harmless Hamilton County, the Board of Commissioners of Hamilton County, the Hamilton County Council, and all elected officials of Hamilton County, their employees, consultants, contractors, and all related persons and entities ("the Released Parties"), from and against any and all claims arising from or connected with the use or misuse by the Unit of the 2023 Special Distribution described in this Interlocal Agreement; this also releases the Released Parties from any damages or claim by any damages suffered in connection with the use of the funds in the 2023 Special Distribution from either the negligent or willful misconduct of any employee, officer, or other employee or consultant of the Unit.
4. The undersigned executing this Interlocal Agreement represents that he or she has full power and authority to execute this Interlocal Agreement on behalf of the Unit and to fully bind the Unit to the terms and conditions herein.

5. The 2023 Special Distribution described herein shall be paid within forty (40) days of appropriation of the Hamilton County Council and approval of said appropriation by the State of Indiana.

ALL OF WHICH IS AGREED by and between Hamilton County, Indiana, acting by the Board of Commissioners of Hamilton County; the Hamilton County Council; and \_\_\_\_\_, as the \_\_\_\_\_ of \_\_\_\_\_, on the dates set out below.

HAMILTON COUNTY, INDIANA

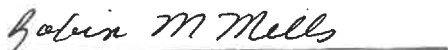
BOARD OF COMMISSIONERS OF HAMILTON  
COUNTY

Dated: 4/10/23

  
Christine Attman

  
Steven C. Dillinger

ATTEST:

  
Robin M. Mills, Auditor

  
Mark Heirbrandt

ALL OF WHICH IS AGREED by the Hamilton County Council, this 5 day of April,  
2023.

HAMILTON COUNTY COUNCIL

IN FAVOR

OPPOSED

  
Ken Alexander

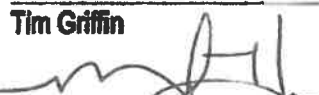
\_\_\_\_\_  
Ken Alexander

  
Brad Beaver

\_\_\_\_\_  
Brad Beaver

  
Tim Griffin

\_\_\_\_\_  
Tim Griffin

  
Mark Hall

\_\_\_\_\_  
Mark Hall

  
Sue Maki

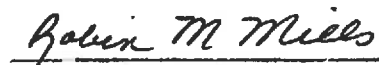
\_\_\_\_\_  
Sue Maki

  
Amy Massillamany

\_\_\_\_\_  
Amy Massillamany

  
STEVEN NATION

ATTEST

  
Robin M. Mills, Auditor

**"THE UNIT"**

**Dated:** \_\_\_\_\_

\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_

| JURISDICTION     | POPULATION | SQUARE MILES | % OF POPULATION ON | % OF SQUARE MILES | PUB SAFETY DUTIES | POPULATION @ 60% | SQUARE MILES @ 20% | DUTIES @ 20% | TOTALS PER UNIT |
|------------------|------------|--------------|--------------------|-------------------|-------------------|------------------|--------------------|--------------|-----------------|
| ARCADIA          | 1522       | 0.55         | 0.00438            | 0.0014            | 1                 | 13200            | 1400               | 32258        | 45858           |
| ATLANTA          | 711        | 0.31         |                    |                   | 0                 |                  |                    |              |                 |
| CARMEL           | 99777      | 50.08        | 0.28716            | 0.1244            | 3                 | 861600           | 124400             | 96774        | 1082774         |
| CICERO           | 5321       | 2.27         | 0.01531            | 0.0056            | 2                 | 45900            | 5600               | 64516        | 116016          |
| FISHERS          | 99053      | 38.27        | 0.28507            | 0.0951            | 4                 | 855300           | 95100              | 129032       | 1079432         |
| NOBLESVILLE      | 69517      | 36.34        | 0.20007            | 0.0903            | 3                 | 600300           | 90300              | 96774        | 787374          |
| SHERIDAN         | 3084       | 2.5          | 0.00888            | 0.0062            | 3                 | 26700            | 6200               | 96774        | 129674          |
| WESTFIELD        | 46427      | 32.93        | 0.13362            | 0.0818            | 3                 | 400800           | 81800              | 96774        | 579374          |
| COUNTY           |            |              |                    |                   |                   |                  |                    |              |                 |
| UNINCORPORATED   | 22055      | 239.4        | 0.0635             | 0.5946            | 8                 | 190500           | 594600             | 258064       | 1043164         |
| JACKSON TWP*     |            |              |                    |                   |                   |                  |                    |              |                 |
| WAYNE TWP*       |            |              |                    |                   | 2                 |                  |                    | 64516        | 64516           |
| WHITE RIVER TWP* |            |              |                    |                   | 1                 |                  |                    | 32258        | 32258           |
| ELDE             |            |              |                    |                   | 1                 |                  |                    | 32258        | 32258           |
| TOTALS           | 347467     | 402.65       | 0.99361            | 0.9979            | 31                | 2994300          | 999400             | 999998       | 4993698         |

\* TOWNSHIPS THAT PROVIDE FIRE PROTECTION ARE INCLUDED IN THE PUBLIC SAFETY DUTIES DISTRIBUTION FORMULA

## EXHIBIT A

**RESOLUTION R051523D**  
**A RESOLUTION OF THE COMMON COUNCIL FOR THE CITY**  
**OF FISHERS, HAMILTON COUNTY, INDIANA, APPROVING AN**  
**INTERLOCAL AGREEMENT CONCERNING A ONE-TIME**  
**DISTRIBUTION OF PUBLIC SAFETY INCOME TAX PROCEEDS**

WHEREAS, in 2019, the Hamilton County Local Income Tax Council (the “Income Tax Council”), adopted Ordinance No. LIT-2019-1 (the “2019 Ordinance”), to increase the Hamilton County Income Tax Rate by one-tenth of one-percent (.01%) to be used to pay the costs of the Hamilton County Public Safety Access Point (“PSAP”) and connectivity costs related thereto;

WHEREAS, the Hamilton County Communications Operations Board (the “HCCOB”) was created pursuant to the 2019 Ordinance as an advisory board to Hamilton County regarding the budgetary and contractual obligations of the PSAP;

WHEREAS, the HCCOB has recommended that Five Million Dollars (\$5,000,000) from the Public Safety Income Tax Fund be distributed as a special distribution among certain units, including the City of Fishers, Hamilton County, Indiana (“Fishers”), that provide one (1) or more public safety services as described in Ind. Code §6-3.6-6-8, to be used by the units for legally permissible uses of Public Safety Revenue for PSAP purposes;

WHEREAS, Hamilton County, Indiana, acting by the Board of Commissioners of Hamilton County (the “County”) has reviewed the request and agrees that the requested special distribution not to exceed Five Million Dollars (the “2023 Special Distribution”) may be distributed among certain units within the County, including Fishers, which provide one (1) or more public safety services as described in Ind. Code §6-3.6-6-8 and agree to expend it upon legally permissible uses of Public Safety Revenue for PSAP purposes and agrees to indemnify and hold the County harmless therefrom;

WHEREAS, the parties now desire to enter into a certain interlocal agreement, as more particularly described in Exhibit A, which is attached hereto and incorporated herein (the “Interlocal Agreement”), to establish the fair and equitable distribution of the Special Distribution and other responsibilities as further defined in the Interlocal Agreement;

WHEREAS, the County, and the Hamilton County Council (the “County Council”) have previously approved the Interlocal Agreement; and

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”), now desires to approve the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

- Section 1.     The Council hereby approves the Interlocal Agreement, as further described in Exhibit A, which is attached hereto and incorporated herein.



Section 2. The Council hereby authorizes the Mayor to execute the Interlocal Agreement and any and all documents in furtherance of the Interlocal Agreement.

Section 3. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

SO RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting this 15th day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523D**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_  
**Jennifer L. Kehl, Fishers City Clerk**



**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
May 15, 2023  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Christopher P. Greisl, Barnes & Thornburg, 11 South Meridian Street, Indianapolis, Indiana 46204.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/Christopher P. Greisl

**Exhibit A**  
*[Interlocal Agreement]*



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional Public Safety Local Income Tax (PSAP) Funds to the City of Fishers Municipal Budget                  |                                                  |                                                                                                                                |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lisa Bradford, City Controller<br>Department: Controller                                                                                                                            |                                                  |                                                                                                                                |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input checked="" type="checkbox"/> Public Hearing                                                                             | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523B                                                                                                         |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                  |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> Controller's Office                                                                                                          |
|                                                                                             | <input type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> Finance Committee                                                                                                            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Technical Advisory Committee                                                                                                            |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Other:                                                                                                                                  |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                  |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>An additional appropriation is a request from staff to move allocated funding that exists in an account or fund that has not been approved for spending, to be allocated for spending. In other words, if an account or fund has a certain amount of money in it and the fiscal body has only authorized a certain percentage or amount that can be spent; then the fiscal body must authorize funds out of the cash balance (the portion of funding that exists between the authorized amount and the total amount in the fund) before such can be used.</p> <p>Pursuant to the interlocal agreement entered into between the City of Fishers, the Hamilton County Board of Commissioners, and the Hamilton County Council, the City of Fishers will receive a one-time distribution of funds from the Hamilton County Public Safety Access Point (PSAP) fund. Because this distribution was unplanned during the 2023 City budget process, the funds to be received from this distribution need to be appropriated so the City can spend the funds in 2023.</p> |                                                                                                                                                                  |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A                                                                                                                                                              |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | PSAP Fund,\$1,500,000                                                                                                                                            |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Cash Balance                                                                                                                                                     |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PSAP Fund                                                                                                                                                        |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | This item is an action of requesting that \$1,500,000 be moved from the cash balance (unappropriated funding) into the spending category (appropriated funding). |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Approve this resolution and request                                                                                                                              |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Deny this resolution and request                                                                                                                                 |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Provide alternate direction                                                                                                                                      |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                  |
| <b>PROJECT TIMELINE</b>                                                                     | This item is effective upon adoption and has to be reported to the Indiana Department of Local Government Finance (DLGF) which will be done immediately.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                  |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends adoption of this resolution and authorization for the City Controller to fully oversee and execute this request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                  |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Resolution<br>2. Exhibit A - Advertising<br>3. Exhibit B - Additional Appropriation Worksheet for DFLG online entry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                  |





Sagamore News Media

The Paper • The Times  
The Weekly • Sheridan News  
P.O. Box 272  
Crawfordsville, IN 47933

# Invoice

| Date     | Invoice # |
|----------|-----------|
| 5/3/2023 | TL20373   |

The Times of  
Noblesville

Bill To

| Due | 6/2/2023 |
|-----|----------|
| Rep | LR       |

Balances over 90 days past due will be turned over to collections. Please contact our Business office to make a payment or a payment plan. Customers in a "pay-by-the-month" plan are exempt from collections while payments are being made.

| Description                                                                                                                                                                                                                                   | Qty | Rate  | Amount |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|--------|
| Additional Appropriations Runs 05/05                                                                                                                                                                                                          |     | 26.69 | 26.69  |
| <b>In this time of uncertainty, we here at the Times are requesting that you pay your invoice with credit card or bank transfer directly through Quickbooks via the link in the invoice email. Thank you in advance for your cooperation!</b> |     |       |        |

Thank you for choosing The Times of Noblesville. We value your local business! This invoice states that you have agreed to purchase an ad, or ad package from us. If you have any questions you can contact your sales rep or call the Business Office at 765-361-0100 x 3

|                    |         |
|--------------------|---------|
| <b>Total</b>       | \$26.69 |
| <b>Balance Due</b> | \$26.69 |



**NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION**

The City of Fishers, Hamilton County, Indiana ("City"), pursuant to Ind. Code §6-1.1-18-5, hereby provides NOTICE that the City's Common Council ("Council") will conduct a public hearing during its May 15, 2023 regularly scheduled Council meeting for considering the following additional appropriation(s) in excess of the budget for the current year.

|                                                                 | Addition    | Reduction |
|-----------------------------------------------------------------|-------------|-----------|
| Sewer Availability Fund— Capital Expenses                       | \$850,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund—Supplies              | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP)<br>Fund—Professional Svcs. | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP)<br>Fund—Capital Expenses   | \$500,000   | \$0       |
| Total                                                           | \$2,350,000 | \$0       |

The Council meeting will take place at 7:00pm at the Huston Theatre, Launch Fishers, 12175 Visionary Way, Fishers, IN. Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriation within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated this 3rd day of May, 2023

CITY OF FISHERS

Lisa Bradford

City Controller

Hamilton County, Indiana

*TL2033 5/5 It hspaxlp*

# Purdue Football Players Drafted In 2023 NFL Draft



**KENNY THOMPSON**  
Columnist

When Jalen Graham's name was called by the San Francisco 49ers early Saturday evening, the line-backer became the fifth former Purdue football standout selected in Rounds 4-7 of the 2023 NFL Draft.

All-American wide receiver Charlie Jones, quarterback Aidan O'Connell, tight end Payne Durham, cornerback Cory Trice and Graham gave the Boilermakers their highest representation in an NFL Draft since 2004. If these five athletes have the same good fortune as the nine Purdue standouts taken 19 years ago, they will enjoy several seasons in the NFL.

Nick Hardwick, Stuart Schweigert, Gilbert Gardner, Landon Johnson, Shaun Phillips, Niko Koutouvides, Kelly Butler, Craig Terrill and Jacques Reeves lasted between three seasons (Butler) and 11 (Hardwick, Phillips) in the NFL.

Schweigert, Phillips, Terrill, Gardner and Johnson started on defense for Purdue in the 2001 Rose Bowl. Koutouvides and Reeves also saw action at linebacker and cornerback, respectively, against Washington. Hardwick, inspired by Drew Brees and the Rose Bowl run, joined the Boilermakers in 2001 as a walk-on. Butler was a highly regarded recruit out of Grand Rapids, Mich., who entered the NFL Draft after three seasons as a starting tackle.

The only Big Ten Conference schools with more players drafted were no surprise: champion Michigan (9), Ohio State (6) and Penn State (6). Indiana was the only Big Ten school with no draft picks.

The Cincinnati Bengals made Jones the first Boilermaker selection with the 131st overall pick. That extended a run of three consecutive Purdue wide receivers drafted, follow-



**DURHAM PAYNE**

ing fellow All-Americans Rondale Moore in 2021 and David Bell last season.

Jones, a transfer from Iowa, led the nation with 110 receptions and set the Purdue single-season record with 1,361 receiving yards. The yardage ranked second nationally and his 12 touchdowns were fourth among receivers. His eight 100-yard games also broke a Purdue record shared by Bell, Moore, John Standford and Steve Griffin.

The pick drew praise from ESPN's team of analysts.

"He can play inside or outside at 5-11, 175 pounds, Todd McShay said. "He ran a 4.4 in the 40-yard dash. I love his quickness just as much as his speed. He's kind of a little sneaky, one of those kind of a pain in the butt receivers."

Added Louis Riddick: "He plays big. Don't be misled. He's not just a slot guy. He will burn your rear end on the outside. I saw him whip every defensive back he went against this year."

Troy Walters, the Bengals' receivers coach, told team radio broadcaster Dan Hoard that Jones is a technical route runner.

"If it's a 15-yard route, he's going to run 15," Walters said. "If it's 12 yards, he's going to get 12. He knows how to manipulate coverages and defenders at the top of his route. He just knows how to get open."

Joe (Barrow) wants you to be in the right spot at the right time and that's what Charlie does. He's a count on."

The Bengals are loaded at wide receiver with Ja'Marr Chase, Tee

Higgins and Tyler Boyd so Jones could return to his collegiate roots as a return specialist at first.

"It's something I want to do, and something I've loved doing," Jones told Hoard. "I want to be able to come in and make an impact any way I possible can."

Jones' childhood pal,



**GRAHAM JALEN**

O'Connell, became the first Purdue quarterback selected since Curtis Painter went to the Indianapolis Colts in 2009. O'Connell leaves as Purdue's all-time leader in completion percentage (66.7), passing efficiency (141.8) and 500-yard passing games (2). His 9,219 passing yards are sixth in school history, and his 65 touchdown passes rank fifth.

According to Levi Edwards of raiders.com, general manager Dave Ziegler saw O'Connell as a prospect since midseason of 2022.

"The one thing about quarterbacks that you don't get to see if you're just watching tape or if you're just watching games, I'd say over 50 percent of their success rate is really about what they're made of from the neck up," Ziegler said.

of evaluating O'Connell. "Intelligence, ability to process, those type of intangibles, leadership. Felt like he has a lot of those different intangible qualities that we think are really, really important to have any chance to be successful in the league at quarterback."

A lot of the things that he did at Purdue, some of the things that he showed - there's areas to grow into - but he showed a lot of the things we wanted from

the quarterback position." ESPN's McShay agrees with the Raiders about O'Connell's intelligence.

"He will learn the offense fast and be ready to go as No. 2," McShay said.

Durham is one of only three Purdue tight ends drafted during the past 15 years, joining Dustin Keller in 2008 and former teammate Brycen Hopkins in 2020. Only All-American Dave Young caught more touchdown passes as a tight end (27) than Durham's 21.

"He's one of those guys that does everything well, director of player personnel Mike Biehl told Scott Smith of buccaneers.com. "I wouldn't say he's elite



**JONES CHARLIE**

at anything, but he does everything really well."

ESPN draft analyst Mel Kiper Jr. likes Durham's 6-5, 253-pound frame.

"At Purdue he evolved into a heck of a target," Kiper said. "I thought he played faster than the 4.87 time at the Combine. He will run you over once he gets his hands on the football."

Trice ended a seven-year drought of Purdue cornerbacks in the NFL Draft since Dallas took Anthony Brown in 2016.

"This guy could be a steal," Kiper said of Trice, who some draft forecasts had going as high as the third round.

Trice, like future teammate Joey Porter Jr. of Penn State, seems to fit what the Steelers are looking for from their cornerbacks.

"He played a lot of press coverage and that's huge," secondary coach Grady Brown told Teresa Varley of steelers.com. "Just the way that he plays press,

being able to go down and ... just use that frame to just take up a lot of space and make guys work on the line of scrimmage."

Graham played both safety and linebacker at Purdue, a versatility that impressed 49ers general manager John Lynch.

"When we took Dee Winters (a sixth round pick from TCU), there was some discussion about who we wanted: Dee Winters or Jalen Graham," Lynch said. "For Jalen to still be there at the end of the draft, we talked about bringing him in as a free agent but we said let's have some certainty to this. Jalen is a guy we really like and are intrigued by."

With its top offensive weapons now playing professionally, Purdue's cupboard of NFL prospects may resemble Old Mother Hubbard's.

The roster at purduesports.com lists 21 seniors. However, 15 have two seasons of eligibility remaining thanks to the NCAA's COVID-19 ruling that made 2020 not



**O'CONNEL AIDAN**

count against the eligibility clock.

Thanks to some recruiting misses by former coach Jeff Brohm's staff, the football class of 2023 would be even more lean without a handful of transfers. Former Iowa wide receiver Tyrone Tracy is now a running back. Jamarr Brown (Kentucky) is a two-year starter at cornerback. Outside linebacker Scotty Humpich (Murray State), offensive tackle Daniel Johnson (Kent State) and 2023 transfer Isaiah Nichols (defensive end, Arkansas) are also entering their final season of eligibility.

The sixth true senior,

three-year starting safety Cam Allen, has something to prove after struggling with tackling in 2022. If he rebounds under first-year coach Ryan Walters, Allen is the best bet to be an NFL Draft pick.

Allen was part of Brohm's best-rated recruiting class (25th in the 247Sports composite) in 2019. That class was led by George Karlaftis (first round pick in 2022 by Kansas City), David Bell (2022 third-round pick by Cleveland) and Jalen Graham.

Karlaftis and Bell were among five four-star recruits. Wide receiver Milton Wright and safety Marvin Grant also became starters at Purdue. Academics ended Wright's career at Purdue. Grant transferred to Kansas before the 2022 season.

The fifth, defensive tackle Steven Fauchaux, never saw the field and transferred to Marshall, where he was converted to offensive tackle.

Only six members of that 27-man recruiting class remain at Purdue. Three - Allen, wide receiver T.J. Sheffield and tight end Garrett Miller - are likely starters this fall. Quarterback-turned-tight end Paul Pifer caught 10 passes for 143 yards and a touchdown in 2022. Linebacker Jacob Wahlberg was seventh on the team with 41 tackles. Defensive end Sulaiman Kpaka made



**TRICE CORY**

19 tackles in a reserve role.

- Kenny Thompson is the former sports editor for the Lafayette Journal & Courier and an award-winning journalist. He has covered Purdue athletics for many years.

## PUBLIC NOTICES

### NOTICE TO TAXPAYERS OF ADDITIONAL APPROPRIATION

The City of Fishers, Hamilton County, Indiana ("City"), pursuant to Ind. Code §§ 1-1-1-1-1-1-1, hereby provides NOTICE that the City's Common Council ("Council") will conduct a public hearing during its May 15, 2023 regularly scheduled Council meeting for considering the following additional appropriation(s) in excess of the budget for the current year:

|                                                              | Addition    | Reduction |
|--------------------------------------------------------------|-------------|-----------|
| Sever Availability Fund-Capital Expenses                     | \$850,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Supplies           | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Professional Svcs. | \$500,000   | \$0       |
| Public Safety Answering Point (PSAP) Fund-Capital Expenses   | \$500,000   | \$0       |
| Total                                                        | \$2,350,000 | \$0       |

The Council meeting will take place at 7:00pm at the Hamilton Theatre, 14441 Fishers, 12175 Visitation Way, Fishers, IN. Taxpayers appearing at the meeting shall have the right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (Department). The Department will make a written determination as to the sufficiency of funds to support the appropriation within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated this 3rd day of May, 2023

CITY OF FISHERS  
Lisa Bradford  
City Controller  
Hamilton County, Indiana

TL202373 5/5 11 hupac01

### NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATION

Notice is hereby given to the taxpayers of Sheridan Civil Town, Hamilton County, Indiana, that the proper legal officers of the Town of Sheridan, at their regular meeting place at 150 East 6th Street, Sheridan, IN, at 6:00 PM PM on the 16TH day of May 2023, will consider the following additional appropriations in excess of the budget for the current year:

|                   |              |
|-------------------|--------------|
| 1101 GENERAL FUND | \$138,800.00 |
| Total             | \$138,800.00 |

Taxpayers appearing at such meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance. The Department will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a certified copy of the action taken.

Elizabeth Walden, IAWC, CMO, CMC  
Clerk-Treasurer Town of Sheridan

TL202374 5/5 11 hupac01

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                                  ) ss:  
**Hamilton** County     )

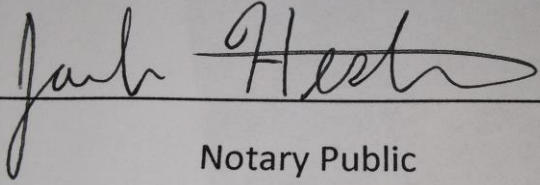
Personally appeared before me, a notary public in and for said county and state, the undersigned Tim Timmons who, being duly sworn, says that he is Publisher of **The Times** newspaper of general circulation printed and published in the English language in the city of **Noblesville** in state and county afore-said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **1** time(s), the date(s) of publication being as follows:

**5/5/2023**



---

Subscribed and sworn to before me this **5** day of **May, 2023**.

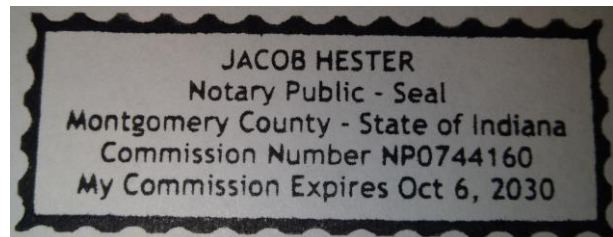


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Notary Public

My commission expires: **10/06/2030**  
**Jacob Hester**  
**Resident of Montgomery County**

Publisher's Fee: **\$26.69**



**Cause #Additional Appropriations**  
**TICKET: TL20373**

**CERTIFIED COPY OF ADDITIONAL APPROPRIATION**

State Form 55819 (R3 / 11-17)

PRESCRIBED BY THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

**Section I**

When reporting the appropriation of bond proceeds, complete Section I; lines A, B, C and 5 of Section II; Section III; and Section IV.

UNIT NAME: City of Fishers

Unit Number: 0642

COUNTY NAME: Hamilton

County Number: 29

Date of Publication

(month, day, year): 5/5/2023

Newspaper Name: The Times of Noblesville

Date of Publication

(month, day, year):

Newspaper Name:

Date of Public Hearing

(month, day, year): 5/15/2023

Date Resolution Passed

(month, day, year): 5/15/2023

**DLGF USE ONLY**

Date Received

(month, day, year):

Order Number:

**Section II**

Complete a column for each fund for which the additional appropriations are being made. Values omitted from the sheet may impact the Department's review and approval of the request. Rows A and B should be completed using the fund number and fund name as listed on the Fund Report of the Final 1782 Notice issued by the Department. A listing of these values may be found at: <http://www.in.gov/dlgi/files/pdf/170630%20-%20Jones%20Memo%20-%20Additional%20Appropriations%20-%20Supplemental%20Information.pdf>

|                                                                                                              |                    |                     |        |        |        |
|--------------------------------------------------------------------------------------------------------------|--------------------|---------------------|--------|--------|--------|
| A. DLGF Fund Number                                                                                          | N/A                | N/A                 |        |        |        |
| B. Fund Name                                                                                                 | Sewer Availability | Public Safety Funds |        |        |        |
| C. Appropriation Amount Requested                                                                            | \$850,000.00       | \$1,500,000.00      | \$0.00 |        |        |
| D. Amount by Reduction (Enter as a positive number.)                                                         | \$0.00             | \$0.00              | \$0.00 |        |        |
| E. Net Amount of Increase (C minus D.)                                                                       | \$850,000.00       | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 1. Property Tax Levy (Line 16)                                                                               | \$0.00             | \$0.00              | \$0.00 |        |        |
| 2. Levy Excess (Line 15)                                                                                     | \$0.00             | \$0.00              | \$0.00 |        |        |
| 3. PTRC from Local Income Tax (LIT) (Line 13A)                                                               | \$0.00             | \$0.00              | \$0.00 |        |        |
| 4. LIT Levy Freeze Amount (Line 13B)                                                                         | \$0.00             | \$0.00              | \$0.00 |        |        |
| 5. Misc. Revenue (Line 8B) (See Note #1.)                                                                    | \$1,100,000.00     | \$1,500,000.00      | \$0.00 |        |        |
| 6. January 1 Cash Balance (Include investments.)                                                             | \$5,663,317.00     | \$0.00              | \$0.00 |        |        |
| 7. Subtotal of Funds (Add 1 thru 6.)                                                                         | \$6,763,317.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 8. Less Circuit Breaker<br>(Amount From Circuit Breaker Report)                                              | \$0.00             | \$0.00              | \$0.00 |        |        |
| 9. Total Funds (7 minus 8.)                                                                                  | \$6,763,317.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 10. DLGF Approved Budget (Line 1C)                                                                           | \$1,100,000.00     | \$0.00              | \$0.00 |        |        |
| 11. Encumbered Appropriations Carried Forward From<br>Previous Year                                          | \$2,594,533.00     | \$0.00              | \$0.00 |        |        |
| 12. Temporary Loans Outstanding as of January 1                                                              | \$0.00             | \$0.00              |        |        |        |
| 13. Beginning Obligations (Add 10 thru 12.)                                                                  | \$3,694,533.00     | \$0.00              | \$0.00 | \$0.00 | \$0.00 |
| 14. Surplus Funds (9 minus 13.)                                                                              | \$3,068,784.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |
| 15. Previous additional appropriation(s) approved since<br>January 1, less any reductions in appropriations. | \$0.00             | \$0.00              | \$0.00 |        |        |
| 16. Amount transferred to the Rainy Day Fund (See Note #2.)                                                  | \$0.00             | \$0.00              | \$0.00 |        |        |
| 17. Surplus Funds Remaining (14 minus 15 minus 16.)                                                          | \$3,068,784.00     | \$1,500,000.00      | \$0.00 | \$0.00 | \$0.00 |

Note #1: If amount report on Row 5 is higher than 8B amount, then a revised Budget Form 2 must be attached with the Additional Appropriation Request.

Note #2: Row 16 cannot be used for additional appropriations for the rainy day fund. Transfers to the rainy day fund are entered as miscellaneous revenues on Line 5.

**Section III**

Please check the requested method for the Department to inform your unit of the status of the Additional Appropriation Request.

Check One:

☐

Follow Up Via E-mail

bradfordl@fishers.in.us

E-mail Address(es)

☐

Follow Up Via Mail

3 Municipal Drive Fishers, IN 46038

Mailing Address (Number, Street, City, State, ZIP Code)

**Section IV**

I, Lisa Bradford fiscal officer of City of Fishers, do hereby certify that the above information is true and correct.  
(Please Print) (Please Print)

City Controller

317-595-3111

May 15, 2023

Signature

Title

Telephone Number

Date (month, day, year)

Completed additional appropriation requests may be submitted to the Department via e-mail at

[AdditionalAppropriationRequests@dlgf.in.gov](mailto:AdditionalAppropriationRequests@dlgf.in.gov)

or via fax (317) 974-1629.

**RESOLUTION NO. R051523B**

**A RESOLUTION OF THE COMMON COUNCIL AUTHORIZING  
THE CITY CONTROLLER TO APPROPRIATE ADDITIONAL  
PUBLIC SAFETY LOCAL INCOME TAX FUNDS TO THE CITY OF FISHERS  
MUNICIPAL BUDGET**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted a certain amount of funds that are used for municipal operational purposes of the City of Fishers;

WHEREAS, it has been determined that it is now necessary to appropriate more money than what was appropriated in the annual budget as a certain appropriation is needed in order to continue this fund’s intended purpose and operation;

WHEREAS, the Common Council for the City of Fishers (“City Council”) is desirous to authorize the City Controller to make such appropriation; and

WHEREAS, a duly noticed public hearing has been held in accordance with Indiana law.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana meeting in regular session as follows:

**Section 1.** The following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

Fund Name: Public Safety Local Income Tax Funds (PSAP)

|                                     | AMOUNT<br>REQUESTED    | AMOUNT APPROVED<br>BY FISCAL BODY |
|-------------------------------------|------------------------|-----------------------------------|
| Major Budget Classification:        |                        |                                   |
| <u>Personal Services</u>            | \$ _____               | \$ _____                          |
| <u>Supplies</u>                     | \$500,000 _____        | \$500,000 _____                   |
| <u>Other Services &amp; Charges</u> | \$500,000 _____        | \$500,000 _____                   |
| <u>Township Assistance</u>          | \$ _____               | \$ _____                          |
| <u>Debt Service</u>                 | \$ _____               | \$ _____                          |
| <u>Capital Outlays</u>              | \$ 500,000 _____       | \$ 500,000 _____                  |
| <br>TOTAL for Public Safety Fund    | <br>\$ 1,500,000 _____ | <br>\$ 1,500,000 _____            |

**Section 2.** The City Council hereby authorizes the City Controller to complete the additional appropriation as further described herein.

**Section 3.** This Resolution shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the City Council of the City of Fishers, Hamilton County, Indiana, this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523B**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_15th\_\_ day of \_May\_\_\_\_,2023 at \_\_\_\_\_p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett







# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                             |                                                                                                                                |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                             |                                                                                                                                |                                                             |
| <b>TITLE</b>                                                                                                                                                                    | A Resolution of the Common Council for the City of Fishers Approving Certain Parking Fees for Geist Waterfront Park.                                                                              |                                                             |                                                                                                                                |                                                             |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Jacob Reardon McSoly - Director, Recreation and Wellness<br>Department:                                                                                                             |                                                             |                                                                                                                                |                                                             |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular                 | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                            |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance                          | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                            |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input checked="" type="checkbox"/> 3 <sup>rd</sup> Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                             | Resolution #: R051523F                                                                                                         |                                                             |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                             | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                             |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                             | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                             |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                             | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                             |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                             | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                             |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Controller's Office            |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Finance Committee              |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Technical Advisory Committee   |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> Other: City Council |
|                                                                                             | <input checked="" type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i><br>Lindsey Bennett                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | Attached is a Resolution approving an Parking Fees for Geist Waterfront Park ("GWP"), as required by Indiana Code. GWP is being developed on the last significant, undeveloped parcel of Geist to allow residents to enjoy Geist without having to own a house or dock. The City has invested approx. \$30,000,000.00 to develop GWP. GWP includes a swimming cove and an adjoining parking lot facility that both have limited capacity. Due to the limited capacity as well as the costs to operate the parking lot, the City desires to implement a reasonable fee for non-residents to utilize the parking lot from Memeoral Day to no later than November 1. The Board of Public Works & Safety approved a \$50 non-resident parking fee on May 9, 2023 and the City requests Common Council to now affirm that approval. |                                                         |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                         |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                         |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |
|                                                                                             | Narrative:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                         |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Approve the Resolution                                  |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Provide an alternative direction                        |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                         |
| <b>PROJECT TIMELINE</b>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                         |

**RESOLUTION NO. R050923B**

**A RESOLUTION OF THE CITY OF FISHERS, INDIANA BOARD  
OF PUBLIC WORKS AND SAFETY APPROVING CERTAIN  
PARKING AND RENTAL FEES FOR GEIST WATERFRONT PARK**

**WHEREAS**, the City of Fishers, Hamilton County, Indiana (“City”) has made significant investments in providing its residents with the opportunity to access Geist Reservoir (“Geist”);

**WHEREAS**, Geist Waterfront Park (“GWP”) is being developed on the last significant, undeveloped parcel of Geist;

**WHEREAS**, the purpose of GWP is to allow all Fishers residents to enjoy Geist without having to own a house or dock on the reservoir (“Public Purpose”);

**WHEREAS**, in pursuit of its Public Purpose, the City has invested approximately Thirty Million Dollars (\$30,000,000) to develop GWP;

**WHEREAS**, on or around July 5, 2018, the City acquired approximately seventy (70) acres of real property previously owned by the Marina Limited Partnership (“MLP”) and Irving Materials, Inc. (“IMI”), commonly referred to as 0 Olivo Road, Fishers, Indiana 46040 (the “Real Estate”), for Fifteen Million Seven Hundred Sixty Thousand Dollars (\$15,760,000) (the “Acquisition”);

**WHEREAS**, the Real Estate includes GWP and an adjoining parking lot facility (the “GWP Parking Lot”);

**WHEREAS**, GWP will be built in phases, and the total construction cost for Phase I of the park is approximately Fourteen Million Six Hundred Seventy-Five Thousand Eight Hundred Seventy and no/100 Dollars (\$14,675,870);

**WHEREAS**, in furtherance of its Public Purpose, and in order to support GWP and its unique offerings, the City has made a substantial investment in staffing, where GWP will be supported by approximately five (5) head lifeguards, thirty-five (35) regular lifeguards, five (5) gate attendants, and various public works staff including laborers, maintenance technicians, foreman, and a superintendent;

**WHEREAS**, total capacity for the GWP Parking Lot is approximately 240 spots (“Lot Capacity”), and total capacity for swimming in the cove is approximately 300 people (“Water Capacity”);

**WHEREAS**, as the City adds recreational amenities, its residents enjoy them; for example, the Nickel Plate District Amphitheater hosts more than one hundred (100) events each year and welcomes approximately 250,000 visitors per year; Fishers’ award-winning Farmers Market hosts an average of 4,500 attendees each weekend during the summer season; and Spark!Fishers, the annual community Independence Day festival, engages more than 20,000 residents each year;

**WHEREAS**, based on historical data and the popularity of similar amenities previously offered by the City of Fishers Department of Parks & Recreation (“Parks”), the City anticipates GWP to be highly utilized and often at or near both Lot Capacity and Water Capacity;

**WHEREAS**, Ind. Code § 36-9-6-2 authorizes the Board of Public Works & Safety (the “Board”) to supervise public grounds and other property of the City;

**WHEREAS**, Ind. Code §36-9-6-3 authorizes the Board to have custody of and maintain all real and personal property of the City;

**WHEREAS**, Ind. Code §36-10-3-10 authorizes the Board to exercise general supervision of and make rules for Parks and establish rules governing the use of park and recreation facilities by the public;

**WHEREAS**, Parks oversees, programs, manages and makes available for public use shelters at public parks (the “Recreational Facilities”) as listed on the Parks & Recreation Fee Schedule (“Fee Schedule”);

**WHEREAS**, the City, by and through Parks, now seeks to update the available Recreational Facilities to include the GWP shelters and amend its Fee Schedule in §35.30 in the Fishers Code of Ordinances to add the GWP shelters to be rented at an equitable rate and on dates and times that maximize its use;

**WHEREAS**, Ind. Code §36-9-11-3 authorizes the City to regulate parking facilities, including parking lots, that are owned or leased by the City and are used for off-street parking of vehicles;

**WHEREAS**, Ind. Code § 36-9-11-7 authorizes the City to fix rates and charges to be collected for the parking of vehicles in connection with the operation of any parking facility, including a parking lot, or for any other use of the facility, and adopt rules governing the use and operation of the facility so as to promote the maximum use of the facility by the public in a safe, orderly, and efficient manner;

**WHEREAS**, Ind. Code §36-10-3-10 authorizes the Board to exercise general supervision of and make rules for Parks and establish rules governing the use of park and recreation facilities by the public;

**WHEREAS**, due to its Public Purpose, the City’s large investment in developing and operating GWP in furtherance of its Public Purpose, and the capacity concerns presented by the anticipated popularity of a unique, world-class amenity, the City now desires to set a reasonable fee for non-resident use of the GWP Parking Lot during Beach Season (generally, Memorial Day weekend through Labor Day Weekend) in accordance with Indiana law.

NOW, THEREFORE, BE IT RESOLVED, by the City of Fishers Board of Public Works & Safety, meeting in regular session as follows:

- Section 1. The Board hereby approves the amended Fee Schedule for Geist Waterfront Park Shelter Rentals. The Fee Schedule shall be amended by adding to §35.30 of the Fishers Code of Ordinances: Geist Waterfront Park Shelter Rentals in the amount of \$50 for 4 hours and \$100 for 8 hours.
- Section 2. The Board hereby approves parking fees at the GWP Parking Lot for non-residents in the amount of \$50 per day during Beach Season (which, for purposes of this resolution, shall be defined as Memorial Day weekend through a date no later than November 1, with the specific end date to be determined annually by the Director of Recreation & Wellness). Non-residents who walk or bike to GWP may enter the park for free.
- Section 3. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED BY the City of Fishers Board of Public Works & Safety, Hamilton County, Indiana this 9th day of May, 2023.

**BOARD OF PUBLIC WORKS & SAFETY,  
CITY OF FISHERS  
HAMILTON COUNTY, INDIANA**

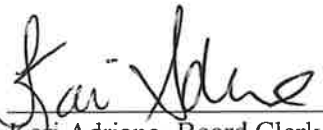
**YAY**

**NAY**

**ABSTAIN**

|                                                                                   |                            |  |  |
|-----------------------------------------------------------------------------------|----------------------------|--|--|
|  | Scott Fadness,<br>Chairman |  |  |
|                                                                                   | Jeff Lantz,<br>Member      |  |  |
|                                                                                   | Jason Meyer,<br>Member     |  |  |

ATTEST:

  
Kari Adriano, Board Clerk

DATE:

5/09/23

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana,  
One Municipal Drive, Fishers, Indiana, 46038

““I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in  
this document, unless required by law.” /s/ Lindsey M. Bennet

**RESOLUTION NO. \_\_ R051523F \_\_**

**A RESOLUTION OF THE COMMON COUNCIL FOR THE CITY  
OF FISHERS, HAMILTON COUNTY, INDIANA APPROVING  
CERTAIN PARKING FEES FOR GEIST WATERFRONT PARK**

**WHEREAS**, the City of Fishers, Hamilton County, Indiana (“City”) has made significant investments in providing its residents with the opportunity to access Geist Reservoir (“Geist”);

**WHEREAS**, Geist Waterfront Park (“GWP”) is being developed on the last significant, undeveloped parcel of Geist;

**WHEREAS**, the purpose of GWP is to allow all Fishers residents to enjoy Geist without having to own a house or dock on the reservoir (“Public Purpose”);

**WHEREAS**, in pursuit of its Public Purpose, the City has invested approximately Thirty Million Dollars (\$30,000,000) to develop GWP;

**WHEREAS**, on or around July 5, 2018, the City acquired approximately seventy (70) acres of real property previously owned by the Marina Limited Partnership (“MLP”) and Irving Materials, Inc. (“IMI”), commonly referred to as 0 Olivo Road, Fishers, Indiana 46040 (the “Real Estate”), for Fifteen Million Seven Hundred Sixty Thousand Dollars (\$15,760,000) (the “Acquisition”);

**WHEREAS**, the Real Estate includes GWP and an adjoining parking lot facility (the “GWP Parking Lot”);

**WHEREAS**, GWP will be built in phases, and the total construction cost for Phase I of the park is approximately Fourteen Million Six Hundred Seventy-Five Thousand Eight Hundred Seventy and no/100 Dollars (\$14,675,870);

**WHEREAS**, in furtherance of its Public Purpose, and in order to support GWP and its unique offerings, the City has made a substantial investment in staffing, where GWP will be supported by approximately five (5) head lifeguards, thirty-five (35) regular lifeguards, five (5) gate attendants, and various public works staff including laborers, maintenance technicians, foreman, and a superintendent;

**WHEREAS**, total capacity for the GWP Parking Lot is approximately 240 spots (“Lot Capacity”), and total capacity for swimming in the cove is approximately 300 people (“Water Capacity”);

**WHEREAS**, as the City adds recreational amenities, its residents enjoy them; for example, the Nickel Plate District Amphitheater hosts more than one hundred (100) events each year and welcomes approximately 250,000 visitors per year; Fishers’ award-winning Farmers Market hosts an average of 4,500 attendees each weekend during the summer season; and Spark!Fishers, the annual community Independence Day festival, engages more than 20,000 residents each year;



**WHEREAS**, based on historical data and the popularity of similar amenities previously offered by the City of Fishers Department of Parks & Recreation (“Parks”), the City anticipates GWP to be highly utilized and often at or near both Lot Capacity and Water Capacity;

**WHEREAS**, Ind. Code § 36-9-11-7 authorizes the Board to fix rates and charges to be collected for the parking of vehicles in connection with the operation of any parking facility, including a parking lot, or for any other use of the facility, and adopt rules governing the use and operation of the facility so as to promote the maximum use of the facility by the public in a safe, orderly, and efficient manner;

**WHEREAS**, on or around May 9, 2023, the City of Fishers Board of Public Works & Safety (“Board”), in accordance with Ind. Code §§36-9-6-2, 36-9-6-3, 36-10-3-10, 36-9-11-3, and 36-9-11-7, adopted Resolution R050923B, attached hereto and incorporated herein as Exhibit A, which, in part, approved a non-resident parking fee at the GWP Parking Lot in the amount of \$50 per day during “Beach Season” (generally, Memorial Day weekend through a date no later than November 1, with the specific end date to be determined annually by the Director of Recreation & Wellness) (the “Parking Fee”);

**WHEREAS**, in accordance with Ind. Code § 36-9-11-7, the Parking Fee must be approved by the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) prior to taking effect; and

**WHEREAS**, due to its Public Purpose, the City’s large investment in developing and operating GWP in furtherance of its Public Purpose, and the capacity concerns presented by the anticipated popularity of a unique, world-class amenity, the City Council now desires to affirm the Board’s action by approving the Parking Fee, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

- Section 1.     Parking Fee during Beach Season. The City Council hereby approves the Parking Fee during Beach Season (which, for purposes of this resolution, shall be defined as Memorial Day weekend through a date no later than November 1, with the specific end date to be determined annually by the Director of Recreation & Wellness).
- Section 2.     Non-residents who do not utilize the GWP Parking Lot may otherwise enter the park for free.
- Section 3.     This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED BY the Common Council for the City of Fishers, Hamilton County, Indiana this \_\_15th\_\_\_\_ day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523F**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_ 15th \_\_\_ day of \_\_\_ May \_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_

**Scott A. Fadness, Mayor**

\_\_\_\_\_ **May 15, 2023** \_\_\_\_\_

**DATE**

**MAYOR'S VETO**

\_\_\_\_\_

**Scott A. Fadness, Mayor**

\_\_\_\_\_

**DATE**

This instrument prepared by: Lindsey M. Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

““I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.” /s/ Lindsey M. Bennett



**Exhibit A**

*[Board Resolution]*



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                             |                                                  |                                                                                                                                |                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                |                                                  |                                                                                                                                |                                                  |
| <b>TITLE</b>                                                                                                                                                                    | AN ORDINANCE BY THE CITY OF FISHERS COMMON COUNCIL CREATING CHAPTER 100 PUBLIC SAFETY NUISANCE AND AMENDING SECTION 36.08 OF THE FISHERS CODE OF ORDINANCES |                                                  |                                                                                                                                |                                                  |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Lindsey Bennett, City Attorney                                                                                                                |                                                  |                                                                                                                                |                                                  |
|                                                                                                                                                                                 | Department:                                                                                                                                                 |                                                  |                                                                                                                                |                                                  |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session                                                                                                                       | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                 |
|                                                                                                                                                                                 | <input type="checkbox"/> Executive                                                                                                                          |                                                  |                                                                                                                                |                                                  |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                            | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                            | <input type="checkbox"/> Regular                 |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                 | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading |
|                                                                                                                                                                                 | Ordinance #: 051523C                                                                                                                                        |                                                  | Resolution #:                                                                                                                  |                                                  |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                             |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                  |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                     |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                  |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                       |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                  |

|                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>HAMILTON COUNTY</b><br/>(Some documents need recorded by the City Clerk)</p> | <p><input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office</p> <p><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office</p>                                                                                                  |
| <p><b>APPROVALS/REVIEWS</b></p>                                                    | <p><input type="checkbox"/> Assistant/Deputy Department Head</p> <p><input checked="" type="checkbox"/> Department Head</p> <p><input type="checkbox"/> Deputy Mayor</p> <p><input checked="" type="checkbox"/> Mayor</p> <p><input checked="" type="checkbox"/> Legal Counsel –<br/><i>Name of Reviewer:</i><br/>Lindsey Bennettl</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><input type="checkbox"/> Controller's Office</p> <p><input type="checkbox"/> Finance Committee</p> <p><input type="checkbox"/> Technical Advisory Committee</p> <p><input checked="" type="checkbox"/> Other:</p> |
| <p><b>BACKGROUND</b><br/>(Includes description, background, and justification)</p> | <p>For Council's review and approval is an addition to the Code of Ordinances, Chapter 100 Public Safety Nuisance. This Ordinance addresses excessive repeat calls for public safety assistance at certain commerical properties and locations that have reoccurring problems and activity.</p> <p>In summary, once a commercial property has received seven (7) calls for service, complaints and/or citations in a ninety (90) day period, the commercial property owner, operator or tenant will be issued a warning letter that advises (1) they will be required to come in for a meeting with public safety and the health department if they continue to have calls for service, complaints or citations, (2) they will be required to enter into a remediation agreement to address the reasons why there have been excessive calls if they reach ten (10) calls for service, citations or complaints and (3) if they continue to have calls for service, complaints and/or citations, they could be designated as a Chronic Violator and then subject to a fine of \$250 for each call, complaint or citation.</p> <p>Once a commercial property reaches ten (10) calls, complaints or citations in the ninety (90) day period, they will be required to meet with the public safety and health departments and enter into a remediation agreeemnt which will address the cause of the excessive calls at the commerical property. If they substantially comply with the remediation agreement, they will not be designated as a Chronic Violator with any additional calls, complaints or citations. If they do not substantially comply with the remediation agreement or refuse to enter into an agreement altogether, they will be at risk of being designated a Chronic Violator.</p> <p>Once a commercial proeprty reaches fifteen (15) calls, complaints or citations in a ninety (90) day period AND they have not entered into a remediation agreement OR they have not substantially complied with the agreement, they will be designated a Chronic Violator. After designation as a Chronic Violator, they will be issued a fine for every call for service, complaint or citation in the amount of \$250 per call, complaint or citation, payable to the Ordinance Violations Bureau. The Chronic Violator status will apply to the commerical</p> |                                                                                                                                                                                                                      |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|                                                                                             | <p>property for six months, at which time the Chronic Violator designation will be terminated and the time periods stated above will restart for purposes of the written notification, remediation agreement and Chronic Violator status.</p> <p>The goal of the Ordinance is not to penalize but rather to work with commercial property owners to find solutions to decrease their calls for service, complaints and citations. The Ordinance does not apply to residences, in accordance with Indiana law, and is not intended to discourage calls for public safety assistance or discourage calls from those who believe they have been a victim of a crime.</p> <p>The effective date of the Ordinance is August 1, 2023 to allow for communication and notices to be sent to those properties that may be at risk of becoming a Chronic Violator under this new Chapter.</p> |                                  |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                  |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Hold 1 <sup>st</sup> Reading     |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Provide an alternative direction |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
| <b>PROJECT TIMELINE</b>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Hold 1 <sup>st</sup> Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | Ordinance<br>Exhibit A - Chapter 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                  |

## **CHAPTER 100: PUBLIC SAFETY NUISANCE**

### **Section**

- 100.01 Intent
- 100.02 Definitions
- 100.03 Warning notification process
- 100.04 Remediation Agreements
- 100.05 Designation of Chronic Violator
- 100.06 Limited appeals commercial chronic problem property designation
- 100.07 Intimidation and retaliation prohibited
- 100.08 Discrimination prohibited
- 100.09 Miscellaneous
- 100.99 Penalties; civil action by law department

### **§ 100.01 INTENT.**

(A) The Common Council finds that excessive calls for service to problem areas or high-activity areas place an undue burden on public safety resources, which may result in decreased public safety services being provided to other areas of the City.

(B) The regulations set forth in this chapter advance legitimate public purposes which are designed to protect the overall public health, safety and welfare of the City. They are further designed to help prevent and assist in abating repeat calls for service to the same commercial property or location, which may result in diminished public safety services being provided to other residents and areas of the City.

(C) While fees and penalties are authorized to be imposed and collected from the Owner, Commercial Tenant, and/or Operator of the property designated as a Chronic Violator, the intent of the City is to take a proactive, solutions-oriented approach to abating repeat Calls for Service to the same property or location prior to the property being designated as a Chronic Violator. All fines and fees imposed, if any, are intended to help cover costs incurred by the City which are over and above the cost of providing services to properties not designated as a Chronic Violator.

(D) The intent of this chapter is not to discourage calls to law enforcement. All individuals who believe they are a victim of a crime or all individuals needing emergency assistance are always encouraged to call 911. Instead, this chapter is intended to highlight certain properties or locations in which excessive Calls for Service are taking place, to collaborate with Owners, Commercial Tenants, and/or Operators to Abate the issues taking place, and then to hold Owners, Commercial Tenants, and/or Operators accountable for failing to enter into or substantially comply with the Remediation Agreement as set forth in this chapter.



## § 100.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless otherwise stated:

**Abate** shall mean to remedy a condition which constitutes a violation of federal, state and/or local law which is necessary and in the interest of the general health, safety, and welfare of the City.

**Call(s) for Service.** Any time when a sworn member of the Fishers Police Department or Fire & Emergency Service Department is dispatched, deployed or responds to an incident at a specific location, whether or not it results in a Valid Complaint or Citation.

**Chronic Violator**, unless otherwise defined in this Chapter, shall mean a Commercial Business Property that has, within any 90 day period:

- (1) Been the subject of fifteen (15) or more Calls for Service; or
- (2) Been the subject of fifteen (15) or more Valid Complaints; or
- (3) Been the subject of fifteen (15) or more Citations; or
- (4) Been the subject of a combination of Calls for Service, Valid Complaints and/or Citations, which together total fifteen (15) or more in number.

Multiple Calls for Service, Valid Complaints and/or Citations under one incident shall only count once towards designation as a Chronic Violator.

**Citation** shall mean a written notice of violation of ordinance, federal or state law or penalty issued by the Fishers Police Department or Fishers Fire & Emergency Service Department requiring payment of a fine.

**City** shall mean the City of Fishers, Indiana.

**Commercial Business Property** shall mean a property used for commercial or industrial purposes, whether or not such property is zoned commercial or industrial pursuant to the Fishers Unified Development Ordinance. The term shall specifically exclude all portions of a property used for residential purposes.

**Commercial Tenant** shall mean an individual or entity that occupies a rental unit for commercial purposes with the landlord's consent and for consideration agreed upon by the landlord and tenant.

**Operator** shall mean any person who has charge, care or control of a Commercial Business Property. The term shall include a person who leases property to a commercial tenant, if such person is not otherwise the Owner of said property.

**Owner** shall mean any person, agent, firm, operator, trust, partnership, limited liability company, corporation or other individual or legal entity having a legal or equitable interest in a parcel of property which constitutes a Commercial Business Property; or recorded in the official records of the state, county or municipality as holding title to such Commercial Business Property; or otherwise having control of the Commercial Business Property, including a receiver, trustee,

conservator or the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. Service on the registered agent shall be good service as to the Owner.

**Public Safety Response.** Any and all action taken by the Fishers Police Department and/or Fishers Fire & Emergency Services Department needed to protect the health, safety and welfare of inhabitants of a property or location with such response being subject to the governing rules and regulations of each department.

**Public Safety Team** shall mean the Police Chief, the Chief of Fire & Emergency Services, and the Public Health Director, or their designees, who are collectively assigned to oversee the administration and implementation of this chapter.

**Remediation Agreement** shall mean a written agreement between an Owner, Commercial Tenant, and/or Operator and the Public Safety Team that outlines actions the Owner, Commercial Tenant, and/or Operator shall take to abate a nuisance or condition occurring on a Commercial Business Property.

**Valid Complaint(s)** shall mean a documented call that requires a Public Safety Response at a Commercial Business Property. If more than one (1) valid complaint occurs within a twenty-four (24) hour time period, then each valid complaint is considered a separate and distinct event except for valid complaints originating from one incident.

**Warning Notification** shall mean a written document sent by the Public Safety Team to any Owner, Commercial Tenant, and/or Operator who has received seven (7) Calls for Service, Valid Complaints and/or Citations in a ninety (90) day time period under this Chapter.

### **§ 100.03 WARNING NOTIFICATION PROCESS.**

The Public Safety Team shall issue a Warning Notification to the Owner, Commercial Tenant, and/or Operator of a Commercial Business Property advising said person(s) that at ten (10) Calls for Service, Valid Complaints and/or Citations, they will be subject to §100.04.

Such warning notification shall be sent within seven (7) calendar days after the seventh (7th) Call for Service, Valid Complaint and/or Citation is issued against Owner, Commercial Tenant and/or Operator of the Commercial Business Property. The Warning Notification shall be delivered by one of the following methods: (1) leaving a copy of the Warning Notification at the Commercial Business Property address, followed by sending a copy through first class United States mail; or (2) sending the Warning Notification by certified mail, return receipt requested. In the case of a commercial rental property, a copy of the Warning Notification shall also be delivered to the Owner by personal service, electronically, or by first class United States mail if such notice was not already provided to the Owner as outlined above.

### **§ 100.04 REMEDIATION AGREEMENTS.**

(A) Once an Owner, Commercial Tenant, and/or Operator of a Commercial Business Property has received a Warning Notification and has ten (10) Calls for Service, Valid Complaints, and/or Citations, the Public Safety Team shall set a mandatory meeting between the Public Safety Team and the Owner, Commercial Tenant and/or Operator to occur within thirty (30) days and

shall send notice of the mandatory meeting to the Owner, Commercial Tenant and/or Operator electronically or by first class United State Mail.

(B) Failure to appear at the mandatory meeting may subject the Owner, Commercial Tenant, and/or Operator to penalties under §100.99 and/or having their Commercial Business Property designated as a Chronic Violator in accordance with §100.05.

(C) The Owner, Commercial Tenant, and/or Operator of a Commercial Business Property that has received a Warning Notification and has ten (10) Calls for Service, Valid Complaints and/or Citations shall be required to enter into a Remediation Agreement with the City, by and through its Public Safety Team. Such agreement shall:

- (1) Be in writing and signed by the Owner, Commercial Tenant, and/or Operator of the Commercial Business Property and the Public Safety Team, or its designee;
- (2) Set forth reasonable remedial measures, as established by the City, which must be initiated within ninety (90) calendar days of executing the Remediation Agreement, and thereafter establish periodic thresholds and needed corrective actions which will be monitored by the Public Safety Team;
- (3) Include proactive measures determined necessary to abate the public health, safety and welfare violations identified and may include Calls for Service, Valid Complaints, Citations and any other compliance letter or order that has been issued by any City department;
- (4) Have a term of no more than six (6) months;
- (5) Be fully executed within thirty (30) days after the notice of mandatory meeting pursuant to §100.04(A) was received by the Owner, Commercial Tenant, and/or Operator of the Commercial Business Property; and
- (6) The Owner, Commercial Tenant and/or Operator shall provide reports of progress toward the remedial and proactive measures contained in the Remediation Agreement no less than one (1) time per month during the term of the Remediation Agreement.

(D) Within ten calendar days after a Remediation Agreement is executed by the parties described above, the Public Safety Team shall distribute a copy of the executed Remediation Agreement to the Owner, Commercial Tenant and/or Operator of the Commercial Business Property. In the case of a commercial rental property, the Public Safety Team shall also send a copy of the Remediation Agreement to the Owner, electronically or by first class United States mail, if such notice was not already provided to the Owner.

(E) In the event that the Owner, Commercial Tenant, and/or Operator substantially complies with the Remediation Agreement, then the Commercial Business Property shall not be designated as a Chronic Violator in the event the Commercial Business Property receives subsequent Calls for Service, Complaints and/or Citations and no additional penalties will be issued under §100.99 of this chapter, all as further subject to the specific terms of the Remediation Agreement.

(F) In the event that the Owner, Commercial Tenant, and/or Operator fails or refuses to enter into a Remediation Agreement or fails to substantially meet the obligations set forth in the Remediation Agreement, any subsequent Calls for Service, Complaints and/or Citations will count toward designation of the Commercial Business Property as a Chronic Violator. Notice of non-compliance shall be sent to the Owner, Commercial Tenant and/or Operator by the Public Safety Team electronically or by first class United States mail. In the case of a commercial rental property, the Public Safety Team shall also send a copy of the notice of non-compliance to the Owner electronically or by first class United States mail, if such notice was not already provided to the Owner.

(G) Any new violations of this Chapter which are in addition to the items addressed in the Remediation Agreement may be pursued by the Legal Department pursuant to §100.99.

(H) Once the Owner, Commercial Tenant, and/or Operator has fully complied with the Remediation Agreement, the Public Safety Team shall notify the head of the Legal Department and the Legal Department shall issue a "Notice of Compliance" and release the Owner, Commercial Tenant or Operator from the Remediation Agreement. The time period and number of Calls for Service, Valid Complaints and/or Citations for purposes of this Chapter will restart once a Notice of Compliance has been issued.

#### **§ 100.05 REVIEW AND DESIGNATION OF CHRONIC VIOLATOR.**

(A) When reviewing documentation to designate a Commercial Business Property as a Chronic Violator, the Public Safety Team shall review and verify the number of documented Calls for Service, Valid Complaints and/or Citations in the applicable 90-day period.

(B) If the Public Safety Team determines that the Commercial Business Property has been the subject of fifteen (15) or more Calls for Service, Valid Complaints and/or Citations within the applicable time period and either (i) the Commercial Business Property has not entered into a Remediation Agreement or (ii) the Owner, Commercial Tenant, and/or Operator has failed to substantially meet the obligations set forth in the Remediation Agreement, the Public Safety Team shall designate the Commercial Business Property as a Chronic Violator.

(C) The Public Safety Team shall provide written notice to the Owner, Commercial Tenant, and/or Operator that its Commercial Business Property has been designated as a Chronic Violator. In the case of a commercial rental property, a copy of the written designation shall also be sent to the Owner, if the Owner was not the primary intended recipient of the designation. Said notification shall be delivered by the following methods: (1) leaving a copy of the notification at the Commercial Business Property address, followed by sending a copy of the notice through first class United States mail; or (2) sending notification to the Owner, Commercial Tenant, and/or Operator by certified mail, return receipt requested. This notification shall identify:

(1) The Owner, Commercial Tenant, and/or Operator and the Commercial Business Property that has been designated as a Chronic Violator;

(2) The number of Calls for Service, Valid Complaints and/or Citations pertaining to said Commercial Business Property in the applicable 90 day period;

(3) The fines, fees and cost(s) which may be incurred if there are any future Calls for Service, Valid Complaints and/or Citations pertaining to the Commercial Business Property along with the language contained in §100.99 (A)-(C);

(4) The name, title, and contact information of the Public Safety Team (or their designee) whom the Owner, Commercial Tenant, and/or Operator may contact if he/she has questions regarding the notification; and

(5) The time period which the Chronic Violator designation will last.

(D) Once designated as a Chronic Violator by the Public Safety Team, the Commercial Business Property shall remain so designated for six (6) months from the date of designation. Any Commercial Business Property that has been designated as a Chronic Violator shall be subject to the fines and fees set forth in §100.99 for each Call for Service, Valid Complaint and/or Citation issued after designation as a Chronic Violator.

(E) Designation as a Chronic Violator shall be removed by notice issued to the Chronic Violator by the Legal Department upon (i) six (6) months of designation as a Chronic Violator and (ii) the full payment of any and all fines and fees associated with said Chronic Violator, including any fines or fees that have been issued under another Chapter. The time period and number of Calls for Service, Valid Complaints and/or Citations for purposes of this Chapter will restart once a notice under this Section has been issued.

#### **§ 100.06 LIMITED APPEALS OF CHRONIC VIOLATOR DESIGNATION.**

The City of Fishers Board of Public Works & Safety or an administrative hearing officer appointed by the City of Fishers Board of Public Works & Safety are authorized to hear limited appeals from Owners, Commercial Tenants, and/or Operators of Commercial Business Properties that have been designated as a Chronic Violator. The appeal shall be filed within 10 calendar days of designation and be limited to the verification of whether said property has reached the requisite number of Calls for Service, Valid Complaints and/or Citations set forth in §100.05. A hearing before the hearing officer for such limited appeals must be held within 30 calendar days of the appeal being filed. Written notice of the date, time and location shall be sent via certified mail to said person of record. The decision of the hearing officer shall be the final administrative action for purpose of judicial review.

#### **§ 100.07 INTIMIDATION AND RETALIATION PROHIBITED.**

If any person reports to a city employee or agent that he/she believes that they have been intimidated or threatened by the Owner, Commercial Tenant, and/or Operator of a Commercial Business Property in the City due to filing a complaint or reporting an alleged violation of this chapter or under federal, state or local law, the city employee or agent shall encourage the person to report such alleged intimidation or retaliation to the Fishers Police Department for further action.

#### **§ 100.08 DISCRIMINATION PROHIBITED.**

Nothing in this chapter shall be construed to encourage or authorize the discrimination by Owner, Commercial Tenant, and/or Operator against any persons based upon race, creed, religion, sex, disability, age, sexual orientation or national origin.

## **§ 100.09 MISCELLANEOUS**

(A) The regulations set forth in this chapter are supplemental to other regulations codified in the City of Fishers Municipal Code and are designed to address Chronic Violators.

(B) If any provision of this chapter or application to any party or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this chapter or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law; provided that, in lieu of such invalid or unenforceable provision, there will be added to this chapter a provision as similar to the invalid or unenforceable provision as is possible to reflect the intent of the City and still be valid and enforceable.

## **§ 100.99 PENALTIES; CIVIL ACTION BY LAW DEPARTMENT**

(A) Any Owner, Commercial Tenant, and/or Operator violating the provisions of this chapter shall be subject to the following penalties:

(1) Citations: after a Commercial Business Property has been designated as a Chronic Violator, any subsequent Calls for Service, Valid Complaint or Citation at the Commercial Business Property shall result in a fine of Two Hundred Fifty and No/100 Dollars (\$250) to the Owner, Commercial Tenant or Operator given notice under §100.05 in addition to any other penalty imposed by ordinance.

(2) Citations under this Section may be issued by the Fishers Police Department or the Fishers Fire & Emergency Services Department to the Owner, Commercial Tenant or Operator who received noticed under §100.05 and shall be payable to the Ordinance Violations Bureau.

(3) In addition to the collection of fines resulting from the issuance of citation(s), the Legal Department is authorized to bring civil action against any alleged violator of this chapter for all unpaid repeat nuisance service call fees.

(B) In addition to the penalties in §100.99(A), the City may file an action in any court of general jurisdiction against the Owner, Commercial Tenant or Operator of the Commercial Business Property to enjoin the activity giving rise to the Calls for Service, Valid Complaint or Citation and/or any other remedy allowed by Indiana law, and to recover the fines, costs and attorneys' fees associated with the action, as prescribed in IC §32-30-6-7, as amended.

(C) Each violation of this chapter shall be deemed a separate offense.

**ORDINANCE NO. 051523C**

**AN ORDINANCE BY THE CITY OF FISHERS COMMON COUNCIL  
CREATING CHAPTER 100 PUBLIC SAFETY NUISANCE AND AMENDING  
SECTION 36.08 OF THE FISHERS CODE OF ORDINANCES**

WHEREAS, the City of Fishers (“City”) Police Department and Fire & Emergency Services Department have been experiencing excessive repeat calls for service at certain commercial properties and locations in the City due to reoccurring problems and activity at those commercial properties and locations;

WHEREAS, the City of Fishers Common Council (“Common Council”) finds that excessive repeat calls for service for reoccurring problems and activities at commercial properties and locations place an undue burden on public safety resources, which may result in decreased public safety services being provided to other areas of the City;

WHEREAS, the Common Council desires regulations to advance legitimate public purposes designed to protect the overall public health, safety and welfare of the City by preventing and assisting in abating repeat calls for service to the same commercial property or location;

WHEREAS, the Common Council desires to create progressive regulations with the intent of collaborating with commercial property owners to abate excessive calls for public safety assistance and shall include (1) a meeting with the City’s public safety team and (2) the execution of a remediation agreement between the City and commercial businesses before implementing fines or other punitive action for abatement at the commercial properties;

WHEREAS, any fines or fees imposed are intended to help cover costs incurred by the City which are over and above the cost of providing services to properties not experiencing repeat calls for service;

WHEREAS, pursuant to Indiana law, the City desires to create Chapter 100, Public Safety Nuisance, to address repeat calls for service at commercial locations and properties and to articulate the process to abate the repeat calls for service;

WHEREAS, Chapter 100, Public Safety Nuisance is not intended to discourage any calls for public safety assistance or to discourage calls from those who believe they have been the victim of a crime;

WHEREAS, the City has established, pursuant to Indiana Code §33-36-3-1 *et seq.* an Ordinance Violations Bureau (OVB) and a schedule of ordinance provisions that may be paid into the OVB; and

WHEREAS, the City desires to amend Section 36.08 to allow payment of violations of Chapter 100 to be paid into the OVB.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

**Section 1.** Chapter 100 Public Safety Nuisance is hereby created as set forth in Exhibit A, attached hereto and incorporated herein.



**Section 2.** Section 36.08 is hereby amended to include the following:

**§ 36.08 SCHEDULE OF FINES.**

- (A) Fines or fees imposed by reason of a violation of any of the following ordinances shall be eligible for disposition at the Ordinance Violations Bureau established within the city.

| Violation –<br>Public Safety<br>Nuisance | Code Section | First Violation | Second and<br>Subsequent<br>Violations |
|------------------------------------------|--------------|-----------------|----------------------------------------|
| All Sections                             | 100.99       | \$250           | \$250                                  |

**Section 3.** All other provisions of the City’s ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

**Section 4.** If any provision of this Ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

**Section 5.** This Ordinance shall be of full force and effect beginning August 1, 2023, and in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this \_\_ day of \_\_, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**051523C**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

-

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, 1 Municipal Drive, Fishers, IN 46038.

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." /s/ Lindsey Bennett





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                              |                                                  |                                                                                                                                |                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                                 |                                                  |                                                                                                                                |                                                                                                           |
| <b>TITLE</b>                                                                                                                                                                    | Consideration of a rezone of 1.76 acres from R2 to C1 with conditions to allow for Magnolia Grove Salon. Subject site is located at 13484 E. 116 <sup>th</sup> St. Case #RZ-22-4                             |                                                  |                                                                                                                                |                                                                                                           |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich                                                                                                                                                                                 |                                                  |                                                                                                                                |                                                                                                           |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                                  |                                                  |                                                                                                                                |                                                                                                           |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                              | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                          |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                             | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                            | <input type="checkbox"/> Regular                                                                          |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                             | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 091922C                                                                                                                                                                                         |                                                  | Resolution #:                                                                                                                  |                                                                                                           |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                              |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                      |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                        |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                           |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input checked="" type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                              |                                                                                                           |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                               |                                                       |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                         | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                          |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>Tom Perkins on behalf of Rachel Petry is requesting consideration of a rezone of 1.76 acres from R2 to C1 with conditions to allow for commercial development of a hair salon with associated site improvements.</p> <p>See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                               | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                              | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                             | N/A                                                   |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                            | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                            | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                            | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                            |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>September 22, 2022 - 1st Reading -- City Council</p> <p>May 3, 2023- Plan Commission Recommendation and Public Hearing</p> <p>May 15, 2023- Proposed Final Reading -- City Council</p>                                                                                                                                                                     |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold Final Reading for the rezone.                                                                                                                                                                                                                                                                                              |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | <p>1. Ordinance</p> <p>2. Renderings</p> <p>3. Site Plan</p> <p>4. Staff Report</p> <p>5. Traffic Memo</p>                                                                                                                                                                                                                                                    |                                                       |

















**STEVEN J. FEHRIBACH, P.E.**  
 PRESIDENT

**R. MATTHEW BROWN, P.E.**  
 VICE PRESIDENT

**KAREN K. COLLINS, P.E.**  
 VICE PRESIDENT

**JOSEPH T. RENGEL, P.E.**  
 VICE PRESIDENT

May 3, 2023

Mr. Jason Taylor, P.E.  
 Director of Engineering  
 City of Fishers  
 1 Municipal Drive  
 Fishers, Indiana 46038  
[taylorjm@fishers.in.us](mailto:taylorjm@fishers.in.us)

Re: Magnolia Salon and Drive Planning Office Building  
 116<sup>th</sup> Street

Dear Mr. Taylor,

Per the request of the City, I have reviewed the number of trips and the driveway operations for the above referenced projects. The number of trips that will be generated over an hour by the 6966 square foot salon and the 12,000 square foot office building is shown in the following table:

| Trip Generation Calculations |              |         |         |
|------------------------------|--------------|---------|---------|
| Land Use                     | Size         | AM Peak | PM Peak |
| Salon                        | 23 chairs    | 14      | 14      |
| Office Building              | 12,000 sq ft | 27      | 29      |

Based on the location of the lane uses, 50% of the trips would come from the east and 50% would come from the west. A review of the assignment and distribution of the traffic entering and exiting the site has determined that there would be a maximum of seven (7) eastbound U-turns during the morning and a maximum of seven (7) westbound U-turns during the afternoon due to the location of the Magnolia Salon. As currently shown, the access point for the Drive Planning Office is east of the existing median. Therefore, this access point would be a full access driveway and would not impact the number of U-turns. Based on these findings, the number of trips generated would not cause any adverse effects to the location of the driveway or to the eastbound left-turn lane at Kroger. As 116<sup>th</sup> Street is a four-lane road, U-turns can safely be made at the end of the raised median.

The following are two alternative options to be considered:

- Connect the Magnolia Salon to the church access point and connect the Drive Office Building to the Kroger parking lot. This would reduce the number of U-turns that would need to occur on 116<sup>th</sup> Street. However, an investigation needs to be completed to ensure that the salon and office building have continuous access through the church access point and through the Kroger parking lot.
- Allow Magnolia Salon access point to be developed as a right-in/right-out/left-in only access. This would reduce the number of U-turns during the morning by seven (7). The left-in only turn would be developed by opening the median and providing a porkchop for the access point to ensure right-in/right-out/left-in only movements.

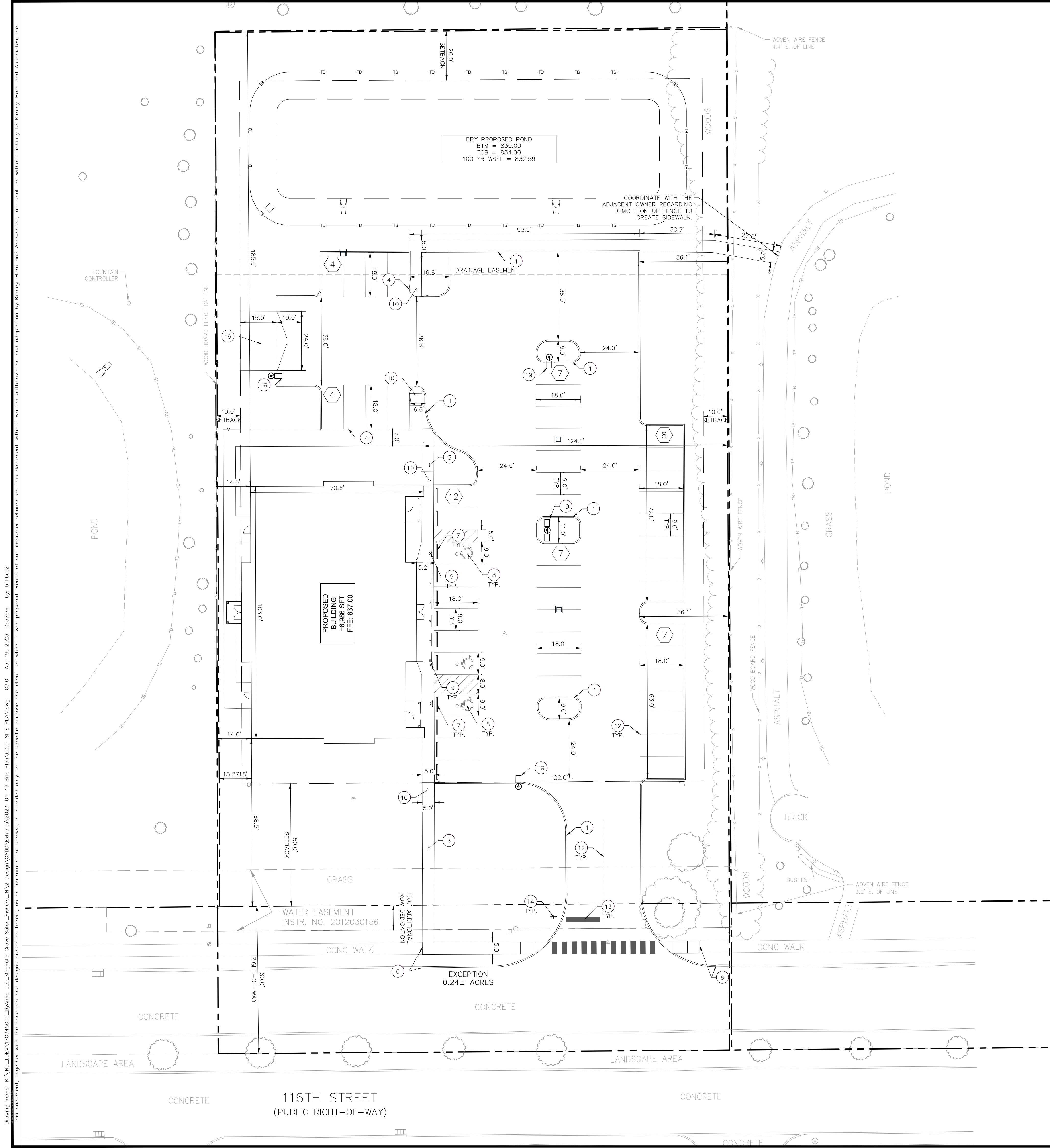
If you have any questions or comments, please contact me.

Sincerely,  
A&F Engineering Co., LLC

A handwritten signature in blue ink, appearing to read 'S. Fehribach', with a stylized flourish at the end.

Steven J. Fehribach, P.E.  
President





Indiana Utilities Protection Service

Call 811

before you dig

NORTH

GRAPHIC SCALE IN FEET

0 10' 20' 40'

| PAVING LEGEND |                                                                                 |
|---------------|---------------------------------------------------------------------------------|
|               | STANDARD DUTY ASPHALT PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION |
|               | RIGHT OF WAY PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION          |
|               | CONCRETE SIDEWALK<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION              |
|               | HEAVY DUTY CONCRETE PAVEMENT<br>SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION   |

| SITE SUMMARY                         |            |
|--------------------------------------|------------|
| SITE ZONING                          | C1         |
| SITE ACREAGE                         | 1.76 AC.±  |
| BUILDING AREA                        | 6,986 S.F. |
| BUILDING HEIGHT                      | 27' FT     |
| PARKING SPACES (STANDARD) REQUIRED   | 72 SPACES  |
| PARKING SPACES (ACCESSIBLE) REQUIRED | 5 SPACES   |
| PARKING SPACES (STANDARD) PROVIDED   | 46 SPACES  |
| PARKING SPACES (ACCESSIBLE) PROVIDED | 5 SPACES   |
| TOTAL PARKING SPACES PROVIDED        | 49 SPACES  |

- KEY NOTES
1. CONCRETE CURB, TYP. (SEE DETAILS)

2. DEPRESSED CONCRETE CURB AND GUTTER (SEE DETAILS)

3. CONCRETE SIDEWALK, TYP. (SEE DETAILS)

4. COMBINED CURB AND WALK (SEE DETAIL) (5' FROM FACE OF CURB)

5. CONCRETE CURB AND GUTTER (SEE DETAILS)

6. CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.

7. CONCRETE PARKING BUMPER TYP. (SEE DETAILS)

8. ACCESSIBLE PAVEMENT MARKINGS, TYP. (SEE DETAILS)

9. ACCESSIBLE PARKING SIGN, TYP. (SEE PLAN FOR VAN LOCATION) (MUTCD R7-8, SEE DETAILS)

10. ACCESSIBLE RAMP (SEE DETAILS)

11. 2" WIDE TACTILE WARNING STRIP

12. 4" WIDE PAVEMENT MARKING, WHITE SOLID LINE, TYP.

13. 24" WIDE STOP BAR, TYP. (SEE DETAILS)

14. STOP SIGN, TYP. (MUTCD R1-1, SEE DETAILS)

15. CONCRETE BOLLARD, TYP. (SEE DETAILS)

16. TRASH COMPACTOR AND ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)

17. TRANSFORMER PAD (REFER TO UTILITY PROVIDER)

18. MONUMENT SIGN (SEE ARCHITECTURAL PLANS FOR DETAILS)

19. LIGHT POLES SHOWN FOR COORDINATION ONLY (SEE SITE LIGHTING PLAN)

20. BIKE RACK (SEE LANDSCAPE PLAN FOR DETAILS)

21. RETAINING WALL (SEE ARCHITECTURAL PLANS FOR DETAILS)

22. 2' CURB TURNOUT (SEE DETAILS)

23. 3-FT TRANSITION CURB (SEE DETAILS)

BENCHMARKS

ORIGINATING BENCHMARK:  
HSE 26  
HSE DISC IN CONCRETE SET ON THE EAST SIDE OF OLIO ROAD, 100'± NORTH OF THE BACK OF CURB OF THE NORTH ENTRANCE TO FALL CREEK INTERMEDIATE SCHOOL AND 25'± EAST OF THE BACK OF WALK WHICH RUNS ALONG OLIO ROAD.  
ELEV: 838.42 (NAVD 88 DATUM)

TEMPORARY BENCHMARKS  
AS SHOWN ON SURVEY

GENERAL PLAN NOTES

REFER TO GENERAL NOTES SHEET FOR MORE INFORMATION INCLUDING THE FOLLOWING: (EXISTING LEGEND, BENCHMARK INFORMATION, AND SPECIFIC GENERAL PLAN NOTES.)

Drawing name: K:\IND\_LDEV\170345000\_DyAnne LLC\Magnolia Grove Salon, Fishers\IN\2 Design\CADD\Exhibits\2022-04-19 Site Plan\C3.0-SITE PLAN.dwg    C3.0    Apr 19, 2023    3:57pm    by: billbutz  
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

AS NOTED

DESIGNED BY: KED

DRAWN BY: MPH

CHECKED BY: WAB

REVISIONS

No.

DATE

BY

Kimley»Horn

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INDIANAPOLIS, IN 46240  
WWW.KIMLEY-HORN.COM

DYANNE LLC

SITE PLAN

MAGNOLIA GROVE SALON FISHERS, IN 46037

ORIGINAL ISSUE: 10/03/2022

KHA PROJECT NO. 170345000

SHEET NUMBER

C3.0



## City Council Staff Report

Meeting Date: May 15, 2023

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**DEPARTMENT CONTACT:**

Megan Vukusich, Department of Planning & Zoning, 3 Municipal Drive, Fishers, IN. 46038

**CASE NUMBER:**

RZ-22-4

---

**PETITIONER:**

Bill Butz of Kimley-Horn

**PROPERTY ADDRESS/LOCATION:**

13484 E 116th

---

**REQUEST:**

Consideration of a rezone of 1.76 acres from R2 to C1 with conditions.

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**EXISTING ZONING:**

R2

**PROPOSED ZONING:**

C1 with conditions (C1c)

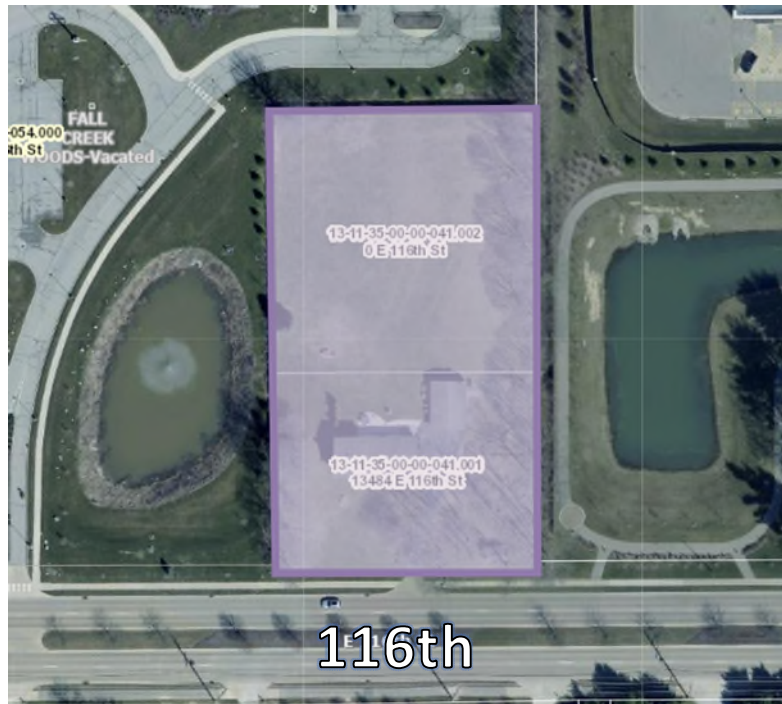
**FISHERS 2040:**

Suburban Residential

---

**LOT SIZE: 1.76**

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**LOCATION MAP**

---

**STAFF RECOMMENDATION**

☐ Favorable Recommendation    ☐ Unfavorable Recommendation    ☒ No Recommendation

---

## PETITION OVERVIEW:

The current zoning of the property is R2-Residential. The property currently has a single-family home. The petitioner has requested a rezone to the C1 zoning district to allow for the proposed use of a hair salon. After meeting with neighbors to discuss concerns regarding this development, the petitioner has reduced the size of the building and has agreed to the following conditions:

- 1) That the property owner voluntarily annex into city limits;
- 2) Hours of operation be limited to 8am to 8pm, Monday through Saturday. Closed on Sundays;
- 3) All lighting fixtures shall be full-cut off, with a zero-foot candle lighting level at the property line; From 10pm to 8am, lighting shall be limited to the amount required for security purposes only;
- 4) Uses are limited to the following: Office, medical office, beauty/hair salon, day spa, nail salon;
- 5) The building architecture and site design shall be substantially similar to the plans included as Exhibit C, including a parking lot with a maximum of 49 parking spaces.

### Development Standards

Any future development will be required to meet all development standards of the Fishers Unified Development Ordinance for a C1 zoning district, unless otherwise deviated from in the above conditions.

### Traffic & Site Access

A&F Engineering did review the impact of this development on traffic in the area and provided alternative options for access, one of which was obtaining access to the north from the church property. This memo is included as an attachment. It should be noted that the traffic analysis included both this rezone and a future rezone item in the area. The petitioner has reached out to the church previously and the church was not interested in providing a connection through their site. If this item is to move forward, staff would like to continue this conversation to see if this alternative access can be achieved. Any ROW improvements involving a cut to the existing median would require Board of Works approval.

### Fishers 2040

The Fishers 2040 plan lists the future land use as suburban residential.

---

## SURROUNDING LAND USE & ZONING:

North: R2 – Institutional Use

East: PUDC (116<sup>th</sup> & Olio PUD)– Commercial Use



South: ER- Residential Use  
West: R2 – Institutional Use

---

### **SUMMARY OF NEIGHBORHOOD MEETINGS & PUBLIC COMMENT:**

Two neighborhood meetings were held on 10/27/2022 and 4/18/2023 to discuss this project with neighbors. During these meetings neighbors expressed concerns about the impact of additional commercial development in this area related to traffic and increased congestion.

#### Public Comments

Remonstrations have been received from the following residents:

- Donna Bond - 13555 E 114<sup>th</sup> St
- Angela & Andy Mattingly - 13487 E 116<sup>th</sup>
- Jacquelyn Thompson - 13429 E 116<sup>th</sup> St
- Chris & Elizabeth Cooke - 13625 E 114<sup>th</sup> St
- Dan & Kim Cook – 13595 E 114<sup>th</sup> St

During the May 3, 2023 Plan Commission meeting by a vote of 5 in favor and 2 opposed, members of Plan Commission voted to send an unfavorable recommendation to City Council. The motion failed due to the lack of votes in favor of the motion (at minimum 6 votes are needed), sending no recommendation to City Council.

---

### **STAFF RECOMMENDATION**

☐ Favorable Recommendation    ☐ Unfavorable Recommendation    ☒ No Recommendation

---

**ORDINANCE NO. 091922C**  
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF**  
**THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the City of Fishers (the “City”), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City’s Plan Commission has conducted a public hearing on May 3, 2023 for case RZ-22-4 as required by law in regard to the proposal to amend the City’s Official Zoning Map to designate the real estate identified on Exhibit A, attached hereto and incorporated herein (the “Real Estate”), as within the C1 Commercial zoning district with conditions; and

WHEREAS, the Plan Commission at its May 3, 2023 meeting, by a vote of 5 in favor and 2 opposed; voted to send an unfavorable recommendation to City Council. The motion failed, sending no recommendation to City Council; and

WHEREAS, to support its long-term vision for the City, the Council desires to adopt certain amendments to the Official Zoning Map.

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

**Section 1. Declaration.** The City’s Official Zoning Map is hereby amended to designate the Real Estate as within the C1 Commercial zoning district with the following conditions:

- 1) That the property owner voluntarily annex into city limits;
- 2) Hours of operation be limited to 8am to 8pm, Monday through Saturday. Closed on Sundays;
- 3) All lighting fixtures shall be full-cut off, with a zero-foot candle lighting level at the property line; From 10pm to 8am, lighting shall be limited to the amount required for security purposes only;
- 4) Uses are limited to the following: Office, medical office, beauty/hair salon, day spa, nail salon; and
- 5) The building and site design shall be substantially similar to the plans included as Exhibit C, including a parking lot with a maximum of 49 parking spaces.

**Section 2. Purpose and Intent.** The purpose and intent of this text amendment is to support the City’s long-term vision for the City.

**Section 3. Approval.** This amendment shall become effective upon its adoption and publication in accordance with Indiana law. Development of the Real Estate shall be governed entirely by

**ORDINANCE NO. 091922C**

the provisions of the C1 Commercial zoning district with conditions and the provisions of the UDO.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 15<sup>th</sup> day of May, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett



**Exhibit A**  
**Legal Description of Real Estate**

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 208.71 FEET ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DUE WEST 208.71 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 208.71 FEET; THENCE DUE EAST 208.71 FEET TO THE EAST LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 208.71 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

ALSO:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, FALL CREEK TOWNSHIP, HAMILTON COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS. FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE DUE WEST (ASSUMED BEARING) 208.71 FEET ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS EAST 208.71 FEET; THENCE DUE EAST 208.71 FEET TO THE EAST LINE OF SAID QUARTER QUARTER SECTION; THENCE SOUTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 208.71 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

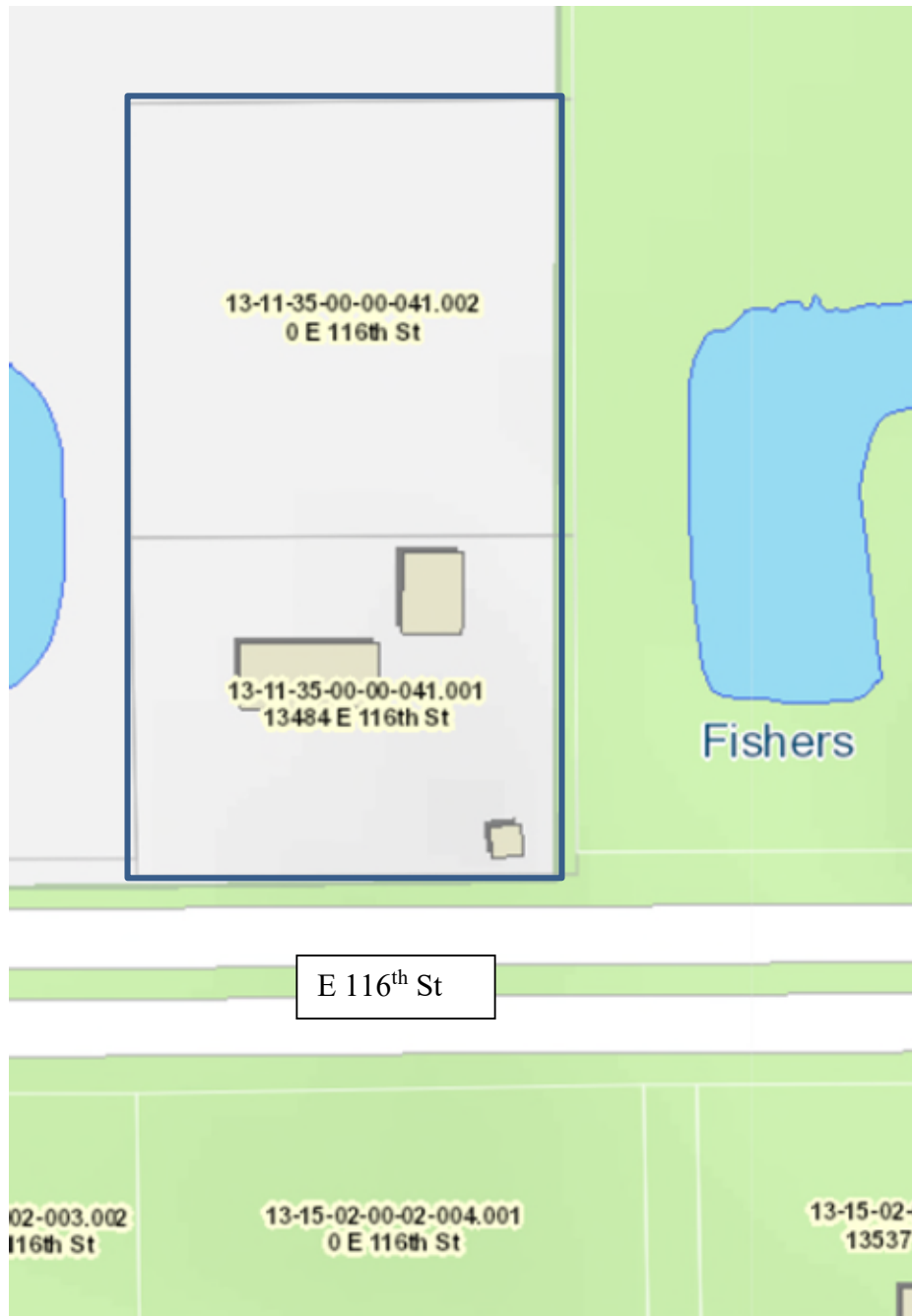
A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 5 EAST, HAMILTON COUNTY, INDIANA, AND BEING A PART OF THE LAND OF INSTRUMENT NUMBER 9909939439, OFFICE OF THE RECORDER MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST (ASSUMED BEARING) 1,320.97 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING OF THIS DESCRIPTION BEING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER-QUARTER SECTION: THENCE NORTH 89 DEGREES 55 MINUTES 54 SECONDS WEST 208.71 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE SOUTHWEST CORNER OF THE GRANTOR'S LAND; THENCE NORTH 0 DEGREES 11 MINUTES 55 SECONDS EAST 50.00 FEET ALONG THE WEST LINE OF THE GRANTOR'S LAND; THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS EAST 208.71 FEET TO THE EAST LINE OF SAID QUARTER-QUARTER SECTION; THENCE SOUTH 0 DEGREES 11 MINUTES 55 SECONDS WEST 50.00 FEET ALONG THE EAST LINE OF THE SAID QUARTER-QUARTER TO THE POINT OF BEGINNING AND CONTAINING 0.240 ACRES, MORE OR LESS.

*13484 E 116<sup>th</sup> St*

*13-11-35-00-00-041.001*

EXHIBIT B



*13484 E 116<sup>th</sup> St*  
*13-11-35-00-00-041.001*



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Consideration of a text amendment to the Unified Development Ordinance (UDO). Case #TA-23-2                                                                                                       |                                                  |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director Planning & Zoning                                                                                                                                          |                                                  |                                                                                                                                |                                                                                                       |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                   | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                            | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 022023C                                                                                                                                                                              |                                                  | Resolution #:                                                                                                                  |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                       |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |
|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Other:                       |
|                                                                                             | <input checked="" type="checkbox"/> Legal Counsel –<br>Name of Reviewer: Krieg DeVault                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The city has been helping neighborhood homeowners' associations (HOAs) with amending their covenants and restrictions to help manage investment companies purchasing homes in their neighborhoods. We have heard from neighborhoods that it is challenging to meet the high percentage requirements that are set in their covenants to be able to make changes.</p> <p>The city is bringing forward an amendment to the Unified Development Ordinance (UDO) that would require any new HOA to limit the percentage of votes required to make an amendment to governing documents by a simple majority vote for items involving approving budgets, changes to HOA operations, and changes to rental restrictions. All other covenants, conditions, and restrictions would be subject to the existing 75% maximum consenting vote.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
| <b>OPTIONS</b><br>(Include Deny Approval Option)                                            | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Approve                                               |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Approve with conditions                               |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Deny                                                  |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Continue                                              |
| <b>PROJECT TIMELINE</b>                                                                     | <p>February 20, 2023 - 1<sup>st</sup> Reading at City Council<br/>         March 1, 2023 - Public Hearing at Plan Commission - CONTINUED<br/>         March 21, 2023 - Meeting with builders/developers<br/>         March 27, 2023 - Virtual Town Hall with HOAs<br/>         April 12, 2023 - 2<sup>nd</sup> Public Hearing at Plan Commission<br/>         May 3, 2023 - 3<sup>rd</sup> Public Hearing at Plan Commission<br/>         May 15, 2023 - Final Reading at City Council</p>                                                                                                                                                                                                                                                                                                                                              |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends City Council approve.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Ordinance<br>2. Staff Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |







# City Council Staff Report

Meeting Date: May 15, 2023

**DEPARTMENT CONTACT:**

Megan Vukusich, [vukusichm@fishers.in.us](mailto:vukusichm@fishers.in.us)

**CASE NUMBER:**

TA-23-2

**PETITIONER:**

City of Fishers

**PROPERTY ADDRESS/LOCATION:**

Citywide

**REQUEST:** Consideration of a text amendment to the Unified Development Ordinance (UDO) to establish voting requirements for new HOAs.

**EXISTING ZONING:**

N/A

**PROPOSED ZONING:**

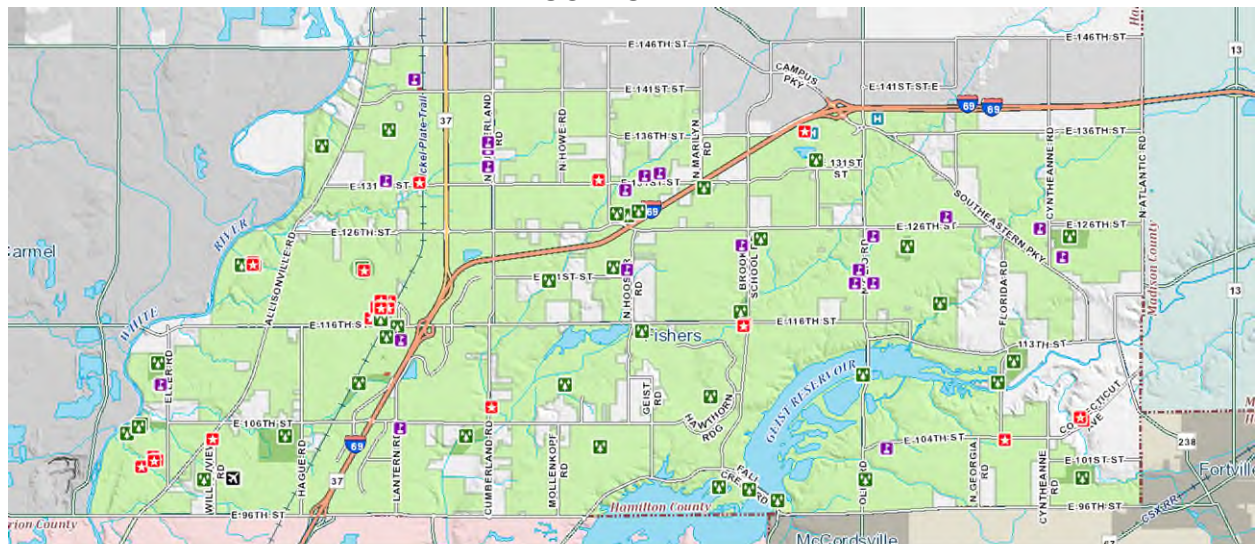
N/A

**FISHERS 2040:**

N/A

**LOT SIZE:** N/A

**LOCATION MAP**



**STAFF RECOMMENDATION**

☒ Favorable Recommendation ☐ Unfavorable Recommendation ☐ No Recommendation

## ZONING HISTORY:

The city has been helping neighborhood homeowners' associations (HOAs) with amending their covenants and restrictions to help manage investment companies purchasing homes in their neighborhoods. We have heard from neighborhoods that it is challenging to meet the high percentage requirements that are set in their covenants to be able to make changes.

The city is bringing forward an amendment to the Unified Development Ordinance (UDO) that would require any new HOA to limit the percentage of votes required to make an amendment to governing documents by a simple majority vote for items involving approving budgets, changes to HOA operations, and changes to rental restrictions. All other covenants, conditions, and restrictions would require a 75% consenting vote to change.

Below is the existing state statute related to this topic.

---

### IC 32-25.5-3-9Amending governing documents; consents required

Sec. 9. The governing documents must contain a provision allowing the owners to amend the governing documents at any time, from time to time, subject to the following:

- (1) The declarant's consent to an amendment may be required if:
  - (A) the declarant owns one (1) or more units within the subdivision; and
  - (B) not more than seven (7) years have passed since the original governing documents were first recorded.
- (2) The consent of the owners to the amendment has been obtained as evidenced by either of the following:
  - (A) The vote of the owners at a meeting duly called for the purpose of considering the amendment.
  - (B) A written instrument signed by the owners.

The governing documents may not require that the consent of more than seventy-five percent (75%) of the owners is required for consent under this subdivision.

(3) If the consent of first mortgage holders is required, only first mortgage holders that provide an address to the secretary of the board must be notified. The consent of a first mortgage holder must be indicated in a written instrument signed by the mortgage holder. However, a mortgage holder is considered to have consented to a proposed amendment if the mortgage holder does not respond to a written request for consent within thirty (30) days after the mortgage holder receives the request. The governing documents may not require that the consent of more than seventy-five percent (75%) of first mortgage holders eligible to receive notice is required for consent under this subdivision.

(4) Notwithstanding subdivisions (1) through (3), the governing documents may require the approval of at least ninety-five percent (95%) of the owners to convey common areas or to dissolve the plan of governance for the homeowners association.

*As added by P.L.141-2015, SEC.11. Amended by P.L.164-2016, SEC.6.*

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## SUMMARY OF PUBLIC COMMENTS:

A public hearing was held at the Advisory Plan Commission March 1, 2023 meeting. At the meeting we heard from several stakeholders:

- Residents/HOA Reps – Supportive of amendment but brought up additional issues HOAs have with conducting regular business.

- Developers/Builders – Concerns with how this amendment would impact development of subdivisions.

Meeting with developers/Builders – Staff held a meeting on March 21, 2023 to discuss the amendment with builders and BAGI. Revisions have been added to the amendment to address their concerns.

HOA Virtual Town Hall - Staff held a virtual town hall on March 27, 2023 at 7:30pm. 22 participants were on the call.

A second public hearing was held by the Plan Commission on April 12, 2023. At the meeting we heard from an additional stakeholder, Tom Murray with Eads Murray & Pugh who represents several HOAs in Fishers. He suggested language to the amendment that has been incorporated into the latest draft.

A third public hearing was held by the Plan Commission on May 3, 2023. At the meeting a representative from Avalon HOA, Josh Huser, and Tom Murray with Eads Murray & Pugh spoke in support of the ordinance.

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#### **PETITION OVERVIEW:**

Below is a summary of the revisions we are proposing with this text amendment.

- Definition for governing documents
- Voting for condo associations
- Addressing quorum percentage requirements, especially for larger neighborhoods.
- Allowing for amendments to governing documents related to HOA operations and rental restrictions to be a simple majority of members.
- Definition of HOA operations
- All other amendments to CC&Rs may be approved by no more than 75% vote of members.
- Amendments to governing documents as described here to not take effect until the certificate of occupancy has been issued for the last home in the neighborhood.
- Added language that aligns with state law for subdivisions that take longer than 7 years to build out.

#### **STAFF RECOMMENDATION**

☒ Favorable Recommendation    ☐ Unfavorable Recommendation    ☐ No Recommendation

---

**ORDINANCE NO. 022023C**  
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF**  
**THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the Unified Development Ordinance (“UDO”) for the City of Fishers (the “City”), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City’s Plan Commission has conducted a public hearing on May 3, 2023 for case TA-23-2 as required by law in regard to the text amendment; and

WHEREAS, the Plan Commission at its May 3, 2023 meeting sent a favorable recommendation to the Fishers City Council by a vote of 6 in favor and 0 opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

**Section 1. AMENDMENT.** This Text Amendment amends certain sections of the Unified Development Ordinance;

**Section 2. PURPOSE STATEMENT.** The purpose of this ordinance is to add regulatory language in the furtherance of the overall Purpose & Intent provisions of Section 1.2.2. (UDO Introductory Provisions).

**Section 3. CHANGES TO THE UDO REGULATIONS.** The following sections of the UDO regulations shall be changed, as follows:

**Sec. 7.1.5 *Owner’s Association Governing Documents and Covenant Standards***

**A. Applicability**

This section specifies covenants required between the City and the owners’ association (**such association or entity being referred to herein as an “HOA”**) that is established independent of a residential development’s Declaration of Covenants instrument. Any residential development that has common area or any other area, facility, or amenity that is to be owned and/or maintained by the owner’s association shall record a legally binding covenant instrument applicable to each property owner and parcel within the development.

**L. Amending Governing Documents**

**In addition to the requirements above and the requirements of Indiana Homeowners Association Act found at Ind. Code 32-25.5-3 et seq. which provisions are applicable to all HOAs**

**ORDINANCE NO. \_\_\_\_\_**

established after June 30, 2009, the Governing Documents of any HOA (consisting of its Declaration of Covenants, Conditions and Restrictions or similarly titled document, its Articles of Incorporation and its Code of By-Laws) concerning the operation and maintenance of such open space, common area and amenities, as well as the Governing Documents of the HOA themselves, must contain provisions allowing the owners of parcels of property subject to such Governing Documents to amend such Governing Documents at any time, and from time to time, and subject to the following:

1. Each "member" of an HOA for this purpose shall be an owner, in fee simple, of each parcel of property subject to such governing documents concerning such parcel, and each such "member" shall be entitled to one vote per parcel of property so owned. However, if the HOA is for a condominium community and if the members have Percentage Interests that are not equal but rather are based on the size of the condominium units as set forth in the Governing Document, those Percentage Interests shall be applicable to determine the voting rights of the members.
2. When the development company is drafting the Governing Documents, special attention should be directed to the percentage of members that will constitute a quorum for purposes of conducting the annual meeting or a special meeting of the members. Factors to be considered should include the total number of parcels planned and type of community planned. The goal is to set a realistic quorum so that the HOA can conduct business at its meetings including matters such as the election of Directors and the approval of the annual budget.
3. In accordance with Ind. Code 32-25.5-3-9, the governing documents of the HOA must contain a provision allowing the members to amend the governing documents at any time, from time to time and such amendment may not require the consent of more than seventy-five percent (75%) of the members. However, pursuant to this Ordinance, any amendment to the Governing Documents specifically involving changes relating to "HOA Operations" and rental restrictions may not require the consent of the members owning more than fifty percent (50%) of the total number of parcels. For purposes of this provision, "HOA Operations" pertain to matters that are normally addressed in an HOA's By-Laws such as the quorum for membership meetings, the date of the annual meeting, the number and eligibility of Directors, the length of terms for the Directors, the Officers, the use of proxies, notices required to be given for annual meetings and special meetings of the members, and the location of membership meetings. "HOA Operations" is not intended to apply to provisions such as use restrictions or architectural requirements.
4. Until a certificate of occupancy has been issued on the last parcel of property subject to the Governing Documents of the HOA owned by the declarant pursuant to the original Governing Documents, amendments to the Governing Documents as provided in 3. above shall require the consent of the declarant, regardless of the approval of the other members. In accordance with Ind. Code 32-25.5-3-9, the declarant's consent to an amendment may be required if:
  - A. the declarant owns one (1) or more units within the subdivision; and
  - B. not more than seven (7) years have passed since the original governing documents were first recorded

**ORDINANCE NO. \_\_\_\_\_**

5. HOAs are encouraged to allow member participation through virtual meetings and electronic voting.



ORDINANCE NO. \_\_\_\_\_

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this \_15th\_ day of  
\_\_\_May\_\_\_ 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**022023C**

**YAY**

**NAY**

**ABSTAIN**

|  |                                 |  |  |
|--|---------------------------------|--|--|
|  | John Weingardt,<br>President    |  |  |
|  | Cecilia Coble<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member     |  |  |
|  | Brad DeReamer,<br>Member        |  |  |
|  | Selina Stoller,<br>Member       |  |  |
|  | Todd Zimmerman,<br>Member       |  |  |
|  | Jocelyn Vare,<br>Member         |  |  |
|  | Crystal Neumann,<br>Member      |  |  |
|  | David Giffel,<br>Member         |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor  
Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_, 2023 at \_\_\_\_\_ p.m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, Fishers City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE** May 15, 2023

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal  
Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this  
document, unless required by law." Christopher P. Greisl





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                        |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                        |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | Consideration of a rezone of .98 acres from R2 to C1 to allow for the Drive Planning office located at 13562 E 116 <sup>th</sup> Street. Case #RZ-23-2                                            |                                                  |                                                                                                                        |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich                                                                                                                                                                      |                                                  |                                                                                                                        |                                                                                            |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                        |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                    | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 051523D                                                                                                                                                                              |                                                  | Resolution #:                                                                                                          |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office           |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | Consideration of a rezone of .98 acres from R2 to C1 to allow for the Drive Planning office.<br><br>See Petitioner's Packet for concept plan and architectural renderings illustrating the intended development for this property. |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                 | Hold First Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | May 15, 2023 - 1st Reading -- City Council<br>June 7, 2023- Proposed Plan Commission Recommendation and Public Hearing<br>June 19, 2023- Proposed Final Reading -- City Council                                                    |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold First Reading for the rezone.                                                                                                                                                                   |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Draft Ordinance<br>2. Petitioner's Packet<br>3. Traffic Memo                                                                                                                                                                    |                                                       |



**STEVEN J. FEHRIBACH, P.E.**  
PRESIDENT

**R. MATTHEW BROWN, P.E.**  
VICE PRESIDENT

**KAREN K. COLLINS, P.E.**  
VICE PRESIDENT

**JOSEPH T. RENGEL, P.E.**  
VICE PRESIDENT

TRANSPORTATION ENGINEERING STUDIES • TRAFFIC IMPACT ANALYSES  
STREET DESIGN • HIGHWAY DESIGN • TRAFFIC ENGINEERING  
PARKING LOT DESIGN • TRANSPORTATION PLANNING STUDIES  
CONSTRUCTION OBSERVATION • SITE ENGINEERING

REGISTRATION  
INDIANA  
ILLINOIS  
KENTUCKY  
MICHIGAN  
OHIO  
MISSOURI  
TEXAS

May 3, 2023

Mr. Jason Taylor, P.E.  
Director of Engineering  
City of Fishers  
1 Municipal Drive  
Fishers, Indiana 46038  
[taylorjm@fishers.in.us](mailto:taylorjm@fishers.in.us)

Re: Magnolia Salon and Drive Planning Office Building  
116<sup>th</sup> Street

Dear Mr. Taylor,

Per the request of the City, I have reviewed the number of trips and the driveway operations for the above referenced projects. The number of trips that will be generated over an hour by the 6966 square foot salon and the 12,000 square foot office building is shown in the following table:

| Trip Generation Calculations |              |         |         |
|------------------------------|--------------|---------|---------|
| Land Use                     | Size         | AM Peak | PM Peak |
| Salon                        | 23 chairs    | 14      | 14      |
| Office Building              | 12,000 sq ft | 27      | 29      |

Based on the location of the lane uses, 50% of the trips would come from the east and 50% would come from the west. A review of the assignment and distribution of the traffic entering and exiting the site has determined that there would be a maximum of seven (7) eastbound U-turns during the morning and a maximum of seven (7) westbound U-turns during the afternoon due to the location of the Magnolia Salon. As currently shown, the access point for the Drive Planning Office is east of the existing median. Therefore, this access point would be a full access driveway and would not impact the number of U-turns. Based on these findings, the number of trips generated would not cause any adverse effects to the location of the driveway or to the eastbound left-turn lane at Kroger. As 116<sup>th</sup> Street is a four-lane road, U-turns can safely be made at the end of the raised median.

The following are two alternative options to be considered:

- Connect the Magnolia Salon to the church access point and connect the Drive Office Building to the Kroger parking lot. This would reduce the number of U-turns that would need to occur on 116<sup>th</sup> Street. However, an investigation needs to be completed to ensure that the salon and office building have continuous access through the church access point and through the Kroger parking lot.
- Allow Magnolia Salon access point to be developed as a right-in/right-out/left-in only access. This would reduce the number of U-turns during the morning by seven (7). The left-in only turn would be developed by opening the median and providing a porkchop for the access point to ensure right-in/right-out/left-in only movements.

If you have any questions or comments, please contact me.

Sincerely,  
A&F Engineering Co., LLC

A handwritten signature in blue ink, appearing to read 'S. Fehribach', with a stylized flourish at the end.

Steven J. Fehribach, P.E.  
President



















**ORDINANCE NO. 051523D**  
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF**  
**THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA**

This is an ordinance to amend the Official Zoning Map incorporated into the Unified Development Ordinance (“UDO”) for the City of Fishers (the “City”), previously enacted by the City pursuant to its authority under the laws of the State of Indiana IC 36-7-4 et seq., as amended.

WHEREAS, the City’s Plan Commission has conducted a public hearing on June 7<sup>th</sup>, 2023 for case RZ-23-2 as required by law in regard to the proposal to amend the City’s Official Zoning Map to designate the real estate identified on Exhibit A, attached hereto and incorporated herein (the “Real Estate”), as within the C1 Commercial zoning district; and

WHEREAS, the Plan Commission at its June 7<sup>th</sup>, 2023 meeting sent a \_\_\_\_\_ recommendation to the Fishers City Council by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed; and

WHEREAS, to support its long-term vision for the City, the Council desires to adopt certain amendments to the Official Zoning Map.

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

**Section 1. Declaration.** The City’s Official Zoning Map is hereby amended to designate the Real Estate as within the C1 Commercial zoning district.

**Section 2. Purpose and Intent.** The purpose and intent of this text amendment is to support the City’s long-term vision for the City.

**Section 3. Approval.** This amendment shall become effective upon its adoption and publication in accordance with Indiana law. Development of the Real Estate shall be governed entirely by the provisions of the C1 Commercial zoning district and the provisions of the UDO.

**ORDINANCE NO. 051523D**

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this \_\_\_ day of \_\_\_\_\_  
2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**YAY****NAY****ABSTAIN**

|  |                                   |  |  |
|--|-----------------------------------|--|--|
|  | Todd Zimmerman,<br>President      |  |  |
|  | John Weingardt,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member       |  |  |
|  | Cecilia C. Coble,<br>Member       |  |  |
|  | Brad DeReamer,<br>Member          |  |  |
|  | Selina Stoller,<br>Member         |  |  |
|  | Jocelyn Vare,<br>Member           |  |  |
|  | Crystal Neumann,<br>Member        |  |  |
|  | David Giffel,<br>Member           |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor  
Scott Fadness on the 19th day of June 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

Jennifer L. Kehl, City Clerk

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**



**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive,  
Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this  
document, unless required by law." Lindsey Bennett

**Exhibit A**  
**Legal Description of Real Estate**

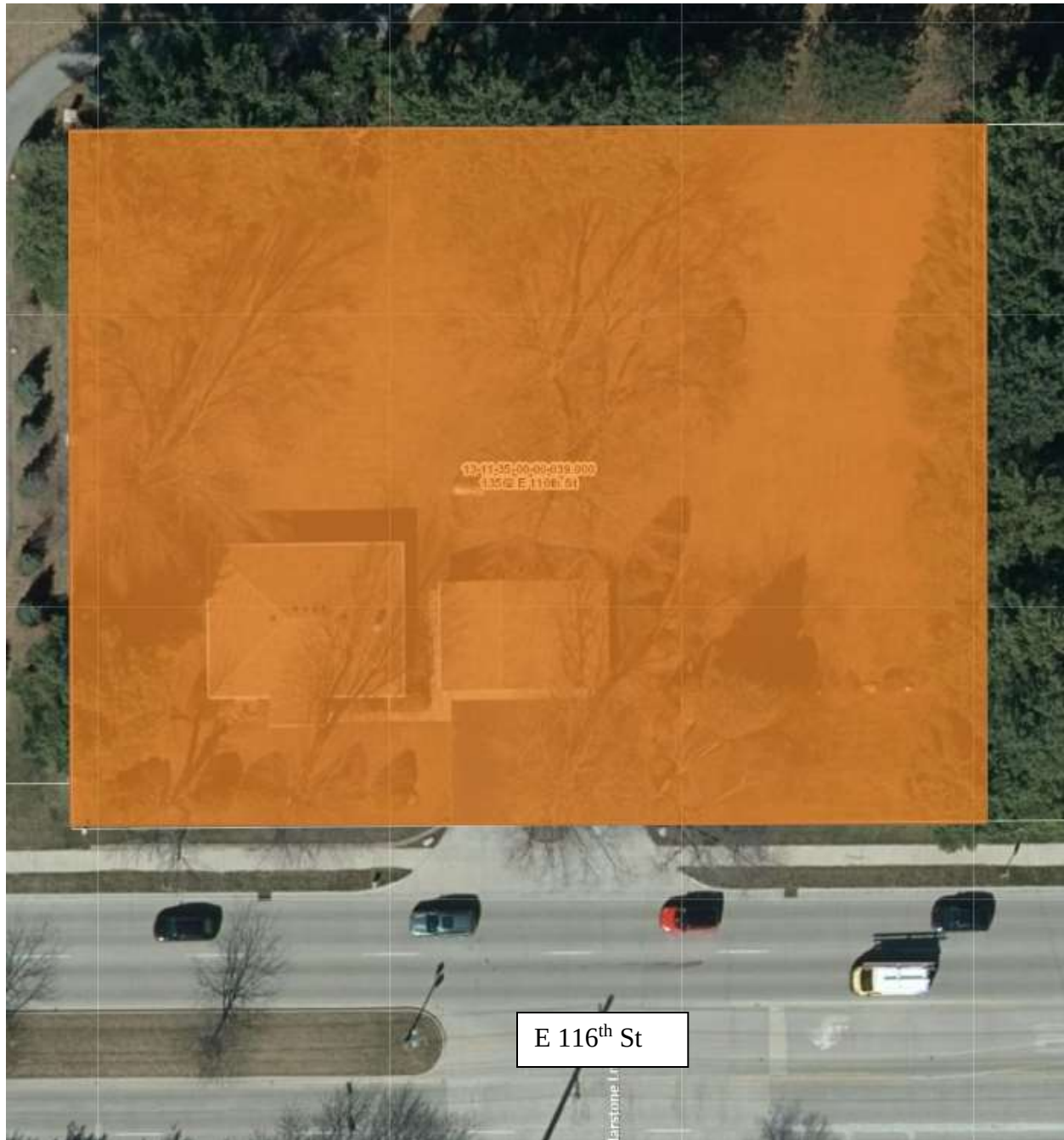
A part of the East Half of the Southeast Quarter of Section 35, Township 18 North, Range 5 East, described as follows:

Begin at a point 208.72 feet East of the Southwest corner of the East Half of the Southeast Quarter Section 35, Township 18 North, Range 5 East, run thence North Parallel with the West line of said East Half 208.72 feet to a point. Thence East parallel With the South line of said South East Quarter 208.72 feet to an iron stake. Thence South 208.72 feet to the intersection with the South line of said quarter. Thence West Along this South line 208.72 feet to the place of beginning, containing 1 acre more or Less.

*13484 E 116<sup>th</sup> St*

*13-11-35-00-00-039.000*

**EXHIBIT B**



*13484 E 116<sup>th</sup> St*

*13-11-35-00-00-039.000*





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 3 (ANX-23-2)                                                                                        |                                                  |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                       |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                   | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523G                                                                                                         |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                       |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1st Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                             |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold the Final Reading of the Resolution to adopt the Fiscal Plan for Willow Crest, Lot 3.                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | <p>1. Fiscal Plan</p> <p>2. Resolution</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |





## **MEMORANDUM**

**Date:** May 8, 2023

**From:** Ross Hilleary, Assistant Director of Planning & Zoning

**To:** Members of the City Council

**Re:** Fiscal Plan – Willow Crest, Lot 3

---

This document shall serve as the official Fiscal Plan for the **Willow Crest, Lot 3 Annexation**, a 100% voluntary annexation, as required by Indiana Code 36-4-3-13-d. The Fiscal Plan must show the following, as taken from Indiana Code:

**(1) “The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.”**

- A. **Police Department** – Currently, the Hamilton County Sheriff’s Department is primarily responsible for law enforcement on these properties. Upon annexation of this area, the Fishers Police Department would be responsible for law enforcement. The agency would need to respond to potential emergency calls regarding theft or other criminal activity. The agency would be able to respond to any calls as part of its current operating budget, and the new residential development would not cause any financial hardship to the agency. There is no additional direct cost to the Police Department resulting from this annexation, as the agency currently services the surrounding areas adjacent to the new residential development.
- B. **Fire Department** – The Fishers Fire Department already provides fire protection and emergency medical services (EMS) to this property. Therefore, there is no additional cost to the Fire Department resulting from this annexation.
- C. **Public Works Department** – This portion of Allisonville is currently under construction because of the Allisonville / 146<sup>th</sup> Street Interchange. Road responsibility is yet to be determined.

Trash collection is handled by private contractors and is not in the tax base.

This annexation was prompted by the need to connect to city sewer. The collection system for this property will be handled by Fishers Sanitary System. Property owners pay the city to treat its effluent.

- D. Community Development Department – The Community Development Department already provides planning and zoning services to unincorporated Hamilton County in this area (per Ordinance No. 111208, adopted November 12, 2008). Therefore, no additional costs will be incurred.
- E. Parks and Recreation – No new city parks are planned with this development and no direct additional costs will be incurred by the Parks and Recreation Department.
- F. Administration, Controller, Engineering, Information Technology – No additional costs to those departments will be incurred as a result of this annexation.

**(2) “The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used.”**

The expenses for this development can be paid by the General Fund as part of general operating costs for the Police Department and Public Works Department. No specific earmark is needed.

The most recently assessed value for this property is \$184,400 (land & improvements). Revenues would be received from the following sources: Property Taxes, County Option Income Taxes (COIT), Alcoholic Beverage Taxes, Cigarette Taxes, Vehicle Excise Taxes, Motor Vehicle Highway Taxes, and Local Road & Street Taxes.

**(3) “The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.”**

Sewer service = Spring 2023  
 Water service = Existing  
 Electricity service (Duke Energy) = Existing  
 Phone service (AT&T) = Existing  
 Cable service (Comcast) = Existing

**(4) “That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of the annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.”**

All such services would be provided to the property immediately upon the effective date of the annexation, which is 30 days following approval by the City Council, and after the petition is recorded with the Hamilton County Recorder’s Office. The effective date of this annexation is anticipated to be approximately June 15, 2023.

**(5) “That services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.”**

All such services exist on the property or will be installed in Spring 2023.

**(6) “This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed**

**annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated tax rates and categories affecting the new subdivision:

|                 | 2022 Tax Rate | 2023 Tax Rate | 2024 Tax Rate | 2025 Tax Rate | 2026 Tax Rate |
|-----------------|---------------|---------------|---------------|---------------|---------------|
| County          | 0.2611        | 0.2611        | 0.2611        | 0.2611        | 0.2611        |
| Township        | 0.0225        | 0.0225        | 0.0225        | 0.0225        | 0.0225        |
| School District | 1.2457        | 1.2457        | 1.2457        | 1.2457        | 1.2457        |
| City            | n/a           | n/a           | 0.7215        | 0.7215        | 0.7215        |
| Library         | 0.0581        | 0.0581        | 0.0581        | 0.0581        | 0.0581        |
| Solid Waste     | 0.0030        | 0.0030        | 0.0030        | 0.0030        | 0.0030        |

- (7) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated property tax revenue to the City of Fishers over the next 4 years. There is a one-year lag between the time taxes are assessed and collected by the City.

|              | 2022<br>(1 Home) | 2023<br>(1 Home) | 2024<br>(1 Home) | 2025<br>(1 Home) | 2026<br>(1 Home) |
|--------------|------------------|------------------|------------------|------------------|------------------|
| City revenue | \$0              | \$0              | \$1,330.45       | \$1,330.45       | \$1,330.45       |

- (8) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.”**

This annexation will not affect other “political subdivisions” in the county not part of this annexation.

- (9) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:”**

(A) **“The name of the owner of the parcel.”**

Harris, Sarah  
14543 Allisonville Road  
Fishers, IN 46038

(B) **“The parcel identification number.”**

14-10-24-02-02-017.000

(C) **“The most recent assessed value of the parcel.”**

\$184,400 total gross assessed value (January 1, 2023)  
\$28,900 assessed value: Land (January 1, 2023)  
\$155,500 assessed value: Improvements (January 1, 2023)



**RESOLUTION NO. R051523G**

**A RESOLUTION ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF  
PROPERTY CONTIGUOUS TO THE CITY OF FISHERS, INDIANA**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .29 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council now desires to adopt a Written Fiscal Plan for the Annexed Territory.

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

Section One: The Council hereby adopts the Fiscal Plan for the Willow Crest Lot 3, as more particularly described in Exhibit C, attached hereto and incorporated herein. This Fiscal Plan is to be adopted prior to the adoption of the annexation ordinance for the Willow Crest Lot 3.

Section Two: This Resolution shall be in full force and effect from the date of passage by the Common Council and its publication, as provided by law. All provisions or parts thereof in conflict herewith are hereby repealed.

SO RESOLVED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523G**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_ 20\_\_\_, at \_\_\_\_\_ pm.

ATTEST: \_\_\_\_\_  
**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_ **May 15, 2023** \_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett

**Exhibit A**  
**Legal Description of Real Estate**

Lot Number 3 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .29, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcavated rights-of-way that are continuous with above-described real estate.

*14543 Allisonville Road Fishers, IN 46038*  
*14-10-24-02-02-017.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



14543 Allisonville Road Fishers, Indiana 46038  
Parcel No. 14-10-24-02-02-017.000

**EXHIBIT C**  
**Fiscal Plan**



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                                             |                                                  |                                                                                                                        |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                                                |                                                  |                                                                                                                        |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a voluntary annexation of .29 acres known as the Willow Crest Annexation, Lot 3. Subject site is generally located east of Allisonville Road with a common address of 14543 Allisonville Road (ANX-23-2) |                                                  |                                                                                                                        |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director of Planning & Zoning<br>Department:                                                                                                                                                  |                                                  |                                                                                                                        |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                                                 | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                                            | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                    | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                                            | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 041723F                                                                                                                                                                                                        |                                                  | Resolution #:                                                                                                          |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                                             |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                                     |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                                       |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><input checked="" type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office                    |                                                  | <input type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                      |                                                                                                       |



|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1<sup>st</sup> Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold Final Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |



**ORDINANCE NO. 041723F**  
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .29 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 3.

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

- Section 1.**           **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.**           **Annexed Territory.** The real estate containing approximately .29 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 3, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.**           **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 3.**                    **Effective Date.** This ordinance shall be in full force and effect June 15, 2023, and as provided by Indiana law.

**Section 4.**                    All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**041723F**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_ **May 15, 2023** \_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

**Exhibit A**  
**Legal Description of Real Estate**

Lot Number 3 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .29, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcavated rights-of-way that are continuous with above-described real estate.

*14543 Allisonville Road Fishers, IN 46038*  
*14-10-24-02-02-017.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



14543 Allisonville Road Fishers, Indiana 46038  
Parcel No. 14-10-24-02-02-017.000





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                           |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 5 (ANX-23-3)                                                                                        |                                                  |                                                                                                                                |                                                                                                           |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                           |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                                |                                                                                                           |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                   | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                          |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                                          |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523H                                                                                                         |                                                                                                           |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                           |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                           |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                           |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1st Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                             |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | <p>Staff recommends that Council hold the Final Reading of the Resolution to adopt the Fiscal Plan for Willow Crest Annexation, Lot 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | <p>1. Fiscal Plan</p> <p>2. Resolution</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |





## **MEMORANDUM**

**Date:** May 8, 2023

**From:** Ross Hilleary, Assistant Director of Planning & Zoning

**To:** Members of the City Council

**Re:** Fiscal Plan – Willow Crest, Lot 5

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This document shall serve as the official Fiscal Plan for the **Willow Crest, Lot 5 Annexation**, a 100% voluntary annexation, as required by Indiana Code 36-4-3-13-d. The Fiscal Plan must show the following, as taken from Indiana Code:

**(1) “The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.”**

- A. **Police Department** – Currently, the Hamilton County Sheriff’s Department is primarily responsible for law enforcement on these properties. Upon annexation of this area, the Fishers Police Department would be responsible for law enforcement. The agency would need to respond to potential emergency calls regarding theft or other criminal activity. The agency would be able to respond to any calls as part of its current operating budget, and the new residential development would not cause any financial hardship to the agency. There is no additional direct cost to the Police Department resulting from this annexation, as the agency currently services the surrounding areas adjacent to the new residential development.
- B. **Fire Department** – The Fishers Fire Department already provides fire protection and emergency medical services (EMS) to this property. Therefore, there is no additional cost to the Fire Department resulting from this annexation.
- C. **Public Works Department** – This portion of Allisonville is currently under construction because of the Allisonville / 146<sup>th</sup> Street Interchange. Road responsibility is yet to be determined.

Trash collection is handled by private contractors and is not in the tax base.

This annexation was prompted by the need to connect to city sewer. The collection system for this property will be handled by Fishers Sanitary System. Property owners pay the city to treat its effluent.

- D. Community Development Department – The Community Development Department already provides planning and zoning services to unincorporated Hamilton County in this area (per Ordinance No. 111208, adopted November 12, 2008). Therefore, no additional costs will be incurred.
- E. Parks and Recreation – No new city parks are planned with this development and no direct additional costs will be incurred by the Parks and Recreation Department.
- F. Administration, Controller, Engineering, Information Technology – No additional costs to those departments will be incurred as a result of this annexation.

**(2) “The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used.”**

The expenses for this development can be paid by the General Fund as part of general operating costs for the Police Department and Public Works Department. No specific earmark is needed.

The most recently assessed value for this property is \$191,100 (land & improvements). Revenues would be received from the following sources: Property Taxes, County Option Income Taxes (COIT), Alcoholic Beverage Taxes, Cigarette Taxes, Vehicle Excise Taxes, Motor Vehicle Highway Taxes, and Local Road & Street Taxes.

**(3) “The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.”**

Sewer service = Spring 2023  
 Water service = Existing  
 Electricity service (Duke Energy) = Existing  
 Phone service (AT&T) = Existing  
 Cable service (Comcast) = Existing

**(4) “That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of the annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.”**

All such services would be provided to the property immediately upon the effective date of the annexation, which is 30 days following approval by the City Council, and after the petition is recorded with the Hamilton County Recorder’s Office. The effective date of this annexation is anticipated to be approximately June 15, 2023.

**(5) “That services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.”**

All such services exist on the property or will be installed in Spring 2023.

**(6) “This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed**

**annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated tax rates and categories affecting the new subdivision:

|                 | 2022 Tax Rate | 2023 Tax Rate | 2024 Tax Rate | 2025 Tax Rate | 2026 Tax Rate |
|-----------------|---------------|---------------|---------------|---------------|---------------|
| County          | 0.2611        | 0.2611        | 0.2611        | 0.2611        | 0.2611        |
| Township        | 0.0225        | 0.0225        | 0.0225        | 0.0225        | 0.0225        |
| School District | 1.2457        | 1.2457        | 1.2457        | 1.2457        | 1.2457        |
| City            | n/a           | n/a           | 0.7215        | 0.7215        | 0.7215        |
| Library         | 0.0581        | 0.0581        | 0.0581        | 0.0581        | 0.0581        |
| Solid Waste     | 0.0030        | 0.0030        | 0.0030        | 0.0030        | 0.0030        |

- (7) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated property tax revenue to the City of Fishers over the next 4 years. There is a one-year lag between the time taxes are assessed and collected by the City.

|              | 2022<br>(1 Home) | 2023<br>(1 Home) | 2024<br>(1 Home) | 2025<br>(1 Home) | 2026<br>(1 Home) |
|--------------|------------------|------------------|------------------|------------------|------------------|
| City revenue | \$0              | \$0              | \$1,378.79       | \$1,378.79       | \$1,378.79       |

- (8) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.”**

This annexation will not affect other “political subdivisions” in the county not part of this annexation.

- (9) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:”**

(A) **“The name of the owner of the parcel.”**

A & M Homes LLC  
10889 Weston Drive  
Carmel, IN 46032

(B) **“The parcel identification number.”**

14-10-24-02-02-015.000

(C) **“The most recent assessed value of the parcel.”**

\$191,100 total gross assessed value (January 1, 2023)  
\$31,300 assessed value: Land (January 1, 2023)  
\$159,800 assessed value: Improvements (January 1, 2023)



**RESOLUTION NO. R051523H**

**A RESOLUTION ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF  
PROPERTY CONTIGUOUS TO THE CITY OF FISHERS, INDIANA**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .40 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council now desires to adopt a Written Fiscal Plan for the Annexed Territory.

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

Section One: The Council hereby adopts the Fiscal Plan for the Willow Crest Lot 5, as more particularly described in Exhibit C, attached hereto and incorporated herein. This Fiscal Plan is to be adopted prior to the adoption of the annexation ordinance for the Willow Crest Lot 5.

Section Two: This Resolution shall be in full force and effect from the date of passage by the Common Council and its publication, as provided by law. All provisions or parts thereof in conflict herewith are hereby repealed.

SO RESOLVED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523I**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_15th\_\_ day of \_\_May\_\_\_\_ 2023\_\_, at \_\_\_\_\_ pm.

ATTEST: \_\_\_\_\_  
**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**May 15, 2023**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett

**Exhibit A**  
**Legal Description of Real Estate**

Lot Number 5 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .40, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcoriated rights-of-way that are continuous with above-described real estate.

*14521 Allisonville Road Fishers, IN 46038*  
*14-10-24-02-02-015.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



14521 Allisonville Road Fishers, Indiana 46038  
Parcel No. 14-10-24-02-02-015.000

**EXHIBIT C**  
**Fiscal Plan**



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                                             |                                                  |                                                                                                                        |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                                                |                                                  |                                                                                                                        |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a voluntary annexation of .40 acres known as the Willow Crest Annexation, Lot 5. Subject site is generally located east of Allisonville Road with a common address of 14521 Allisonville Road (ANX-23-3) |                                                  |                                                                                                                        |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director of Planning & Zoning<br>Department:                                                                                                                                                  |                                                  |                                                                                                                        |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                                                 | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                                            | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                    | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                                            | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 041723G                                                                                                                                                                                                        |                                                  | Resolution #:                                                                                                          |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                                             |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                                     |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                                       |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><input checked="" type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office                    |                                                  | <input type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                      |                                                                                                       |



|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1<sup>st</sup> Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold Final Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |



**ORDINANCE NO. 041723G**  
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .40 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 5.

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

- Section 1.**                   **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.**                   **Annexed Territory.** The real estate containing approximately .40 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 5, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.**                   **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 3.** **Effective Date.** This ordinance shall be in full force and effect June 15, 2023, and as provided by Indiana law.

**Section 4.** All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**041723G**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_15th\_\_ day of \_\_May\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**May 15, 2023**  
**DATE**



**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

**Exhibit A**

**Legal Description of Real Estate**

Lot Number 5 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .40, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcoriated rights-of-way that are continuous with above-described real estate.

*14521 Allisonville Road Fishers, IN 46038*

*14-10-24-02-02-015.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



*14521 Allisonville Road Fishers, Indiana 46038*  
*Parcel No. 14-10-24-02-02-015.000*





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a resolution adopting the Fiscal Plan for the Willow Crest Annexation, Lot 4 (ANX-23-4)                                                                                        |                                                  |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich                                                                                                                                                                      |                                                  |                                                                                                                                |                                                                                                       |
|                                                                                                                                                                                 | Department:                                                                                                                                                                                       |                                                  |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><br><input type="checkbox"/> Executive                                                                                                                   | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input type="checkbox"/> Ordinance               | <input checked="" type="checkbox"/> Resolution                                                                                 | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #:                                                                                                                                                                                      |                                                  | Resolution #: R051523I                                                                                                         |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                   |                                                                                                       |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                       |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1st Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                             |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold the Final Reading of the Resolution to adopt the Fiscal Plan for Willow Crest Annexation, Lot 4                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | <p>1. Fiscal Plan</p> <p>2. Resolution</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                       |





## **MEMORANDUM**

**Date:** May 8, 2023

**From:** Ross Hilleary, Assistant Director of Planning & Zoning

**To:** Members of the City Council

**Re:** Fiscal Plan – Willow Crest, Lot 4

---

This document shall serve as the official Fiscal Plan for the **Willow Crest, Lot 4 Annexation**, a 100% voluntary annexation, as required by Indiana Code 36-4-3-13-d. The Fiscal Plan must show the following, as taken from Indiana Code:

**(1) “The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.”**

- A. **Police Department** – Currently, the Hamilton County Sheriff’s Department is primarily responsible for law enforcement on these properties. Upon annexation of this area, the Fishers Police Department would be responsible for law enforcement. The agency would need to respond to potential emergency calls regarding theft or other criminal activity. The agency would be able to respond to any calls as part of its current operating budget, and the new residential development would not cause any financial hardship to the agency. There is no additional direct cost to the Police Department resulting from this annexation, as the agency currently services the surrounding areas adjacent to the new residential development.
- B. **Fire Department** – The Fishers Fire Department already provides fire protection and emergency medical services (EMS) to this property. Therefore, there is no additional cost to the Fire Department resulting from this annexation.
- C. **Public Works Department** – This portion of Allisonville is currently under construction because of the Allisonville / 146<sup>th</sup> Street Interchange. Road responsibility is yet to be determined.

Trash collection is handled by private contractors and is not in the tax base.

This annexation was prompted by the need to connect to city sewer. The collection system for this property will be handled by Fishers Sanitary System. Property owners pay the city to treat its effluent.

- D. Community Development Department – The Community Development Department already provides planning and zoning services to unincorporated Hamilton County in this area (per Ordinance No. 111208, adopted November 12, 2008). Therefore, no additional costs will be incurred.
- E. Parks and Recreation – No new city parks are planned with this development and no direct additional costs will be incurred by the Parks and Recreation Department.
- F. Administration, Controller, Engineering, Information Technology – No additional costs to those departments will be incurred as a result of this annexation.

**(2) “The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used.”**

The expenses for this development can be paid by the General Fund as part of general operating costs for the Police Department and Public Works Department. No specific earmark is needed.

The most recently assessed value for this property is \$196,200 (land & improvements). Revenues would be received from the following sources: Property Taxes, County Option Income Taxes (COIT), Alcoholic Beverage Taxes, Cigarette Taxes, Vehicle Excise Taxes, Motor Vehicle Highway Taxes, and Local Road & Street Taxes.

**(3) “The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.”**

Sewer service = Spring 2023  
 Water service = Existing  
 Electricity service (Duke Energy) = Existing  
 Phone service (AT&T) = Existing  
 Cable service (Comcast) = Existing

**(4) “That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of the annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.”**

All such services would be provided to the property immediately upon the effective date of the annexation, which is 30 days following approval by the City Council, and after the petition is recorded with the Hamilton County Recorder’s Office. The effective date of this annexation is anticipated to be approximately June 15, 2023.

**(5) “That services of a capital nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation and in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.”**

All such services exist on the property or will be installed in Spring 2023.

**(6) “This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed**

**annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated tax rates and categories affecting the new subdivision:

|                 | 2022 Tax Rate | 2023 Tax Rate | 2024 Tax Rate | 2025 Tax Rate | 2026 Tax Rate |
|-----------------|---------------|---------------|---------------|---------------|---------------|
| County          | 0.2611        | 0.2611        | 0.2611        | 0.2611        | 0.2611        |
| Township        | 0.0225        | 0.0225        | 0.0225        | 0.0225        | 0.0225        |
| School District | 1.2457        | 1.2457        | 1.2457        | 1.2457        | 1.2457        |
| City            | n/a           | n/a           | 0.7215        | 0.7215        | 0.7215        |
| Library         | 0.0581        | 0.0581        | 0.0581        | 0.0581        | 0.0581        |
| Solid Waste     | 0.0030        | 0.0030        | 0.0030        | 0.0030        | 0.0030        |

- (7) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.”**

Below is a list of anticipated property tax revenue to the City of Fishers over the next 4 years. There is a one-year lag between the time taxes are assessed and collected by the City.

|              | 2022<br>(1 Home) | 2023<br>(1 Home) | 2024<br>(1 Home) | 2025<br>(1 Home) | 2026<br>(1 Home) |
|--------------|------------------|------------------|------------------|------------------|------------------|
| City revenue | \$0              | \$0              | \$1,415.58       | \$1,415.58       | \$1,415.58       |

- (8) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.”**

This annexation will not affect other “political subdivisions” in the county not part of this annexation.

- (9) **“This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:”**

- (A) **“The name of the owner of the parcel.”**

Summers, Michael D & Sara A  
14541 Allisonville Road  
Fishers, IN 46038

- (B) **“The parcel identification number.”**

14-10-24-02-02-016.000

- (C) **“The most recent assessed value of the parcel.”**

\$196,200 total gross assessed value (January 1, 2023)  
\$30,100 assessed value: Land (January 1, 2023)  
\$166,100 assessed value: Improvements (January 1, 2023)



**RESOLUTION NO. R051523I**

**A RESOLUTION ADOPTING A FISCAL PLAN FOR THE ANNEXATION OF  
PROPERTY CONTIGUOUS TO THE CITY OF FISHERS, INDIANA**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .37 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council now desires to adopt a Written Fiscal Plan for the Annexed Territory.

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

Section One: The Council hereby adopts the Fiscal Plan for the Willow Crest Lot 4, as more particularly described in Exhibit C, attached hereto and incorporated herein. This Fiscal Plan is to be adopted prior to the adoption of the annexation ordinance for the Willow Crest Lot 4.

Section Two: This Resolution shall be in full force and effect from the date of passage by the Common Council and its publication, as provided by law. All provisions or parts thereof in conflict herewith are hereby repealed.

SO RESOLVED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May, 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**R051523I**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_15th\_\_ day of \_\_May\_\_ 20\_\_, at \_\_\_\_ pm.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**May 15, 2023**  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett

**Exhibit A**  
**Legal Description of Real Estate**

Lot Number 4 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .37, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcavated rights-of-way that are continuous with above-described real estate.

*14541 Allisonville Road Fishers, IN 46038*  
*14-10-24-02-02-016.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



14541 Allisonville Road Fishers, Indiana 46038  
Parcel No. 14-10-24-02-02-016.000

**EXHIBIT C**  
**Fiscal Plan**



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                                             |                                                  |                                                                                                                                |                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                                                |                                                  |                                                                                                                                |                                                                                                       |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a voluntary annexation of .37 acres known as the Willow Crest Annexation, Lot 4. Subject site is generally located east of Allisonville Road with a common address of 14541 Allisonville Road (ANX-23-4) |                                                  |                                                                                                                                |                                                                                                       |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director of Planning & Zoning<br>Department:                                                                                                                                                  |                                                  |                                                                                                                                |                                                                                                       |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                                                 | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                               | <input type="checkbox"/> Retreat                                                                      |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                                            | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                            | <input type="checkbox"/> Regular                                                                      |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                                            | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input type="checkbox"/> Public Hearing                                                                                        | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input checked="" type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 041723H                                                                                                                                                                                                        |                                                  | Resolution #:                                                                                                                  |                                                                                                       |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                                             |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                                      |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                                     |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                           |                                                                                                       |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                                       |                                                  | <input type="checkbox"/> Services<br><br><input type="checkbox"/> Capital Outlay<br><br><input type="checkbox"/> Debt Services |                                                                                                       |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input checked="" type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office                |                                                  | <input type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office                              |                                                                                                       |



|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include <i>Deny Approval</i> Option)                                     | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold Final Reading                                    |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>April 17, 2023 - 1<sup>st</sup> Reading and Public Hearing - City Council</p> <p>May 15, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>May 15, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                                  |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold Final Reading                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |



**ORDINANCE NO. 041723H**  
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately .37 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around April 17, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around May 15, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Willow Crest Lot 4.

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

- Section 1.**           **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.**           **Annexed Territory.** The real estate containing approximately .37 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Willow Crest Lot 4, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.**           **Council District.** The above-described real estate is hereby assigned to City Council District 2 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 3.**                   **Effective Date.** This ordinance shall be in full force and effect June 15, 2023, and as provided by Indiana law.

**Section 4.**                   All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 15<sup>th</sup> day of May 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**041723H**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_15th\_\_\_ day of \_\_\_May\_\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

**Jennifer L. Kehl, City Clerk**

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_**May 15, 2023**\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

**Exhibit A**  
**Legal Description of Real Estate**

Lot Number 4 in the Willow Crest, First Addition in Hamilton County, Section 24, Township 18, Range 4, Acreage .37, as per Plat Book 2, page 55 and 56 in the Office of the Recorder of Hamilton County, Indiana.

Also include: the entire width of any unexcavated rights-of-way that are continuous with above-described real estate.

*14541 Allisonville Road Fishers, IN 46038*

*14-10-24-02-02-016.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



*14541 Allisonville Road Fishers, Indiana 46038*  
*Parcel No. 14-10-24-02-02-016.000*





# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                              |                                                  |                                                                                                                        |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                                 |                                                  |                                                                                                                        |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a voluntary annexation of 50.10 acres known as the Flat Fork PUD (Georgia Road) Annexation. Subject site is generally located north of E 96th Street and east of Georgia Road. (ANX-23-5) |                                                  |                                                                                                                        |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director of Planning & Zoning<br>Department:                                                                                                                                   |                                                  |                                                                                                                        |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                                  | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                             | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                    | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                                  | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input checked="" type="checkbox"/> Public Hearing                                                                     | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 051523E                                                                                                                                                                                         |                                                  | Resolution #:                                                                                                          |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                              |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                                      |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                                        |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office            |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office           |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include Deny Approval Option)                                            | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold 1 <sup>st</sup> Reading and Public Hearing       |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>May 15, 2023 - Proposed 1<sup>st</sup> Reading and Public Hearing - City Council</p> <p>June 19, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>June 19, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                         |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold 1 <sup>st</sup> Reading and Public Hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |



**ORDINANCE NO. 051523E**  
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately 50.10 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around May 15, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around June 19, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Flat Fork PUD (Georgia Road) Annexation.

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

- Section 1.**           **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.**           **Annexed Territory.** The real estate containing approximately 50.10 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Flat Fork PUD (Georgia Road) Annexation, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.**           **Council District.** The above-described real estate is hereby assigned to City Council District 1 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 3.**                   **Effective Date.** This ordinance shall be in full force and effect January 1, 2028, and as provided by Indiana law.

**Section 4.**                   All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 19<sup>th</sup> day of June 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_\_ day of \_\_\_\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

Jennifer L. Kehl, City Clerk

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney

**Exhibit A**  
**Legal Description of Real Estate**

A part of the Southwest Quarter of Section 7, Township 17 North, Range 6 East, in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point South 89 degrees 31 minutes 27 seconds West 375.80 feet of the Southeast corner of said Southwest Quarter Section to the centerline of an Electric Line Easement as recorded in Deed Record 183, pages 45-46, in the Office of the Recorder of Hamilton County, Indiana, being the point of beginning of this description; thence along the centerline of said Electric Line Easement by the next three (3) courses: 1) North 00 degrees 11 minutes 03 seconds West 824.19 feet; 2) North 00 degrees 09 minutes 08 seconds West 815.70 feet; 3) North 00 degrees 08 minutes 50 seconds West 666.84 feet; thence South 89 degrees 31 minutes 27 seconds West parallel to the South line of said Quarter Section a distance of 948.68 feet to the West line of the East Half of said Quarter Section; thence South 00 degrees 16 minutes 36 seconds East to the South line of said Quarter Section a distance of 2,307.09 feet; thence North 89 degrees 31 minutes 27 seconds East along the South line of said Quarter Section a distance of 944.06 feet to the point of beginning, containing 50.105 acres, more or less.

*0 Georgia Road Fortville, IN 46040*  
*13-16-07-00-00-017.000*



**EXHIBIT B**  
**Graphic Depiction of Real Estate**



0 Georgia Road Fortville, IN 46040  
13-16-07-00-00-017.000



# Council Action Form

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                  |                                                                                                                        |                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>MEETING DATE</b>                                                                                                                                                             | May 15, 2023                                                                                                                                                                                      |                                                  |                                                                                                                        |                                                                                            |
| <b>TITLE</b>                                                                                                                                                                    | Request to approve a voluntary annexation of 58.64 acres known as the Flat Fork PUD Annexation. Subject site is generally located north of 96th Street and west of Cyntheanne Road. (ANX-23-6)    |                                                  |                                                                                                                        |                                                                                            |
| <b>SUBMITTED BY</b>                                                                                                                                                             | Name & Title: Megan Vukusich, Director of Planning & Zoning<br>Department:                                                                                                                        |                                                  |                                                                                                                        |                                                                                            |
| <b>MEETING TYPE</b>                                                                                                                                                             | <input type="checkbox"/> Work Session<br><input type="checkbox"/> Executive                                                                                                                       | <input checked="" type="checkbox"/> Regular      | <input type="checkbox"/> Special                                                                                       | <input type="checkbox"/> Retreat                                                           |
| <b>AGENDA CLASSIFICATION</b>                                                                                                                                                    | <input type="checkbox"/> Consent                                                                                                                                                                  | <input checked="" type="checkbox"/> Ordinance    | <input type="checkbox"/> Resolution                                                                                    | <input type="checkbox"/> Regular                                                           |
| <b>ORDINANCE/RESOLUTION</b><br>(New ordinances or resolutions are assigned a new number)                                                                                        | <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading                                                                                                                                       | <input type="checkbox"/> 2 <sup>nd</sup> Reading | <input checked="" type="checkbox"/> Public Hearing                                                                     | <input type="checkbox"/> 3 <sup>rd</sup> Reading<br><input type="checkbox"/> Final Reading |
|                                                                                                                                                                                 | Ordinance #: 051523F                                                                                                                                                                              |                                                  | Resolution #:                                                                                                          |                                                                                            |
| <b>CONTRACTS</b><br>(Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u> ) | <input type="checkbox"/> Contract <b>required</b> for this item                                                                                                                                   |                                                  | <input type="checkbox"/> Signed copy of contract attached                                                              |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Seeking award or other scenario & <b>will provide contract</b> at a later date                                                                                           |                                                  | <input checked="" type="checkbox"/> <b>No contract</b> for this item                                                   |                                                                                            |
|                                                                                                                                                                                 | <input type="checkbox"/> Contract <b>over</b> \$50,000<br><br>Please mark the box in the other column that pertains to this contract.                                                             |                                                  | <input type="checkbox"/> Services<br><input type="checkbox"/> Capital Outlay<br><input type="checkbox"/> Debt Services |                                                                                            |
| <b>HAMILTON COUNTY</b><br>(Some documents need recorded by the City Clerk)                                                                                                      | <input type="checkbox"/> Document <b>must</b> be recorded with the County Recorder's Office<br><br><input type="checkbox"/> Wait 31 days <b>prior to</b> filing with the County Recorders' Office |                                                  | <input checked="" type="checkbox"/> Document <b>does not need</b> recorded with the County Recorder's Office           |                                                                                            |

|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |
| <b>APPROVALS/REVIEWS</b>                                                                    | <input type="checkbox"/> Assistant/Deputy Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/> Controller's Office          |
|                                                                                             | <input checked="" type="checkbox"/> Department Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Finance Committee            |
|                                                                                             | <input type="checkbox"/> Deputy Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Technical Advisory Committee |
|                                                                                             | <input type="checkbox"/> Mayor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Other:                       |
|                                                                                             | <input type="checkbox"/> Legal Counsel –<br><i>Name of Reviewer:</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                       |
| <b>BACKGROUND</b><br>(Includes description, background, and justification)                  | <p>The property is contiguous to the current city limits, exceeding the contiguity requirements per Indiana Code 36-4-3-1.5 (12.5% contiguity required). This voluntary annexation is being processed in accordance with IC-4-3-5.1 "Petitions signed by 100% of landowners."</p> <p>The property is currently contiguous to current city limits and the petition has been signed by 100% of the landowners.</p> <p>In accordance with IC 36-4-3-3.1, staff will present a "written fiscal plan" at Final Reading before adoption of the annexation ordinance.</p> |                                                       |
| <b>BUDGETING AND FINANCIAL IMPACT</b><br>(Includes project costs and funding sources)       | Budgeted \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A                                                   |
|                                                                                             | Expenditure \$:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A                                                   |
|                                                                                             | Source of Funds:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A                                                   |
|                                                                                             | Additional Appropriation #:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                   |
|                                                                                             | <b>Narrative:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A                                                   |
| <b>OPTIONS</b><br>(Include Deny Approval Option)                                            | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Hold 1 <sup>st</sup> Reading and Public Hearing       |
|                                                                                             | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Continue                                              |
|                                                                                             | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Take no action                                        |
|                                                                                             | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |
| <b>PROJECT TIMELINE</b>                                                                     | <p>May 15, 2023 - Proposed 1<sup>st</sup> Reading and Public Hearing - City Council</p> <p>June 19, 2023 - Proposed Fiscal Plan Resolution - City Council</p> <p>June 19, 2023 - Proposed Final Reading - City Council</p>                                                                                                                                                                                                                                                                                                                                         |                                                       |
| <b>STAFF RECOMMENDATION</b><br>(Board reserves the right to accept or deny recommendations) | Staff recommends that Council hold 1 <sup>st</sup> Reading and Public Hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                       |
| <b>SUPPLEMENTAL INFORMATION</b><br>(List all attached documents)                            | 1. Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                       |



**ORDINANCE NO. 051523F**  
AN ORDINANCE ANNEXING CERTAIN REAL ESTATE  
TO THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”), in accordance with Ind. Code §36-4-3-5.1, wishes to annex an area consisting of approximately 58.64 acres located outside of but contiguous to the City, those areas being more particularly described in Exhibit A, attached hereto and incorporated herein, and further depicted in Exhibit B, attached hereto and incorporated herein (the “Annexed Territory”);

WHEREAS, in accordance with Ind. Code §36-4-3-5.1(e), on or around May 15, 2023, the City Council held a duly noticed public hearing regarding the Annexed Territory;

WHEREAS, the Common Council has determined, in accordance with Ind. Code §36-4-3-5.1, the petition requesting voluntary annexation is signed by 100% of the owners of land within the Annexed Territory;

WHEREAS, in accordance with Ind. Code §36-4-3-1.5, the Common Council has determined that that Annexed Territory is contiguous as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City;

WHEREAS, on or around June 19, 2023, in accordance with Ind. Code §§ 36-4-3-3.1 and 36-4-3-13, the Common Council adopted a Written Fiscal Plan for the Annexed Territory; and

WHEREAS, the Common Council now desires to annex the Annexed Territory generally known as Flat Fork PUD (Cyntheanne Road) Annexation.

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

- Section 1.**           **Contiguity.** The petition requesting voluntary annexation for the Annexed Territory, further described in Exhibit A, attached hereto and incorporated herein, and graphically depicted in Exhibit B, attached hereto and incorporated herein, is signed by 100% of the owners of land within the Annexed Territory and is contiguous to the City boundaries as at least one-eighth (1/8) of the aggregate external boundaries of the Annexed Territory coincides with the boundaries of the City.
- Section 2.**           **Annexed Territory.** The real estate containing approximately 50.10 acres more or less legally described in Exhibit A attached hereto and incorporated herein, and graphically depicted in Exhibit B attached hereto and incorporated herein, generally to be known as the Flat Fork PUD (Cyntheanne) Annexation, is hereby annexed to and declared to be a part of the City of Fishers, Indiana.
- Section 2.**           **Council District.** The above-described real estate is hereby assigned to City Council District 1 and shall become a part thereof immediately upon the effective date of this ordinance.

**Section 3.**                   **Effective Date.** This ordinance shall be in full force and effect January 1, 2028, and as provided by Indiana law.

**Section 4.**                   All ordinances or parts thereof in conflict herewith are hereby repealed.

SO ORDAINED by the Common Council of the City of Fishers, Indiana, on this 19<sup>th</sup> day of June 2023.

**COMMON COUNCIL OF THE CITY OF FISHERS,  
HAMILTON COUNTY, INDIANA**

**YAY**

**NAY**

**ABSTAIN**

|  |                                  |  |  |
|--|----------------------------------|--|--|
|  | John Weingardt,<br>President     |  |  |
|  | Cecilia Coble,<br>Vice President |  |  |
|  | C. Pete Peterson,<br>Member      |  |  |
|  | Brad DeReamer,<br>Member         |  |  |
|  | Selina Stoller,<br>Member        |  |  |
|  | Todd Zimmerman,<br>Member        |  |  |
|  | Jocelyn Vare,<br>Member          |  |  |
|  | Crystal Neumann,<br>Member       |  |  |
|  | David Giffel,<br>Member          |  |  |

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the \_\_\_\_\_ day of \_\_\_\_\_ 2023, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_

Jennifer L. Kehl, City Clerk

**MAYOR'S APPROVAL**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S VETO**

\_\_\_\_\_  
**Scott A. Fadness, Mayor**

\_\_\_\_\_  
**DATE**

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett, City Attorney



**Exhibit A**  
**Legal Description of Real Estate**

Part of the Southeast Quarter of Section 7, Township 17 North, Range 6 East of the Second Principal Meridian, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the northeast corner of said Southeast Quarter; thence South 00 degrees 33 minutes 20 seconds East 100.00 feet along the east line of said Southeast Quarter (the bearings in this description are based on a survey prepared by Curtis C. Huff, recorded as Instrument Number 200500063272 in the Office of the Recorder of Hamilton County, Indiana) to the northeast corner of Heritage Minor Subdivision, per plat thereof, recorded as Instrument Number 9609624712 in the Office of said Recorder, the following three (3) courses are along the north, west and south lines of said plat; 1)thence South 89 degrees 17 minutes 46 seconds West 300.00 feet; 2)thence South 00 degrees 33 minutes 20 seconds East 200.00 feet; 3)thence North 89 degrees 17 minutes 46 seconds East 300.00 feet to the east line of said Southeast Quarter, the following two (2) courses are along the east and south lines thereof; 1)thence South 00 degrees 33 minutes 20 seconds East 2,357.19 feet to the southeast corner of said Southeast Quarter; 2)thence South 89 degrees 33 minutes 28 seconds West 984.38 feet to the southeast corner of Overlap Tract No. 1 as described on said survey, the following two (2) courses are along the east lines of Overlap Tracts No. 1 and 2 and the north line of Overlap Tract No. 2 as described on said survey; 1)thence North 00 degrees 33 minutes 29 seconds West 1,326.34 feet; 2)thence South 89 degrees 25 minutes 38 seconds West 6.94 feet to the east line of Tract "C" as shown on said survey; thence North 00 degrees 24 minutes 15 seconds West 1,326.35 feet along the east lines of Tracts "C" and "D" as shown on said survey to the north line of said Southeast Quarter; thence North 89 degrees 17 minutes 46 seconds East 987.87 feet along said north line to the POINT OF BEGINNING. Containing 58.780 acres, more or less.

*0 Cyntheanne Road & 0 E 96<sup>th</sup> Street Fortville, IN 46040*  
*13-16-07-00-00-010.000, 13-16-07-00-00-010.002, & 13-16-07-00-00-011.000*

**EXHIBIT B**  
**Graphic Depiction of Real Estate**



0 Cyntheanne Road & 0 E 96<sup>th</sup> Street Fortville, IN 46040  
13-16-07-00-00-010.000, 13-16-07-00-00-010.002, & 13-16-07-00-00-011.000

## Kehl, Jennifer

---

**From:** Andy Mattingly <Andy.Mattingly@forumcu.com>  
**Sent:** Friday, May 12, 2023 11:50 AM  
**To:** Vukusich, Megan  
**Cc:** Baumgartner, Megan; Fadness, Scott  
**Subject:** RE: Neighborhood Meeting Recap - Magnolia Grove

**EXTERNAL SENDER:** Please exercise increased caution. Do not open attachments or click links from unknown senders or unexpected email messages.

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Megan and Megan,

Thank you for the update and information Megan V.

Megan B, as I am unsure how much of the public comment will be included in the packet for the City Council regarding the Magnolia Grove decision I just wanted to make sure that a couple of comments that were made at the meeting were considered which I think shows the neighbors are trying to be reasonable and also are applicable to the 1<sup>st</sup> reading of the Drive project just a few hundred feet from Magnolia

- It is understood by most of us that the best use for this property is commercial (as well as the Drive project)
- Per the planning staff suggestions to Magnolia Grove, this is transitioning to residential location, the design should reflect this and I feel so should the use allowed in the building
- That an additional restriction should be placed that limits this to single tenant, owner occupied so that the owner's income is derived from the business conducted not the commercial rental income that can be generated (I think it should be for Drive as well – 12000 square feet, 2 story building for a company that seems to have very few employees in Fishers...)
  - The current Magnolia design still has almost 2,000 square feet to be rented to another tenant
  - From Magnolia attorney's own comments he indicate they would never have more than 10 – 13 appointments at one time. I fear that the 2,000 square feet will morph into more especially if they find tenants who want more space
- Moore Dentistry is a great example of a small business owner who derives value from his business that is being conducted at the location not from a commercial real estate perspective with rental income. Plus the design fits with the neighborhood, the church usage and visually are a very nice transition from commercial to residential.

My final thought is that I hope the Council will consider that these residential to commercial orphan opportunities that exist throughout Fishers should be for small business owners who want to run a business in the location and control their own destiny rather than allow commercial investment properties to be built and directly compete with already zoned commercial properties that struggle to find tenants and have higher starting costs because they pay commercial prices for land rather than residential prices for land. Fishers depends on all types of developers to keep the city moving forward and to maintain its status as the best place to live, work and play is critical. It would be unfortunate if developers ever felt their projects are devalued or under-utilized or feel that Fishers is no longer the right community for development because of discounted opportunities that exist throughout the community that "one time" real estate developers find attractive.

I am asking that the Council vote no to the current Magnolia project and redirect Magnolia Grove to consider the above restrictions. The details hammered out for Moore Dentistry seem to be appropriate especially since this Magnolia project is farther from the Commercial area. I know that the Council makes the vote and I hope that the City's position would be the right vote is no for the currently designed project. I know the City's official position has significant weight with the Council members.

I appreciated the opportunity to speak at the planning commission and the work that Megan V does to address all the varied interests and concerns of all involved.

Make it a great day,

Andy Mattingly  
317.908.9556  
13487 E 116<sup>th</sup>

PS – Thank from all my teammates for the presence of the street sweepers on USA Parkway recently, it was noticed by all and greatly appreciated.

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**From:** Vukusich, Megan <[vukusichm@fishers.in.us](mailto:vukusichm@fishers.in.us)>

**Sent:** Friday, May 12, 2023 9:08 AM

**To:** Chris Cooke <[chris.cooke@cookefg.com](mailto:chris.cooke@cookefg.com)>; 'kimlcook@msn.com' <[kimlcook@msn.com](mailto:kimlcook@msn.com)>; 'angela@envisionideas.com' <[angela@envisionideas.com](mailto:angela@envisionideas.com)>; 'jerrybond@mac.com' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'jthompson2235@yahoo.com' <[jthompson2235@yahoo.com](mailto:jthompson2235@yahoo.com)>; Elizabeth Cooke <[elizcooke@comcast.net](mailto:elizcooke@comcast.net)>; Andy Mattingly <[Andy.Mattingly@forumcu.com](mailto:Andy.Mattingly@forumcu.com)>; Tim Mattingly <[tim@indyamr.com](mailto:tim@indyamr.com)>; Jacquelyn Thompson <[jacque@kineticrecreation.com](mailto:jacque@kineticrecreation.com)>; Freddie McClure <[freddielmccclure@gmail.com](mailto:freddielmccclure@gmail.com)>; lauraworld@mac.com; Joseph Bond <[jerrybond@icloud.com](mailto:jerrybond@icloud.com)>; Jerry Bond <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; Michelle Morrow ([pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)) <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)>

**Cc:** Baumgartner, Megan <[baumgartnerm@fishers.in.us](mailto:baumgartnerm@fishers.in.us)>; Fadness, Scott <[fadnesss@fishers.in.us](mailto:fadnesss@fishers.in.us)>

**Subject:** RE: Neighborhood Meeting Recap - Magnolia Grove

Wanted to send a quick update on the Magnolia Grove rezone which is scheduled to go to City Council this Monday 5/15 for the final vote on approval. Mayor Fadness and our Engineering Director have been discussing potential vehicular access with the church. The conversation is progressing but we will not have any decisions by Monday's meeting. Depending on the outcome of Monday's meeting we will be sure to keep you updated on these conversations.

The City Council meeting will be held at Launch Fishers at 7pm. There will a presentation by staff and the petitioner but no public comments will be heard. A final vote will take place on the rezone at the meeting.

## MEGAN VUKUSICH

Director, Planning and Zoning

Tel: 317.588.1431, Mobile: 317.526.3905

[vukusichm@fishers.in.us](mailto:vukusichm@fishers.in.us)

[www.fishers.in.us](http://www.fishers.in.us)



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**From:** Vukusich, Megan

**Sent:** Wednesday, May 3, 2023 3:56 PM

**To:** 'Chris Cooke' <[chris.cooke@cookefg.com](mailto:chris.cooke@cookefg.com)>; 'kimlcook@msn.com' <[kimlcook@msn.com](mailto:kimlcook@msn.com)>; 'angela@envisionideas.com' <[angela@envisionideas.com](mailto:angela@envisionideas.com)>; 'jerrybond@mac.com' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'jthompson2235@yahoo.com' <[jthompson2235@yahoo.com](mailto:jthompson2235@yahoo.com)>; 'Elizabeth Cooke' <[elizcooke@comcast.net](mailto:elizcooke@comcast.net)>; 'Andy.mattingly@forumcu.com' <[andy.mattingly@forumcu.com](mailto:andy.mattingly@forumcu.com)>; 'Tim Mattingly' <[tim@indyamr.com](mailto:tim@indyamr.com)>; 'Jacquelyn Thompson' <[jacque@kineticrecreation.com](mailto:jacque@kineticrecreation.com)>; 'Freddie McClure' <[freddielmccclure@gmail.com](mailto:freddielmccclure@gmail.com)>; 'lauraworld@mac.com' <[lauraworld@mac.com](mailto:lauraworld@mac.com)>; 'Joseph Bond' <[jerrybond@icloud.com](mailto:jerrybond@icloud.com)>; 'Jerry Bond' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'Michelle Morrow' ([pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)) <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)>

**Cc:** Baumgartner, Megan <[baumgartnerm@fishers.in.us](mailto:baumgartnerm@fishers.in.us)>; Fadness, Scott <[fadnesss@fishers.in.us](mailto:fadnesss@fishers.in.us)>

**Subject:** RE: Neighborhood Meeting Recap

Good afternoon – I wanted to send over the traffic memo we received today from A&F Engineering prior to tonight's meeting.

We know traffic was a big concern brought up during the neighborhood meeting and the consultant has provided an alternative option of connecting to the church and Kroger to eliminate access off of 116<sup>th</sup>. This of course would be dependent on the church and Kroger agreeing to provide access but is something we can continue to work though if these projects move forward.

Please note, this includes both the Magnolia Grove and Drive Planning projects but Plan Commission will only be discussing the Magnolia Grove rezone at tonight's meeting.

---

**From:** Vukusich, Megan

**Sent:** Thursday, April 27, 2023 3:45 PM

**To:** Chris Cooke <[chris.cooke@cookefg.com](mailto:chris.cooke@cookefg.com)>; 'kimlcook@msn.com' <[kimlcook@msn.com](mailto:kimlcook@msn.com)>; 'angela@envisionideas.com' <[angela@envisionideas.com](mailto:angela@envisionideas.com)>; 'jerrybond@mac.com' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'jthompson2235@yahoo.com' <[jthompson2235@yahoo.com](mailto:jthompson2235@yahoo.com)>; Elizabeth Cooke <[elizcooke@comcast.net](mailto:elizcooke@comcast.net)>; 'Andy.mattingly@forumcu.com' <[andy.mattingly@forumcu.com](mailto:andy.mattingly@forumcu.com)>; Tim Mattingly <[tim@indyamr.com](mailto:tim@indyamr.com)>; Jacquelyn Thompson <[jacque@kineticrecreation.com](mailto:jacque@kineticrecreation.com)>; Freddie McClure <[freddielmccclure@gmail.com](mailto:freddielmccclure@gmail.com)>; 'lauraworld@mac.com' <[lauraworld@mac.com](mailto:lauraworld@mac.com)>; Joseph Bond <[jerrybond@icloud.com](mailto:jerrybond@icloud.com)>; Jerry Bond <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; Michelle Morrow <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)> <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)>

**Cc:** Baumgartner, Megan <[baumgartnerm@fishers.in.us](mailto:baumgartnerm@fishers.in.us)>; Fadness, Scott <[fadnesss@fishers.in.us](mailto:fadnesss@fishers.in.us)>

**Subject:** RE: Neighborhood Meeting Recap

The meeting agenda can be found here: [https://in-fishers.civicplus.com/AgendaCenter/ViewFile/Agenda/\\_05032023-2180 \[in-fishers.civicplus.com\]](https://in-fishers.civicplus.com/AgendaCenter/ViewFile/Agenda/_05032023-2180[in-fishers.civicplus.com])

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**From:** Vukusich, Megan

**Sent:** Thursday, April 27, 2023 12:16 PM

**To:** 'Chris Cooke' <[chris.cooke@cookefg.com](mailto:chris.cooke@cookefg.com)>; 'kimlcook@msn.com' <[kimlcook@msn.com](mailto:kimlcook@msn.com)>; 'angela@envisionideas.com' <[angela@envisionideas.com](mailto:angela@envisionideas.com)>; 'jerrybond@mac.com' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'jthompson2235@yahoo.com' <[jthompson2235@yahoo.com](mailto:jthompson2235@yahoo.com)>; 'Elizabeth Cooke' <[elizcooke@comcast.net](mailto:elizcooke@comcast.net)>; 'Andy.mattingly@forumcu.com' <[andy.mattingly@forumcu.com](mailto:andy.mattingly@forumcu.com)>; 'Tim Mattingly' <[tim@indyamr.com](mailto:tim@indyamr.com)>; 'Jacquelyn Thompson' <[jacque@kineticrecreation.com](mailto:jacque@kineticrecreation.com)>; 'Freddie McClure' <[freddielmccclure@gmail.com](mailto:freddielmccclure@gmail.com)>; 'lauraworld@mac.com' <[lauraworld@mac.com](mailto:lauraworld@mac.com)>; 'Joseph Bond' <[jerrybond@icloud.com](mailto:jerrybond@icloud.com)>; 'Jerry Bond' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'Michelle Morrow' <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)> <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)>

**Cc:** Baumgartner, Megan <[baumgartnerm@fishers.in.us](mailto:baumgartnerm@fishers.in.us)>; Fadness, Scott <[fadnesss@fishers.in.us](mailto:fadnesss@fishers.in.us)>

**Subject:** RE: Neighborhood Meeting Recap

Hello all –

Here is the list of final commitments for the Magnolia Grove rezone:

- 1) That the property owner voluntarily annex into city limits;
- 2) Hours of operation be limited to 8am to 8pm, Monday through Saturday. Closed on Sundays;
- 3) All lighting fixtures shall be full-cut off, with a zero-foot candle lighting level at the property line; From 10pm to 8am, lighting shall be limited to the amount required for security purposes only;
- 4) Uses are limited to the following: Office, medical office, beauty/hair salon, day spa, nail salon; and
- 5) The building and site design shall be substantially similar to the plans included as Exhibit C, including a parking lot with a maximum of 49 parking spaces.

I will forward on the link to next week's May 3<sup>rd</sup> meeting once posted tomorrow.

We are continuing to review site access and will update you as conversations progress.

---

**From:** Vukusich, Megan

**Sent:** Wednesday, April 19, 2023 2:26 PM

**To:** Chris Cooke <[chris.cooke@cookefg.com](mailto:chris.cooke@cookefg.com)>; 'kimlcook@msn.com' <[kimlcook@msn.com](mailto:kimlcook@msn.com)>; 'angela@envisionideas.com' <[angela@envisionideas.com](mailto:angela@envisionideas.com)>; 'jerrybond@mac.com' <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; 'jthompson2235@yahoo.com' <[jthompson2235@yahoo.com](mailto:jthompson2235@yahoo.com)>; Elizabeth Cooke <[elizcooke@comcast.net](mailto:elizcooke@comcast.net)>; [Andy.mattingly@forumcu.com](mailto:Andy.mattingly@forumcu.com); Tim Mattingly <[tim@indyamr.com](mailto:tim@indyamr.com)>; Jacquelyn Thompson <[jacque@kineticrecreation.com](mailto:jacque@kineticrecreation.com)>; Freddie McClure <[freddielmccclure@gmail.com](mailto:freddielmccclure@gmail.com)>; [lauraworld@mac.com](mailto:lauraworld@mac.com); Joseph Bond <[jerrybond@icloud.com](mailto:jerrybond@icloud.com)>; Jerry Bond <[jerrybond@mac.com](mailto:jerrybond@mac.com)>; Michelle Morrow ([pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)) <[pbmorrow1@comcast.net](mailto:pbmorrow1@comcast.net)>

**Cc:** Baumgartner, Megan <[baumgartnerm@fishers.in.us](mailto:baumgartnerm@fishers.in.us)>; Fadness, Scott <[fadnesss@fishers.in.us](mailto:fadnesss@fishers.in.us)>

**Subject:** Neighborhood Meeting Recap

Good afternoon,

Wanted to send a quick recap on yesterday's meeting. Thank you to those in attendance and for the written comments from those unable to attend.

Magnolia Grove Salon will be submitting a list of commitments to the city prior to going before Plan Commission. I will sure to send these over to you all once received. The commitments will include:

- Limited hours of operation
- Lighting restrictions
- Maximum parking spaces allowed
- Use limitations

IF approved, any commitments would run with the land to ensure that any future owner would be subject to them as well. **The next public meeting is scheduled for Wednesday May 3, 2023 at 6pm at Launch Fishers.**

Site access and 116<sup>th</sup> traffic improvements are being looked into internally. I will be sure to share all updates as this progresses, including the staff report and agenda for the next public meeting once posted.



**Kehl, Jennifer**

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**From:** Laura Villanyi <lauraworld@mac.com>  
**Sent:** Saturday, May 13, 2023 7:12 PM  
**To:** Vukusich, Megan  
**Subject:** E-mails

**EXTERNAL SENDER:** Please exercise increased caution. Do not open attachments or click links from unknown senders or unexpected email messages.

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Hi Megan,  
I have a letter that I want put into the City Council and planning commission packets. How do I do that?  
This is the letter for your records too.

May 13, 2023

Fishers City Council Members and Planning Commissioners,

I want to express my vantage point about the two properties Magnolia Salon and Drive Planning and their request for a zoning change from R2 to C1. I do not feel that a change of zoning is in the best interest of the community. I realize that they bought land for a price that is lower than it would be on a commercial lot. Their argument is to change the zoning because they would be abutting commercial. They are pleading a case that they should be an exception. This is problematic on many fronts from my experience. I have lived in this sector of Fishers for over 35 years. There have been many changes and I have had a front row seat to observe and participate. This proposed change to the zoning here opens up a character change in the landscape that will be irrevocable. There are ONLY residential properties across from both petitioners. By changing the zoning for either of them you now open the door for a chain reaction that would significantly change the look and feel of this sector of Fishers. All of the 116th residents could then request a commercial re-zone. If you make the exception for these two you would open that gate up for everyone. This decision must be viewed as a long term best interest of this area. The traffic in this sector is daunting due to the 4 HSE schools, Geist Waterfront Park, the Super Kroger, the dozens of neighborhoods east of Olio using 116th as a thoroughfare even the Starbucks drive thru line is a cluster of crazy. If you keep these lots appropriately zoned as R2 you are not adding any more stress to this area. If you keep it R2 the lighting, hours of operation, structure size, intensity of traffic change will not be an issue. The plan to keep this area R2 was agreed upon years ago by a smart City Council and Planning Commission. I have been to all of the meetings held by these petitioners. Nothing that the petitioners have brought to the table has added any value, or is providing any benefit to the residential nature of this area. There are many existing appropriate commercial areas zoned for their businesses to flourish. I feel it would be a mistake to allow these properties a zoning change.

Laura Bond Villanyi  
13575 East 114th Street  
Fishers 46037

Just because you want to do something does not mean you should.

Sent from my iPad

|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 12, 2023 5:03 pm        |
| Browser:         | Chrome 113.0.0.0 / Windows  |
| IP Address:      | 50.221.64.82                |
| Unique ID:       | 1101278773                  |
| Location:        | 40.0428, -86.1275           |

|                                                                                     |                                            |
|-------------------------------------------------------------------------------------|--------------------------------------------|
| <b>Name</b>                                                                         | Chris Cooke                                |
| <b>Address</b>                                                                      | 13625 E 114th St<br>Fishers, IN 46037-9712 |
| <b>Email</b>                                                                        | chris.cooke@cookefg.com                    |
| <b>Subdivision or business name</b>                                                 | Cedarston                                  |
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council                               |
| <b>Meeting Date</b>                                                                 | May 15, 2023                               |
| <b>Project Name/Resolution Number</b>                                               | Magnolia Salon                             |

Dear Fishers City Council,

The Magnolia Salon is on your May 15th agenda tonight. Please consider the following key points, and remember that the Plan Commission voted 5 against this salon, and 2 for the salon.

1. The 116th and Olivo corners have 4 PUDs that define commercial area, uses, and distance from the intersection. These ZONING RULES were arrived at with over 100 meetings of the neighbors, Fishers staff, and the developers over many years of work. The Fall Creek Community Organization (FCCO) had over 200 community members representing this area during these PUD debates. Commercial uses were restricted to INSIDE THE MOUNDS/FENCES, and limited to 1400 feet from the center of the OLIO/116th intersection.
2. Magnolia is located OUTSIDE THESE LIMITS, and OUTSIDE THE COMMERCIAL MOUNDS and FENCES.
3. Stop the Commercial CREEP and the SWISS CHEESE commercial effect in Fishers. WE MUST SAY NO to some of the people trying to wedge in commercial to send the message you cannot "get rich" by holding out for commercial zoning. (Original homeowner WOULD NOT SELL TO THE EXISTING CHURCH, said he can MAKE MORE MONEY BEING COMMERCIAL. Don't reward this behavior.)
4. Magnolia wants 48 parking spaces (Dentist on outside of mound has 24 parking spaces and has MUCH BETTER ACCESS for traffic).
5. U Turns on 116th will be REQUIRED to reach/leave Magnolia's location. These U Turns (either in front of the local church, or in front of Cedarstone Lane) are dangerous, disrupt traffic flow, and add to 116th street congestion in the area.
6. Commercial pads suitable for Magnolia Salon are currently for sale INSIDE THE COMMERCIAL MOUNDS. The salon belongs on one of these already zoned commercial pads which have substantial parking and are accessed via a stoplight controlled intersection.
7. Don't undercut local developers who negotiated in good faith. Allowing Magnolia to proceed on the OUTSIDE OF THE MOUNDS is extremely unfair to the commercial developers (Zinkan and Barker, Thomson Thrift, Kite Development) who negotiated in good faith on the 4 PUDs.
8. Magnolia (and Drive Planning in near future) wants to undercut these developers by buying a lower cost lot outside the mounds, and then getting commercial zoning. Magnolia belongs INSIDE the mound and should buy existing commercial land per the PUD.
9. Fishers 2022 Planning maps show the Magnolia plot as RESIDENTIAL. Neighbors have a right to rely on the map, the existing PUDs, and the prior comments (on the record) by Town/City leaders.
10. Any approval on the outside of the mound should be the same intensity as the existing Moore Berry Dentistry (which is the ONLY commercial building outside the mound).
11. Moore Berry Dentistry Specs - SHOULD BE MAX ALLOWED ON OUTSIDE OF COMMERCIAL MOUNDS:
  - a. 24 parking spots

- b. 4500 square feet
- c. 6 chairs (equal to an office, salon booth)
- d. Residential look and feel, single story, pitched roof
- e. Owner Operated, Single Tenant
- f. Business hours (generally 7am to 7pm)
- g. Small sign, tasteful, low lighting
- h. Very nice landscaping, well maintained

Thank you, Chris Cooke, the Cedarstone HOA, and the 116th Street neighbors.

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

---

Yes

|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 12, 2023 5:35 pm        |
| Browser:         | Chrome 113.0.0.0 / Windows  |
| IP Address:      | 73.168.181.157              |
| Unique ID:       | 1101288345                  |
| Location:        | 39.9564, -85.9651           |

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|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name</b>                                                                                 | Freddie McClure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Address</b>                                                                              | 13511 E. 114th Street<br>Fishers, IN 46037                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Email</b>                                                                                | freddiemcclure@gmail.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Subdivision or business name</b>                                                         | Cedarstone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Please select the meeting to which you would like to submit a public comment</b>         | City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Meeting Date</b>                                                                         | May 15, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Project Name/Resolution Number</b>                                                       | 091922C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Comment</b>                                                                              | <p>Magnolia Grove Salon has proposed a new development in an area of 116th Street currently zoned as residential (consistent with the published Fishers 2040 plan, commitments to neighbors made over the last several years and the current PUD). The street and intersections in this area were not designed to accommodate this type and amount of additional commercial traffic (u-turns).</p> <p>The proposed salon has 23 chairs and plans to operate 12 hours a day (8am-8pm). If the salon operates at 75% occupancy with an average of 4 clients per chair per day, that would result in approximately 70 clients per day plus 17 hairstylists (at 75%) plus 2 staff plus daily deliveries (mail, packages, etc.)...this would result in approximately 90 individuals coming and going which would be 180 one-way trips.</p> <p>The current design of the entrance/exit of the salon would require every individual to make 1 u-turn per trip (if you enter from the east, you will have to make a u-turn to return from the direction you came and the reverse if you are entering from the west) potentially resulting in nearly 90 additional u-turns per day (on average 7-8 additional u-turns on 116th street per hour). This is already an intense traffic area and we have already seen multiple accidents including more than 1 fatality. Creating this level of danger for the residents of Fishers, especially those neighbors that already have difficulty getting in and out of their driveways and neighborhoods, is not acceptable!</p> |
| <b>Would you like to receive email communications and updates from the City of Fishers?</b> | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



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| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 13, 2023 7:21 pm        |
| Browser:         | Safari 16.4 / OS X          |
| IP Address:      | 68.45.172.78                |
| Unique ID:       | 1101513566                  |
| Location:        | 40.0623, -86.0585           |

|                                                                                     |                                         |
|-------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Name</b>                                                                         | Laura Villanyi                          |
| <b>Address</b>                                                                      | 13575 E. 114th St<br>Fishers, IN 46037  |
| <b>Email</b>                                                                        | lauraworld@mac.com                      |
| <b>Subdivision or business name</b>                                                 | Cedarstone                              |
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council<br>Plan Commission Meeting |
| <b>Meeting Date</b>                                                                 | May 15, 2023                            |
| <b>Project Name/Resolution Number</b>                                               | Magnolia Grove Salon                    |

Fishers City Council Members and Planning Commissioners,

I want to express my vantage point about the two properties Magnolia Salon and Drive Planning and their request for a zoning change from R2 to C1. I do not feel that a change of zoning is in the best interest of the community. I realize that they bought land for a price that is lower than it would be on a commercial lot. Their argument is to change the zoning because they would be abutting commercial. They are pleading a case that they should be an exception. This is problematic on many fronts from my experience. I have lived in this sector of Fishers for over 35 years. There have been many changes and I have had a front row seat to observe and participate. This proposed change to the zoning here opens up a character change in the landscape that will be irrevocable. There are ONLY residential properties across from both petitioners. By changing the zoning for either of them you now open the door for a chain reaction that would significantly change the look and feel of this sector of Fishers. All of the 116th residents could then request a commercial re-zone. If you make the exception for these two you would open that gate up for everyone. This decision must be viewed as a long term best interest of this area. The traffic in this sector is daunting due to the 4 HSE schools, Geist Waterfront Park, the Super Kroger, the dozens of neighborhoods east of Olivo using 116th as a thoroughfare even the Starbucks drive thru line is a cluster of crazy. If you keep these lots appropriately zoned as R2 you are not adding any more stress to this area. If you keep it R2 the lighting, hours of operation, structure size, intensity of traffic change will not be an issue. The plan to keep this area R2 was agreed upon years ago by a smart City Council and Planning Commission. I have been to all of the meetings held by these petitioners. Nothing that the petitioners have brought to the table has added any value, or is providing any benefit to the residential nature of this area. There are many existing appropriate commercial areas zoned for their businesses to flourish. I feel it would be a mistake to allow these properties a zoning change.

Laura Bond Villanyi  
13575 East 114th Street  
Fishers 46037

Just because you want to do something does not mean you should.

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

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Yes

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| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 14, 2023 4:57 pm        |
| Browser:         | Safari 16.4 / OS X          |
| IP Address:      | 68.45.175.73                |
| Unique ID:       | 1101655108                  |
| Location:        | 40.0623, -86.0585           |

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|-------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Name</b>                                                                         | Donna Bond                              |
| <b>Address</b>                                                                      | 13555 E. 114th St.<br>Fishers, IN 46037 |
| <b>Email</b>                                                                        | jerrybond@mac.com                       |
| <b>Subdivision or business name</b>                                                 | Cedarstone HOA                          |
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council                            |
| <b>Meeting Date</b>                                                                 | May 15, 2023                            |
| <b>Project Name/Resolution Number</b>                                               | Magnolia Grove Salon/#091922C           |

**Comment**

To: Fishers City Council Members

Strongly recommend disapproval of changing the zoning code of the proposed Magnolia Salon property from R2 to C1. This zoning code change would set a precedent that would negatively affect the residences in this area of East 116th St.

Strongly urge the City Council honor the existing PUD standards of limiting commercial businesses that were agreed upon after several neighborhood meetings regarding the construction of an expanded Kroger store at the intersection of 116th Street and Olio Road. As neighbors, we believe the City Council promised the neighborhood that there would be a limit on expanding commercial properties.

Strongly urge the City Council to consider the serious Public Safety hazard that U-turns would cause for eastbound traffic trying to enter Magnolia Grove Salon. Traffic in this area is already heavy given rush hour, school, one of the busiest Kroger stores in the state of Indiana, Starbucks and other commercial businesses on all four corners of 116th Street and Olio Road. The new Geist Waterfront park which will open for boating/swimming at the end of May will also strongly impact traffic. I did a test drive May 3, 2023, and was fortunate no one was behind me when I attempted a U-Turn. I had to come to a complete stop in the left lane of 116th Street to make the turn. Since there is not a designated turn lane to enter the Salon, the probability of serious traffic accidents for Fishers residents and the Salon's customers is very high. The traffic study submitted by A&F Engineering cannot be accurate. In addition to customers, the hair stylists, admin staff, cleaning and maintenance staffs as well as daily delivery trucks/cars must be considered.

Changing the zoning code from residential to commercial for this parcel would set a precedent that would destroy the integrity of the neighborhood and create a high risk public safety traffic hazard . This change would put public safety at risk for the sake of individual commercial development.

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

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Yes

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| Form Name:       | Public Meeting Comment Form            |
| Submission Time: | May 14, 2023 8:37 pm                   |
| Browser:         | Chrome Mobile 112.0.5615.135 / Android |
| IP Address:      | 99.41.235.108                          |
| Unique ID:       | 1101700147                             |
| Location:        | 39.8079, -86.0949                      |

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|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name</b>                                                                                 | Larry Browning                                                                                                                                                                                                                                            |
| <b>Address</b>                                                                              | 3711 Rock maple Dr.<br>Indianapolis , IN 46235                                                                                                                                                                                                            |
| <b>Email</b>                                                                                | browninglr@88gmail.comgest                                                                                                                                                                                                                                |
| <b>Subdivision or business name</b>                                                         | Long wood glen                                                                                                                                                                                                                                            |
| <b>Please select the meeting to which you would like to submit a public comment</b>         | City Council<br>Town Hall Building Corporation                                                                                                                                                                                                            |
| <b>Meeting Date</b>                                                                         | Jun 05, 2023                                                                                                                                                                                                                                              |
| <b>Project Name/Resolution Number</b>                                                       | The new swimming hole or park                                                                                                                                                                                                                             |
| <b>Comment</b>                                                                              | Why are you changing so much? I feel we go out more then the people up there. Seems they only go out every now and then. If it wasn't for us, Geist people wouldn't be able to work at the boat dock to take our money. We pay our part to keep it clean. |
| <b>Would you like to receive email communications and updates from the City of Fishers?</b> | Yes                                                                                                                                                                                                                                                       |

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| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 14, 2023 9:39 pm        |
| Browser:         | Safari 16.3 / OS X          |
| IP Address:      | 99.103.138.229              |
| Unique ID:       | 1101710153                  |
| Location:        | 39.7436, -86.1158           |

|             |               |
|-------------|---------------|
| <b>Name</b> | Andrea Hunley |
|-------------|---------------|

|                |                                            |
|----------------|--------------------------------------------|
| <b>Address</b> | 917 Stillwell St<br>Indianapolis, IN 46202 |
|----------------|--------------------------------------------|

|              |                |
|--------------|----------------|
| <b>Email</b> | s46@iga.in.gov |
|--------------|----------------|

|                                     |                          |
|-------------------------------------|--------------------------|
| <b>Subdivision or business name</b> | Indiana General Assembly |
|-------------------------------------|--------------------------|

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| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council |
|-------------------------------------------------------------------------------------|--------------|

|                     |              |
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| <b>Meeting Date</b> | May 15, 2023 |
|---------------------|--------------|

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| <b>Project Name/Resolution Number</b> | R051523F |
|---------------------------------------|----------|

May 13, 2023

Councilors:

RE: Geist Waterfront Park

As State Senator for District 46 in Indianapolis, I represent the economic and cultural hub of our city our state. Indianapolis contributes 20% of Indiana's GDP and nearly one sixth of its population. We are a bustling city with many amenities that residents outside of Marion County benefit from and enjoy.

Can you imagine if Downtown Indianapolis charged \$50 in parking anytime folks from Fishers or other non-residents came to a Colts game, to see the Circle of Lights, attend a concert at Gainbridge Fieldhouse, explore the Cultural Trail, or play on the Canal? It would certainly deter folks from visiting, or at least using individual transit to do so. I would love help understanding the goal of a \$50 day pass parking fee for non-residents to enjoy the Geist Waterfront Park during the summer months.

My own personal family loves to travel and explore state and national parks. We're avid adventurers. We've been to the Pacific Northwest, exploring public beaches and parks in Seattle and the San Juan Islands. Sometimes we had to pay a nominal parking fee, but \$50 would have been absolutely cost prohibitive. Being unfamiliar with these areas, and with young children in tow, I would not have felt comfortable attempting to find alternative parking and another route in.

For the past two decades I have served children in our public schools as a teacher and as a school principal. I know firsthand the importance of providing opportunities for families to play, explore, and have new experiences in ways that are safe, inclusive, and affordable. From walking on the canal, to visiting our award-winning restaurants and museums, Indy is a special place with something for everyone. I would hope that nearby cities and towns would strive to be as vibrant and inclusive.

I'm interested to know what alternatives have been explored. Did you consider adding a special tax for the vendors that will be providing services and amenities to the Waterfront Park? How about a special taxing district?

We have to think regionally and we have to think equitably. We need to share and promote our regional amenities. We need to create structures for sustainable engagement and continued economic growth. We need to work collaboratively and remember: we are stronger together.

Here in Indy, we believe in Hoosier Hospitality and we work hard to make all visitors to our city feel right at home. I would hope that Fishers would do the same.



Sincerely,

Andrea Hunley

Indiana State Senator

District 46

[Senator.Hunley@iga.in.gov](mailto:Senator.Hunley@iga.in.gov)

|                  |                             |
|------------------|-----------------------------|
| Form Name:       | Public Meeting Comment Form |
| Submission Time: | May 15, 2023 11:40 am       |
| Browser:         | Chrome 113.0.0.0 / Windows  |
| IP Address:      | 198.21.24.251               |
| Unique ID:       | 1101889004                  |
| Location:        | 40.7066, -74.2027           |

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|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name</b>                                                                         | Kathryn Allen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Address</b>                                                                      | 12088 Red Hawk Dr<br>Fishers, IN 46037                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Email</b>                                                                        | allenkaty53@gmail.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Subdivision or business name</b>                                                 | Gray Eagle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Please select the meeting to which you would like to submit a public comment</b> | City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Meeting Date</b>                                                                 | May 15, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Project Name/Resolution Number</b>                                               | 091922C (RZ-22-4) and 051523D (RZZ-23-2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Comment</b>                                                                      | <p>I would like to state my opposition to the two referenced proposals for rezoning properties on 116th street (near Olio) for a salon and office building. We already have significant traffic on E. 116th street in this area--and it is already challenging to turn out of the Gray Eagle neighborhood onto 116th. Not to mention the safety of pedestrians trying to cross streets in cross-walks.</p> <p>Additionally, this is coming very close to the tree farm and is destroying the homes that are already in the area. There is already plenty of development ongoing in the area (Brooks School Road/126th Street). I have lived in Fishers for 20 years--and the amount of development that has taken place in this time frame is mind-boggling and is destroying the look and feel of what made Fishers a desirable place to live.</p> <p>Please vote No on rezoning these 2 properties and help to protect residents and keep Fishers a desirable place to live.</p> |