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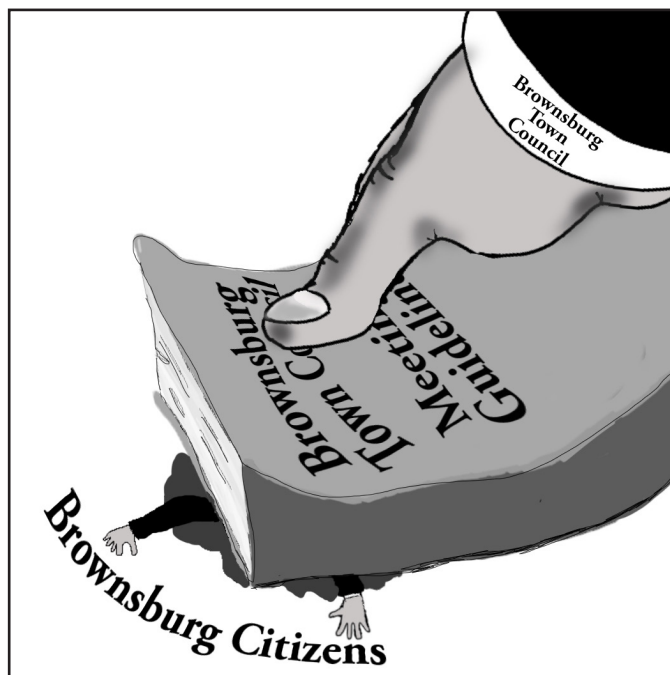
August 5th, 2014

# Town Council Changes The Rules

**July 10th Town Council Meeting** -- Many aftershocks continued to shake the foundation of Town Hall following June 26th Town Council Session. The Council understood they would face numerous and uncomfortable questions from an inquisitive and concerned populace. Changes would be announced this evening to prevent those active in monitoring governmental affairs from exposing the council's conduct to a wider audience (via the live web simulcast and video archiving of the proceedings). After the customary moment of silence and pledge of allegiance, roll call noting four members were present (Dave Richardson was absent) Mr. Hood announced changes to the rules governing citizen's comments.

(Mr. Hood) "Felt it appropriate to review the guidelines that the town council has regarding citizens comments. Understanding that taking citizens comments is a privilege, it is important this is not a requirement by any state statute. For a number of years now the council has encouraged to basically share their concerns with the council. These comments are to be directed to the entire council, not to any one specific individual. If there are personal items, these items need to be addressed outside of this venue. Our guidelines also ask that citizens recognize and respect the request to keep comments to three minutes or less".

After the announcement Mr. Hood asked if there were any citizens comments relating to the July 10th 2014 agenda items. Jim Sering of Six West Tilden took to the lectern. Mr. Sering provided historical context advocating for favorable consideration of agenda item (08.01) Accept a proposal for retail recruitment and retention solutions from Buxton subject to and conditioned upon contract with terms and conditions acceptable to the town. Mr. Sering cited statistics comparing the population and growth rates of Fishers, Carmel, and Brownsburg from the 1950's to the present day. Mr. Sering noted Carmel's and Fisher's growth rate exploded after each town utilized forced annexation and had a substantial jump in residential building. He cited additional benefits for growth, which were the good schools, nice parks and lower taxes because of the "aggressive nature of building up business and commercial". (Note: Mr. Sering's spoke uninterrupted for five minutes and fifteen seconds. It's a fact, you can



look it up. At no time did Mr. Hood or any other council member alert Mr. Sering "sir you have 30 seconds remaining, prepare to wrap things up", nor provide any notification when he exceeded the three minute threshold by greater than 50%. It's ironic, the short memory problems everyone exhibited-- as Mr. Sering's comments immediately followed Mr. Hood's reminder to all "regarding citizens comments").

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# LETTERS TO AND FROM THE EDITOR

They who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety - Benjamin Franklin

## Mr Editor and residents of Brownsburg and surrounding area:

I draw your attention to matters which were addressed at a recent Town Council Meeting, specifically the issue on the July 24th 2014 agenda: Citizens Comments - Utility Request - Ronald and Janice Riggins, 7170 Janean Drive (located in Northern Acres). For the past ten years (beginning March, 2004), the residents of Northern Acres, Starkey, Burns and Northwood subdivisions formed a committee and have been requesting utility services from the Town of Brownsburg. After numerous meetings with the Town, including discussions with 4 different town managers and numerous Council members, the Town has evidently come to a new conclusion . . . instead of doing this utility project for four entire communities with environmental hazards due to failing septic systems, it is much easier to do this on a one-by-one homeowner request at a much higher cost than as a community purchasing services from the Town. During prior Town administration, we (the Committee) were made aware when an individual homeowner requested utility service. This is currently not the case since I also attended a Town Council meeting in June, wherein a Burns resident was also granted utility service access. Since the Town has not provided us with a list of those homeowners who have been approved for utility connection, I cannot quote the exact number, but understand it to be at least 8. There are approximately 400 homeowners in these four subdivisions. In May, 2005, the town manager and town attorney held a meeting to discuss the need for individual septic systems to be replaced in these neighborhoods and the Hendricks County Surveyor and

Director of Health attended that meeting to confirm the environmental need. The Town required that a petition (drafted by the town attorney) be signed by those in favor and the Committee, in fact, provided signed petitions (over 50% in favor by each neighborhood) to the Town in October, 2005. Since that time, several expensive engineering studies were done, bids were sought and opened, and IDEM was notified who further notified every homeowner of the project. Following all of that, the project continued to be delayed for no apparent reason and we were further told that the petitions were not valid. Really . . . they were drafted by the town attorney? Fast forward to March, 2013 . . . suddenly Northern Acres, Starkey, Burns and Northwood were in the 'Excluded Area' of the famous North Annexation by the Town and not one neighborhoods Committee member was made aware that again, we would not have a chance of getting utility services to correct serious environmental hazard. The bottom line is that the Town's intent, based on the process that they empowered, with a lot of taxpayer money, has not been enabled due to each change in leadership, their separate agendas and not living up to the promises made. It does not make any sense to enable one homeowner at a time to hook into utilities. It's all or nothing . . . the environmental problem is not going to go away. The government is here to serve the people . . . sewer access is a very basic need.

Cindy Arterburn

President - Northern Acres Home Owners Association

## From the Editor to the Council at large:

Members of the council, this discussion centers on a council wide matter of integrity, trust and accuracy. On June 26th, Mr. Spencer promised to do better "It's time for the Town and its leadership to work on rebuilding trust and respect." On July 10th, you announced any public comments must be addressed to the entire council that individuals could no longer be singled out. Absent of a minority dissent, its further evidence, this change in policy was fully embraced by all member of this council. This denies the public's ability to question individual town council members on the rationale for their voting record, their positions on issues and the information they disseminate as fact. Actions of members of this body conducted in public warrant public scrutiny, questioning and oversight in public by your constituents.

This new directive indicates an "all for one, one for all" approach and because of this the public will hold each of you to account collectively for the actions and conduct of the few. As a result, the actions of the few will cause collateral damage for many which sets the stage for a confrontational rather than collaborative partnership with the constituents who elected you to serve on their behalf. Please reconsider your poorly thought through action limiting the public's access to holding individual public servants to account for their actions.

Why it may not seem obvious --doing so will foster the partnership

some have in this chamber said they seek.

Mr. President you said there is no state law which requires this body to listen to public comments. Apparently state legislators were of the belief no laws of this nature would be necessary, as not listening to the public in this forum is a clear violation of the law of common sense. Under the guise of personal attack you in fact have severely limited the voters legal rights to question their elected public servants on the record. This is not a new topic before this body. The question has been asked "Where can constituents ask questions to individual public servants on the records to hold them to account for their conduct while performing their duties?" With your most recent proclamation, apparently this is not the forum. If this is not the forum, where is it?

In conclusion, failure to make these suggested changes represents a poor understanding of the basic tenants which all governmental bodies follow. Let me leave you with this thought.... Failure to listen to your constituents runs afoul from this statement that was written into the US constitution."That to secure these rights, Governments are instituted among Men deriving their just powers from the consent of the governed." Remember we (your constituents) the people you asked to serve by running for elected office have a voice which must be heard. Who on this council believes themselves above this governing principle? -- The Editor.

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## Town Council Changes the Rules, *continued from page 1*

Page one describes how Gary Hood had announced new rules for public comments at line 14 yet, he let Jim Sering talk for over 5 minutes at line 4. When Kurt Disser came to the podium at line 14, they let him get through 3 of his points but when he began to discuss the letter to the Council about Rob Kendall's dual office holding (See Brownsburg Sentinel July 9th edition) Gary Hood started to interrupt Kurt's speech and asked "Is this being directed to the entire council? I am curious how this is relevant to the council?" Kurt answered "because this holds a tremendous liability to the Town and the Council if there is somebody sitting up here that is not legally allowed to be sitting at this council and that's the gist of this letter." Gary answers: "Point taken." Gary lets Kurt say a couple more sentences and interrupts Kurt again by saying "You're walking a real fine line at trying to point this at a specific individual and were not going to do that OK, so I ask you to move on to another subject please" Kurt then quickly summarizes his position and leaves the podium.

Seated behind me, a boy scout and his mother were in attendance to earn his citizenship badge. This reporter turned to the boy and his mother and said "Did you feel like the Town Council was being open or did you think they were trying to hide something?" The Boy Scout answered "It seemed like they didn't want him to say something" I went to hand them the July 9th edition of this publication which the mother had already picked up and I said "everything they don't want you to hear or learn about is in that paper but at your age you need to develop critical thinking and reasoning skills. Use the foundation of what is right and wrong instilled in you by your parents, do not trust that newspaper any more than you trust what you just saw and heard. After reviewing the contents of the paper and the website, hone those critical thinking skills and reach your own conclusions as to what happened versus what they tried to disallow this evening." I thanked them both for attending and appreciated them being at the meeting because these skills needed to be developed sooner than later particularly as a result of the Town Council's conduct they witnessed that evening. I turned back around and thought two things: 1) There is a glimmer of hope for the future of our country and 2) If the Town Council's conduct is incredibly obvious to a middle school student, why is this outrageous behavior tolerated by the public? If left unchecked, what access will that young man have when he grows to adulthood? It is an inconvenient truth the town council's conduct July 10th is a microcosm of the growing failings of our public servants, which prevail more often than not at the state and federal levels of government.

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To find coverage of events which did not make this edition from the July 10th and July 24th sessions of the Brownsburg Town Council. These articles will be made available shortly after the publication and distribution of the print edition.

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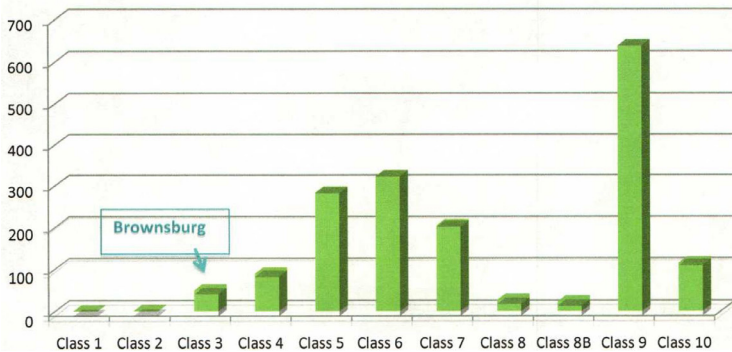


## Brownsburg Fire Territory 2013 Annual Report

Chief Brown gave a copy of the Brownsburg Fire Territory 2013 Annual Report to all current council members, township trustees, future elect council members and township trustees, as well as the town manager and assistant town manager. When presenting the report, he first highlighted financial improvements. One example being improvements in ambulance billing practices which resulted in a 17% increase in collections for 2013. The second was the ability to have the recommended 20% cash reserve which was achieved in 2013. The Fire Territory worked hard to get their finances under control; here are two examples from the Fire Territory's annual report.

Chief Brown also reported operational effectiveness ratings assigned by the Insurance Services Office (ISO). Since 1971 the Insurance Services Office is the independent, leading source of information in areas of property/casualty insurance risk. The ISO collects information on fire departments in communities throughout the United States. They analyze relevant data then assign a Public Protection Classification from 1 to 10. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area's programs don't meet ISO's minimum criteria. This rating helps business and home owners in reduced insurance premiums and demonstrates the fire territory's effectiveness in reducing risk in the areas they serve.

Brownsburg ISO Rating - Top 3% in the State  
(Out of 1,752 Communities)



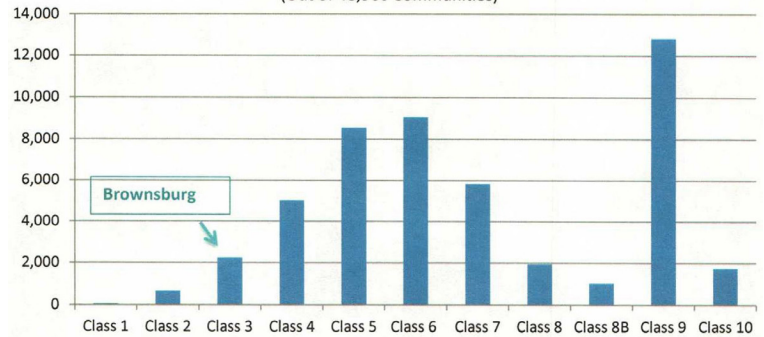
*The Brownsburg Fire Territory is in the top 3% in the state, one of only 1752 communities given a class three rating in Indiana.*

There is only 1 class 2 rated fire department in the state of Indiana. The department is constantly seeks methods to ensure highest levels of service and quality. The department's men and women challenge themselves to obtain professional certifications, maintain high readiness through rigorous training, and are always on the lookout to improve processes. In layman's terms Chief Brown summed it up to the Town Council by saying "That says a lot about our Fire Territory and the job that our men and women are doing daily".

Chief Brown then announced that Brownsburg Fire Territory is the only agency in the county to employ paralytics or rapid sequence airway to intubate a patient with a traumatic head injury. Originally Dr. Nossett, the Fire Territory's Medical Director, allowed the Territory to train 3 paramedics, and because he is pleased with the results he has allowed the Territory to train 7 more paramedics. Brownsburg remains the only response agency in the county that is allowed to do that.

In other items, Chief Brown announced that the department recently took delivery of two new medic units. The Territory was to train all the medic drivers at Lucas Oil Raceway Park and to have the training completed no later than the second week of June. He also announced the Chief Stephanie Martindale has been training the public, town employees and the park counselors on CPR giving the city over 100 first responders that can start emergency measures until paramedics arrive.

Brownsburg ISO Rating - Top 6% in the Country  
(Out of 48,960 Communities)



*The Brownsburg Fire Territory is in the top 6% of all of our nation's 48,960 fire departments.*



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## Hendricks County Communication Center Upgrade And Funding Issues

On **May 22, 2014**, Chief Brown conveyed good news and bad from the Hendricks County Communication Center (HCCC), he along with Police Chief Mike Dove and Town Council member Dave Richardson represent the fire, police, and towns interests respectively to various boards which govern the Hendricks County Communication Center.

The good news is that they were expecting an increase of 10 to 15 percent across the board in dispatch fees that are charged back to all the agencies police, fire and sheriff. However, the governing board voted to maintain the 2014 rates for 2015. "For the Brownsburg Fire Territory we were anticipating an approximate \$20,000 cost increase now that is not going to occur" said Chief Brown. Grant Kleinhenz interjected "The Brownsburg Police department was estimating additional cost increases of \$45,000 from charge back increases."

Chief Brown continued "That is only the operating expense, it also reduces the cash reserves that they do have at the center. Some of the issues we are facing is we have serious infrastructure needs. One of which we have discussed for many years are the dead zones, and a tower is needed in Brownsburg". HCCC governing board decided to remain with Integrated Public Safety Commission (IPSG), this is a state agency charged with public safety communications. This solution requires the Hendricks County Communication Center to purchase 12 new consoles (this carries a significant price tag). Presently two towers deliver services, one located in Plainfield and the other located in Danville because of dead spots the HCCC proposes to add two towers one in Brownsburg at the Brownsburg Fire Territory building grounds and one in Belleville.

**Why is a new system needed now?** The state currently runs on an 800MHZ communications system which was designed in 2000 and can handle 64,000 ID's. The system is at capacity and we cannot add any more users. The manufacturing end date for the system was 2013 with support ending by the manufacturer in 2017. This system will not be upgradeable and it will only be repairable while parts can be found on the Internet. Because of these issues the state has decided to upgrade their system. They chose Motorola because most of the state was already using a Motorola system and Motorola will help in the upgrade. The new P25 system will allow for 128,000 ID's doubling our current capacity and also allows for more towers to cover dead spots. It will also allow Indiana to join the New National Broadband system called FIRSTNET. The system will upgrade will take two years with Motorola giving upgrade kits for the radios for free. If the zone has any analog radios they will need to be replaced by the local agency, Motorola is giving a 52% discount on the new units. However, additional towers need to be purchased by the local zone. The state is researching the possibility of grants to help the local zones.

The estimated cost of the project for the HCCC is between 4 and 5 million dollars. Dave Richardson, Chief Brown and Director Cook met with the Hendricks County Administrator Mike Graham to discuss available funding options. When the HCCC was opened there was a 6.6 million bond issue, they have paid that down to somewhere around 2.2 million. They discussed refinancing the bond issue so that some of the money could be freed up.

Chief Brown warned the council "An additional challenge this project faces is a very short time window because as the state upgrades their communications system next spring, we have to be ready in order to facilitate this. Otherwise the center will not be able to dispatch from the consoles they're currently using. Dispatchers will be forced to use portable radios to dispatch, and that is simply unacceptable".

Chief Brown expressed his concerns obtaining funding solutions within tight deadlines "Everyone has a lot of challenges facing them, and the bottom line is it's gonna cost. We tried to provide some options this past legislative session to the state, we were successful getting our options through the house but we did not get past the senate. The senate does not recognize there are issues not only with

this county but state wide so we are going to continue that fight. Continue to offer creative ideas to fund this project. But it is very; very important we have a fully funded public safety communications system in this county. Because all incidents regardless of type be it bank robbery, car accident, heart attack, to god forbid a tornado goes through any of our communities here in Hendricks county; it all starts from that initial phone call to the center. It all starts locally and ends locally so we have to have a communications system which carries us into the next century."

Chief Brown praised everyone for their efforts to point "I'm very pleased to say this, that councilman Richardson has taken a very personal involvement and proactive approach working with all parties involved. Not only Chief Brown, but Chief Dove and the other members of the HCCC operations board and governing board to try to help to find solutions to this problem.

Chief Brown closed and reminded everyone of their duties, "The other task we have as public officials and elected officials we need to educate the community and the residents of the county to the problems we're facing. We're all going to work collaboratively to figure out a solution. Because quite frankly it's gonna take money to fund this project. If that is in the form of tax revenue, grant dollars, or bond issue; that's the governing boards and the county commissioners and the county councilmen's are charged with figuring that out. We can design and suggest what is needed for infrastructure needed to do it, but if the funding piece is not there we are dead in the water."

At the Town Council meeting on **June 26th 2014**, Chief Brown gave a short update on the situation. In less than 30 days from the May report, the unthinkable happened twice. First, a tornado hit Plainfield/Avon area and secondly, a roof collapsed while fighting a fire in Brownsburg which trapped two firefighters and for a while one was missing because the area of the fire was a dead zone for communications. These two incidences brought home the need to add the two new towers.

And at the **July 24th, 2014** Town Council meeting, Chief Brown spoke again about the issues we are facing with the radio communications in Brownsburg and in the county as a whole. The OPS Board for the HCCC recommended to the HCCC Governing Board to accept the Motorola proposal. This project has a very aggressive time line that starts December 1st 2014 and has to complete by April 2015 or the county will have to go to a hand-held radio system because without the upgrade our system will not be able to work with the state system. The OPS Board also recommended that the HCCC hire a qualified project manager to run this project because of the time line and all the moving parts of the project. HCCC scheduled a workshop on August 12th with the Cnty. Commissioners to discuss the funding options. More details to come in August.

### Mr. Kendall - Investigations Underway

Mr Kendall still refuses to provide the data to back up the "FACTS" he quoted in his speech at Town Council June 26th.

Mr. Kendall still refuses to clarify his own actions and accusations from on or about June 26th. This publication received no response to multiple offers to print his positions on these two items.



Hendricks County Prosecutor has opened an investigation into the alleged dual office holding charges brought forward by concerned area residents. Their lead investigator has been assigned to the case.

Brownsburg Police Department has opened an investigation into Mr. Kendall's allegations of receiving "threats".

## Northfield Drive Bond Issuance

At the July 10, 2014 Town Council Meeting, the members heard the final reading and took a vote to accept the Bond Issuance to fund the Northfield constructions projects proposed by the Redevelopment Commission and the Redevelopment Authority. This bond issue funds the Northfield Drive (56th street to US136) and Northfield Drive West (White Lick Creek to US136) improvement projects that are currently being worked on.

It seems that last year, the Town Council and the Redevelopment Commission worked out a reimbursement plan so the work could start while the bond issue was being set up. The Town paid its portion of the construction costs in 2013 out of the TIF fund balance which was \$2.6 million (\$1.0 Million for Northfield Drive East and \$1.6 Million for Northfield Drive West).

The bond issue is to refund the TIF fund the cash paid out in 2013 and use the bond issue for the new requirements for pre-1995 TIF districts laid out in Indiana Senate Bill 118. *(In essence, robbing Peter to pay Paul, BEFORE changes per SB118 kicked in. -ed.)*

This bond will be for \$4.1 Million dollars which includes construction costs, construction inspection costs and a contingency for overages adding up to \$3.4 Million with the remaining portion of the bond is for capitalized interest, debt service reserve, underwriter's and insurance costs. The redevelopment Commission and the Redevelopment Authority decided that the best type of bond would be a Lease Rental Bond. Both the RDC and the RDA approved the agreement in their joint meeting on June 3rd, 2014.

Because of Senate Bill 118, this bond issue will be the marker used for the termination of the North Beltway Economic Development Area. The bill requires all pre-1995 TIF districts to be dissolved by 2040. The TIF will fund this bond over the next 25 years ending in September 2039. This allows new debt to be issued as long as it will be paid off by the termination of the TIF. This gives the town 25 years to issue more debt to fund projects like Ronald Reagan Parkway from US 136 to CR300N and the widening of the Ronald Reagan from CR300N to US36 in the Town of Avon.

*(Note: On page 1 Mr. Sering sited the growth of Carmel, while many believe Mr. Sering's heart is in the right place, it is in fact the reckless spending spree (aggressive growth) by Carmel's RDC which became the driving force for the creation and passage of Indiana State Senate Bill 118. In part -- Redevelopment commissions cannot issue public debt greater than \$5 million without approval from a town or city council. Carmel RDC issued millions in public debt without Carmel City Council oversight, until approximately 2012. Later that body had to assist in refinancing of \$184 million of debt by pledging a portion of the city's property tax base. This is one of many public debt burdens the residents of Carmel must service, many as a result of the "aggressive growth" advocated by Jim Sering. This is only one component of many other reforms contained in bill SB118. It should be noted Mr. Kendall was an outspoken critic of this bill. It's a fact you can look it up, see Hendricks County Icon April 2014 Edition pg. 3 Letter to the editor titled "Sold out by the senator".-ed.)*

**See Page 7 for a primer on TIF Districts and the changes that started this summer with Indiana Senate Bill 118.**

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## What is a TIF District?

Most people do not understand TIF districts so here is a primer and what changes with the new bill.

### What is a TIF District?

A TIF or Tax Increment Financing is a tool for development and redevelopment which captures increases in taxable assessed value in an allocation area and the revenue generated from that development (or Growth) is used to finance public improvements.

### What were the benefits of a TIF pre-July 1, 2014?

A TIF provides a financing tool for redevelopment using the increased tax proceeds or increment that will be generated by the increased tax base in the TIF area. It gives a way for a city to use the increased tax receipts created by redevelopment to fund capital improvements needed to attract new development which otherwise may not occur.

A city can use the TIF proceeds to pay expenses incurred by the redevelopment commission for local public improvements that are in the TIF district or serves the TIF district. The proceeds are designed to make the principal and interest payments on bonds issued to finance public projects in the allocation area or it can reimburse the city for expenses used for local improvements.

### What is the advantage of a TIF district?

The redevelopment is self-funded. It allows the city to do public improvements without a petition or referendum. Theoretically, the TIF transfers the risk of the redevelopment expense to the bond holders from the taxpayer.

### What are the disadvantages of a TIF?

A TIF district assumes that all increased taxable value in the district is caused by redevelopment. It freezes the real property tax base and the TIF bonds usually carry higher interest costs.

### Why is Brownsburg rushing to issue bonds at this time from their TIF districts?

In the last legislative session Indiana Senate Bill 118 was passed and became effective on July 1, 2014. The bill was caused by what was deemed as reckless behavior of the Carmel Redevelopment Commission which caused 184 Million dollars in debt for Carmel. The new law states that any TIF district established before 1995 must expire by 2025. The bill established more oversight of the Redevelopment commissions by the city to include the following:

- 1) Over 5 million must be approved by a Town Council
- 2) There must be a treasurer
- 3) The Redevelopment Commissions are subject to State Audits and
- 4) They must show proof that the incremental tax revenue will be caused by the improvements.

***Because of these changes, more of the incremental tax revenue may go to the fire territory, schools and libraries.***

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