

BROWNSBURG TOWN COUNCIL MEETING MINUTES

REGULAR MEETING

Thursday, August 26, 2021, 7:00 p.m.

Brownsburg Town Council Meetings are live-streamed and archived

- 01. CALL TO ORDER BY PRESIDING OFFICER** – Town Council President Travis Tschaenn called the meeting of the Brownsburg Town Council to order at 7:00 p.m. on August 26, 2021 in the Brownsburg Town Hall, 61 N. Green Street.
- 02. INVOCATION/PLEDGE OF ALLEGIANCE** – Jim Littlejohn, Chaplain with the Brownsburg Police Department gave the invocation.
- 03. ROLL CALL** – Members of the Council present were Travis Tschaenn, Matt Simpson, Brian Jessen and Ben Lacey. Also present were Ann Hathaway, Clerk Treasurer; Co-Interim Town Managers, Al Geans and Debbie Cook and Maggie Smith from Frost Brown Todd.

Members of the Brownsburg Fire Territory Task Force 1 who took part in the recovery efforts in Surfside, Florida were recognized; Division Chief Harder, Lt. Rhinehart, Lt. Ross and Firefighter Carmean.
- 04. CITIZENS COMMENTS RELATING TO AGENDA FOR August 26, 2021**
Cindy Hohman – 15 Tyler Court
- 05. CONSENT ITEMS**
 - 05.01.** August 12, 2021 Meeting Minutes
 - 05.02.** August 12, 2021 Special Meeting Minutes
 - 05.03.** August 12, 2021 Executive Session MemorandumA motion to approve items 5.01, 5.02 and 5.03, as presented, was made by Ben Lacey. Brian Jessen seconded the motion. Passed 4-0.
 - 05.04.** Civil Town and Fire Territory Claim Docket for August 13, 2021 through August 26, 2021 in the amount of \$1,874,045.75 was considered. A motion to approve the docket, as presented, was made by Matt Simpson and seconded by Ben Lacey. Passed 4-0.
- 06. BID OPENING AND/OR AWARD** – None.
- 07. REPORTS FROM COMMISSIONS AND BOARDS**
 - 07.01. Police Department Report** – Major Andy Watts presented the report to the council.
 - 07.02. Fire Territory Report** – Chief Larry Alcorn presented his report to the council. He stated that the 9-11 Memorial will be virtual this year and will be advertised.
- 08. TOWN ADMINISTRATIVE ITEMS**
 - 08.01. Human Resources Department Report** – Nick Van Horn, Human Resources Director, presented his report to the council.
- 09. PREVIOUSLY CONSIDERED ITEMS** –
 - 09.01. Ordinance #2021-27** – An Ordinance of the Town Council of the Town of Brownsburg, Indiana Approving a Lease Between the Brownsburg Redevelopment Authority and the

Brownsburg Redevelopment Commission; and Certain Other Actions Related Thereto – Proposed 2nd Reading, 3rd Reading, and Final Adoption. Debbie Cook, Co-Interim Town Manager, presented Ordinance. At a Special Joint meeting on Tuesday, August 3, 2021, the Brownsburg Redevelopment Authority (RDA) and Brownsburg Redevelopment Commission (RDC) met and approved a lease agreement related to a mixed use, multi-family development proposed by Flaherty & Collins Development, Inc. The lease agreement establishes that Taxable Economic Development Lease Rental Revenue Bonds, Series 2021 will be used to assist with financing this proposed project. The total amount of the bonds will be sufficient to provide \$4.5 million for the project. In addition, no more than \$800,000 to cover the costs of issuing the bonds, securing a rating or insurance, as well as, to provide a contingency to account for market movements prior to selling the bonds. Staff recommends approval of this ordinance on 2nd, 3rd readings and final adoption. Brian Jessen made a motion to approve Ordinance #2021-27 on 2nd, 3rd reading and final adoption. Ben Lacey seconded the motion. Passed 4-0.

09.02. Resolution #2021-24C – A Resolution of the Town Council of the Town of Brownsburg, Hendricks County, Indiana Setting Forth Final Action in Determining that the Qualifications for an Economic Revitalization Area Have Been Met and Confirming Resolution #2021-24 for the Real Property Located Generally at the North West Corner of the Intersection of E County Road 400 N & Ronald Reagan Parkway (North West Building) by BLC Development, LLC - Advertised Public Hearing. Debbie Cook, Co-Interim Town Manager, explained that on July 22, 2021 the Town Council approved Declaratory Resolution #2021-24. The next step in the abatement process is to hold a public hearing and consider a confirmatory resolution. BLC Development, Inc. is looking to build a 564,000 sq. ft. spec building near the intersection of East County Road 400 North and Ronald Reagan Parkway. This project meets all requirements for a 10 year abatement per the Town’s Economic Development Incentive Policy (EDIP). Staff recommends approval of a 10 year real property tax deduction/abatement.

The Public Hearing was opened by Council President, Travis Tschaenn.

Steve Hiller – 1945 E County Rd 400 N – He stated that parcel and project should not be declared as an economic revitalization area. He feels that upscale residential would be a better use of this property and produce more tax revenue than industrial use. He would like to see a comparison between residential use and industrial use. He is concerned about a decrease in home values in the area.

Pam Sheads – 3973 Country Lane – Remonstrance letter is attached.

Margi Lipsey – 3705 Meadowlark Lane – She states her disagreement at the suggestion of the tax revenue that will be generated. Wants to see an ROI comparison of tax payers. She questions whether or not this is the best use for the property.

Cindy Hohman – 15 Tyler Court – She states that an ERA is a designation for a blighted area. She asked why a specific developer is tied to this resolution.

Jon Rabold – 18 S Tacovi Court – States that taxes are paid on rentals and that there is no tax burden on the schools. He mentioned the Town’s strategic plan and how this project fits into that plan.

Scott Spencer – 3807 N Co Rd 900 E – He stated that this project is not compliant with the comprehensive plan. He asked why is there an abatement considered for this project and what kind of business will end up there.

Jim Staton – 1789 Woodstock – He stated that he is in favor of this project. He states this is an appropriate use of this property.

Amy McNeely – 3591 Country Lane – Stated that heavy industrial is not compatible with residential. She does want to see it developed but doesn't agree that this is the best use for the land.

Ryan Gifford – 3785 Meadowlark Lane – Discussed the comprehensive plan and guidelines to encourage proper planning as it pertains to this project.

The Public Hearing was closed. A motion to approve was made by Brian Jessen and was seconded by Matt Simpson. Passed 4-0.

09.03. Resolution #2021-25C – A Resolution of the Town Council of the Town of Brownsburg, Hendricks County, Indiana Setting Forth Final Action in Determining that the Qualifications for an Economic Revitalization Area Have Been Met and Confirming Resolution #2021-25 for the Real Property Located Generally at the North East Corner of the Intersection of E County Road 400 N & Ronald Reagan Parkway (North East Building) by BLC Development, LLC - Advertised Public Hearing. Debbie Cook, Co-Interim Town Manager, gave the details of this Resolution. A Declaratory Resolution (#2021-25) was approved by the Town Council at the July 22, 2021 Council Meeting. The next step is to hold a public hearing and consider a confirmatory resolution. This is a 250,000 sq. ft. spec building proposed by BLC Development, Inc. located near the intersection of East County Road 400 North and Ronald Reagan Parkway. Staff has determined that this project meets the requirements of the EDIP and recommends approval of a 10 year real property tax deduction/abatement. The area in question will be designated as an Economic Revitalization Area (ERA) and is located in a TIF district. Due to the employment and tax impacts, however, staff recommends that its location in a TIF not impact the approval of the deduction/abatement.

Public Hearing was opened by Council President, Travis Tschaenn.

Pam Sheads – 3973 Country Lane – Stated that when the Town disregards regulations and state statute public trust is lost.

Amy McNeely – 3591 Country Lane – Discussed guidance from the State level and quality projects over quantity.

Jon Rabold – 18 S Tacovi Court – Discussed the Ronald Reagan corridor and the Town's limited inventory of land to develop and industrial use versus residential use. He urges the Council to pass this resolution.

Margi Lipsey – 3705 Meadowlark Lane – States she would like to see the ROI for this project. Would like to see different, higher paying jobs.

Scott Spencer – 3807 N Co Rd 900 E – He would like to see commercial development on the Ronald Reagan corridor, just not heavy industrial.

Jim Staton - 1789 Woodstock – Spoke in favor of this proposal. He does not think residential is an option for this land, specifically, due to the railroad tracks. He also spoke about what types of business that will locate in these buildings.

Ryan Gifford – 3785 Meadowlark Lane – He questioned the industrial land use. He states there is no benefit to the town. He reiterated the impact of the Council’s decisions have on local residents.

Public Hearing was closed. A motion to approve Resolution #2021-25C was made by Matt Simpson and was seconded by Ben Lacey. Passed 4-0.

09.04. Resolution #2021-26C – A Resolution of the Town Council of the Town of Brownsburg, Hendricks County, Indiana Setting Forth Final Action in Determining that the Qualifications for an Economic Revitalization Area Have Been Met and Confirming Resolution #2021-26 for the Real Property Located Generally at the South West Corner of the Intersection of E US Highway 136 & N County Road 900 E (Parcel ID#: 32-07-13-400-002.000-016) by Holladay Properties Services Management, Inc. - Advertised Public Hearing. Councilman Jessen recused himself from this item citing previous conflict resulting from employment. Debbie Cook, Co-Interim Town Manager, presented this resolution. Upon approval of the Declaratory Resolution (#2021-26) at a Council Meeting on August 12, 2021, the next step in the process is to hold a public hearing and consider a confirmatory resolution. Holladay Properties is proposing a project for a 50,000-100,000 sq. ft. spec building near the intersection of East US Highway 136 and North County Road 900 East. Staff had determined that this project meets all requirements of the EDIP and the area will be designated as an ERA. This property is located in a TIF, however, due to the potential employment and tax impacts of this project, staff recommends that its location in a TIF not impact the approval of the deduction/abatement.

Council President Travis Tschaenn opened the Public Hearing.

Pam Sheads – 3973 Country Lane – Questioned the ERA designation and mentioned that filling the old Marsh building would be a public service.

Brian Jessen – 335 Endiscott Drive – Clarified from a developer’s standpoint, the process they go through.

Scott Spencer – 3807 N Co Rd 900 E – Indicated that the number brought forth were not hard numbers.

Public Hearing was closed.

Travis Tschaenn commented on the lease of the old Marsh building.

A motion to approve Resolution #2021-26C was made by Ben Lacey and seconded by Matt Simpson. Passed 3-0.

09.05. Ordinance #2021-26 – An Ordinance Annexing Real Estate Into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation for Property Located at 7449 N. COUNTY ROAD 850 E., Brownsburg, In. - Proposed 2nd Reading and Advertised Public Hearing - Jodi Dickey, Director of Development Services, explained that this is a voluntary annexation and the property is zoned agricultural. It could be rezoned if necessary.

Public Hearing was opened by Council President Travis Tschaenn. There being no comments the public hearing was closed. Ben Lacey motioned to approve Ordinance #2021-26 on 2nd reading, as presented. Brian Jessen seconded the motion. Passed 4-0.

10. NEW FOR CONSIDERATION –

10.01. Motion to Approve a Design Proposal for a Traffic Signal Project at the Intersection of South Northfield Drive and Hornaday Road. Shawn Pabst gave a brief overview of this project. The project facilitates installation of a traffic at South North Field Drive and Hornaday Road with an estimated cost, including design, expected to be \$443,072. Two engineering firms responded to the request for proposals. Staff recommends approval of the Crossroads Engineer proposal. A motion to approve the proposal submitted by Crossroads Engineering was made by Brian Jessen and seconded by Ben Lacey. Passed 4-0.

10.02. Resolution #2021-28 - A Resolution Adopting Fiscal Plan for Annexation Ordinance #2021-26, an Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation for Property located at 7449 N. County Road 850 E., Brownsburg, IN. Jodi Dickey stated that this is the fiscal plan that goes along with the volunteer annexation for this property. Matt Simpson made a motion to approve this resolution. Ben Lacey seconded the motion. Passed 4-0.

10.03. Ordinance #2021-28 - An Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation for Property Located at the Northeast Corner of the Intersection N. County Road 900 E. & County Road 600 N., Brownsburg, Indiana (56th Street Associates II LLC) - Proposed 1st Reading. Jodi Dickey, Director of Development Services, gave a brief description of this ordinance. This is a voluntary annexation and a rezone from HC AGR to C2. The APC forwards a unanimous positive recommendation, with one suggested consideration: 1. The approval of the Findings of Fact and Report of Determination. Staff recommends approval of annexation ordinance on 1st reading.

A motion to approve was made by Ben Lacey on 1st reading and was seconded by Matt Simpson. Passed 4-0.

11. TOWN MANAGER ITEMS –

Al Geans stated the Baker Tilly Municipal Advisors will have final results of the enterprise fund review. Those will be presented at the next council meeting.

12. CLERK-TREASURER ITEMS – None.

13. TOWN COUNCIL ITEMS –

Brian Jessen asked to have the Clerk Treasurer and Town Managers included in the Town Council email group. He also asked that citizen comments be paraphrased in the minutes. He then, discussed development along Ronald Reagan Parkway.

Travis Tschaenn directed Debbie Cook to work with Development Services staff to change the Development Plan Review (DPR) process so that professional staff has final DPR approval on commercial and industrial projects. The intent is to streamline the process. He also appointed himself to the vacancy in the BFT Executive Board. He then, discussed the development on Ronald Reagan Parkway.

Ben Lacey commented on a proposed project coming up next week. A decision regarding a bridge or an interchange in a location west of Town needs to be made.

14. TOWN ATTORNEY ITEMS – None.


15. CITIZENS COMMENTS –

Cindy Hohman – 15 Tyler Court

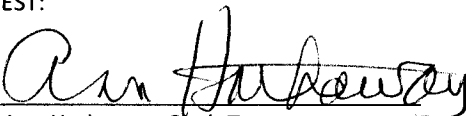
16. ADJOURNMENT – Ben Lacey made a motion to adjourn at 8:18.

These minutes are a summary of actions taken at the Brownsburg Town Council meetings. The full video archive of the meeting is available for viewing at <http://brownsburgin.swagit.com/play/08272021-609> for as long as this media is supported.

Brownsburg Town Council

By: 
Travis Tschaenn, President

ATTEST:

By: 
Ann Hathaway, Clerk-Treasurer

To: The Brownsburg Town Council:

This is my written remonstrance related to **Resolution #2021-24C** related to the North West Corner of the Intersection of E County Road 400 N and Ronald Reagan Parkway (North West Building) by BLC Development, LLC and **Resolution #2021-25C** related to the North East Corner of the Intersection of E County Road 400 N and Ronald Reagan Parkway (North East Building) by BLC Development, LLC, which are scheduled to be heard before the Brownsburg Town Council on August 26, 2021.

Based on the definition of an Economic Revitalization Area in Indiana Code IC 6-1.1-12.1-1 (stated below) neither of the above properties meet the qualifications described in the Indiana Code.

Indiana Code IC 6-1.1-12.1-1

"Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has **become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values** or prevent a normal development of property or use of property.

The term "economic revitalization area" also includes:

- (A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and
- (B) a residentially distressed area, except as otherwise provided in this chapter.

Submitted this 25th day of August, 2021

Pamela S. Sheads

3973 Country Lane

Brownsburg Indiana 46112