

BROWNSBURG TOWN COUNCIL MEETING MINUTES

REGULAR MEETING

Thursday, September 9, 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 September 9, 2021 in the Brownsburg Town Hall, 61 N. Green Street.
02. **INVOCATION/PLEDGE OF ALLEGIANCE** – Denis Roy, Chaplain with the Brownsburg Fire Territory 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 Tricia Leminger, Town Attorney.
04. **CITIZENS COMMENTS RELATING TO SEPTEMBER 9, 2021 AGENDA** –
Susan Hill – 1177 Spencer Drive
Bill Sibbing – 1001 Woodridge
Vickie Gard – 1470 Berry Lake Way
Tim Doty – 1406 Berry Lake Way
05. **PROCLAMATIONS**
 - 05.01 A Proclamation Recognizing September 17, 2021 through September 23, 2021 as Constitution Week – National Society of the Daughters of the American Revolution Wa-Pe-Key-Way Chapter.
 - 05.02 A Proclamation Declaring September 18, 2021 as Brownsburg Health Care Day in the Town of Brownsburg – Brownsburg Healthcare.Both Proclamations were read and signed by Town Council President Travis Tschaenn.
06. **CONSENT ITEMS**
 - 06.01. August 12, 2021 Meeting Minutes – Ben Lacey made a motion to approve and Brian Jessen seconded. Passed 4-0.
 - 06.02. Civil Town, Fire Territory Claim and Payroll Dockets for August 27, 2021 through September 9, 2021 in the amount of \$2,503,525.52 were considered. Ben Lacey asked about the enterprise fund audit. Al Geans stated that Baker Tilly indicated that it is nearly complete. A motion to approve the docket, as presented, was made by Matt Simpson and seconded by Ben Lacey. Passed 4-0.
07. **BID OPENING AND/OR AWARD** – None.
08. **REPORTS FROM COMMISSIONS AND BOARDS**
 - 08.01. **Park Board Report** – Travis Tranbarger, Director of Parks & Recreation, presented the Park Board report. There were no questions from the Council.
 - 08.02. **Advisory Plan Commission** – Jodi Dickey, Director of Development Services, presented the APC report. There were no questions from the Council.

08.03. Board of Zoning Appeals – Jodi Dickey, Director of Development Services, presented the BZA report. There were no questions from the Council.

09. TOWN ADMINISTRATIVE ITEMS

09.01. Fleet Maintenance – Chris Keers, Fleet Superintendent, presented his report to the council. There were no questions from the Council.

10. PREVIOUSLY CONSIDERED ITEMS –

10.01. 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 - Proposed 2nd Reading and Advertised Public Hearing. Jodi Dickey, Director of Development Services, summarized this ordinance and stated that it comes from the APC with a unanimous positive recommendation with conditional rezone. With annexation, the 56th Street Associates II, LLC is requesting this conditional rezone from HC/AGR to C2 for the, approximately, 39 acres. The public hearing was opened by the Council President. There being no comments, the public hearing was closed. Ben Lacey asked if we could ask the petitioner to contribute to a stop light. Jodi stated she would do so. Brian Jessen made the motion to approve Ordinance #2021-28 on 2nd reading. Ben Lacey seconded the motion. Passed 4-0.

10.02. 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 3rd Reading and Final Adoption. Jodi Dickey, Director of Development Services, gave a brief summary of this ordinance. Matt Simpson made a motion to approve Ordinance #2021-26 on 3rd reading and final adoption. Brian Jessen seconded the motion. Passed 4-0.

11. NEW FOR CONSIDERATION –

11.01. Introductory Item – South Green Street Dollar General Rezone to C2. Jodi Dickey, Directory of Development Services, explained this item. This property is currently zoned Industrial and the request is to rezone it to C2 to build a Dollar General Store.

11.02. Introductory Item – Promenade Rezone to PD. Jodi Dickey, Director of Development Services, stated that this will go to the APC next month. The request is for residential PD to build approximately 111 homes.

11.03. Introductory Item – Trailside Townhomes Rezone to PD. Jodi Dickey, Director of Development Services, introduced this item to the Council. This is for Townhome development.

11.04. Motion to Support the Plan Commission Action of Approximately 23 Acres of Real Estate Located at 8775 E. CR 700 N. Jodi Dickey, Director of Development Services, stated that this is for the Belle Arbor PD amendment. This is a conditional zoning that will move through with the annexation ordinance. Pulte Homes is requesting an amendment to the existing Belle Arbor PD to allow for the addition of an additional 26 acres into the overall PD. This will add 46 single family lots. The petition was considered by the APC and sends unanimous favorable recommendation to the Council with the following conditions:

1. Placement of barricades and signage during construction to prohibit construction traffic from traveling south through Hession Fields subdivision;
2. Perimeter landscaping be required adjacent to the future Ronald Reagan Pkwy;

3. The right-of-way for new internal streets will match those of the existing Belle Arbor development (54') and;

4. Approval of Finding and Report of Determination by the Plan Commission.

Ben Lacey made a motion support the APC with the four conditions stated. Matt Simpson seconded the motion. Passed 4-0.

Council President called for Citizen Comments for items 11.05 – 11.06 – 11.07

Cindy Hohman – 15 Tyler Court

Jill Smith – 17 Raccoon Court

Joe Calder – of Duke Realty, 11 S. Meridian

Kate Ems – of Duke Realty, 8711 River Crossing Blvd

11.05. Consideration of Conditional Zoning Request and Voluntary Annexation on Approximately 79 Acres of Real Estate Located at 4705 N CR 1000 E. Jodi Dickey, Director of Development Services, explained that Duke Realty is requesting support of the conditional rezone and annexation of this property with the intention to build an industrial complex. The Petitioner is requesting I2 zoning. This development would be required to comply with all UDO standards and the developer has voluntarily committed to removing those I2 uses not also allowed in I1. This petition was considered by the APC and comes to the Council with no recommendation but they do recommend moving forward with annexation. Ben Lacey asked about the Connector Road issue and representatives from Duke Realty explained that the road is built to public standards and will become a public road. Ben Lacey made a motion to support as presented. Brian Jessen seconded the motion. Passed 4-0.

11.06. Ordinance #2021-33 – An Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana, Pursuant to a Petition for Voluntary Annexation for Property located at 4705 N. County Road 1000 East, Indianapolis, Indiana- Proposed 1st Reading, Proposed 2nd Reading and Advertised Public Hearing. Jodi Dickey, Director of Development Services, gave a brief summary of this ordinance. Duke Realty is petitioning for voluntary annexation of the former Clermont Golf Course property in conjunction with a conditional zoning request. The Public Hearing was opened by Council President, Travis Tschaenn. There being no comments the public hearing was closed. Matt Simpson made a motion to approve Ordinance #2021-33 on 1st and 2nd reading. Ben Lacey seconded the motion. Passed 4-0.

11.07. Resolution #2021-31 – A Resolution Adopting a Fiscal Plan for Annexation Ordinance #2021-33, An Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation for Property Located at 4705 N. County Road 1000 East, Indianapolis, Indiana. Jodi Dickey, Director of Development Service, explained this resolution is in conjunction with the petition for voluntary annexation. Brian Jessen made a motion to approve and Matt Simpson seconded. Passed 4-0.

11.08. Resolution #2021-29 – A Resolution Adopting a Fiscal Plan for Annexation 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 of North County Road 900 E. & County Road 600 North, Brownsburg, IN. Jodi Dickey, Director of Development Services, explained that this ordinance is in conjunction

with the voluntary annexation. Matt Simpson made a motion to approve and Ben Lacey seconded the motion. Passed 4-0.

11.09. Ordinance #2021-29 – An Ordinance to Amend the Official Zoning Map to Rezone Property From C1 (moderate intensity commercial) to IS (Institutional) to Permit Construction of an Inpatient Acute Care Hospital. The Property is Approximately 5.8 Acres Located at the Northwest Corner of N CR 900 E and E CR 600 N and is Part of Lot 1 of the Hession Commercial Primary Plat. - Proposed 1st Reading. Jodi Dickey, Director of Development Services, described the details of this ordinance. Kindred Healthcare is requesting a rezone from C1 to IS to permit a 50 inpatient rehabilitation hospital with the following four conditions:

1. The applicant installs a double row of evergreen trees (8' tall and 25' on center) on the subject property at the time office/commercial uses are constructed;
2. The applicant provides a turn lane on CR 900 westbound onto 56th Street;
3. The applicant works with the town to explore a stoplight at CR 900 and 56th Street; and
4. The approval of the Findings of Fact and Report of Determination

This come with a unanimous favorable recommendation from the APC. Ben Lacey commented on the conditions of the rezone. Ben Lacey made a motion approve Ordinance #2021-29, as presented, on 1st reading. Matt Simpson seconded the motion. Passed 3-1. A roll call vote was taken. Matt Simpson, Ben Lacey and Travis Tschaenn voted in favor and Brian Jessen was opposed.

11.10. Ordinance #2021-30 – An Ordinance to Amend the Official Zoning Map to Rezone Property from IS (institutional) to R3 (high density single family) to Permit Construction of a 110-lot Subdivision on Approximately 66 acres. The Property is Located at 6999 Windridge Lane - Proposed 1st Reading. Jodi Dickey, Director of Development Services, summarized this ordinance. Lennar Homes is the petitioner. This petition rezoning property, north of Connection Pointe Christian Church, has been considered by the APC and comes with a 5-1 favorable recommendation with the following 10 conditions

1. All lots west of the creek will have a minimum lot width of 90';
2. A minimum of 85% of the homes west of the creek shall include a side load garage or courtyard garage;
3. The mizimum number of lots will not exceed 110 lots;
4. The preliminary plat shall be in substantial compliance with the concept plan considered with the rezone, subject to final engineering approval of the preliminary plat from the Town;
5. In the event that the APC and Council do not desire a connection from the real estate to the stub street on Windjammer Drive, as part of any plat application request, Lennar shall seek a Tech Waiver(s) and any other necessary approvals from the requirement(s) that the stub street connects. In the event the Tech Waiver(s) is granted and any other approvals are obtained for the stub street not to connect and the development to substantially comply with the concept plan, Lennar will not connect the stub street, but will install any treatment in this area as may be required by the Tech Committee and/or APC (ie: emergency access only, etc.);
6. Building permits for homes on lots west of the creek shall not be issued until approved access is provided by means other than the stub street at Windjammer Drive;

7. Regarding home construction traffic: Lennar will install “No Construction Traffic” signs at the entrances to the Windridge neighborhood for the period of home construction subject to the granting of approval by the owner(s) of real estate at the subdivision entrances allowing placement of the signs(s);
8. Regarding Landscaping:
 - a. A twenty (20) foot tree preservation area shall be provided along with west perimeter of the real estate as depicted on the concept plan. The 20; tree preservation area shall also be extended along the north perimeter of the real estate within the common areas.
 - b. In the event the preservation of existing trees within the tree preservation area does not meet the landscaping planting requirements of the UDO evergreen trees will be installed in order to meet the planting standards of the UDO. In addition to meeting the planting standards of the UDO, one evergreen tree (minimum 6’ tall) will be added to the rear yard of each lot abutting the west perimeter of the real estate.
9. In regard to the proposed bridge: Lennar shall seek input from the Indiana Department of Environmental Management (IDEM) regarding standards they have, if any, regarding the number of vehicular access points required for subdivisions served by a bridge; and
10. The approval of the Findings of Fact and Report of Determination by the APC.

John Dobosiewicz, with Nelson and Frankenberger representing Lennar, 550 Congressional Boulevard, Carmel Indiana was on hand to answer questions from the Council. He explained the conditions and how they were developed. A motion to approve was made by Ben Lacey, as presented, on 1st reading and was seconded by Matt Simpson. Passed 4-0.

Comments for 11.11 –

Pam Sheads – 3973 Country Lane
 Jon Farr – 3674 Meadowlark Lane
 Jim Staton – 1785 Woodstock Drive
 Jon Rabold – 18 S Tacovi Court
 Kat Fenoglio – 3672 Country Lane – via email

11.11. Ordinance #2021-31 – An Ordinance to Amend the Official Zoning Map to Rezone Property from M3 (high density multi-family residential) and C2 (high intensity commercial) to I2 (high intensity industrial) to permit construction of warehouse/distribution uses on the subject properties. The properties are located on the east and west side of Ronald Reagan Parkway and CR 400, and together comprise approximately 68 acres. - Proposed 1st Reading. Jodi Dickey, Director of Development Services, presented this ordinance. BLC Development LLC is requesting a rezone from M3 and C2 to I2 to permit construction of an industrial business park/distribution center on two parcels. I2 is being requested due to the limited building sizes in I2. The petitioner has indicated willingness to limit property uses to the uses allowed by I1 zoning. They are willing to put this in writing before the 2nd reading. Ben Lacey expressed concern for traffic issues in the area. This petition was considered by the APC and comes to the Council with no recommendation. A motion to approve on 1st reading was made by Matt Simpson and was seconded by Brian Jessen. Passed 4-0.

Brownsburg Redevelopment Commission removing parcels from the Arbuckle Commons Allocation area. Debbie Cook, Co-Interim Town Manager and Director of Economic Development, explained the purpose of the resolution is to remove the certain parcels from the current Arbuckle Commons Allocation Area to create the Arbuckle II Allocation Area. This will allow the Town to capture the real property taxes generated from incremental assessed value within that allocation area instead of those property taxes being captured by the Arbuckle Commons Allocation Area. The benefit being that the Town would be able to provide financing assistance to potential future development within the Arbuckle II Allocation Area. A motion to approve was made by Matt Simpson and was seconded by Ben Lacey. Passed 4-0.

12. TOWN MANAGER ITEMS –

Al Geans stated the budget presentation will be on Monday, September 13, 2021.

13. CLERK-TREASURER ITEMS – None.

14. TOWN COUNCIL ITEMS –

Travis Tschaenn stated that the Council understands that not all are going to be happy with the decisions they have to make. **But they have to make the decisions based on what's good for everyone.**

15. TOWN ATTORNEY ITEMS – None.

16. CITIZENS COMMENTS –

Carlos Becerra – 9405 CR E 400 N

Scott Spencer – 3708 N CR 900 E

17. ADJOURNMENT – Brian Jessen made a motion to adjourn at 8:50.

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/09102021-577> for as long as this media is supported.

Brownsburg Town Council

By: 

Travis Tschaenn, President

ATTEST:

By: 

Ann Hathaway, Clerk-Treasurer

BROWNSBURG TOWN COUNCIL

Thursday, September 9th 2021

Item # 11.11 1-74

<u>AGAINST</u> <u>PRINT NAME AND ADDRESS CLEARLY</u>	<u>FOR</u> <u>PRINT NAME AND ADDRESS CLEARLY</u>
Joan Farr 3674 Meadowlark	
Joanne Barrick 3644 Country Lane	
Angela Hering 3649 Meadowlark Lane	
Kat Fenoglio 3672 Country Ln	
MARCEA SODER 3579 Country Ln	
Tina Jesson 1735 Cape Hatteras Ct	
Margie Lipsey 3705 Meadowlark Lane	
Carlos Bucerra 9405 E. Co. Rd. 400 N	
Beth Mann 9103 E CR 400 N	
TIMOTHY PULS 3855 Mansfield Drive	
Pam Shields 3973 Country Lane	
Anita Earl 9159 E. Co Rd 400N	

BROWNSBURG TOWN COUNCIL

Thursday, September 9th 2021

Item # 11.11 1-74

<p align="center"><u>AGAINST</u></p> <p><u>PRINT NAME AND ADDRESS CLEARLY</u></p>	<p align="center"><u>FOR</u></p> <p><u>PRINT NAME AND ADDRESS CLEARLY</u></p>
<p>Caitlin Earl 9159 E. Co. Rd 400 N</p>	
<p>Nathalie Paz Soldan 1650 Cape Hatteras trail</p>	
<p>Ayun Gifford 3785 Meadowlark Lane</p>	
<p>Guillermo Duran 1650 cape Hatteras trail</p>	
<p>Scott SPENCER 3807 N. CR 900 E</p>	
<p>DAVID SILVIA 3776 BELLMORE DR</p>	
<p>MONTÉ MILKOV 3776 BELLMORE DR.</p>	
<p>Donna Eastman 3584 Country Ln B'burg</p>	
<p>ROBERT EASTMAN 3584 COUNTRY LN <u>B'BURG</u></p>	
<p>SHANE RAY 8911 COUNTRY LN BROWNSBURG</p>	
<p>Bill Gosnell 765 Hummingbird Dr Brownsburg</p>	
<p>GEORGE RYMAN 3835 Mansfield Dr BROWNSBURG IN</p>	

BROWNSBURG TOWN COUNCIL

Thursday, September 9th 2021

Item # 11.11 1-74

<u>AGAINST</u> PRINT NAME AND ADDRESS CLEARLY	<u>FOR</u> PRINT NAME AND ADDRESS CLEARLY
MIKE CALVERT 3856 MANSFIELD DR. BROWNSBURG, IN	574 KING FISHER DR SUSAN AVERY BROWNSBURG
Jim Alstatt 3749 Country Lane Brownsburg, IN	
Brenda Reynolds 3835 Mansfield Dr. Brownsburg, IN	
CHERYL SEAGER 3796 CONCORD POINT WAY BROWNSBURG, IN	
	ROBERT J. McLAUGHLIN 8893 BARNIER DR. BROWNSBURG, IN 46112
James Ingle 3733 Linda Ingle Mansfield Dr.	
Tina Marack 1702 Cape Hatteras Court Brownsburg, IN	
Doric & Linda Pedersen 3623 Meadowlark Lane Brownsburg, IN	JOHN B. BARBOLD 185 TROPY CT 1913
B JAMES McCRACKEN 3624 BELLMORE DR BROWNSBURG, IN 46112	
Marie McCracken 3624 Bellmore Dr BROWNSBURG	
Dermie Blair 904 McCOY RD HOON BROWNSBURG, IN 46112	

Jim Staston

BROWNSBURG TOWN COUNCIL

Thursday, September 9th 2021

Item # 11.5 Clermont/Duke Zoning

11.6 annexation - None
11.7 fiscal - None

<u>AGAINST</u> <u>PRINT NAME AND ADDRESS CLEARLY</u>	<u>FOR</u> <u>PRINT NAME AND ADDRESS CLEARLY</u>
Cindy Hohman 15 Tyler Ct. Brownsburg	



TOWN OF Brownsburg

Whereas, The Town of Brownsburg values and supports the businesses and organizations that improve the quality of life for our residents, and

Whereas, Brownsburg Health Care Center has provided quality medical services to the residents of Brownsburg for decades, and

Whereas, This year, Brownsburg Health Care Center celebrates its 50th year in business.

Now, therefore, I, Travis Tschaenn, Town Council President of the Town of Brownsburg, do hereby proclaim Saturday, September 18 as




BROWNSBURG

Health Care Center

Day in the Town of Brownsburg, and I urge all citizens to celebrate the 50 year anniversary of this community resource.

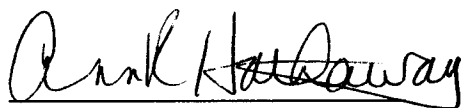
Dated this 9th day of September 2021

Travis Tschaenn, Town Council President



ATTEST:

Ann Hathaway, Clerk-Treasurer





TOWN OF Brownsburg

Whereas, September 17, 2021, marks the 234th anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention, and

Whereas, It is fitting and proper to accord official recognition to this magnificent document on its anniversary, and

Whereas, In 1955, the Daughters of the American Revolution petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week, and

Whereas, On August 2, 1956, President Dwight D. Eisenhower signed Public Law #915 observing this week,

Now, therefore, I, Travis Tschaenn, Town Council President of the Town of Brownsburg, do hereby proclaim September 17-September 23, 2021 as

CONSTITUTION WEEK

in the Town of Brownsburg, and I urge all citizens to observe the aims of this celebration, which are to 1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; 2) inform the people that the Constitution is the basis for America's great heritage and the foundation of our way of life; and 3) to encourage the study of the historical events which led to the framing of the Constitution in September 1787.

Dated this 9th day of September 2021

ATTEST:

Travis Tschaenn, Town Council President

Ann Hathaway, Clerk-Treasurer

