



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, JUNE 6, 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, Josh Garrett, and Craig Melton
Absent: Bryan Traylor

Also Present: Heather Harris, Town Council Attorney; Kellie Adams, Chief Financial Officer; Lance Lantz, Director of Department of Public Works; Roger Kilmer, Planner I, Community and Economic Development; Tim Berry, Crowe LLC; Amy Lacy, Municipal Relations Coordinator, and other Town Department Staff.

OPENING

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

Plunkett We'll go ahead and get started. I'll call to order the Monday, June 6th regularly scheduled Town Council meeting. Please join me in the Pledge of Allegiance.

All Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE MAY 16, 2022
REGULAR MEETING**

Plunkett All right. Up first is approval of the memorandum from the May 16, 2022 regular scheduled or regular meeting. A copy has been posted. Are there any questions from Councilors?

Choi I move to approve.

Melton Second.

Plunkett First by Councilor Choi. Second by Councilor Melton. 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.

CLAIMS

Plunkett Up next on the agenda is Claims. Councilors, you will notice that we did not get claims this particular run. I did ask that we keep it on the agenda so that we could yet again just publicly state our concerns with OpenGov, the platform will not allow the finance team at this point even to get basic data to run our claims in time, or other areas of finance. In addition, we're now a finance team of two with Kellie and Cindy and they certainly cannot do the job on their own. I've shared with the Mayor, Kellie and anyone else that'll listen that we are certainly open to addressing the staffing concerns in the Finance Department so that Kellie can do everything she needs to do for us and I just want to make sure that we're on record as everybody knows that we will do whatever we need to do to support the Finance Department, so.

Adams Absolutely. And I will be, we are in the process of hiring somebody and I will be bringing, I hope at the next meeting, presenting, maybe two possible additions, for positions and hope to have some good news coming your way in the next couple weeks, but today not so much.

Plunkett Thank you very much.

Culp Thank you.

Plunkett We appreciate that.

Burk Thanks Kellie.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next will be Request to Speak on Agenda Items. I have one Request to Speak, Mr. Craig Triscari. Mr. Triscari, I think you know the drill. You'll have three minutes. I'll give you a warning at the two-minute mark and we'll go from there. If you would when you come up just state your name and your address please.

Triscari Okay, my name is Craig Triscari. I'm at 3270 Paddock Road. There's one main consideration that this Board needs to make on a development that's going to be in front of you with the Prologis and that is whether you're violating or not violating your current public posted and official Zionsville Rural Comprehensive Plan. The lawyer that is probably going to come up here and talk to you that you did violate it in 2018, in '19 and in 2021. So what's the problem with violating it again? You had nearly 200 people sign a petition in the community in 2019 that

told you not to violate the Comprehensive Plan to include a majority of the people that got access to water three years later. We have about 19 homes out of about 500 homes in Perry Township that got water from these changes. Craig, we talked a little bit. You probably need to get with the Mayor, and we need, we're talking with the Mayor now, the Perry Township group on developing a new Comprehensive Plan that's actually going to be functionable because this one is not. And we'll invite you to make sure that you can, you can actually bring that to this Council to include some of the ordinance changes that are going to need to be made. I will continue to work with the state legislators to draft new rules and protect the community from predatorial development. This year the state signed into law an Act that limits towns from arbitrary water fees and water tap fees providing 30-day response times to individuals that are, are requesting the water and that the state has arbitration versus the lawyers. The kind of nightmare that we, we went through for three years. Additional law and changes that we, that we, worked on were annexation changes. You can vote against your own Comprehensive Plan again and against the advice of your career planner in the community that recommends that you wait until the new plan is in place. It will have impacts on all current plans as this Board has demonstrated –

Plunkett You have one minute.

Triscari Willful disregard of such plans in our area in the past. Finally, this lawyer will tell you, there will be a windfall of taxes from approval. That is false. You need to address your comptroller of the true taxes that can be collected by the Town for Perry Township area which has been set in consolidation agreement. For example, we're not in the school district. These funds will be distributed to Lebanon School Districts, not Zionsville. The same holds true about water, sewage and even police. Not to include you will only get half of what the Town is going to be collected based on the 50% Zionsville tax abatement. Unfortunately, I'm not going to be able to stay here for any other comments, or hear the final because I have to be someplace else but if anybody wants to ask any questions, you can ask them of me now, but I will be leaving.

Plunkett Thank you very much.

Triscari Thank you.

MAYOR/ADMINISTRATION UPDATE

Plunkett Up next on the agenda is the Mayor/Administration update. Amy, do we have an update from the Administration?

Lacy No we do not.

Garrett President Plunkett.

Plunkett Yes.

Garrett Would you indulge me and my allergy-induced cough? I kind of wanted to talk to the Council. I wanted to have a conversation with the Council, I don't know if this is the right time but it's as good a time as any. You know, we, we as a

community have been in the news a lot in the last week, and, and, you know, the Mayor has made comments and I don't really want to talk about those comments. Those are her comments and she can defend or support them. I certainly and maybe many of you heard a lot about those comments but I kind of want to talk about a, a broader subject of public safety, safety in the schools. The Texas shooting, I think, has given me a lot to think about personally, I've talked a lot with Jane Burgess. I think you know Jane, she was on the school board for 12 years, to talk about, what the schools need, what does our community need, and pragmatically what is it that we can do as a Council? So, if you sort of think about gun laws and, and the current state of gun laws it's really driven by state government and federal government, right? So, if the federal government dictates that an 18-year-old can go in and buy an AR, that is a decision of the federal government level that is something that we really can't override. You know, we, we as a body cannot create a law if we wanted to and I'm not saying we want to, but we can't create a law that makes guns more available or less available. We are effectively a product of the environment of those laws with the same thing happening at the state level, right? The state is about to introduce, the need or, or you are allowed to conceal carry without a permit and, and that was a decision made at the state level and, and it effectively dictates the reality of our situation and if voters approve of those laws they can certainly reelect those representatives. If they want less restrictions on guns they can represent, they can elect representatives that do that. If they want more restriction on guns they can elect representatives to do it but whatever happens the pragmatic reality of we as a community of Zionsville is, folks are operating within the legal framework created at a state and a federal level. So what is it that we can do, right? I mean, we can give speeches, we can do proclamations but, but pragmatically we as a Council have a budget, right? And that is our tool, I think, with taxpayer dollars to figure out how we make the community more safe and so what I would like to hear and, and President Plunkett, with, with your blessing and your coordination, I'd like to coordinate in future meetings, hopefully soon, how do we talk to those leaders about prevention certainly first, right? How do you prevent a mass shooting? Obviously, you can't 100% do that but what is it that we can do from a mental health initiative or other initiatives to fund to prevent it or how do we respond in the case that something happens? And so, I would love to hear from a number of different organizations. I'd love to hear from the Boone County Health Department on mental health. I know that's something that Councilor Choi has talked about in the past. You know, is that something we can help fund more of? Is that something that we can participate more in? I would like to hear from our schools. We have a good partnership with our schools. We have resource officers. I want to hear what do they need? Do they need anything more? Do they need more officers? Do they need less officers? What is their position on this? We obviously don't have anything to do with the schools. There's a separate school board around that but we provide ZPD officers there as does the Boone County Sheriff Office. I would love to hear from Chief Spears, he released a video today. I would encourage each of you to read it. I have full faith in Chief Spears and ZPD and his comments that if there was a situation that they would respond quickly and bravely and are trained to do so but I do want to understand, you know, the 2022 budget, I know by Chief Spears' own plan we should probably have two additional officers. does he have the staffing he needs? Does he have the training he needs? Does he have the equipment he needs, to keep the community as safe as possible? I'd also want to hear from the

Fire Department. What's their staffing needs? You know, where is their response times? You know, what is it if there's a mass casualty event that they would need? What is it from a training standpoint? I want to hear all these things to understand, you know, what is it that maybe we should do, let's not wait to the next budget but do now. Like if Chief Spears says I need two more officers then, then let's find it. We have been frustrated, I think, with the financial system, the lack of insights into financials, we couldn't even process claims today. Where we've been promised this, this executive meeting to get some of these answers and that's not been scheduled. That starts hurting our ability to make decisions and especially when you start singling out like how do we spend money for public safety? I think we almost have to go forward even without that information with kind of the backup plan being we do have this CARES money as a fallback that we can keep as a hold if we sort of overspend in the near time until things can catch up. We see a lot spending requests come through here. We've got a request today for \$385,000 to buy out a land contract. Last meeting we heard from the Parks Department about buying a \$4 million dollar piece of land towards a \$20- or \$30 million-dollar park. Those aren't necessarily bad things but I want to hear from public safety first. I want to find out what they need. I want to fund it and then once I feel satisfied that they have everything they need then I'm okay with funding other things. And so I'm not sure how, obviously this is all news to you for me saying these things and I'm curious of your guys' thoughts on all of this but, it's just kind of where I'm at in terms of public safety, where I'm at in terms of what can we do with mass shootings. I think that's what we can do. If there's other things we can do, I want to hear about it, but that's where I'm at.

Plunkett So I think just from an administration perspective, I would like, Heather or Amy, I think maybe after the Administration Update before Old Business I would like to put a Council Update in there, for future meetings. I think it's important that we have this platform to communicate and talk about things that are, important to us without taking up different parts of, parts of the agenda. So I do like that kind of delineation between the Administration Update and then our update. Now from there, I agree with you 100%. I think we should absolutely have additional dialogue about, you know, from our police chief, fire chief, everybody associated with our schools that would help protect our kids, if we can bring in the Boone County Sheriff's Office because they certainly work in some of the Zionsville Schools as well, I think that's important. I think it's important to understand that and to your point if we need to move some money around to, to fund positions, again, there were two officers, I believe, in the last budget cycle for Police and up, upwards of seven for the Fire Department. I think that was certainly something that we were all interested in earlier this year and other things just kind of sidetracked us a little bit. So, Yes, I'm with you.

Garrett Okay.

Plunkett I'm with you.

Garrett We, we can coordinate off meeting but maybe at the next meeting we can have those conversations and –

Plunkett Yes.

Garrett Get started on that quickly.

Choi So, and, and I appreciate the conversation. I support what you've said fully. I think as we move forward into an important topic like this that it's incumbent upon us to have some kind of structured way to address it rather than something piecemeal that we talk about something in terms of funding a couple of extra officers or improving the, safety profile of our schools, those kind of things but so and, and I'm not, never one to suggest more meetings, but maybe this is an important enough topic that we have a Town Council task force on this issue, so that we have an ability to address this in a more cohesive and coherent manner, then to address individual issues kind of here on, on a one-off kind of, , pattern. So, if we have more of a comprehensive plan around this I think that was, that, you know, we want to do this in an expeditious manner but we also want to do it completely as well instead of let's do this this year and let's do that next year. Let's look at what it means to, have a, a coherent plan around, safety for our children. So, I would suggest that we put together a team to look into this very quickly and to address the concerns of the community.

Culp I think it also needs to include someone from the schools.

Garrett Oh for sure.

Plunkett Yes.

Choi Oh Yes.

Culp If we're going to have, you know, police and fire and we need the third piece.

Choi Yes, and, and I'm, I think this is going to have multiple participants and key stakeholders but I think that we need to instead of each of us having one-off conversations with individuals in the Police Department or at the school that we have something that's much more comprehensive than that.

Plunkett Yes, I like, I like that idea. Even, and even getting, getting to the point where if it's something where we don't necessarily want to disclose, you know, certain operational details and fire and police would hold an executive session and, and get to the bottom of some of these things too, so. I like that idea and I appreciate Councilor Choi volunteering to, to lead that task force.

Burk Second.

Garrett I'll give a Yes too.

Choi Volunteering—

Plunkett All right. Anything else? Anything else guys?

Burk Just real quick, I mean, I 100% concur, I do think we have a unique opportunity with some CARES dollars that we wouldn't normally have. Heather, if I recall, there weren't a lot of restrictions, I know they were kind of tied to, you know,

Coronavirus relief. Would, would this be out of line to consider any of those dollars for this type of?

Harris Yes and just as a quick point of clarification, we're talking about the ARPA. I know everybody said CARES.

Garrett Oh Yes.

Harris We all think of it mushed together but it's technically our ARPA money and yes we have the opportunity, as you all may recall, and it's something we did in our initial resolution to allow us to sweep money into our general fund and then basically fund anything that is allowable for a government purpose. So that last, final rule that came out on ARPA gave a lot of flexibility. So we, we definitely can look at that. You can partner with schools, you can do all those kinds of things that you typically would do, you know, in, in terms of the budget. Probably not, you know, as, as you're thinking about it or framing it, probably not as, feasible for things that have a recurring expense since this isn't a, you know, a fund that's recurring but looking at those investments like equipment or planning or strategic plans, those kinds of things would be appropriate.

Burk Thank you.

Plunkett Are we good?

Garrett Good.

Plunkett All right. I should, before we do move on from there, I know we talked last time, Councilor Melton brought up ARPA money and since we're on that subject I think that it's, important to acknowledge both the next step in, in what we decide we want to do here and perhaps we put that on the agenda for the next meeting or, or one following that, but understanding the flexibility, I think it's important that we have some very open and public dialogue with the community about what, how they would like to see some of this money spent as well –

Garrett For sure.

Plunkett So that it's not just us making a decision or the Mayor making the decision – we're, we're all working on this together. So, Councilor Burk and, and I talked a little bit about holding some Town Hall meetings just to get some input and, you know, that's probably something we'll start to put into motion here this summer.

OLD BUSINESS

Plunkett Up next is Old Business and there is no Old Business.

NEW BUSINESS

Consideration of an Additional Appropriation Resolution (Erin Corporation, 875 Property)

Resolution 2022-07 (Public Hearing)

- Plunkett First up on New Business is a Consideration of an Additional Appropriation Resolution. This is for the Erin Corporation, 875 Property. Resolution 2022-07 and Kellie is going to present for this.
- Adams All right, so this is a piece of property. It's at 4102 and 4140 South 875 East, it's a piece of property that we went into contract with, I believe, in 2017. We looked at purchasing it outright, recently because we had, I believe we had to let them know by May 1st whether or not we were going to either purchase it or continue on for the next five years at monthly payments. There's a little back and forth between ourselves, between the Finance Department, our attorney and the owners about what we were going to do. They seemed at first that they were unwilling to do anything other than sell it outright. Since then they've backed off from that. They are agreeable to continue on another five years, so, I present this to you. I have talked to Lance Lantz about this and he's given some, given me some good points as to why it would be beneficial to go ahead and pay this off now, as far as like being able to have access to the land and doing whatever we want to the land instead of having to continue to ask the owners' permission, though my numbers, in the resolution are a little off. It's actually, it would be \$351,000. We have another \$45,000 in the budget this year to pay for the monthly installment fees with interest, we take out the interest, we would take out the interest for the next five years. It's a cost savings of about \$45,000, but like I said, since this resolution we have had, things have kind of changed with the owners so, I will ask if Lance if you have any more questions specific to like the land or the land use, Lance would be better suited for those questions. I can answer anything about the numbers.
- Plunkett I do have a question just about the numbers and I don't know, Heather, if this is so – Kellie, you said the number was actually \$351,000?
- Adams It was yes.
- Plunkett We published \$385,000 and change.
- Adams We did. I was not considering what we already had in the budget for –
- Plunkett Yes.
- Adams 2022.
- Plunkett So if we decided it's a non-issue because we over published, correct?
- Harris Correct. You'll just need to make a motion to actually amend the resolution to the correct number or even leave as is and it could be spent up to that amount but if that's not what's needed –

- Plunkett Fair enough.
- Harris I'd recommend spending what you need.
- Plunkett Okay.
- Choi So this valuation was done in 2017 and that's the number that we're basing this on?
- Adams Yes. So we have –
- Choi So are we locked into that number even if land values appreciate or continue to appreciate?
- Adams Yes. That's our contract due, yes, I mean that's amortization schedule.
- Choi Is there any avenue by which the landowner can call for a revaluation in the future?
- Adams I'd have to have either Heather or our Town attorney look at that. I don't believe that's in the contract but we could certainly look into that.
- Choi Okay. I'm just concerned about escalating land values going forward and if we wait it out another five years is it going to be even more costly in the future if they have some kind of ability to have it revalued.
- Adams Sure. I will, I can certainly, if you want to, we'll certainly look into that for you.
- Burk Well Lance I hate to make you go up to the mic but I would like to hear a little bit more about what we're currently using it for or what you think if we buy it outright, what you think we would be inclined to use it for.
- Lantz Certainly. Good evening. Thank you. Some of you saw a presentation a few years ago where there was a new municipal campus proposed for this. At the time it was a very comprehensive campus for the Parks Department and the Streets and Stormwater Department who have outgrown their current facilities, and these were new operational locations. At the time, the Parks, included such things as maturation of the greenhouse that was onsite, there was their administrative offices, meeting space, as well as a nature center. Obviously now that the Parks have other opportunities that use is not likely going to be pursued, however, there has been discussion of some type of public safety campus out here as we look to rehome the Police Department as they outgrow, new locations for Fire Department, so there's a litany of uses that we could have and it's really an ideal location, because now oddly enough it is still centrally located. You wouldn't think so much but, of course, we're growing so much in that direction. It has a companion park right across the Rail Trail. This is adjacent to the Rail Trail so this would be a nice place for trail amenities such as public restrooms, parking opportunities, because it's just south of the Rail Trail from Heritage Trail Park. So that's just kind of it in a nutshell. If there are any specific questions I'd be happy to answer those and I would carry a little bit further on the comment

that was made earlier, the school, obviously, is located very close or adjacent to this, these parcels and they wanted to put their driveway, on the Town parcels. If you think of this there are two tracts basically of land, one is the one that's under a land contract with the Erin Corporation and the other the Town already owns outright. Well, the school wanted to put their driveway so we had to go to the owners, get their permission, so there was a few extra steps. They were quite amenable to the use by the school, but that was one additional step and expense that wouldn't be necessary if we owned this outright. The additional thing that may come up in the future is to carve off some public right-of-way along the front edge and install a pathway. We all know that elementary school is going to be opening this fall so people are going to be clamoring for additional pedestrian opportunities so anything we do right now we have to get the owners' permission on that front lot. As currently we are using all the buildings on there that were once part of the Rail Trail gardens and that operation, as storage, police have things, I think every department has found a little corner out there or a building to store excess equipment.

Burk Thank you. Kellie, what's the advantage to buying it and paying it now as opposed to continuing just to make installments on it? It sounds like they're open to that now.

Adams It would just, it would be a cost savings of about \$45,000 over the next five years. So not huge in the grand scheme of things but, it would be, it would be a bit of a savings.

Garrett Does buying the land take it off the public tax roll?

Adams Yes.

Garrett So we'd save 45 grand but then we also wouldn't be able to tax it for the next five years?

Adams Correct but we also pay the taxes, um.

Garrett Oh we do pay the taxes?

Adams Which I could not give you the amount off the top – I'd, I'd have to look into the amount. I apologize but yes, we pay the taxes so it's –

Garrett Got it.

Burk So additional –

Adams A bit of a wash.

Burk Savings on top of \$45?

Adams Yes.

- Garrett Does, does the contract and it's a five-year extension, allow for payment at any point to buyout that contract? Or is it an annual option or are we locked in if we choose not to do this for five more years of –
- Adams From what I can tell, we're locked, we're locked in. But I can always go back to, to them and ask, I mean they may be agreeable to something like that.
- Garrett It'd be good to have that flexibility. I mean I share Councilor Choi's concern that if they can revalue it, but if, if they're locked in at a valuation and we can buy it when needed, quite frankly, I'd prefer to sit on the cash than, you know, I appreciate the savings but, you know, let's call it 10 grand a year may not be worth the \$350 that we take out of the checking account.
- Adams Sure.
- Choi Well the other concern I have is I mean we haven't been, you know, where's this, so this is coming out of the general fund which has a nice, healthy reserve but, when we're able to predict something in the future. This isn't something that we've been saving for, is that right?
- Adams Correct, correct. No, we, we have in the budget for this year, I said about, I believe, it was \$45,000 is in the budget earmarked this year for this particular expense but anything beyond that, no.
- Choi Okay. I think from a fiscal responsibility standpoint and we haven't saved for it so I see, I'm hesitant to spend money that we haven't accrued for the purpose of this reserve, and the savings doesn't amount to that great of a savings but if you were to come back to me and say at two years from now they can revalue the land I would be, my vote would, my feelings about this would drastically change.
- Burk Yes.
- Adams Okay.
- Burk Is, is the reason you're bringing it forward now, I mean just because obviously you're new to the job you saw it and saw an opportunity or is there, are we in a situation where we're re-signing an extension during this time period?
- Adams It was more because at first because we had let it lapse. I mean, it was kind of right when I, there was a lot going on and so it lapsed. The May 1st deadline had passed, at first there was a lot of, push from the owners about we have to, they were agreeable to anything, we need to just get this done, so it was kind of a kneejerk reaction but they've softened up, so this resolution was kind of in response to that. They've softened up. They're, they're agreeable to go ahead and sign for another five years, and I can certainly find out if, if we could, you know, shorten that if we wanted to, you know, pay it out at some point in the next five years.
- Burk I just wonder if that's something that you're going to investigate and to Alex's point, you know, would they reassess this value because if they would that could be a game changer for us in terms of losing more revenue. I just wonder if we

should continue it until you find a couple answers and bring it back instead of voting it down.

Choi Yes, I would, I would think that we should continue this until we have better information.

Plunkett Heather, do I still need to open and close the public hearing?

Harris You haven't opened it yet so, the one thought I had and I was looking at Lance because it's like I was going to telepathically get an answer from him but, I thought I recalled when we, when the Town entered into this agreement initially the sales price for the, for the property was set. We went through two appraisals, I'm looking at Lance, just if my memory is serving me correctly – if that's the case and we're just buying down the principal with a buyout at the end of the contract then the land value is not going to change and I do recall, Kellie, you said the number had shifted because of payments we had made so, Lance, am I right in my memory?

Lantz You're correct.

Harris Okay.

Lantz This, this did not have an escalation clause or ability within the contract. I don't recall if it was callable periodically every five years so that would be something that –

Harris Yes we need to look at.

Lantz Merits some investigation because obviously if you're sitting on this property and you have a sales price from five years ago and you can call it or put it on the open market, you know, what do you want to do? I think I'd put it on the open market. So I think that if they're willing to honor the original terms without escalation for a brief period of time, I just don't think we're going to be able to get that forever, certainly if land values continue to trend as they are. I think, I think you're right, Heather.

Harris Okay. Yes, that was my memory. It's been a long, it's been a while but, my thought is we could take a look at the contract. We wouldn't have to go forward with the public hearing tonight. If we do decide to go forward, we will need the notice period for the public hearing which we can work on but Amy Nooning and ' I'm sure could take a look at that original contract and just the renewal with Kellie and try to bring back a recommendation.

Plunkett So if you guys are going to look at that then we can essentially continue this –

Harris Yes –

Plunkett To the next meeting?

Harris If Kellie's okay with that.

- Plunkett And we could take a motion without having a public hearing on this?
- Harris Yes. You can make a motion to table it.
- Plunkett Yes, okay.
- Harris Yes.
- Plunkett All right. Questions?
- Melton Is there any other benefit to paying it off now aside from the \$40,000? I mean, do we have a plan?
- Plunkett Well it sounds, sounds like you, you have the ability to do what you want to the property without asking.
- Melton But we have that ability as it is as she stated with maybe going back to the homeowners or the property owners and asking, can we put a path –
- Plunkett Yes.
- Melton A walking path, a safety walking path? So, so it's only the \$40,000 and I just didn't know if there's something that's drawing us to close on this aside from that? You said in May we, we did, did we default? Is that what you said?
- Adams We didn't, we didn't, we made our payment –
- Melton We made our payment –
- Adams But we hadn't told them, we have like a certain timeframe, I believe, by May 5th to let them know if we were going to continue on for another five years or purchase the property, and we missed that deadline, so there was a lot of pushback from the owners about going ahead, and purchasing the property so that's kind of where this resolution came from. Since then they've softened, they're, they're happy to go another five years, which is, that would pay us out, um –
- Melton So that's, that's what instigated this? Thank you.
- Adams Yes, that's what instigated it. It was, I mean, I think \$40,000 is, is a good savings but it's not, it's not a huge one but –
- Melton President Plunkett can I make a motion to continue Resolution 2022-07?
- Plunkett Certainly. 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. Thank you, Kellie.

**Consideration of An Ordinance Establishing Promontory Planned Unit
Development District**
Ordinance 2022-08

Plunkett Up next is a Consideration of an Ordinance Establishing Promontory Planned
Unit Development District. This is Ordinance 2022-08. Roger and Matt, I
believe, you guys are presenting this?

Kilmer Good evening, thank you. I'd like to give a brief overview of the project before
you for consideration tonight. A quick history of the process it's gone through to
date then I'll, then I'll turn it over to Mr. Price for him to go into the details with
you. The proposed request before you for consideration is the rezoning of 321.48
acres from the AG or agricultural zoning classification to a Planned Use
Development. The Planned Use Development would consist primarily of single-
family residential lots. In the ordinance they say that, it would be a maximum of
90 lots. With the residential uses there would also be an area reserved for
equestrian-related uses. This project, was presented to the Plan Commission,
through three different hearings. It was initially heard on March 21st. Discussion
was held and, and it was determined that more questions needed to be answered.
The project came back to the Plan Commission on April 19th, again, discussion
occurred, more questions were, were asked and answered and it was continued
then to the special meeting on May 17th, again, questions were answered, more
questions were raised but the Plan Commission did choose at that time to vote on
the proposal and with a vote of 5-1 they forwarded a favorable recommendation
of the requested rezoning to you to be heard tonight. So with that I will turn it
over to Mr. Price to go into detail.

Price Thank you Mr. Kilmer. Mr. President and members of the Council, for the
record my name is Matt Price. I'm here tonight on behalf of Henke Development.
I have Doug Fleener with me this evening in the audience and he and I are
available to answer any questions that you have. I thought that maybe what I
would do is just give you kind of a brief tour of the property, and I handed out a
site plan that is included in your PUD ordinance but I wanted to break it out
separately just so you had it in front of you. As Roger mentioned, it's a 321-acre
parcel, bounded by Michigan Road on the west, County Road 200 on the north
and then County Road 1000 on the east. What really the defining characteristic
of the property is that it has a central lake, which improves the property. It's a
beautiful body of water, that today just has a single-family residence on the entire
property. The idea is to create a rural, residential setting. As Roger mentioned,
we've capped the overall number of dwellings. Actually I think that number was
reduced over time. I think he mentioned 90 lots, I think we're down to a cap of
80 lots and that's just based on meeting the development standards that we've put
in place in the Planned Unit Development. One of the things that we worked
with with the Plan Commission that I think really improved the products as we

went through the proposal was to, to break out the development amenity areas into sub-areas and those sub-areas are comprised of the equestrian area, the lakefront and meeting space area and the open space area and it's the western portion of the property as you enter off of 421 which is our equestrian area where we'll have riding stables available to residents to house horses and ride their horses. Then we have the lakefront and meeting space, development amenity area and that is what we're, what we're likely to do is to re-purpose the home that's on the property today and turn that into a meeting space. The idea is to have lakefront living where you could go and rent a boat, a pontoon boat, where you could have a meal lakeside, where you could sit out by a firepit in that area and have meeting space and then the third amenity area is what we call the open space which is, if you'll see kind of in the bottom southeast of the project there's a, there's a trail system and then in and around that trail system we have open space areas where we, where we thought we would have recreational space, space to use the trail, picnic area, things of that sort. When we first made the proposal, we had it more, I would say, more flexible than that as far as where the various uses could go on the property. The Plan Commission was not comfortable with that degree of flexibility and so we've tied down the amenities as those specific areas and those are outlined in the Planned Unit Development ordinance itself. I believe the process was robust. We had one I hesitate to call remonstrator, one person during the public hearing process that spoke on the project and they simply asked that there be a Right to Farm commitment, an acknowledgment that, and, and a requirement that residents coming to the neighborhood would acknowledge the agricultural uses that are in the surrounding vicinity and that's a part of the Planned Unit Development ordinance and has been incorporated into the proposal, so we believe we satisfactorily addressed her concern. In all other respects I think we worked through all of the engineering comments. I will say, a special thanks really to Department of Public Works and its leadership in working through the details of this proposal with us. It involved, multiple individual meetings with Mr. Lantz and his department, including the Town engineer and we really feel like we wound up with a very robust project, and one that Zionsville can be proud of. As I mentioned, Doug and I are available to answer questions that you have and we respectfully request your approval this evening. Thank you.

Burk Matt, I'm looking at the map is, 80 homesites – you have a sense of the acreage around each of those lots and, and do they hug the lake so that everyone's lakefront? Was that the plan?

Price No not everyone is lakefront. Some are going to be just outside the equestrian area so, as you go through the equestrian area on the western perimeter here there's some homesites along this roadway here and around the outer loop.

Burk In the green?

Price Yes. In a light, kind of mint area, area.

Burk Yes.

Price And then there are homes of, there is a minimum lot size but there are homes that, homesites that'll be built around the lake itself. They range 2 to 3 acres a

piece, varying depending on the lake frontage is not even and so we gave ourselves some flexibility for the lakefront lots to have a, a smaller dimension but they're all, they're all larger than what you would find for like a rural equestrian-type lot.

Culp Will these, will the houses on the lake, will they have docks and their own boats? Is that how that works?

Price Actually, there is a concept of allowing kind of a recessed dock area. We are not planning on permitting, for example, the extension of piers.

Culp Yes.

Price The idea is to keep a very refined look around the lake and protect everyone's viewshed around the lake but they, but they do contemplate having recessed areas where you could park a boat, electric motor only.

Culp There would only be electric motors there?

Price Yes, electric motor only, yes.

Melton How many acres is this lake and what's the depth of it?

Price The total acreage, I think, is just under 40 acres. I believe that it is the largest body of water in the county, as far as a lake. Depth I'm not sure. It was recently dredged, prior to it being put on the market, and so it's been, I guess the maintenance of it, if you will, brought to current and up to date before the property was put on the market. I do not know the precise depth.

Burk Is it currently, being farmed? Was it ag? You said it was ag or?

Price It is, it is not. It's a residential property with a meadow-type surrounding land use. Yes. The ag issue came up with, we actually, it wasn't actually in an adjoiner but it was a, a property owner south of us that had an open field here off of Michigan Road and they correctly pointed out, actually, that when the Town consolidated in its initial reorganization that it actually has a provision within the original reorganization resolutions that provide that when you rezone a property for residential use in a rural area, there is to be a commitment respecting the right to farm and so, her comment led to some additional research and the incorporation of the Right to Farm commitment which counsel for the Town Plan Commission reviewed and, and found that it met the requirements of the statute.

Garrett Matt, with 80 lots, there's no utilities up there so well/septic, current septic technology in relation to a 80 or 40-acre lake, is there any concerns about that, about so many homes going in, land saturation, wells running dry, any of that sort of component?

Price Well, there, there is concern that it be done correctly, let's put it that way. The belief is that if done correctly it can, those land uses can coexist with the lake. What we spent a lot of time with working with the Town's Engineering Department was actually outlining those steps and, and requirements that needed

to be satisfied prior to the issuance of a building permit and so we've outlined within the Planned Unit Development the requirements for documentation as to the adequacy of individual, wells as well as individual sanitary, onsite sanitary, sewage systems and that's coordinated through the Town and through the County Health Department.

Garrett So, when you say the belief is, I mean I know it's semantics but I've seen the land, it's beautiful land, I've seen the quality of the product that Henke Development puts up and they are high end homes, more than belief, I mean, we feel that, you feel, the Town feels that if folks are putting up \$2-3 million dollar homes that they will not have issues even given, excuse me, probably the size of some of these homes and the number of homes it won't be an issue, either for this area or the surrounding areas.

Price That's correct.

Garrett Okay.

Price That part has been vetted very carefully by the Town's engineering staff. That was I would say next to where each individual land use was to be located that was the central issue of the review.

Garrett Got it.

Price Yes.

Garrett And, I know the reason for a PUD just given the different things you want to do here, it makes sense. There's no tax benefit or tax loss to the Town by offering a PUD? This is really just a, a means of zoning not a, you know, a TIF or any of those sort of thing that others may come from a commercial standpoint, correct?

Price That's correct. And we're not seeking any tax increment financing or any other incentive relative to the project.

Garrett Okay.

Choi I'm a little geographically challenged. What's the proximity of this property to the airport?

Price So, it is – so to County Road, 200 North, I believe, is the Town limit so it is the –

Plunkett It's northwest.

Price It is as far north as you can go –

Choi Okay.

Price And still be in Zionsville so it's, Yes, northwest of the airport. I don't know exact mileage but it's outside of the –

- Choi So there's no impact that we're not going to get a bunch of neighbors coming in complaining –
- Price Yes.
- Choi To us about noise and –
- Price That's correct. So the –
- Plunkett We might get that anyway.
- Price Yes, the recent comprehensive planning exercise that the Town went through did not identify this area as being within the zone of influence or area to be, barring restriction on residential.
- Choi Okay.
- Burk Yes, that's a question I had. So we just, we just looked at those maps what a year ago all around the airport? And so this was not included in that space?
- Price It was not.
- Plunkett Yes, I think all the, all the questions that, you know, we're asking, were certainly questions they had at the Plan Commission and even questions that I had for Councilor Traylor given the location –
- Garrett Yes.
- Plunkett Brad was on the call when this was presented and, you know, Traylor was certainly supportive of it given the lot sizes and the utility arrangement and such, so –
- Garrett Matt, that meeting space the development area, that is a, a beautiful barn. Who will own that at the end of this development? Will, will the neighbors own this, own that? Will it be retained by Henke? Will it be moved to some sort of, like not profit and take it off tax rolls? Can you kind of talk about the concept of that?
- Price Yes, Yes. The idea is for that to be owned by the Homeowners Association. Now it may have certain private land use occupants in it. For example, we received, as part of the recommendation, we are permitted to include, for example, a tavern or a barn restaurant as long as it's ancillary to that structure meaning that it has to, it can't be standalone, it has to be small in size and scale to meet the needs of the restaurants rather than, or excuse me, meet the needs of the residents rather than members of the public. So it may have private taxpaying entities inside it but I think the property itself will be owned by the association.
- Garrett And, an association that owns I know it's not but call it a clubhouse like this –
- Price Yes.

- Garrett Is, is that still a taxable property from the Town's standpoint? An HOA-owned property like that? Does it still get a tax bill?
- Price common areas do not. I don't, I don't know offhand whether the bill, my, my, my, I think that the building if it was used by a private enterprise would receive a tax bill.
- Garrett Okay.
- Price Yes. Whereas if it was just a meeting space like, to hold your HOA board meeting, I think those type of –
- Garrett Yes.
- Price Meeting spaces are not but we're actually contemplating that there would be for-profit uses to serve the residents.
- Garrett Okay, great.
- Plunkett Any other questions for Mr. Price?
- Garrett Do the schools still weigh in on these developments in terms of like tax dollars generated versus –
- Choi School impact?
- Garrett Yes, school impact. I mean given, I think the price point I don't think it would be an issue but I'm just curious if they, if you've had a conversation with them about—
- Price We have not and, I think given the price points here where we're anticipating, you know, in the multiple million-dollar homes –
- Garrett Yes.
- Price We, we simply did not view it as a, a particular issue on this site given that it's so far above the break-even level that the Town publishes or the schools publish.
- Garrett Yes. No that's fair.
- Choi Because I think somewhere around the \$300,000, if I remember right?
- Plunkett Now it's 4.
- Choi Is it 4-something? Okay.
- Plunkett Yes. Any other, any other questions, comments for Mr. Price? Otherwise, I'd entertain a motion.
- Garrett I make a motion to approve.

Zionsville Town Council
June 6, 2022

Choi Second.

Plunkett First by Councilor Garrett. Second by Councilor Choi. 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.

Consideration of an Ordinance to Amend the Town of Zionsville Zoning Ordinance (Prologis)
Ordinance 2022 – 09

Plunkett Up next, Matt, I don't know if you want to go very far – you're up on the next three. up next is a Consideration of an Ordinance to Amend the Town of Zionsville Zoning Ordinance for Prologis. This is Ordinance Number 2022-09. Again, Roger and Matt.

Garrett Sorry Roger, real quick – President Plunkett did we skip item –

Plunkett Yes.

Garrett Okay. Never mind. Go ahead Roger.

Plunkett Yes, I skipped one on accident. I'm going to come back once –

Culp Yes, I was just going to ask the same question.

Plunkett Roger, once Roger and Matt are done with the next two.

Garrett Yes, no problem.

Plunkett Go ahead. Sorry.

Kilmer Thank you. Similar to the Promontory presentation, I'll give an overview and a brief history as to how the process has progressed, how the project has progressed and then I'll turn it over to Mr. Price for the details. What is before you tonight is a request to rezone 40 acres from the AG, Rural Agricultural Zoning District to the Rural Light Industrial District, the I-1 District, by Prologis. Back in 2020, they rezoned approximately 76 acres, which is on the west side of State Road 267 and they were successful in this rezoning. They were looking to establish, two large distribution, facilities on this property. As time went by, they determined that they would like to pursue larger buildings, larger buildings for this property, however, larger buildings would not fit on those 76 acres so they were able to secure an option to purchase the additional 40 acres to the west of what they had rezoned and that is what they're looking to rezone

tonight. They're looking to rezone that 40 acres from the AG to the I-1 to match up with the 76 acres they had done two years ago. This would accommodate larger distribution warehouses which is what they're pursuing. The Plan Commission heard this case on May 16th and in a vote of 6 in favor and 0 opposed they gave a favorable recommendation and afforded that to you for your consideration tonight. With that I'll turn it over to Mr. Price.

Price Thank you Mr. Kilmer and, again, for the record Matt Price, with the Dentons law firm here on behalf of Prologis and their joint venture partner, Browning. As Roger mentioned, this is a request to really expand on a rezoning which was approved back in 2020, for approximately 76 acres. The property is located at the northwest corner of County Road 550 and State Road 267 and County Road 550 is the road that adjoins the new midpoint interchange on I-65. And, as Roger mentioned, this does permit the construction of two larger buildings than what were originally proposed and that is to provide buildings that are responsive really to the marketplace and what is being sought in our community. I had a handout where I showed kind of in graphic detail what the rezoning includes and the red rectangle is the additional 40 acres. The property to the east of it is the existing 76 acres that were rezoned back in 2020. You can see, just to kind of give you some orientation, across State Road 267 to the east is the 267 Industrial Park which is a project being built by Becknell. It was a rezoning, I think, back in 2018, by the Town. To the north, immediately north of our parcel is Exeter and Exeter has continued to build, going west from our site, so these three buildings have all been built since the initial 2020 rezoning.

Burk Matt, what's directly south of County Road, was it 550?

Price That is an open field and it's actually owned by, by our, land seller. So, the 40 acres that we're, that we are seeking to purchase is actually part of a larger 117-acre parcel that's owned by our landowner as well. And one, one of the things the Plan Commission brought up in its deliberation was that our landowner is going to be the neighbor to this project and so they knowingly entered into the contract and participated in this rezoning request. Now we do, we do give notice out further. When your neighbor is the land seller then you don't count that neighbor as part of the notice group until you have a larger sphere of individuals who are entitled to notice, which we did, but, it is the Plan Commission, I think, found it instructive that that landowner has a vested interested in seeing the development pattern in that area, participated in this transaction. I showed kind of the new development. This page is out of our, our engineered drawings. We have a, there's a parcel down here that's, that's not included in our development that is at the very corner of the intersection of 267 and 550 and it's kind of an interesting building that it's used for kind of a light industrial use today. I believe there's a USAC racing team that's using that for kind of its team headquarters. The property owner actually lives in California and we've spoken to him. He has no interest in selling. He likes his property just the way it is and wants to continue to use it for, I think it's actually his racing team and then, what our proposal included was to carry over the commitments that were made in the 2020 rezoning and make those same commitments applicable to the entire project and that includes both the height of light poles downward directional lighting on the buildings, the buffering around the perimeter of the buildings, that the development is to be consistent with the submitted site plan, subject to potential

changes in the number and size of the buildings. That's just to respond to the marketplace and that, of course, would be subject to review by the Plan Commission as part of their development plan and then the screening of any dumpsters onsite as well. We'd be happy to answer any questions that you have. I neglected to say at the outset that I'd like to introduce Amy Rzepka, who is the project lead for Prologis and our civil engineer, Jerry Chittle and each of us are available to answer any questions that you have regarding the proposal. Thank you.

Garrett Matt, what would acreage to the west the proposed buildings go potentially from what to what in terms of square footage?

Price Yes. That's a great question. So, the original was for two buildings at about 550,000 square feet. This would allow one for just over 900 and another for 853. So in gross square footage we go from 1.1 million to 1 point, almost 1.8, it's a little less than 1.8. Now that would be subject to, you know, the needs of the individual users, but it allows you to build up to that size of building in terms of area.

Garrett Is, is Prologis doing spec buildings or are they doing a build to suit? Or a TBD?

Price It's a little bit TBD but I will tell you this that the joint ventures, I think, bias to be build-to-suit –

Garrett Okay.

Price I think this allowed them to participate more fully in our fees that are issued for our marketplace.

Garrett And it looks, correct me if I'm wrong, I believe the State is building a new interchange at 550 and 65 so given this location I imagine, we had, you know, a public speaker today, his neighborhood is, is north by three or four buildings of this project. I would assume most of this traffic would be going south and on 550 onto 65, correct?

Price Yes –

Garrett Potentially?

Price Potentially, yes. I think there's one item that is I think, a, a major development pattern is that to our southeast, Whitestown has recently rezoned almost 400 acres to a very similar land use and so I think the thought is is that that interchange is going to service this type of use in the area. Yes.

Garrett Yes, makes sense. I'm supportive. I just appreciate them investing in our community, so. No concerns.

Plunkett I've got a question maybe, Roger, this one's for you – and this is kind, I know we went through this, Matt, when you guys were doing some of the other developments out there and, and obviously we heard some comments earlier that, I guess my question would be the commitments that are on here, Roger, how are

those monitored? Is, is that, does that go as the project progresses are, are, are we checking boxes, do we wait until the end and then not issue a Certificate of Occupancy or how, how does that work?

Kilmer That's exactly correct. As construction occurs on a project, we're going to be monitoring the commitments that have been, have been put in place and if those are not adhered to, if they're not met, the Certificate of Occupancy is not issued until those are met.

Plunkett So, so it would be, it would be a misrepresentation to say that the development takes place when commitments are put in and those commitments are not met – it would, that would not be factually accurate, correct?

Kilmer Correct because a Certificate of Occupancy – a building may be up but it may not have received it's C of O until everything has been addressed.

Plunkett Okay. Thank you. I just think that's important. We hear, you know, you give, you give, you give people voices and you hear a lot of different things and, and I think it's important for people to understand that there's a process and the process is being followed, so.

Melton I just want to clarify also, just keep in mind that some of these projects are phased –

Plunkett Sure.

Melton So there will be some units being used at the front when the other buildings were not being used and, therefore, there's no occupancy in these further back buildings but yet it appears that they're being utilized. So, I just think that's, you know, it's good, I appreciate you bringing that up, for this. Back to your project, Prologis, you guys, have, have you guys reached out to the neighbors and had, had meetings with anybody in the area? How'd that go? What were some of the requests that you recall hearing?

Price Sure. We did have a neighborhood group meeting. We met at the Innovative Engineering offices, I think a week before our Plan Commission meeting, so, it was a very productive meeting. I think the residents are most interested in understanding what, if any impact it'll have on their drainage, like to know the timing for the project and want to make sure that the commitments that were previously made are being carried over to the new project. Obviously in this area, the homeowners, I think, are, are aware of the development patterns that are underway and the changes that are coming and so including the project I spoke of in Whitestown, which is literally kitty-corner to us, and so they, I think, they know what questions to ask now so we had a very extensive discussion with them about each of those topics including drainage. I think one of the things that Zionsville worked on and insisted on for the Becknell project was that those, that that project incorporate drainage improvements to help the residents who are immediately across the street from their site. I think it has improved matters and our project piggybacks on that and dovetails with it and that was something we talked to them about.

- Melton What is the timeframe? Did I miss that? I don't know if you spoke on that. The timeframe for this to?
- Price Since we are looking at gearing it towards a build to suit preference, it'll be dependent somewhat on, you know, when we get selected through an RFP process but having said that, the idea is that as soon as we had a project we'd be ready to break ground. So it's a, the property is served by utilities or utilities are adjacent to it so it's not like you have to bring utilities from far afield that's been worked out with the Town of Whitestown and so it's a. you know, it's a shovel-ready site, if you will, to current vernacular.
- Melton Thank you.
- Plunkett Any other questions for Mr. Price? Otherwise, I would entertain a motion.
- Choi Move to approve.
- Plunkett First by Councilor Choi. I'll second. 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.

Consideration of an Ordinance to Modify a Commitment Concerning the Use or Development of Real Estate (Prologis)
Ordinance 2022-10

- Plunkett Up next is a Consideration of an Ordinance to Modify a Commitment Concerning the Use or Development of Real Estate. This is, again, the Prologis, Roger and Matt.
- Kilmer Thank you. This is tied directly to the rezoning that was just discussed that Mr. Price mentioned in his presentation. The rezoning that occurred back in 2020 included commitments for that 78 plus or minus acre parcel ground. Now that they're adding 40 acres to that they want to continue those same commitments that were applicable to the 78 acres and also make those applicable to these 40 so that it's one cohesive project altogether. No change in the items themselves, they just want to change the legal description to what applies, they want to add 40 acres to the legal description and then also modify the site plan which was an exhibit to the original commitments. The original site plan showed the smaller buildings, the new proposed site plan would show the larger proposed buildings.
- Price Nothing to add to that, it's a ministerial step to make sure those commitments are added to the new property.
- Plunkett Yes. Any questions from Councilors?

Zionsville Town Council
June 6, 2022

Burk Move to adopt.

Plunkett First by Councilor Burk.

Garrett Second.

Plunkett Second by Councilor Garrett. 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.

B. Consideration of an Ordinance Authorizing the Town of Zionsville, Indiana to Become a Member of the Central Indiana Regional Development Authority Pursuant to Ind. Code 36-7.7 et. seq. (First Reading)

Ordinance 2022-07

Plunkett Councilors, you'll notice that I skipped, item B on New Business which is Consideration of an Ordinance Authorizing the Town of Zionsville, Indiana to Become – thank you very much Matt, sorry about that – to Become a Member of the Central Indiana Regional Development Authority Pursuant to Indiana Code 36-7.7. This is a first reading. You will recall Mayor Jensen from Noblesville presented to the Council and this is simply an opportunity to be more strategic with opportunities to get grants and, and write grants and, and get groups together with Noblesville, Westfield, Zionsville, Indianapolis and, and some other surrounding communities. This would be, I believe, this would be the Mayor would sit on this, as the Mayors with every other, Town would do that as well. We also have a resolution that we will need to pass at some point. I did have communication with Mayor Jensen and, and he mentioned that it's simply fine to, to do this in the normal two-step process here and the next step would be to have a resolution. We're not, we're not losing funding for anything by, by doing it this way, so any, any questions I'm happy to answer to the best that I can.

Choi So, and I forgot to ask this or maybe I just didn't hear it, as far as the administrative costs around this, how, how is this shared amongst the different municipalities?

Plunkett Yes, there, there would be some cost eventually, right? I mean, you gotta, you gotta write grants, you gotta request –

Choi Yes.

Plunkett Funds, I don't know the answer directly. I would imagine it's split evenly –

Choi Okay.

- Plunkett With the different municipalities. Heather, would you assume that's correct as well?
- Harris Yes. I do think there's some language it may be in the resolution I was just kind of clicking through. The ordinance is just to join the RDA and then the resolution is more of the partnership and what the partnership entails. I believe that language is covered there and talks about the pro rata share based on the number of citizens, you know –
- Plunkett Okay.
- Harris In the economic development area.
- Choi I mean, obviously, from our standpoint a pro rata share would be much more favorable but I can't imagine that the administrative costs around this is going to be that significant anyway.
- Plunkett Yes. Yes, I would agree. Any questions? Any other, any other questions? I would make a motion to approve (introduction of) the ordinance.
- Burk Second.
- Plunkett Second by Councilor 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.

D. Consideration of a Resolution Regarding the Establishment of Economic Development Area
Resolution 2022-09

- Plunkett Up last in New Business is Consideration of a Resolution Regarding the Establishment of Economic Development Area. This is Resolution 2022-09. Brian Crist with Ice Miller is going to be presenting.
- Crist Thank you President Plunkett. Brian Crist with Ice Miller. I represent the Zionsville Redevelopment Commission and we are also bond counsel for this potential bond transaction for The Farm development on Michigan Road. I was here in early May and asked for your approval of a resolution regarding the creation of a, or actually approval of the Planning Commission's Economic Development Plan with respect to this particular project. You passed it, then it went to the RDC for a hearing with respect to the plan and, now we are at the second stage of the bond process and that is a request to adopt a resolution that approves the creation of a new economic development area which is essentially the boundary, would be the boundary of the tax increment financing district. So it'd be the capture area for the TIF. From here if you choose to approve the

resolution, the creation of the EDA tonight there would be two more steps we would be back sometime in July for the introduction of the bond resolution itself and then we would be back in August for a final approval of the bonds and kind of finishing up the TIF district area.

Burk You were here before, and obviously I met with, with you guys and, and the Pittmans so I'm familiar with their property but it sounds like the EDA or the TIF would expand beyond that. Was that, when we voted before was, is that something that'll come later when we define the actual geography of the EDA or the TIF?

Crist Actually this resolution is for defining the area of the economic development area which is the boundary which is the boundaries to the TIF.

Burk Can you kind of walk through, I mean, I know we don't have a map in here I don't believe but what that, what those boundaries would be?

Crist I think the boundaries are consistent with what was shown during the last meeting in May, in early May. I don't think they have changed.

Burk Okay.

Crist The nature of it, I believe, I mean, it is a TIF district that's designed just to capture the project increment. There's not, I don't believe, that it extends out past, you know, into other areas and trying to capture other increment in order to, to, to fund the infrastructure, improvements for this area.

Plunkett Are there any questions from Councilors? I would point out to your question Councilor Burk, this does run down Michigan Road, north I should say, Michigan Road and the idea behind that I'm looking at a map here. The idea Brian, correct me if I'm wrong, is to potentially to have a redevelopment area as well because the majority of that area north of The Farm is currently developed with the exception of what looks like a residential part that's been cut out.

Crist Yes.

Plunkett The idea is we would be setting up the boundary to include The Farm and also go up north on Michigan Road, to just, up to 550 essentially and, and have an opportunity for potential redevelopment in that particular area also.

Crist Yes, I think that was the distinction though between the, the redevelopment area and the EDA, I believe.

Plunkett I'm sorry?

Crist There, there's a distinction between an EDA and a RDA. They're, they're different, they're different concepts.

Plunkett But the boundary includes those?

Crist That's right for the RDA that's correct.

- Plunkett Yes.
- Crist But I don't believe the EDA does.
- Culp So what's the benefit of that?
- Plunkett Well the map, so just to be clear, the map I have shows the E, the EDA boundary shows all of that north of –
- Crist Okay, so the EDA also incorporates that portion?
- Plunkett Yes.
- Crist Okay, well then that's a change that I'm unaware of but I'm also pinch hitting for Heather James tonight too, so. Something could've happened in the last couple of weeks that I was unaware of.
- Burk Yes, I think Craig had the same question I had, which was, if it's already developed and I get that it's a commercial part of Michigan Road, why, why, why the change?
- Melton I think we had a conversation potentially about connectivity, pathways and connectivity up there? Is that, does that ring a bell with – Lance, I don't know if, no?
- Plunkett I believe I asked the Mayor about that on our call and, and I think Roger was on the call as well and it was just simply a discussion about redevelopment and the ability to, to recoup or, not recoup, but retain –
- Melton In taxes –
- Plunkett revenue from redevelopment of properties in the, in the, in the EDA but specifically the part on 421.
- Crist Yes, perhaps the plan is to maybe try to capture extra increment in that area that's not part of -
- Melton Gotcha.
- Crist The plan. So the bonds are going to be based in size based on the increment that is created from the development so perhaps with some discussion and maybe Roger knows –
- Harris I see Tim Berry walking our way.
- Crist Okay, Tim you will know the answer to this question because this man's the one with the math.
- Harris It looks like Tim Berry knows because that man –

- Plunkett Help us out Tim.
- Crist Tim I thank you for coming to save me on this. I appreciate this.
- Berry Tim. I'm with Crowe, the municipal advisor to the Redevelopment Commission and yes it was expanded in an attempt to capture redevelopment in the future potentially and to capture those TIF dollars from that additional development. But what we're focused on with respect to the bond ordinance in the next few months and issuance is on the main property –
- Crist Right.
- Berry The Farm which would initially be the apartments and then ultimately the commercial development on that location.
- Plunkett Because that'll come in two phases?
- Berry That's correct.
- Crist That's correct. Yes.
- Berry Yes.
- Burk And they're probably on, I mean. So I'll drive back by there and look what, I mean, most of it's developed. I also know like that whole bank, I mean, there's stuff that would probably –
- Berry Correct.
- Burk Be developed quickly as soon as this project went into play. Is that kind of the rationale?
- Berry Right.
- Burk Some of it, is, is new or larger buildings that you probably want to redevelop.
- Plunkett Are those prop –
- Berry And, and, and back to the comment that you made earlier Councilor Garrett, it is through this process that we inform the schools and all of the other overlapping taxing districts of the tax impact of the development of the TIF, and that is what we did through that process.
- Garrett All right. Is, is any of this process, because 421 is not a Town road but is a State road, does any of that redevelopment or this bonding take into account 421 as a thoroughfare and, and what, if any, there is a long-term vision for that thoroughfare because as we add potentially 400 apartments here, retail, as we've added Holliday Farms and things further north, that is certainly getting busier and busier and busier and if I spend anymore time sitting at that light at Sycamore and 421, I don't know what I'm going to do with myself. I just want to make sure that we are, we are thinking in that long-term from a infrastructure

standpoint, especially if we are involving bonding capacity and then talking about infrastructure capacity if we've captured all that TIF funds but are reliant on the State's schedule to update that. There's other apartments looking to go east of 421 in Carmel, you know, there, there's land that's developable, to your point Brad, going up there – it's, I'm, I'm getting a little bit off on a tangent here compared to what's being asked here but I also want to make sure that we as a community are thinking, partnering, whatever about that as we do that. I don't know if that was a statement or a question but – any comment?

Crist I think that's probably more of a planning, I think it's more of a planning question. Yes, it's a Redevelopment Commission, planning question.

Garrett Well, I mean, like when I, when I met with, with the developers for this property one of the things I said is I would love to put a roundabout at Sycamore and 421 as a part of – like we're bonding. We're giving the money for the infrastructure, why don't we just like redo a lot of that stuff. You look at what Carmel has done to sort of takeover, um –

Plunkett Yes.

Garrett 31 and other communities – Fishers has done that somewhat with 37, 421 is our major artery. It's going to get busier. This is our opportunity to do it before we redevelop the whole thing and then it gets locked in, um – I would be curious about that discussion, about that bonding piece related to what is going to throw a lot of residents and commercial traffic in this area.

Berry Well certainly with respect to 31 that was a State project and funded entirely with State dollars. As it relates to –

Garrett I thought Carmel took over 31?

Berry No.

Crist No.

Berry The City of Fishers took over, in conjunction with Hamilton County, took over 37 –

Garrett Yes.

Berry And, shared in those costs and agreed to additional costs over and above, the original specs that were provided by the State and so the, Hamilton County, Noblesville and Fishers are sharing in those costs, largely Fishers and Hamilton County, because it goes just to 4 –, 146th Street at this point in time, which is the boundary for Noblesville. But –

Crist 31, Yes 31 was Major Moves money. It was from the toll roll concession.

Berry Yes. Yes.

Garrett Got it. So, and this may be more a statement than a question but I would be very curious about how do we do something similar in our own community because, I think, 421 will continue to get busier, you know, getting in and out of Holliday Farms, neighbors on the other side and I've heard complaints about that – I'm sure Mr. Lantz is well aware of this stuff and maybe we can talk off line but I want to make sure we don't get too far behind the 8-ball as we keep adding development here. This may be an opportunity to have that conversation about how does the infrastructure keep pace instead of falling behind.

Choi I think that's a great point. I think, you know, to, to that comment I think we're already falling behind on 421 with the subdivisions that are going out there just north of 116th Street. I mean I live off of, 146th and 421 and just the congestion, construction, traffic, everything around that it's just become overbearing. So it's just going to get worse as more developments happen about 146th which is, you know, probably in the next 10 years or so.

Garrett Yes.

Choi So, do we need to as we consider this, do we need to in parallel consider something more strategic for that road?

Garrett Yes, does the creation of this or the voting for this in anyway impact what to do with those captured dollars or this is just the legal mechanism to, to capture them and to Councilor Choi's point if we then do think about something more strategic on 421, are these dollars once captured in this already predetermined for this project or can they be used for other types of infrastructure priorities above and beyond what is captured within the actual Farm itself that's supports The Farm's infrastructure?

Berry Most of what will be captured from The Farm will be utilized back as a developer purchased bond.

Garrett Right, but this is to, to what President Plunkett was saying, this, this area is much more encompassing than The Farm – does having a much more encompassed area allow us to potentially do some of that stuff or is this already predetermined dollars to support The Farm in which case I'm a little less supportive of taking other areas to support a private development. I don't mind the private development supporting the private development.

Berry So the TIF would be the increment over and above in the redevelopment in the future.

Garrett Yes.

Berry That would be then generated, that would be potentially available for other purposes. They're not committed –

Garrett That will go through a public process?

Berry To this project. They're not committed to any development around the current location of The Farm, but when you expand it into those areas then you would be

recreating the base as today's assessed value so the only increment when you would be receiving would be any redevelopment, or reassessment on those parcels moving forward.

Garrett So what happens to the base within the areas today?

Berry That goes to the taxing units as it's disbursed today to the city, the town or the town, the county, the library –

Garrett Yes, so that's what you're talking about the reset, right? So if you think about the bank property just north of that which today, I think, is a, you know, a financial services company. The taxes generated from that today will continue to go to the Town.

Berry Correct.

Garrett If someone came along and said, you know, I want to build a three-story office building there that additional increment would be retained within this new area but wouldn't be used for The Farm it would just be used who has the ability to write a check for something to support that area.

Berry Correct.

Garrett Got it. Okay.

Crist I always used to look at it as a stack of coins, right? You know, the coins that are already being used to, you know, to go to the various taxing units that never changes in –

Garrett Yes.

Crist In TIF financing but if something happens to where now you doubled your coins that's the increment is the double and that's what's used to pay for the bonds.

Garrett Got it. Thank you.

Plunkett And this is, once again, the resolution and this is one step of many steps to come down the pipe here for, for this particular project and even just this area, so if Councilors have concerns with, you know, bonds or anything of that nature as it comes along we'll certainly have our chance to take bites at those, this is just one more step to keep the ball moving, correct?

Crist Two more back, you have two more bites.

Plunkett Okay. Any other questions for Mr. Crist? I will make a motion to approve Resolution 2022-09.

Choi Second.

Plunkett Second by Councilor Choi. 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.

OTHER MATTERS

Plunkett Up next is Other Matters. Do Councilors have anything?

Garrett I do. Sorry. I've been talking it up at this meeting. Anxious to get the golf course open. Let's hope that happens soon. So I want to throw that out there. We're in prime golfing season and we are missing out on revenue right now. I'm also curious at a future meeting to and with Tim Berry here it's kind of appropriate but I won't put him on the spot. Assessments have gone out. A lot of people are concerned about how much they've gone up. It's a good thing they've gone up because property values are going up but that may mean taxes follow. I think it would be helpful for the public and this Council to understand with the rise in those values, what does that do to the taxes themselves because the rates may actually go down because the assessed value has gone up so much but I'm also very curious of what that has to do with our proposed or potential 2023 revenue. So just planting a seed, Tim, I don't want to put you on the spot now but at some point I think it would be good to understand what are the implications of that. I've started to get a lot of people saying hey my, my assessment went up \$200,000, what does that mean to me personally? It'd be good to have a, a quick lesson on that I suppose.

Plunkett Yes, Yes.

Garrett That's all I had.

ADJOURN

Plunkett All right. Anything else from other Councilors? I will entertain a motion to adjourn.

Culp Second.

Burk So, so moved.

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

All Aye.

Zionsville Town Council
June 6, 2022

Plunkett All those opposed same sign.
 [No response]

Motion passes 6 in favor, 0 opposed. The next regular Town Council meeting is scheduled for Tuesday, June 21, 2022 at 8 a.m. in the Zionsville Town Hall Chambers. Final notice will be posted in compliance with the Indiana Open Door Law. Please note the change in date due to the Juneteenth holiday.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville