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Public Record

Logan J. Day
Save the Nickel Plate, Inc.
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Ann D. Begeman
Acting Chairman
Office of Proceedings Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

Re: **Docket No. FD 36137**
City of Fishers, City of Noblesville, and Hamilton County, Indiana
Petition for Partial Revocation of Exemption

Dear Ms. Begeman:

Save the Nickel Plate, Inc. ("STNKP") wishes to address what we believe to be the single most important concern with the City of Fishers, City of Noblesville, and Hamilton County's ("Owners") possession of the subject railroad line ("Line") and their subsequent petition with the Board. Material evidence surrounding the ownership of this Line indicates a complete disregard for what STNKP understands to be the core function of the STB - to preserve, wherever possible, common-carrier freight service when a need can be documented. The need for freight service has thus far been documented by the participation of Stone Spectrum, Crown Technologies, and Kokomo Grain in this proceeding. We believe, and hope to demonstrate in our final submission, a definitive long-time and present-day effort, by

the Owners and the Hoosier Heritage Port Authority (“HHPA”), to prevent and impede any common-carrier service on the line. While STKNP’s focus is on restoring passenger service, common-carrier freight service along the line would have allowed for a strengthened economic position of the railroad; perhaps preventing the onset of our current situation.

HHPA Prohibits Freight Service

In an operating agreement executed on March 1, 1996 by and between the Historic Railroad Multijurisdictional Port Authority (predecessor to the HHPA) and the Indiana Transportation Museum (ITM), section 2(b) prohibits the ITM from moving any freight over the line (**see Attachment A**). While there may have been justifiable reason for including this clause in the operating agreement, the inability of this Line to effectively serve its adjacent freight customers is documented as far back as 1996.

Bias Against Full Corridor Utilization and Lack of Studies or Plans

From the initial discussions of the trail project, representatives of the Owners have made public statements of their desire to choose an operator that only wanted to utilize the Northern portion of the Line - to facilitate their trail objectives.

In a TV interview on Hamilton County Television, the Noblesville Deputy Mayor, Steve Cooke, was providing additional details about the Nickel Plate Trail proposal. During the video, Deputy Mayor Cooke speaks to a number of issues that are of concern to us:

- The Owners decided to end their Nickel Plate Trail proposal at Pleasant St. in order to allow the Northern cities to decide whether they wanted a railroad or trail. This was discussed in such a way that it was evident the Owners’ trail proposal was not up for

consideration.

- Alternative trail routes North of Noblesville exist but there are not currently any maps (or studies) to depict all of the new trail construction.
- The city leaders “hope” that the selected operator will run North of Noblesville. This has created the illusion that there is a division of power with checks and balances to allow for a fair selection process, despite the fact that the Owners are given the opportunity to make the final selection. Ultimately, the fate of the Line is biased by the desires of the city leaders.

Video clips of this interview have been included as an attachment with our submission. The entire video may be viewed online at: <https://www.youtube.com/watch?v=Qk6zIAgUp8E>

Rail Operators Removed from Consideration for Proposing Freight Service

Once the HHPA RFP had concluded the top two proposals were identified as Iowa Pacific Railroad (“IP”) as the top choice by more than 200 points and the Nickel Plate Heritage Railroad (“NPHR”) as the second choice with a proposal to run only on the North end of the line (**see Attachment B**). It is important to reiterate that the NPHR project was spearheaded by the CEO of Hamilton County Tourism who had been communicating with the city officials prior to the announcement of an RFP.

During the final selection of an operator, IP was summarily disregarded - despite being the highest scored operator - due to including freight service and car storage in their proposal (**see Attachment C and attached video clips**). This clearly exemplifies a bias toward freight service by the Owners.

Noblesville Violates Open Door Laws with Illegal Executive Session

Most recently, the City of Noblesville was found to be in violation of the State of Indiana's Open Door laws ("Laws") by carrying out an executive session relating to the Nickel Plate Trail. The Indiana Public Access Counselor issued an opinion that the notice requirements of the Law were not met by the city; therefore, the Open Door law had been violated. Also in question was whether the content of the meeting had met the requirements for a non-public executive session. While the public access counselor did not find definitive evidence that the City was in violation of the Open Door law with regard to the content of the meeting, he did state that, "It is difficult to understand how the City could interpret or believe that language [of the Open Door law] to include general economic development discussions **among itself**." There was an obvious discredit to the City's justification that the executive session was believed to be within the law (**see Attachment D**)..

This evidence further demonstrates that the plans for the corridor were likely being devised behind closed doors and without the interest of the community or potential freight users in mind.

Fishers Listening Session Sign-In Sheets

Obtained through a Freedom of Information Act request, sign-in sheets from the Nickel Plate Trail listening session held in Fishers, IN indicate that the majority of attendees who reside in Fishers and signed in, desire to see the tracks maintained (**see Attachment E**). The breakdown of "votes" is as follows:

49% - retention of the rails

36% - replacement of rails with trails

15% - neutral or did not answer

These opinions indicate that it is the desire of the residents to see the Line retained and also that the Owners are not acting in accordance with the desire of their residents.

Conclusion

We would like to remind the Board that proposals submitted by the rail operators to the HHPA were publicly rejected because they included freight. Despite all of the other issues our community has raised, in this proceeding, with the process undertaken by the Owners to convert this railroad to a trail, the fact that they've deliberately driven off common-carrier freight service for so many years is cause enough to deny any actions or findings that would further facilitate the Owners' objectives. The Owners should not be allowed to use the Board to further their own means for trail creation, while deliberately forcing aside any operator that attempted to provide freight service.

We urge the Board to deny the Owners' petition for Partial Revocation of Exemption. If the line is considered to be abandoned by the Board despite a consummation by Norfolk and Western, then we ask that the Board require the Owners to proceed through all applicable and customary processes and procedures for revoking and re-petitioning abandonment exemption. Should the Board determine that the Line is not currently classified as abandoned, we accordingly request that the Owners still be required to follow all applicable and customary processes and procedures for abandonment.

STNKP greatly appreciates the Board's diligence and consideration in reviewing this case.

Respectfully,

A handwritten signature in black ink, appearing to read 'Logan J. Day', with a stylized, cursive script.

Logan J. Day
Group Facilitator

Save the Nickel Plate, Inc.
P.O. Box 48
Fishers, IN 46038

(317) 983-4449
info@savethenickelplate.org

I certify that these comments have been provided to the Applicant's Attorney of Record via email.

/S/ Logan J. Day | Save the Nickel Plate, Inc. | info@savethenickelplate.org

Attachment A

THIS AGREEMENT, entered into as of the 1ST day of March,
1996, by and between Indiana Transportation Museum, Inc.
("Museum") and the Historic Railroad Multi-jurisdictional Port
Authority ("Authority").

WITNESSETH:

WHEREAS, Authority owns, a line of railroad in central
Indiana; and

WHEREAS, Authority has expressed support for historic
locomotive tours in that area; and

WHEREAS, the Authority is a statutory body of the State of
Indiana, City of Noblesville and Town of Fishers; and

WHEREAS, Museum owns or had available for its use historic
locomotives and passenger cars, and owns or has available for its
use other resources and arrangements which are necessary or
convenient in the operation of historic locomotive tour trains
("Historic Tour Trains"); and

WHEREAS, Authority has access to a community building, which
occupies a site convenient to Authority's line of railroad at
Fishers, Indiana; and

WHEREAS, Museum and Authority desire to cooperate in the
operation of such Historic Tour Trains.

NOW, THEREFORE, in consideration of the foregoing recitals,
the terms and conditions herein made, and intending to be legally
bound, the parties hereto agree as follows:

SECTION 1. GRANT OF TRACKAGE RIGHTS; COOPERATION IN OPERATION
OF EXCURSIONS

Subject to the terms and conditions herein provided, Authority hereby grants to Museum the right to operate Historic Tour Trains ("Trackage Rights") over the Authority's line of railroad shown on the drawing attached hereto, made a part hereof and marked Exhibit "A" ("Joint Trackage"). Museum hereby agrees to perform or otherwise be responsible for necessary switching movements in the operation of Historic Tour Trains at such times and upon such terms and conditions with third parties as Museum may determine; provided, however, that such operation of Historic Tour Trains shall not conflict with other operations of Authority.

SECTION 2. USE OF JOINT TRACKAGE

(a) Museum's use of the Joint Trackage shall be in common with Authority and any other user of the Joint Trackage, and Authority's right to use the Joint Trackage shall not be diminished by this Agreement. Authority shall retain the right to grant to other person rights of any nature in the Joint Trackage.

(b) Museum shall not use any part of the Joint Trackage for the purpose of moving freight or the making or breaking up of freight trains; however, this provision shall not prohibit the Museum from using auxiliary tracks as may be necessary for switching and storage of Museum cars and rolling stock upon reasonable notification to the Authority.

Signature Pages Below

(f) All words, terms and phrases used in this Agreement shall be construed in accordance with the generally applicable definition or meaning of such words, terms and phrases in the railroad industry.

SECTION 13. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto, including, without limitation, the successors and assigns of Authority's interest in the Joint Trackage or any portion thereof. Neither party hereto shall transfer or assign this Agreement, or any of its rights, interests, or obligations hereunder, to any person, firm, or corporation without obtaining the prior written consent of the other party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

INDIANA TRANSPORTATION MUSEUM, INC.

John M. Davis
NAME: JOHN M. DAVIS
TITLE: CHAIRMAN

WITNESS:

Wanda Woodridge

HISTORIC RAILROAD
MULTI-JURISDICTIONAL PORT AUTHORITY

Dennis R. Blind

NAME: DENNIS R. BLIND

TITLE: PRESIDENT

WITNESS:

Ray Hopton

Attachment B

RFP Scoring Tabulation for Hoosier Heritage Port Authority
Request for Railroad Operator

Proposed Operator	Fishers Member 1 Eric Pethtel	Fisher Member 2 David George	Fishers Member 3 John Weingardt	Noblesville Member 1 John Beery	Noblesville Member 2 Greg O'Connor	Hamilton County Member 1 Brad Davis	Hamilton County Member 2 Glen Schwartz	Hamilton County Member 3 Jim Neal	Weighted Scores Total	Final Rank
	Total Score	Total Score	Total Score	Total Score	Total Score	Total Score	Total Score	Total Score	Total Scores	Rank
Indiana Transportation Museum	10	20	15	-10	-20	55	200	55	325	3
Hoosier Heritage Railroad	20	25	-15	-65	-70	55	-100	105	-45	5
Nickel Plate Heritage Railroad	110	20	115	20	20	50	-80	105	360	2
Indianapolis Metropolitan Railway Company	55	25	25	0	-10	65	-40	115	235	4
Iowa Pacific Railroad	80	15	-10	5	40	115	165	165	575	1

Signature: 
 Michael Obergfell

Website Link to Redacted Proposals and Individual Scoresheets:
<http://www.hamiltoncounty.in.gov/1224/HHPA-RFP-Operator-Results>

Title: HHPA President

Date: July 18, 2017

Attachment C



Powered By Indianapolis Business Journal

[Home](#)

Fishers, Noblesville pick Nickel Plate rail plan that paves way for trail

[Lindsey Erdody](#)

July 31, 2017

Officials who control the regional portion of Nickel Plate Railroad on Monday voted in favor of a proposal that would likely put an end to future train traffic from Hamilton County into Indianapolis.

Fishers and Noblesville, which share part of the ownership of the 37-mile railroad corridor that runs from Tipton to Indianapolis, voted Monday morning to select Arcadia Arts & Heritage Depot and Atlanta Pacific Railroad LLC as the rail's new operator.

The winning proposal, which was submitted by Hamilton County Tourism Inc. on behalf of the entities, calls for operating tourism trains only on the northern portion of the corridor—from Arcadia to Tipton.

The boards of public works from both Fishers and Noblesville approved the selection at a Monday morning meeting at Noblesville City Hall.

Officials from Hamilton County, which also co-owns the rail corridor, abstained from voting on the proposals because a conflict of interest and the absence of a commissioner meant the board didn't have enough voters to consider it.

The decision paves the way for Fishers and Noblesville officials to pursue a \$9 million proposal to convert a 9.2-mile stretch of the Nickel Plate railroad corridor into a paved pedestrian and bicycle trail between the two cities. The [proposed Nickel Plate Trail](#) would run from 96th Street in Fishers to Pleasant Street in Noblesville.

The plan would put an end to the popular Indiana State Fair Train, which had used the corridor for more than 30 years before being sidelined last year.

The Hoosier Heritage Port Authority, the quasi-government agency that oversees the Nickel Plate for the owners, had been searching for a company to handle operations on the line after it terminated its policy-of-use agreement with the Indiana Transportation Museum in March 2016 amid concerns about the not-for-profit's financials and maintenance of the tracks.

The Port Authority, which maintained that it was keeping its options open, issued a request for proposals for a new operator in April. It released the scores of the submissions earlier this month. The one from Hamilton County Tourism ranked second behind a proposal from Iowa Pacific Holdings. Three other plans that had lower scores were not up for consideration Monday.

The top-scoring plan by Chicago-based Iowa Pacific Holding, which previously operated the Hoosier State service that runs from Indianapolis to Chicago, would have used the entire corridor from Tipton to Indianapolis for passenger trains, freight trains and railcar storage.

The plan was dependent upon reconnecting the railroad with the Norfolk Southern line in Tipton to allow access to freight and railcar transportation. The local portion of the Nickel Plate line was separated from the Norfolk Southern line in Tipton in 1997 and has been isolated from other rail lines since 2007.

Fishers and Noblesville officials—who want to stick to plans to rip out the rails and build the pedestrian trail—said they weren't in favor of the Iowa Pacific plan because they don't want freight trains running through their cities.

"We just don't need freight in my opinion," Noblesville Mayor John Ditslear said Monday.

Fishers Mayor Scott Fadness seconded that opinion. "The idea of freight running through downtown Fishers, I think, is not something our community wants," he said.

Two of the three proposals that were not sent on to the boards of public works for consideration did not propose using freight trains. All three proposed using the entire length of the rail line.

The Hamilton County Commissioners did not vote because Commissioner Christine Altman abstained because of a conflict of interest and Commissioner Steve Dillinger was not present. That left only Commissioner Mark Heirbrandt available to vote.

However, Hamilton County did participate in the unanimous vote to officially bank the rail, preserving the right of way of the entire corridor for future uses, which would include the proposed pedestrian trail.

The [proposal from Hamilton County Tourism](#) calls for using an 8.5-mile section of the railroad from Arcadia to Tipton as a tourist attraction. A not-for-profit called Nickel Plate Heritage Railroad Inc. will oversee the programming and the Atlanta Pacific Railroad, which is owned by the former president and CEO of the Indiana Rail Road, Thomas Hoback, will operate the trains.

"The Nickel Plate Heritage Railroad model is one like those in the airline industry," the proposal stated. "A railroad operation company will manage the equipment and track for the company that manages the programming and schedule, as well as marketing and ticket sales."

Atlanta Pacific Railroad will acquire several locomotives and passenger cars with a minimum capacity of 200, which could cost an estimated \$750,000. Funding is expected to come from grants, ticket sales, sponsorships and gifts.

The plan predicts the themed, excursion trains would attract 25,000 passengers per year and operate 75 days out of the year, mostly on Fridays and Saturdays.

The Port Authority will negotiate a final agreement with Hamilton County Tourism.

The Indiana Transportation Museum also submitted a proposal, which was ranked third, but nearly all of it was marked proprietary and confidential and so it was not made public. According to the one section that was shared, the plan involved using the entire corridor for excursions such as the Indiana State Fair Train and Polar Bear Express, plus other year-round attractions.

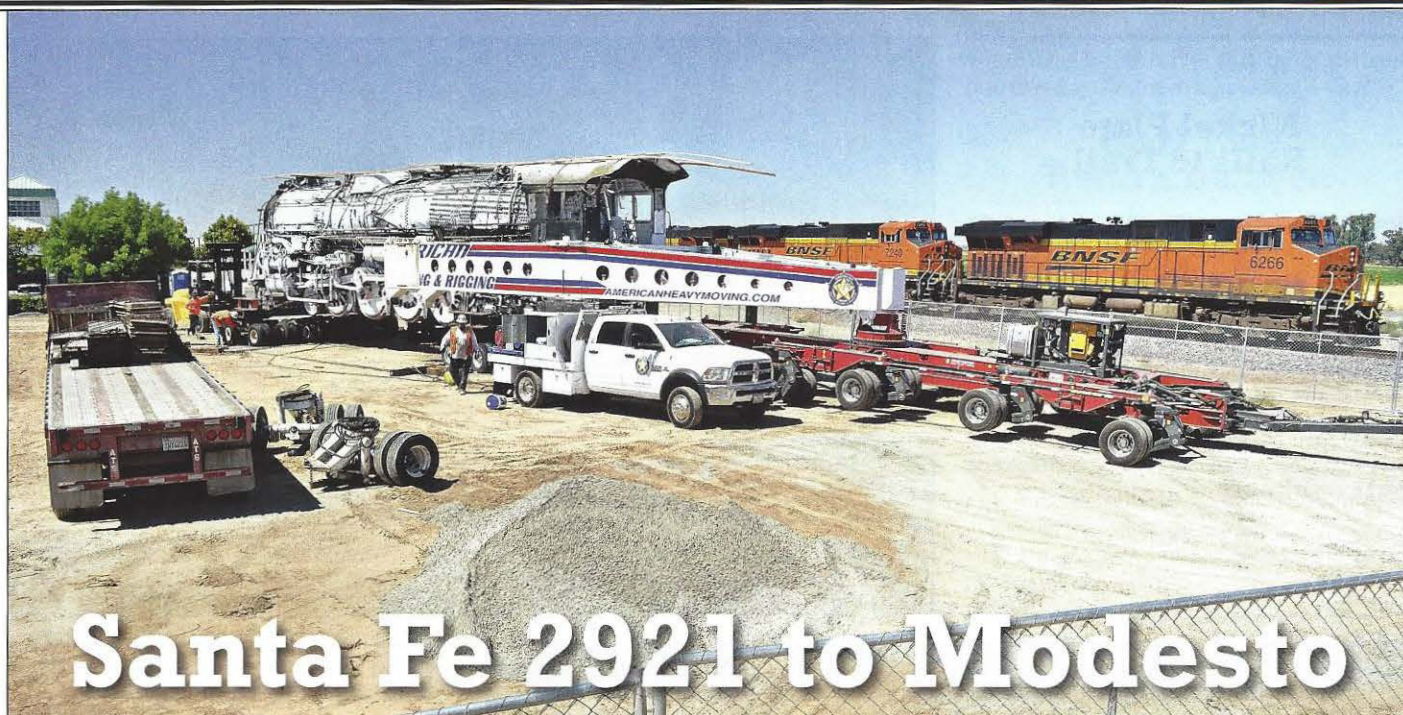
Local officials and museum leaders have been [sparring for months](#) about the condition of the tracks and the best future usage of it.

The museum has filed a [federal lawsuit](#) against the Port Authority, Noblesville and Fishers in which it accuses the government of unjustly interfering in its operations, causing a critical loss of more than a half-million dollars in revenue.

"I appreciate the hard work of everyone involved in making the Nickel Plate Trail a reality, including the strong leadership from Mayor Ditslear and the County Commissioners," Fadness said in written remarks. "The proposal approved today allows for the preservation of the train going north from Noblesville while providing a year-

round recreational trail amenity for our residents.

"The Nickel Plate Railroad played an important role in our history as a city and I believe the Nickel Plate Trail will honor that history while creating an amenity that so many of our residents have requested. This will be transformational for the heart of our city and my team and I will work to involve as many community members in the planning of the trail design as possible. I look forward to honoring our past while celebrating the future of our vibrant city with the Nickel Plate Trail."



Santa Fe 2921 to Modesto

On July 17, Santa Fe 4-8-4 No. 2921 was moved from Beard Brook Park in West Modesto, Calif., to the Modesto Amtrak Station on the BNSF Stockton Sub. The move was paid for by Pacific Gas & Electric because the engine display was sitting on top of a gas pipeline. Built in 1943, the locomotive has been on display in the park and largely forgotten since 1960. PHOTO BY RYAN CLARK

STEAM AND PRESERVATION

OTTO M. VONDRAK

Towns Pave the Way for Nickel Plate Trail

On July 31, the town boards of Fishers and Noblesville, Ind., voted to select a proposal that would jeopardize the future of the 37-mile Nickel Plate Road line which runs between Tipton and Indianapolis. Managed by the Hoosier Heritage Port Authority, the tracks were operated by the Indiana Transportation Museum for its popular Polar Express and State Fair trains until the agreement was canceled in March 2016. Since then, museum officials have been fighting to have the railroad operation restored, which represents a significant portion of the museum's annual income (much of which was used to maintain and repair the railroad corridor). The two towns are aggressively advocating for the removal of the tracks so a new recreational trail can be built in its place.

Of the three proposals under consideration, the one from Iowa Pacific Holdings scored highest. However, officials rejected it because it depended on operating the entire rail corridor, and reconnecting the line to Norfolk Southern at Tipton so interchange freight service could resume. According

to a report in the *Indianapolis Business Journal*, the mayors of Fishers and Noblesville both spoke out against ever using the corridor for freight.

The proposal that came in second was the one ultimately chosen. Submitted by Hamilton County Tourism, Inc., the proposal calls for train operation along the northern 8.5-mile portion between Arcadia and Tipton. The trains would be operated by the new Atlanta Pacific Railroad, owned by former Indiana Rail Road President Thomas Hoback. The details of the proposal include an offer to salvage the rails and properly dispose of the ties south of Arcadia, as well as the "removal and disposal" of the "existing operator's" (referring to the museum) land-locked equipment on the museum grounds at Forest Park if need be.

The third proposal came from the Indiana Transportation Museum and called for the continued operation of the entire rail corridor. The museum filed a federal lawsuit in June alleging government interference in the operation of its museum, costing more than a half million dollars in lost revenue.

A Giant in Steam Preservation Passes

The man who many believe single-handedly did more for preserving steam railroad history than anyone else

in the past 50 years, Tom Murray Jr., passed away on July 5.

Murray was the son of Tom Murray, who had founded the West Fork Timber Company in the 1920s. After Tom Jr. graduated from Yale, he joined his father's timber business which eventually evolved into the Murray Pacific Corporation.

Murray witnessed the heyday of steam logging in the West. West Fork Timber had its own steam-powered logging railroad that always fascinated him, and he was not content to see this part of Northwest history pass into oblivion. In April 1964, he learned the Klickitat Logging & Lumber Co. was shutting down its logging railroad and the last active Shay locomotive in America. Murray immediately saw this as the opportunity to realize his dream of developing a steam logging museum. He formed the Western Washington Forest Industries Museum and arranged the donation of KL&L Shay No. 7. At the same time, he arranged with the City of Tacoma, Wash., a long-term lease of a portion of the heavily timbered Port Defiance Park in the northern part of the city. Here he would build his museum that came to be named Camp 6.

Over the next few years, Murray had track laid at Camp 6 and the Shay was put in service. He also arranged the

Attachment D

OPINION OF THE PUBLIC ACCESS COUNSELOR

MICHAEL T. SANER,
Complainant,

v.

CITY OF NOBLESVILLE,
Respondent.

Formal Complaint No.
17-FC-191

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to the formal complaint alleging the City of Noblesville ("City") violated the Open Door Law¹ ("ODL"). The City responded on September 13, through attorney Michael A. Howard. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on August 11, 2017.

¹ Ind. Code §§ 5-14-1.5-1 to -8

BACKGROUND

Michael T. Saner ("Complainant") filed a formal complaint against the City of Noblesville alleging the City violated the state's Open Door Law ("ODL"). Saner claims the City's Common Council held an improper executive session on February 22, 2017 to discuss plans for a rails-to-trails project titled: *The Nickel Plate Trail*. Saner contends the meeting was held under the auspice of economic development. Essentially, Saner contends that the umbrella topic of economic development does not satisfy ODL requirement for an executive session.

Saner filed his complaint after obtaining a set of emails from the City through a public records request. The emails include messages to and from Noblesville officials, some of which reference the project. Saner argues that dozens of the emails he obtained are marked confidential by City officials and are evidence of the City's then desire to keep the project secret.

In its response, the City admits that the notice for the executive session at issue in this complaint did not comply with the notice requirements of the ODL, but suggests the actual subject matter of the executive session as it pertained to the *Nickel Plate Trail* did satisfy the ODL's requirements for an executive session. As support, the City cites Indiana Code Section 5-14-1.5-6.1(b)(4)(H), and (b)(2)(D) as the authority that permits—if proper notice had been given—the *Nickel Plate Trail* discussion during the executive session.

What is more, the City claims at the time of this executive session its officers believed that discussions of a general eco-

nomic development nature were a permissible use of executive sessions, and the meeting at issue in this formal complaint occurred several weeks prior to the correction of the City's misunderstanding of the proper statutory uses of executive sessions.

It is worth noting that the project has been approved as a cooperative agreement between the Cities of Noblesville and Fishers.

ANALYSIS

The public policy of the Open Door Law ("ODL") is that official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See* Ind. Code § 5-14-1.5-1. Simply put, unless an exception applies, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. *See* Ind. Code § 5-14-1.5-3(a).

The public may, however, be excluded from certain meetings, such as executive sessions. *See* Ind. Code § 5-14-1.5-6.1(b). Notably, a public agency may hold an executive session only in the specific instances set out by statute. *Id.* What is more, a public agency must provide notice of any executive session 48 hours prior to the meeting. Ind. Code § 5-14-1.5-5(a). The notice must include date, time, and place of the meeting. Ind. Code § 5-14-1.5-4(a). In addition, the notice of an executive session *must* also state the subject matter of the meeting *by reference to the specific statutory instance* or instances for which the meeting may be held. Ind. Code § 5-14-1.5-6.1(d).

Here, the City concedes that it failed to provide adequate notice for the executive session at issue in Saner's complaint.

Thus, I will not belabor the point. Still, going forward, the City should be mindful that failure to give proper notice of any executive session violates the Open Door Law. *See Town of Merrillville v. Blanco*, 687 N.E.2d 191 (Ind. App. 1997); and judicial remedies are available for violations of the ODL. *See* Indiana Code § 5-14-1.5-7.

Even if the public notice had been adequate under the ODL, the subject matter of the meeting must also adhere to the statute's requirements.

As set out *supra*, executive sessions are only appropriate in the limited, and specific instances enumerated in Indiana Code Section 5-14-1.5-6.1(b). Stated differently, if the subject matter of the meeting is not found on the statutory list, then any official action as it pertains to a particular issue must be taken at a *public* meeting, not an executive session.

Here, the City stated that *Nickel Plate Trail* discussion involved the residential and commercial economic development possibilities of the proposed trail corridor along with the proposed route and costs. The City contends that it believed the subject matter qualified for an executive session under Indiana Code Section 5-14-1.5-6.1(b)(4)(H).

That subsection provides that an executive session may be held in the following instance:

Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

...a governing body of a political subdivision.

Undoubtedly, the City is a political subdivision as contemplated by the cited exception; and thus, the common council as the governing body could hold an executive session for that purpose consistent with the law.

The plain language of that subsection, however, expressly requires *interviews and negotiations with industrial or commercial prospects or their agents*. It is difficult to understand how the City could interpret or believe that language to include general economic development discussions *among itself*.

In addition to the economic development possibilities, the City discussed the issue of the competing real estate interests which occur upon abandonment or change of use of a railroad right-of-way; and land acquisition. The City has declared that it believes this subject matter qualifies for executive session under Indiana Code Section 5-14-1.5-6.1(b)(2)(d).

That subsection provides that an executive session may be held:

For discussion of strategy with respect to any of the following:

... (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

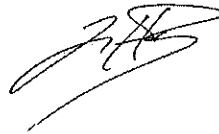
Once again, the City acknowledged that it did not provide adequate notice for the executive session at issue in this case, but suggests the subject matter is appropriate under this exception.

The land acquisition executive session subject matter would indeed qualify for a closed-door meeting so long as the discussion was limited to strategy for the purchase or lease of railroad rights of way. So long as the executive session was kept on that point, there would not be a problem.

That said, it is more important in terms of government accountability and transparency that the notices for closed-door meetings be focused *before the meeting* instead of trying to match an exception after the fact. It appears the City realizes this and will be changing its practices in the future. In any event, I highly encourage all agencies to be judicious in its use of executive sessions and only use them when necessary to protect sensitive information.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the City of Noblesville violated the Open Door Law.

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt
Public Access Counselor

HOWARD & ASSOCIATES

ATTORNEYS FOR HAMILTON COUNTY
AND THE CITY OF NOBLESVILLE
694 Logan Street, Noblesville, Indiana 46060
(317) 773.4212

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howardma@aol.com

DARREN J. MURPHY
darren.murphy.attorney@outlook.com

September 13, 2017

Ms. Courtney Abshire
Legal Intern
Office of the Public Access Counselor
By email to: coabshire@opac.in.gov

Re: City of Noblesville's response to Formal Complaint 17-FC-191

Dear Ms. Abshire,

The City of Noblesville (hereafter referred to as "City") received your August 29, 2017 letter advising the City of a formal complaint filed against the City by Michael Saner for an alleged violation of the Open Door Law ("ODL"). The allegation suggests that an item placed before the City Common Council for an executive session on February 22, 2017 under the executive session agenda item entitled "economic development" did not satisfy the statutory requirements for that exception to the ODL.

There were two economic development projects to be discussed that night in executive session. The one alleged to be a violation of the ODL relates to the Nickel Plate Trail. This particular discussion in executive session involved the residential and commercial economic development possibilities of the proposed trail corridor for Noblesville, the proposed route and costs, which at this time the City believed to be allowed under I.C. 5-14-1.5-6.1 (b)(4)(H). In addition to the economic development possibilities discussed, the complex legal issue of competing real estate interests which occurs upon abandonment and/or change of use of railroad rights of way and land acquisition strategy were also discussed. The City believes that the legal issues discussed involving the railroad rights of way qualify under I.C. 5-14-1.5-6.1 (b)(2)(D), known informally as the land acquisition exception to the ODL. The City acknowledges that the February 22nd executive session was not advertised for "land acquisition" but only that it would be a permitted land acquisition, if properly advertised. Thus, although misadvertised for purposes of the ODL, the subject matter meets the legal qualification for an exception to the ODL.

At the time of the event described in Formal Complaint 17-FC-191, February 2017, officers of the City believed that discussions of a general economic development nature were allowed in executive session under I.C. 5-14-1.5-6.1 (b)(4)(H). The City now knows from public statements made by the Public Access Counselor to the Indy Star, about a March 1, 2017, and a more careful review of the ODL that executive sessions concerning economic development are

extremely limited under I.C. 5-14-1.5-6.1(b)(4). However, the subject of Formal Complaint under 17-FC-191 occurred several weeks before the City had the benefit of the Public Access Counselor's March 2017 interpretation of the economic development exception to the ODL. Since the Public Access Counselor's March public statements and careful review of the ODL, the Mayor has stated that the City Attorney must review all executive session request to assure the executive sessions conform to the strict language of the ODL.

Of note to the Public Access Counselor, there has been no final action taken by the City Council on the Nickel Plate Trail discussion. The information presented at the meeting was advisory only. There was no public meeting following the February 22, 2017, executive session. The next meeting of the Common Council occurred six (6) days later on February 28, 2017. *See Exhibit B.* Nothing related to the Nickel Plate Trail was on the agenda or discussed at the Council's February 28th meeting. Nothing related to the Nickel Plate Trail occurred at either of the March, 2017 scheduled Common Council meetings. *See Exhibits C & D:* In fact, the City didn't take any action of any kind on the Nickel Plate Trail until July 31, 2017 and then it was done by the Board of Public Works at a public meeting, not the Common Council. Thus, there is no City Common Council action, decision or policy of any kind to void under the ODL violation remedies section of I.C. 5-14-1.5-7.

On July 31, 2017, the Noblesville Board of Public Works and Safety, the City of Fishers Board of Public Works and Safety and the Hamilton County Board of Commissioners held an advertised joint public meeting to discuss the Nickel Plate Railroad. After a lengthy, open and public meeting, these three entities voted to approve a resolution authorizing the railroad to be "railbanked" pursuant to federal law and also to authorize the Hoosier Heritage Port authority to negotiate a contract with a new rail operator. *See Exhibit E, the meeting minutes.*¹ In essence, the Board of Works, was not present for the February 22nd executive session and took action on the Nickel Plate Trail only after a lengthy, properly advertised public meeting.

In summary, since March 2017, the City no longer holds executive session meetings to discuss general economic development related issues. Second, although not advertised for this purpose, land acquisition issues discussed in executive session on February 22, 2017 were a proper topic for executive session. Finally, the City Common Council which attended the executive session has taken no action, made no decision, or created any policy on the information discussed in the subject executive session.

If you have any further questions or need additional information related to this Formal Complaint, please advise.

Very truly yours,



Michael A. Howard
Attorney for the City of Noblesville

¹These meeting minutes were not approved by the City Board of Works until its August 15, 2017 meeting. The agenda for the August 15th Board of Works meeting showing the minutes as an agenda item are included as Exhibit F.

Attachment E

Name	E-Mail	City of Residence	Position
Richard Moit II		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Richard Moit		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Brad Jones		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Andy Wilson		☐ Fishers ☐ Noblesville ☒ Other Westfield	☐ For ☒ Against ☐ Neutral
Tyler Mendenhall		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Tom Rueschhoff		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☒ Neutral
Gary Suter		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Mark Winings		☐ Fishers ☐ Noblesville ☒ Other INDY	☒ For ☐ Against ☐ Neutral
Trish Reidenbach		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Rachel Yellon		☐ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
John Spitzer		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
John McNichols		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Mike Gialomelli		☒ Fishers ☒ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
James Simpson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
MARIE MACKINTOSH		☐ Fishers ☐ Noblesville ☒ Other	☒ For Marion County ☐ Against Extension ☐ Neutral
JD Minkar		☐ Fishers ☐ Noblesville ☒ Other	☐ For work ☒ Against ☐ Neutral Both

F - 4

N - 1

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F - 4

A - 8

N - 1

FISHERS NICKEL PLATE TRAIL LISTENING SESSION SIGN-IN SHEET

Name	E-Mail	City of Residence	Position
JAMES KOPKEY		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Noah Smith		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Sean Deely		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Chris Ernst		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
JON WHITE		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
TINA Olive		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
RALPH BELL		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Derek Zollinger		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Frank Winesett		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
JIM JORDAN		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Donna Reed		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Reggy Jarrett		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Rita Keeling		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Beth Ferst		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Larry M. Elliott		☐ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral

F 7
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O 2

F 2
A 11
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For or against Trail

Name	E-Mail	City of Residence	Position
Jennifer Burton		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Kelly Lynch		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☒ Neutral
Lisa Violee		☒ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
Debbie Driskell		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Mike KOLE		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
DAVID MORIARTY		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Nicholas Clifton		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Matthew Kertes		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Andrea Overman		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Austrie Purvilius		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☒ Against ☐ Neutral
Kerry Illy		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Zoea Huckman		☒ Fishers ☐ Noblesville ☒ Other	☒ For ☒ Against ☐ Neutral
Les McConnell		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Greg Johnson		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Nancy Knapp		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
FRED GRANGER		☐ Fishers ☐ Noblesville ☐ Other	☒ For ☒ Against ☐ Neutral

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F IIIII
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Name	E-Mail	City of Residence	Position
Betsy Block		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Rich Block		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Doug Murray		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Greg Francis		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Tom Nichols		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Jeff Lang		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Scott P'Pool		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
DEB P'Pool		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
MICHAEL J. Brown Jr.		☐ Fishers ☐ Noblesville ☒ Other	☒ For - BOTH! ☐ Against ☐ Neutral
Matt Smisko		☒ Fishers ☐ Noblesville ☐ Other	☒ For - Trail only ☐ Against ☐ Neutral
Judan Holman		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
CRAIG PRESLER		☐ Fishers ☒ Noblesville ☐ Other	☒ For + TRAIL ☒ Against ☐ Neutral
Josh Spencer		☒ Fishers ☐ Noblesville ☐ Other	☒ For Rail & Trail ☐ Against ☐ Neutral
Pat Carlini		☒ Fishers ☐ Noblesville ☐ Other	☒ For Rail + Trail ☐ Against ☐ Neutral
Florie Eaton		☒ Fishers ☐ Noblesville ☐ Other	☒ For TRAIL ONLY ☐ Against ☐ Neutral
Joe Eaton		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral

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For or Against
Trail

Name	E-Mail	City of Residence	Position
Phil Cooren		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
RYAN HAZEN		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
JOHN W. GREEN		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Rita Sinsko		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Denise Ulm		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Greg ULM		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Wilbur Sutton		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Lee Jackson		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
James E. Duvall		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Ryan Anderson		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
JAMES ANDERSON		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
Eamonn Anderson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Aletia Whalen		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Nick Goldsberry		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Laura Goldsberry		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral

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WHO Did this FORM?

FISHERS NICKEL PLATE TRAIL LISTENING SESSION SIGN-IN SHEET

FOR AGGINT WHAT!!

Name	E-Mail	City of Residence	Position
PETRONI D		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Chuck Poi		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Levi Delk		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Bob Rainville		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Ed PIERCE		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Glenda Crabtree		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
WILLIAM HORTON		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
JOHN STEFFL		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Jane Cate		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☐ Neutral
Leah Johnson		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
Eric Johnson		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Chandler Henson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Bob Bunn		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
BRUCE V. LYONS		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
ANDREW C. MALETA		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral

RAIL
→ TRAIL
Carnel

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Name	E-Mail	City of Residence	Position
Richard Vonnegut		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☒ Neutral
Sarah Cox		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☒ Neutral <i>sidewalk</i>
Carol Karst-Wasson		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral <i>how about POTD?</i>
Carol Griffith		☐ Fishers ☐ Noblesville ☒ Other Cicero	☐ For ☒ Against ☐ Neutral <i>Save the Train</i>
AMY L. NICHOLS		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral <i>IDEA AS PROPOSED</i>
Josh Richardson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Cindy Benedict		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☒ Neutral <i>not sure - want more transit!</i>
Ronin St James		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Jenny Truster		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Marshall Truster		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Katy Meyers		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Sara Eynon		☐ Fishers ☐ Noblesville ☒ Other Indianapolis	☒ For - into Marion County! ☐ Against ☐ Neutral
Kim Aument		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Jonathan Harrier		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
JAMES KNOWLES		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
LISA KNOWLES		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral

F-9
N-1
O-5

F-7
A-4
N-5

For or Against
Trail

Name	E-Mail	City of Residence	Position
Karin Maloney		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
MATT JOHNSON		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
GEORGE GEDERS		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Eric Schildmeier		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
John Moyer		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
DAN JONES		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
Andrea Moore		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
BRADLEY DAVIS		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Brooke Killey		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Ross Deardorff		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Leslie Sublett		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
JOHN KITTERMAN		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
JEFFREY WATSON		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
William Freitag		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Debi M. Nichol		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Gregg A. Tneffinger		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral

side by side trail & rail

side by side

OR side by side

side by side

side by side

F - 13
N - 0
O - 3

F - 5
A - 9
N - 2

For or against
the trail

Name	E-Mail	City of Residence	Position
Ruth Weaver		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
SHAWN CURRON		☒ Fishers ☐ Noblesville ☐ Other	☒ For TRAIL ONLY ☐ Against ☐ Neutral
SARA CURRON		☐ Fishers ☐ Noblesville ☐ Other	☒ For TRAIL ONLY ☐ Against ☐ Neutral
Jane Lommel		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Steve Tague		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Betty Nielson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Lisa Jeremy & Sells Jaxson		☒ Fishers ☐ Noblesville ☐ Other	☐ For SIDE BY SIDE ☒ Against OK ☐ Neutral
Michael Winterhalter		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Ginger Parulicis		☒ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Scott ANDERS		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Jim Moffitt		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
ALLEN BOUFF		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
CPie Halkman		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Terence Sheets		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against Rail Only ☐ Neutral
Lavonne Stage		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
BARRIE ZIMMERMAN		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral

F-9

N-1

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F-4

A-10

N-1

For of Against
Trail

Name	E-Mail	City of Residence	Position
Michael Popa		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Leib Persic		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Timothy D Watson		☐ Fishers ☐ Noblesville ☒ Other	☒ For RAIL beside TRAIL with FENCE ☐ Against ☐ Neutral
Kelly Lynch		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against AS PROPOSED CURBAGE ☐ Neutral
Brian Reddy		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
JACQUE HAMMONDS		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Amy Samuelson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Tim WHEELER		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Pamela D Wise		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
COLE WHEELER		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Jeff Kehler		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Opamie Hoone		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Charles Theiss		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against Both ☐ Neutral
Anthony Theiss		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against Both ☐ Neutral
Alex Fallowfield		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against Both ☐ Neutral
GEORGE WRIGHT		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral

F - 11

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N - 3

For or Against
the trail

Name	E-Mail	City of Residence	Position
Jake Roscoe M'Sout		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Emmett Hale		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Arthur Nebrich		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Carrie Anders		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Madeleine Jay		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Jeff Buckner		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
FRANCIS PARKER		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Len Mascaro		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Kayla Reynolds		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
CARSON		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Bize Brown		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Elizabeth Granger		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Steve IRELAND		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Tom Schnefke		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Danay Wilsen		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral

Both
re: trail

Rail with trail

COMBO

F - 10
N - 1
O - 4
F - 7
A - 8
N -

For or Against
Trail

Name	E-Mail	City of Residence	Position
Carl Warner		☐ Fishers ☐ Noblesville ☒ Other Broad R. j.	☐ For <i>want Tracks + Trail</i> ☒ Against ☐ Neutral
William H Cate		☐ Fishers ☒ Noblesville ☐ Other	☐ For Rail + Trail ☐ Against ☐ Neutral co-exist
Darren Peck		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Matt Stoltz		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
PUSHPA PRASAD		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Sean Brunner		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Matt Best		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Liam Anderson		☒ Fishers ☐ Noblesville ☐ Other	☐ For side ☐ Against by side ☐ Neutral side
J. Juarez		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Tom Endicott		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
TONY SARGENT		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Brent McClain		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Amy-Christine Fallawfield		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against Both ☐ Neutral
Jane Howard		☐ Fishers ☐ Noblesville ☒ Other	☐ For Both ☐ Against ☐ Neutral
Jane Havensky		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Katrina McClain		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral

F-10

N-4

O-2

F-3

A-11

N-1

For the Trail
Against the Trail

Name	E-Mail	City of Residence	Position
Steve Roof		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☐ Neutral
Cameron Nichols		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
ERIC DODANE		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
LEN KURFIRST		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Maura Sutton		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
SAAMA PRASAD		☐ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
David M. Ballant		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Gary Galliia		☒ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☐ Neutral
Laura Douthitt		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Lee Douthitt		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Jill Wolf		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Peter Merante		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Bill Akers		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Brad Barclay		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Eugene Hoane		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Lori Berestfid		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral

TRAIL
AND
RAIL

trail or side by side

trail or side by side

F-12

N-1

O-2

F-5

A-9

N-

For or Against
Trail

Name	E-Mail	City of Residence	Position
Tuermam Andersen		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☐ Neutral
Marc Walter		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Adam Bass		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Faye Bass		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Jennifer Miller		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Jackie Bell		☐ Fishers ☒ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Richard Moit		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Amy Moore		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Karen Kryah		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☐ Against ☐ Neutral
ANDREW BYER		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☒ Neutral
Anthony Corri		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
JOHN KRUMMER		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
CINDY DAVIS		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Michael Ellis		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Verianne Ellis		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
CHRIS KIRK DON KIRK		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral

Side by
Side

yes
Rails

Both
for safety

FOR

F - 10

F - 6

N - 1

A - 7

O - 4

N - 4

Name	E-Mail	City of Residence	Position
Gretchen Lyons		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Logan Day		☐ Fishers ☐ Noblesville ☒ Other	☒ For ☒ Against ☐ Neutral
Kevin Oldham		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☒ Against ☐ Neutral
Chris Pope		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
CHRIS KELLER		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Gina Green		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
AA		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Trevor (Gretchen)		☐ Fishers ☐ Noblesville ☐ Other	☐ For ☒ Against ☐ Neutral
Bob McElain		☐ Fishers ☐ Noblesville ☒ Other	☐ For ☐ Against ☐ Neutral
John Hillard		☐ Fishers ☒ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Kevin Burton		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Chris Hutchinson		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral
Kelsey Sweet		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
Michael Sweet		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
DENISE ASCHENBACH		☒ Fishers ☐ Noblesville ☐ Other	☒ For ☐ Against ☐ Neutral
BILL McCOLLISTER		☐ Fishers ☐ Noblesville ☒ Other	☒ For BOTH ☐ Against ☐ Neutral
Jocelyn Vare		☒ Fishers ☐ Noblesville ☐ Other	☐ For ☐ Against ☒ Neutral

Rails w/
Trails

Rail
and
Trails

RAIL
TRAIN

J. COM
F-10
N-2
N-0-4

F-5
A-10
N-