



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, MAY 2, 2022
AT 7:00 P.M. EST
ONSITE MEETING
1100 West Oak Street**

This meeting was conducted onsite. All Councilors participated in person.

Council Members Present: Jason Plunkett, President; Brad Burk, Vice-President; Alex Choi, Joe Culp, Craig Melton, and Bryan Traylor
Absent: Josh Garrett

Also Present: Heather Harris, Town Council Attorney; Kellie Adams, Chief Financial Officer; Amy Lacy, Municipal Relations Coordinator, and other Town Department Staff.

OPENING

- A. Call meeting to order**
- B. Pledge of Allegiance**

Plunkett We will call to order the Monday, May 2, 2022 Town Council meeting. If you would stand and join me for the Pledge of Allegiance.

All Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE APRIL 11, 2022
REGULAR MEETING**

- Plunkett Up first on the agenda is the approval of the memorandum of the April 11, 2022 regular meeting. A copy has been posted. Are there any questions or comments? Otherwise, I would entertain a motion.
- Melton So moved.
- Plunkett First by Councilor Melton.
- Culp Second.
- Plunkett Second by Councilor Culp. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 6 in favor, 0 opposed.

**APPROVAL OF THE MEMORANDUM OF THE APRIL 18, 2022
REGULAR MEETING**

- Plunkett Up next would be the approval of the memorandum of the April 18, 2022 regular Town Council meeting. Again, any discussions or questions from the Council? I make a motion to approve those minutes.
- Culp Second.
- Plunkett Second by Councilor Culp. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]

REQUEST TO SPEAK ON AGENDA ITEM

- Plunkett Up next is a Request to Speak. We have one request to speak on agenda items and this is from Amanda Rubeck, Resolution 2022-06.
- Rubeck Good evening Town Council. Amanda Rubeck, 8180 Shaldon Court, Zionsville, Indiana 46077. The Zionsville Chamber Advocacy Committee and Zionsville Chamber of Commerce would like to express support for the The Farm with Pittman Partners and Scannell Properties. This development is a gateway entrance into Zionsville from Michigan Road. As you have seen in their

presentation, this development is well thought out, of high quality and will help define an entrance into Zionsville with a prominent piece of land. You will find that The Farm is rich in enhanced clean architecture. It will also include a four-story parking structure which provides a better utilization of land instead of a sea of surface parking with a 400 multi-unit family apartment. This project will also provide density which allows a much greater assessed value which the community will benefit for many years. The TIF allows for the installation of significant infrastructure in the phase 1 multi-family component that will allow the retail to be developed quicker and will help attract upscale retail use. Without the TIF, this amount of infrastructure could not be installed. This TIF is being proposed in phases and the developer is only asking for an effective rate of 76.8% of the phase 1 portion of the increment. This development allows for good stewardship and enhanced treatment of a critical gateway corridor for Zionsville. This will evaluate the corridor or elevate the corridor in a very desired manner. As the voice for the business community, we want to express support for development such as this that will help diversify our tax base, allow continued growth for Zionsville while delivering on a desired aesthetic piece for a growing and critical gateway corridor. Thank you.

Plunkett Thank you. All right, Amy, are there any other requests to speak?

Lacy No there are not.

MAYOR/ADMINISTRATION UPDATE

Plunkett Next up is the Mayor/Administration Update. Do we have an update from the Mayor/Administration?

Lacy No we do not.

Plunkett All right. Councilor Garrett has asked for a letter to Mayor Styron to be read and introduced into record during this time. Mayor Styron – local resident, entrepreneur, Graham Rahal has filed a LOI to purchase Lots 10 and 11 in Creekside Corporate Park. He is proposing to bring his consortium of high-end automotive, motorcycle related business to our community as well as Mr. and Mrs. Rahal’s charitable foundation. Not only will this add \$20 million in assessed value to our community with their 100 high paying jobs but it will also become an attraction for tourists who will further compound the positive effects by visiting our shops and restaurants. This project would be a huge economic coup for the community. Mr. Rahal is being actively courted by other communities who understand the economic drivers that this development would bring with it. His preferred location is Zionsville but only Creekside Corporate Park given the proximity of the race team which you lured to our Town and jumpstarted these discussions. The proposed project is currently in front of the RDC, Redevelopment Commission. This group is made up of three mayoral appointments and two Town Council appointments and it has yet to vote on the starting the negotiations for this LOI after two public meetings and one executive session. This delay creates uncertainty and puts this project in jeopardy given his need to expand the business. Members of this Council have attended these RDC meetings and have been vocal proponents of this project. Your campaign for Mayor and subsequent transition to office put a spotlight onto

Creekside Corporate Park. You told Zionsville Monthly Magazine in January of 2020 that “Julie and I are working to attract businesses and work through their obstacles so that we can bring their businesses to Creekside.” You further stated “I would love to have five new businesses in Creekside in the administration’s first year.” You were also quoted as saying “We are going to eliminate these barriers as much as we can.” At your State of the Town in February of 2020 you told the audience regarding Creekside “One of the things I had really, I was really concerned about and just didn’t understand is why Creekside Corporate Park had not had more investment in the last six-ish years it was available.” When you joined our meeting on April 18, 2022 you indicated in your introductory remarks that you “ran for Mayor because I wanted to increase economic activity.” You later told this Council at that same meeting “Please let me know what other initiatives you all have so that we can amplify and support through the Town’s activities.” The filling of Creekside is a goal that is shared by this Council and having GRP in the corporate park is part of the goal. We hope your support can serve as a common base for which we can bridge our fractured relationship. We are, therefore, asking you to help in partnering with us to bring this project to our community. Please join us in vocally supporting Mr. Rahal’s efforts in asking the RDC to enter into good faith negotiations to sell him Lots 10 and 11. Please help us in eliminating the barriers to entry for those that want to invest in Zionsville and achieving our mutual goal of filling up a long-term dormant Town-owned property. Thank you.

And that is signed Members of the Council. If anyone would like to sign that, we will make sure Amy gets a copy and delivers that to the Mayor.

NEW BUSINESS

- A. Consideration of Adoption of Resolution Regarding Establishment of Economic Development Area/Approval of Declaratory Resolution and Economic Development Plan (EDP) for the Michigan Road Economic Development Area**
Resolution 2022-06

- Plunkett All right. Up next is New Business. A Consideration of Adoption of Resolution Regarding Establishment of Economic Development Area/Approval for a Declaratory Resolution and Economic Development Plan for the Michigan Road Economic Development Area. This is Resolution 2022-06 and I believe Brian Crist from Ice Miller is going to speak.
- Crist Good evening. This is the first time, I believe, that this process has been in front of the Council, the vote that is proposed to you tonight is just simply reaffirm the vote of the Planning Commission with respect to the establishment of the formal name is the Economic Development Plan for the Michigan Road Corridor. There will be three more votes. If you vote in favor of this this evening then everything else goes the way it’s supposed to with respect to the Redevelopment Commission, there would be scheduled a resolution that actually creates the Economic Development Area Era, Area that you all would have to vote on in June then there would be the normal ordinance process to adopt a bond ordinance sometime in July and August, so the overall timeline such as we have it mapped

out now is, is completion of the EDA and the Economic Development Area and the Bond Resolutions by the end of August.

Plunkett So Brian, I noticed the timeline to your point puts us in closing around August of 2022.

Crist Correct.

Plunkett So obviously making this vote tonight is not anything that finalizes it, it just moves the ball a little bit further down the road?

Crist You're not spending any money tonight.

Plunkett Yes.

Crist You're just, you're reaffirming what, a, a decision the Planning the Plan Commission has made. It's a statutory process. You're really early in the process, so.

Plunkett Yes. Any questions from Council?

Traylor Not a question, just more of a statement. I understand where we're at in the process and that we're early on and I've actually talked to Steve and I love the project. Just a reminder that, you know, as we get closer to actually making this formal my ask would be to help me understand why a TIF makes sense here where I personally made a vote how many years ago was that now? Three? Three years ago on Sycamore Flats? Three years ago where we turned down that project because it was a TIF to support residential and so I'll just – I've talked to Steve and kind of have an idea of where he's going with that but I think it would be good for everybody to understand the difference in that versus this.

Crist Yes, I don't know anything about the previous requested issuance and I think that this is more than just residential –

Traylor I understand.

Crist There is a commercial component and there's infrastructure needs that's related to the entire project but, you know, as for, you know, policy-wise why it's different I'll certainly take that that question back and –

Traylor I just know it'll come up down the road.

Crist Yes.

Traylor I just thought I'd help you be prepared down, for the questions coming down the road.

Crist We definitely will.

Plunkett Any other questions? I mean, as I see this, there's about 18 steps between now and the end of the road, so –

Crist It's a complicated statutory process.

Plunkett Yes.

Crist Now it goes back and forth between the RDC and the Town Council. There will be a public hearing if you vote to approve the Planning Commission's decision I think it's scheduled May 23rd. So those are – that's actually a, that is an opportunity as, you know, other members of the public have, you know, similar questions to to the Councilman there with respect to, you know, why is this different from something else that was done before and why this is, you know, why is this a good idea for Zionsville. That's what that forum is supposed to be for.

Plunkett Yes I think there's plenty of opportunity for support, dialogue, remonstrations, whatever we're going to see, so. Any questions, any other comments or anything? Otherwise, I would make a motion to adopt Resolution 2022-06.

Traylor Second.

Plunkett Second by Councilor Traylor. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed. Thank you.

Crist Thanks.

B. Consideration of a Request for Waiver of Board of Zoning Appeals Fee – Mitch Thompson and Kim Marburger

Plunkett Up next is a Consideration of a Request for Waiver of Board of Zoning Appeals Fee. I believe Mitch Thompson is going to present. Mitch, if you would, just state your name and address. Thank you.

Thompson Sure. Good evening members of the Council. My name is Mitch Thompson. Address is 10907 Pleasant View Drive in Carmel, Indiana. My wife, Kim Marburger, who is out of town on business and I here before you tonight to request a waiver of a second fee for BZA for a special exception. Just a brief history, we are attempting to split off a little bit of land that is family land, about 100 acres. We're looking to split off about 10 acres or so. We had identified an area that we wanted to use. Late last year we began the process with BZA. We engaged the development department in January of this year. We went before the BZA on April 6th and we had paid the special exception fee at that time. Unfortunately, it was voted down 3 to 2 we are 1.25 miles north of the airport and have been affected by the study that was recently adopted by the Council. During that meeting it was identified that if we were to shift the location of our home to the east slightly that it would likely have a favorable outcome. We

talked to the development department and are moving forward with that request and we feel that although we're grateful for the opportunity to go before the BZA again without having to wait a year that all, literally all the documents are exactly the same that we are presenting with the exception of where the split of land would be. So because of the recency of this and without having the benefit of a continuation during that meeting to make some adjustments, we're requesting a waiver of the fee tonight. And from the development department, our understanding is you're the only ones who can waive that fee.

Plunkett Mitch, you said you guys have to go back again in front of the BZA?

Thompson Yes on June 1st.

Plunkett So you have to file, you have to pay another fee when you go back?

Traylor That's what he's trying to get it waived right now.

Burk Yes.

Plunkett Because of that.

Traylor Because of that. And can I give a little clarity to this from a Council perspective? So I've been in, involved in this in a way. You know, great folks. They did the right thing. They called me up and said hey we're in your district and as it worked out they were not only were in my district this property is maybe a mile down the road from my house on the same road. And I went out and met with them before they went to the BZA. I, I honestly didn't think there would be an issue with the BZA. What I did not foresee – because I wrote a letter in support of their filing. They're substantially north of the runway, however that area in the in the Airport Strategic Plan was marked as not being suitable for development. I think this is where it's key to point out that plans, ordinances, everything, none of them are perfect and they all have room for an exception to the rule, if you will and I think this was a good case for it, in my opinion, for an exception to, to the rule of them. Because the way their property lies is that cone of the airport that comes out and says hey this is not suitable for development their most of their property does not, the family property does not lie within that cone however, the spot that they had picked out that they wanted to build the house did lie within that cone and the BZA stood by a, they actually gave me kind of a hard time in the meeting. I got to listen to it. It was, it was interesting but they gave me a little bit of a hard time for having supported the Airport Strategic Plan and then also supported this this request for a variance from said Plan so because it was so recent but in my opinion, you know, it was one of those things we didn't foresee a single property. What we were trying to prevent was dense development within that cone and the reason for that being if an airplane goes down and there's one house in the middle of 70 acres not real likely they're going to hit that one house. If there's 70 houses in 70 acres, that's a little bit different. You've got a much higher probability of actually harming someone so I wrote a, a letter in support to the BZA. Again, they they voted it down as is their right but they could have I have sat on the BZA in the past too so I know a little bit about how it works – they could have continued it because they did bring up the option hey why don't we just move the house to a different area of the

property but they didn't vote to continue it to see that path out. Instead they just voted it down. So I would be in support of waiving this fee because in my mind they could've easily just continued it that night to allow for the changes.

Plunkett Yes just so I understand the timeline – you went in front of the BZA presented your plan. They essentially instructed you that you could do this in a different part of the property and then now you have to come back and redo it and they're wanting you to refile the fee?

Traylor Correct.

Thompson That's correct.

Traylor And at this point you no longer have the Airport Study falling in.

Plunkett Yes.

Traylor The only thing I think you would have to have on this is a right to farm is the?

Thompson Right. It's single zone agricultural.

Traylor Yes. You have to have a variance to have a, a single-family home in the ag and then also file a right to farm or sign a right to farm so it's pretty simple but I would, I would I would make the motion if you don't mind? If you're ready for it?

Plunkett I mean, anybody else have any questions or for the petitioner?

Melton Just a comment. It's OT right?

Thompson Yes sir.

Melton So 27 years ago. So I'm glad to be here to help you with this. Officer Thompson was my D.A.R.E. officer –

Traylor Ohh.

Melton 27 years ago, so – it took a little bit to put that together but that's all right.

Traylor Nice.

Melton I recognize the haircut, so.

Thompson I recognize the name, Yes.

Melton I like it.

Traylor He liked it so much he decided to go with it.

Plunkett He, he went with it too. Yes if there are no other questions or comments I would certainly entertain a motion.

- Burk So Mitch you've already you're ready to move the location of the home to a place that's not in that zone, that cone?
- Thompson Right. So originally we picked out a wooded lot area because it made sense that a plane wouldn't crash into trees and we wanted to maintain the agricultural area since it is an ag land because we have about, I don't know, 70 acres that we lease out but the wooded area is what was voted down 3 to 2 and so we're moving to the cornfield and cutting out about 10 acres out of that.
- Burk Did you have to, did you have to readjust your designs for the home or is –
- Thompson No. Same. Yes, same home.
- Choi You want to make the motion?
- Traylor So I'll, I'll make the motion or I'll make the motion to approve the waiver of the Board of Zoning Appeals fee.
- Burk Second.
- Plunkett First by Councilor Traylor. Second by Vice President Burk. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 6 in favor 0 opposed. Thank you very much.
- Thompson Thank you.

OTHER MATTERS

- Plunkett Up next is Other Matters. I just real quick - as everyone knows we obviously removed an Old Business item from today's agenda – the Historic Preservation Commission Ordinance. After speaking with Councilor Culp this morning, the decision was made to remove the ordinance from tonight's agenda so the Councilors and constituents alike can have the opportunity to review the updates and changes. Thank you for your patience as we work through the proposed ordinance and consider it for a future meeting. Any other items from Councilors? Holy moly.

CLAIMS

- Plunkett Up next is Claims.
- Burk Well, perhaps since Josh isn't here?

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Plunkett Josh is sick by the way. Josh called me this afternoon and is certainly under the weather, so yes up next is Claims. Are there any questions for claims? Kellie welcome.

Adams Thank you. Good evening.

Traylor You've watched the meetings. You're ready for my questions, right?

Adams I am ready.

Plunkett You have any this time?

Traylor I, unfortunately – I looked at the claims and they look good. I've got no questions.

Plunkett That's awesome.

Traylor Had a great lunch with our new CFO as well and we're very excited about the direction we're heading, so hoping that this is the first of many steps to getting the financial picture in order for the Town.

Plunkett Yes.

Melton So, so the claims were noticeably higher this go around and it was the ARPA funds that kind of blew it out of the water a little bit. Right?

Adams Yes. This is the first time we've used ARPA funds. There was also - I can't remember which Councilman asked last time about the appraisal fees. We only had two appraisals last time. The third one is in this round.

Plunkett Yes.

Adams Yes, we were able to give, I believe, anyone who is to be recognized with that first round of ARPA funds. They receive those lots Friday.

Choi Motion to approve claims.

Melton Second.

Plunkett First by Councilor Choi. Was that Councilor Melton?

Melton Yes sir.

Plunkett All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

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Adams Thank you.

Plunkett Thanks Kellie.

ADJOURN

Plunkett Up next I'll make a motion to adjourn.

Culp Second.

Plunkett Second by Councilor Culp. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Next regular Town Council meeting is scheduled for Monday, May 16, 2022 at 8 a.m. in the Zionsville Town Hall Chambers. Please note that's an 8 a.m. start time. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville