



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL  
MEETING AGENDA  
FOR**

Monday, January 17, 2017 at 7:30 AM  
Zionsville Town Hall Community Room  
1100 West Oak Street

1. OPENING
  - A. CALL MEETING TO ORDER
  - B. PLEDGE OF ALLEGIANCE
2. APPROVAL OF THE MEMORANDUM OF THE January 3, 2017 REGULAR MEETING (Copy Posted).

Documents:

[MEMORANDA.JANUARY 03 2017 TOWN COUNCIL MEETING .PDF](#)

3. REQUEST TO SPEAK
4. OLD BUSINESS
  - A. Consideration Of Appointments To Various Boards, Commissions, And Committees.
5. NEW BUSINESS
  - A. Introduction Of An Ordinance Authorizing The Issuance Of Economic Development Revenue Bonds For The Metro Fibernet Project.

Documents:

[ZIONSVILLE METRO FIBERNET -- BOND ORDINANCE OF THE COMMON COUNCIL.PDF](#)

6. OTHER MATTERS
7. ADJOURN





ZIONSVILLE TOWN COUNCIL  
MEETING MEMORANDA  
FOR

Tuesday, January 3, 2017 at 7:00 PM  
Zionsville Town Hall Beverly Harves Meeting Room  
1100 West Oak Street

**Date of Preparation: January 4, 2017**

**Members Present:** Susana Suarez, Elizabeth Hopper, Jeff Papa, Tom Schuler, Kevin Spees, Josh Garrett

**Also Present:** Adam Steuerwald, Town Attorney; Ed Mitro, Deputy Mayor; Tim Haak, Mayor and Town Department Management Staff

1. OPENING

- A. Call meeting to order
- B. Pledge of Allegiance
- C. Election of Officers for 2017
  - I. President

**COUNCIL ACTION:** President Suarez moved to nominate Vice President Elizabeth Hopper as President of the Town Council.  
Councilor Papa seconded the motion.  
Vice President Hopper was elected President of the Town Council with a vote of five in favor, one opposed, with Councilor Schuler opposing.

- II. Vice President

**COUNCIL ACTION:** President Hopper moved to nominate Councilor Josh Garrett as Vice President of the Town Council.  
Councilor Suarez seconded the motion.  
Councilor Garrett was elected Vice President of the Town Council with a vote of five in favor, one opposed, with Councilor Schuler opposing.

2. APPROVAL OF THE MEMORANDUM OF THE December 19, 2016 REGULAR MEETING (copy posted).

**COUNCIL ACTION:** Councilor Garrett moved to approve the Memoranda of the December 19, 2016 Town Council Meeting.  
Councilor Suarez seconded the motion.  
The Memoranda of the December 19, 2016 meeting was approved by a vote of six in favor, zero opposed.

3. DEPARTMENTAL MONTHLY REPORTS

Monthly Reports submitted by the Town Management staff for Council review and posted on the Town's website ([www.zionsville-in.gov](http://www.zionsville-in.gov)).

4. REQUEST TO SPEAK

Zionsville resident Theta Faye Snodgrass spoke regarding item #6B, asking the Council to follow the Plan Commission's unfavorable recommendation and vote no to Ordinance #2017-01, citing the negative impact to the comprehensive plan, schools and property values.

Zionsville resident Margaret Yde spoke regarding item #6B, also asking the Council to follow the Plan Commission's unfavorable recommendation and vote no to Ordinance #2017-01, citing the unfavorable impact to the community.

5. OLD BUSINESS – None

6. NEW BUSINESS

- A. Consideration of Appointments to Various Boards, Commissions, and Committees.

**COUNCIL ACTION:** By consensus of the Council, Consideration of Appointments to Various Boards, Commissions and Committees was moved to the January 17, 2017 Town Council Meeting. President Hopper stated that any action would be postponed until that time and that those currently on boards, commissions and committees will continue to serve at the pleasure of the Council until otherwise stated.

- B. Petition for Zone Map change to rezone 71.58+/- acres from the (R1) Rural Residential Zoning District, to the (R2) Rural Residential Zoning District to provide for a residential subdivision (note: forwarded with an unfavorable recommendation from the Plan Commission). **(ORDINANCE #2017-01)**

Attorney for the petitioners Andy Buroker of Faegre Baker Daniels spoke to the Council, stating that in order to allow the Town Councilors adequate time to review Beazer's materials for the proposal, he was requesting that the Town Council's consideration be delayed to the January 17, 2017 or February 6, 2017 meeting.

**COUNCIL ACTION:** Councilor Schuler moved to continue item #6B to the February 6, 2016 Town Council meeting. Councilor Suarez seconded the motion.

The motion was approved by a vote of six in favor, zero opposed.

Petition for Zone Map change to rezone 71.58+/- acres from the (R1) Rural Residential Zoning District, to the (R2) Rural Residential Zoning District to provide for a residential subdivision (Ordinance #2017-01) was continued to the February 6, 2017 Town Council meeting.

7. OTHER MATTERS

**COUNCIL ACTION:** Councilor Garrett moved to approve claims as presented. Councilor Spees seconded the motion. Claims were approved by a vote of six in favor, zero opposed.

8. ADJOURN

**COUNCIL ACTION:** Councilor Suarez moved to adjourn the meeting and Councilor Spees seconded the motion. The motion was approved by a vote of six in favor, zero opposed.

The next regular Town Council meeting is scheduled for Tuesday January 17, 2017 @ 7:30 AM in the Zionsville Town Hall Community Room (please note date shift due to the Martin Luther King Jr. Day holiday).

Respectfully Submitted,

Amelia Lacy, Director of Finance and Records  
Town of Zionsville

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA, AUTHORIZING THE ISSUANCE OF THE TOWN OF ZIONSVILLE, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2017 (METRO FIBERNET PROJECT), AND THE USE OF THE PROCEEDS THEREOF TO SUPPORT METRO FIBERNET PROJECTS, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Town of Zionsville, Indiana (the “Town”), is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the “Act”), is authorized and empowered to adopt this ordinance (this “Bond Ordinance”) and to carry out its provisions; and

WHEREAS, Metro FiberNet LLC (the “Company”) desires to construct facilities to house electronics and to install fiber optic cable which will provide high speed internet, telephone and television services for the Town of Zionsville, Indiana (the “Projects”); and

WHEREAS, the Company will complete the Projects in an area that is in the Metro FiberNet Economic Development Area; and

WHEREAS, the Company has advised the Town of Zionsville Economic Development Commission (the “Commission”) and the Town that it proposes that the Town issue its Economic Development Revenue Bonds, Series 2017 (Metro FiberNet Project) in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) (the “Series 2017 Bonds”) under the Act and provide the proceeds of such Series 2017 Bonds to the Company for the purpose of financing the Projects as described in the Financing Agreement between the Town and the Company dated as of March 1, 2017 (the “Financing Agreement”); and

WHEREAS, the completion of the Projects results in the diversification of industry and the creation of business opportunities in the Town; and

WHEREAS, pursuant to I.C. § 36-7-12-24, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Bonds to finance the Projects; and

WHEREAS, on the date specified in the notice of the Public Hearing, the Commission held the Public Hearing on the Projects; and

WHEREAS, the Commission has performed all actions required of it by the Act preliminary to the adoption of this Bond Ordinance and has approved and forwarded to the Town Council the forms of: (1) the Financing Agreement; (2) a Trust Indenture between the Town and The Huntington National Bank (the “Trustee”) (the “Indenture”); (3) the Bonds; and (4) this Bond Ordinance (the Financing Agreement, the Indenture, the Bonds, and this Bond Ordinance, collectively, the “Financing Agreements”).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA, THAT:

1. Findings; Public Benefits. The Town Council hereby finds and determines that the Projects involve the acquisition, construction and equipping of an “economic development facility” as that phrase is used in the Act; that the Projects will increase employment opportunities and increase diversification of economic development in the Town, will improve and promote the economic stability, development and welfare in the Town, will encourage and promote the expansion of industry, trade and commerce in the Town and the location of other new industries in the Town; that the public benefits to be accomplished by this Bond Ordinance, in tending to overcome insufficient employment opportunities and insufficient diversification of industry, are greater than the cost of public services (as that phrase is used in the Act) which will be required by the Projects; and, therefore, that the financing of the Projects by the issue of the Bonds under the Act: (i) will be of benefit to the health and general welfare of the Town; and (ii) complies with the Act.

2. Approval of Financing. The proposed financing of the Projects by the issuance of the Bonds under the Act, in the form that such financing was approved by the Commission, is hereby approved.

3. Authorization of the Bonds. The issuance of the Bonds, payable solely from revenues and receipts derived from the Financing Agreements, is hereby authorized.

4. Terms of the Bonds. (a) The Series 2017 Bonds, in the aggregate principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) shall (i) be executed at or prior to the closing date by the manual or facsimile signatures of the Mayor and the Director of Finance & Records of the Town; (ii) be dated as of the date of their delivery; (iii) mature on a date not later than twenty-five (25) years after the first interest payment date on the Bonds; (iv) bear interest at such rates as determined with the purchaser thereof (the “Purchaser”) (v) be issuable in such denominations as set forth in the Financing Agreements; (vi) be issuable only in fully registered form; (vii) be subject to registration on the bond register as provided in the Indenture; (viii) be payable in lawful money of the United States of America; (ix) be payable at an office of the Trustee as provided in the Indenture; (x) be subject to optional redemption prior to maturity and subject to redemption as otherwise provided in the Financing Agreements; (xi) be issued in one or more series; and (xii) contain such other terms and provisions as may be provided in the Financing Agreements.

(b) The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the Town, but shall be special and limited obligations of the Town, payable solely from revenues and other amounts derived from the Financing Agreements. Forms of the Financing Agreements are before this meeting and are by this reference incorporated in this Bond Ordinance, and the Director of Finance & Records of the Town is hereby directed, in the name and on behalf of the Town, to insert them into the minutes of the Town Council and to keep them on file.

5. Sale of the Bonds. The Mayor and the Director of Finance & Records of the Town are hereby authorized and directed, in the name and on behalf of the Town, to sell the

Bonds to the Purchaser at such prices as are determined on the date of sale and approved by the Mayor and the Director of Finance & Records of the Town.

6. Execution and Delivery of Financing Agreements. The Mayor and the Director of Finance & Records of the Town are hereby authorized and directed, in the name and on behalf of the Town, to execute or endorse and deliver the Financing Agreement, the Indenture, and the Bonds, submitted to the Town Council, which are hereby approved in all respects.

7. Changes in Financing Agreements. The Mayor and the Director of Finance & Records of the Town are hereby authorized, in the name and on behalf of the Town, without further approval of the Town Council or the Commission, to approve such changes in the Financing Agreements as may be permitted by the Act, such approval to be conclusively evidenced by their execution thereof.

8. General. The Mayor and the Director of Finance & Records of the Town, and each of them, are hereby authorized and directed, in the name and on behalf of the Town, to execute or endorse any and all agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by them, or either of them, to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Bond Ordinance (including the preambles hereto and the documents mentioned herein), the Projects, the issuance and sale of the Bonds, and the securing of the Bonds under the Financing Agreements, and any such execution, endorsement, performance or doing of other things heretofore effected be, and hereby is, ratified and approved.

9. Binding Effect. The provisions of this Bond Ordinance and the Financing Agreements shall constitute a binding contract between the Town and the holders of the Bonds, and after issuance of the Bonds this Bond Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of the holders of the Bonds as long as the Bonds or interest thereon remains unpaid.

10. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

11. Effective Date. This Bond Ordinance shall be in full force and effect immediately upon adoption and compliance with I.C. § 36-4-6-14.

**DULY PASSED AND ADOPTED** this 6<sup>th</sup> day of February, 2017, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YEA</b> Signature	<b>NAY</b> Signature
Elizabeth Hopper, President		
Josh Garrett, Vice President		
Susana Suarez, Member		
Jeff Papa, Member		
Thomas Schuler, Member		
Kevin Spees, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Ordinance was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy, Director,  
Department of Finance &  
Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
Date

**MAYOR'S VETO**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
Date