



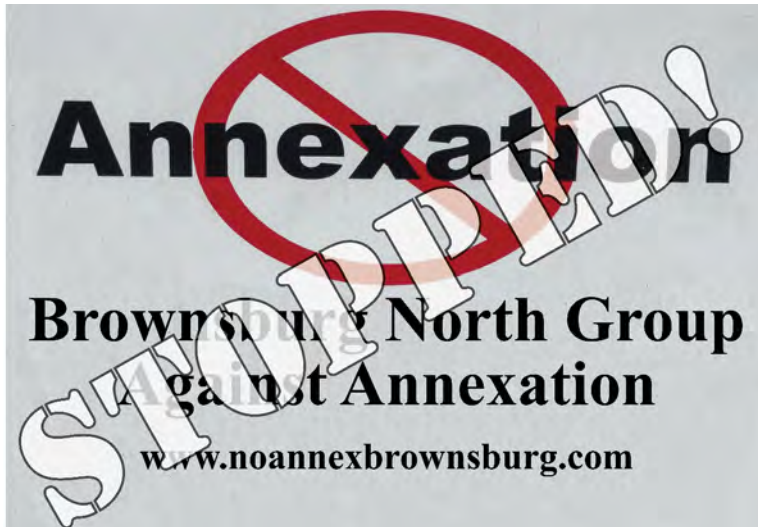
November 30, 2016

# NORTH ANNEXATION STOPPED !

Judge Rules in Favor of Those  
Fighting Involuntary Annexation

TOWN OF  
**Brownsburg**

November Town  
Council Highlights



The town Council was very busy this month holding 6 meetings for a total of approximately 6.5 hours between regularly scheduled meetings and special meeting mainly to do with the waste water plant project. Besides these public meetings, the Town council members and staff spent countless hours working on the financing, sewer rate schedule and meeting with concerned citizens over this project. Hold on to your hat it will be a wild ride this month.

## Nov 2nd Special Town Council meeting

The first meeting in November was a special meeting with the sole purpose of hearing the concerns of the citizens of Brownsburg. Ms. Bascu opened the meeting and acknowledged that all town council members were present along with Todd Wallace, the town engineer, and Andre and Scott from Umbaugh.

The evening started with a power point overview presentation presented by MR. Kleinhenz and Umbaugh (The presentation can be found under news on the town website entitled Wastewater Treatment Plant Expansion & Sewer System Improvements).

Mr. Kleinhenz started with a history lessons around wastewater treatment in Brownsburg. The plant was put into operation in 1987 when the town population was 8,000 people. In 2000, the plant was expanded to its current 3.5 million gallons per day and in 2010 the combined sewer tank overflow was constructed. A master plan updated in 2012 recommended expanding the water treatment plant to 6.9 million gallons per day to accommodate a projected population of 41,000 residents by 2036. With the current population of around 25,000 the plant is at 85% capacity and at 90% capacity on a rainy day.

The town averages 160-170 new single family house permits a year. For this year, we are currently at 169 through October with another 15-20 expected by the end of the year. On top of that number, the town has added several new businesses this year and has dozens of prospective businesses looking at Brownsburg. The town needs to expand the plant or stop growth so the town is pursuing a 21 Million dollar expansion. The project really has two reasons to be done: 1) to increase capacity and 2) to become compliant on phosphorus remediation and replacing chlorine with UV for bacteria decontamination. The list of short term needs that will be handled in the first phase are:

- West Plant Screen Building
- Phosphorus removal facilities (IDEM requirement)
- Ultraviolet (UV) disinfection
- Effluent filters to replace polishing ponds
- Screening for West Lift Station flows
- Water reuse System upgrade
- Effluent pipe size increase

November 16, 2016 Judge Heather Welsh, a special judge within Marion Superior Court Civil Division, issued her order following an August bench trial. She ruled the annexation cannot proceed because the Town of Brownsburg failed to meet requirements found in Indiana statutes.

Remonstrators are continuing to collect donations to pay for past and future legal fees. The remonstrators are preparing as if the town will continue the legal battle; while they are waiting to learn if the town will appeal Judge Heather Welsh's order.

## Details supporting the Judge's decision:

Judge Welsh noted while portions of the Indiana code could be viewed as vague, she was still able to determine the Town of Brownsburg failed to provide evidence the area being annexed was contiguous, urban in nature 36-4-3-13 (b), or that the area was "needed and can be used" for future development 36-4-3-13(c).

The town failed to meet the test of 36-4-3-13 (b) for the purposes of this publication, we will simplify the judge's findings -- the town failed to provide evidence the area being annexed satisfied any one of three legal tests used to determine the area being annexed was contiguous to the municipality. As this is a complex matter, please see our website to review the details surrounding the Judge's decision.

The town also failed to meet the test of 36-4-3-13(c) the territory being annexed is contiguous to the municipality (per legal definitions) AND is needed and can be used by the municipality for its development in the reasonably near future. Judge Welsh stated the following to support her decision of the town's failure to pass 13(c), based on the town's evidence small portions of the area *may* be developed, but at best between 5 to 15 years in the future. The town failed to establish a time-line for future construction on Ronald Reagan Parkway. Ronald Reagan Parkway is a collaborative effort between

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*You may not receive the governance you vote for, you always receive the governance you tolerate. -- The Editor*

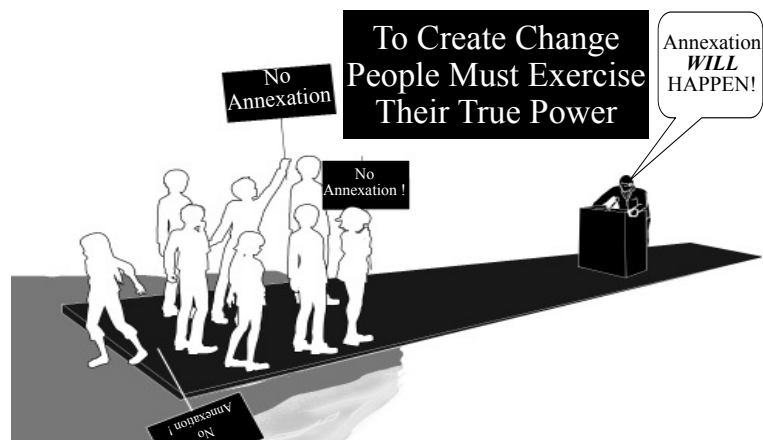
# LETTER FROM / TO THE EDITOR

**It's all about Waste Water all month!:** The town administration, boards and commissions have been focused for the most part delivering a workable waste water treatment plant solution, to the town council and the public at large. A significant amount of time was spent hand wringing where the monies would come from, as much of the monies available had been earmarked for the town "wants" projects leaving little available monies for this very important need. *Active involvement by a wide cross section of the community*, assisted the town in "finding" more available monies ultimately reducing the estimated town published sewer rate increase from 53% to approximately 47.2%. *We applaud public involvement and advocate it continue.* The town portrayed they were rushing to meet two deadlines. First one monies approved and available from the state must be wrapped up by December 31st, or the town must re-apply for this funding potentially placing this funding at risk, when competing against other municipalities.

The second deadline is a bit more suspect, the deadline to comply with more stringent waste water treatment discharge standards (approximately October 2018). This requirement has been well known within the industry for greater than 5 years. Legal notification of the town's need to comply would have come at the time of waste water treatment plant license renewal in 2015. To convey to the town this was a "surprise" the town administration was caught off guard is disingenuous at best. It is easy to logically assume multiple town council administrations were made aware of this contentious issue and chose to do nothing doing themselves and the community they were elected to serve an grave injustice. It is important to separate the estimated 3 mil (+/-) dollars that are needed to meet the Oct. 2018 discharge; against the remaining project dollars estimated 17 mil (+/-) to replace aging infrastructure, needs for expansions and the like. This publications conversations with many of the public, this difference was not clear, to the point many believed the citizens were held hostage to an all or nothing solution. This perception (real or imagined) the town did little to change until running out of time, as it served their ultimate purpose waste water treatment plant upgrades.

## **Brownsburg Little League Update: Where's the Emergency Exit?:**

Recently members of the town council have been promoting a new position -- The Brownsburg Little League must find land within town limits to receive any town funding to the uninformed this seems reasonable. However, to those watching the situation more closely, this is a one sided face saving excuse to deflect the public's attention from the truth. The town's mismanagement, poor communication over the years, followed by the near instantaneous start up of the "St. Malachy Project", gave the B'burg Little League very little time to react. Rather than seeking publicly palatable excuses for not owning up to the town's responsibilities in this matter; this publication suggests the town return to seeking a negotiated settlement mutually beneficial to all parties involved. In short, the town's actions created the problem, as a result they have a responsibility to fix it. - *The Editor*



Kurt shares his recent letter to the council - Town council members: I just wanted to further elaborate on my comments made at the public hearing concerning the new rate increases voted on November 10th, 2016. I think after listening to Mr Benham's response to some of my statements, this clarification is in order. I was merely pointing out the inconsistencies and contradictions in statements made by your legal counsel, Grant Kleinhenz, and the Umbaugh and associates representatives. I was not accusing the town of inappropriate behavior, but merely repeating what has been said by these town employees. Here are the INDISPUTABLE facts:

On November 2nd, Grant and the Umbaugh representative both stated that taking any monies out of the enterprise funds (601-605-606... the water, wastewater, and stormwater funds) **WOULD BE ILLEGAL** if they were used for anything other than operating, cleaning, maintaining, or administrating the plants. (see minutes 38-52 and others of the public hearing). They stated this on multiple occasions and emphasized the illegal use of these funds. Using this premise, they told you and the public that other funds cannot be used for this wastewater project specifically citing park funds, non reverting funds and the food and beverage funds.

The next fact is: The town spent almost a quarter of a million dollars to pay attorneys in annexation litigation from these three enterprise funds over 2013-2016. This is **NOT OPERATING OR ADMINISTRATING WATER OR WASTEWATER PLANTS IN ANY WAY**. I asked your attorney to sight the statutes that they were so boldly speaking of and what the penalty would be **IF YOU ILLEGALLY TOOK MONEY OUT OF THESE FUNDS**. Your attorney did not know any statutory reference nor knew what the penalty (if any) that would happen to the town if this was the case. (This is not satisfactory legal representation if you ask me, but we have seen many issues in the past where this town attorney had no knowledge of state laws or processes involved that are necessary for the town. That is another issue, and all should take that into consideration before taking any of their statements as factual before something fiscally catastrophic might happen.) (VERY DISTURBING)

So the only possibilities are that the town **DID ILLEGALLY SPEND MONEY** out of these funds for legal fees to fight annexation probably with no penalties but the town would be forced to reimburse these funds from somewhere else. Or the SBOA may allow broad liberal interpretation of the town's ability to spend monies out of these funds. This would have to apply to all the other funds also.... which would then allow the town **TO LEGALLY MOVE DOLLARS FROM OTHER FUNDS** in order to be used on something such as the wastewater treatment plant.

Grant even stated that the park's would benefit from the plant, which could then be allowed as an excuse to **LEGALLY** move **DOLLARS FROM** these other park funds, food and beverage, etc.. since it would be in their best interests. Such a conclusion could even allow the town to take funds out of the police dept., EDIT, CCD, MVH, etc. Such an interpretation would allow you to basically do anything you want since the entire community as a whole would benefit from such a plant. (If you subscribe to this premise, which I **DO NOT**) But the point would be that this **WOULD DIRECTLY CONTRADICT WHAT GRANT and TRICIA LEMINGER HAS BEEN TELLING THIS COUNCIL FOR MANY YEARS CONCERNING THE LEGAL DISBURSEMENTS OF THESE DOLLARS**.

I don't care which scenario would be the **LEGAL INTERPRETATION**. IT **CANNOT BE BOTH WAYS THAT WOULD BE PARADOXICAL**. Either way, this council and past ones have been misled for years about processes involved in the town. Why the dollar movements would be allowed to fight annexation and **THEN NOT BE ALLOWED TO MOVE THEM FROM OTHER FUNDS FOR SUCH A PROJECT. THIS SEEMS HYPOCRITICAL TO MANY IN THE PUBLIC.** -Kurt Disser (letter modified for clarity Ed.)

## Judge Rules in Favor - *cont. page 1 - The Editor*

Hendricks County and the State of Indiana. Brownsburg is not involved in the process. Judge Welsh also found while the town stated in the 2013 fiscal plan "improvements on the west side" which refers to construction of the bridge over I-74 (near Lowes) this project is targeted for 2026. Making the delivery at least 10 years away assuming target dates are met. In addition, Judge Welsh referenced that the Town of Brownsburg Zoning Appeals board rejected proposals for residential development in the area due to problems with soil drainage and the school corporation had no plans for development in the area. Judge Welsh did not rule on 13(d) fiscal plan validation, nor 13(e) currently adequately furnished police, fire, road & street maintenance, or if annexation is not in the best interest of the land owners.

### The town posted a press release on their website:

"The Town received the court's order regarding the North Annexation Area at approximately 4:00pm on Wednesday, November 16th. Since it was received late in the day, we have not yet had an opportunity to fully review the opinion with our attorneys, nor discuss the matter with the Town Council. We will attempt to meet soon with the Council and the Town's attorneys to consider our options, and will have further comment after that time."

**Historical Context:** Adopted by the town of Brownsburg in 2013, the ordinance sought to involuntarily annex approximately 4400 acres, 1193 parcels, north of the town's current boundary. Almost immediately, the area formed the group Fight Against Brownsburg Annexation. The membership told the members of the 2013 town council Gary Hood, Rob Kendall, Dwayne Sawyer, Don Spencer, and Dave Richardson, well prior to the third and final vote, they held enough petitions to fight annexation and were more than willing to do so if the ordinance was passed. They suggested stopping the involuntary annexation; as there must be a less heavy handed approach. Their calls to stop involuntary annexation went unheeded, the final vote -- Rob Kendall, Dwayne Sawyer, and Gary Hood voted in favor, Dave Richardson and Don Spencer in opposition.

**Many Missed Opportunities:** As time passed Don Spencer, Glenn Nulty, (past town council members) Dennis Dawes and Brian Jessen (current town council members) all either voted against or campaigned to repeal annexation, yet these four individuals did not move forward in attempting to stop annexation. These are the people who publicly stated they wanted to stop the annexation, who had a VOTE to stop the matter and have not done so to date; so each shoulder a portion of the responsibility for the monies the town has spent on annexation. As noted earlier, past council members involved Rob Kendall, Dwayne Sawyer, Gary Hood, current council members Ashley Bascu, Sean Benham, Chris Worley, and current Town Manager Grant Kleinhenz and other members of the town administration have all either publicly supported the effort or have done nothing publicly to stop the annexation and thus the countless monies to fight the remonstrance.

"ALL THE TRANQUILITY, THE HAPPINESS  
AND SECURITY OF MANKIND  
REST ON JUSTICE, ON THE  
OBLIGATION TO RESPECT  
THE RIGHTS OF OTHERS.

-- Thomas Jefferson



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## Nov. Council Highlights - *continued from page 5*

- Additional cascade aerators
- Expand administration building originally designed for four employees ( now at 12)
- Secondary Treatment upgrades

What has happened with the project to date?

- In March 2015, special town council meeting where staff was given the go ahead with the design of Plant Phase 1A, Plant Phase 1B and Sewer collection Phase 1A.
- In June 2015, the town council awarded the design contract to Arcadis for 2.27M. Estimates at the time, had design taking a year, decisions on rates would be in the spring 2016, bidding in the fall of 2016 and construction to begin in 2017.
- In late 2015, a contract for value engineering was awarded to Wessler Engineering at a cost of \$30,000. Wessler identified 1.1M in savings.
- In May 2016, A special town council meeting was held for Arcadis to provide an update on their design which was 60% complete and for Umbaugh presenting the first look at sewer rates.
- During the August budget meeting, the town council directed staff to proceed with the bidding process.
- On October 4, 2016—financing was fine tuned.
- October 27, 2016 the bids were opened with the lowest bid coming in at 21M 6 M than the estimates.

What does the estimated project funding look like? The town has already spent 2.277M on the project. At this meeting they were looking at a SRF bond of 16.357M, a General Obligation bond of 2M and other cash totaling 3M which was coming from the wastewater fund for 2M, LOIT special distribution for \$750,000 and stormwater fund for \$250,000 with an additional 1.169M from wastewater fund to be used to retire the 1998 bond.

What cost saving measures did the town utilize?

- Using 3M in cash
- Using a GO Bond

*cont to p. 4*

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## November Council Highlights - *continued from page 3*

- Utilized 2.3 M in cash to pay for the design (already spent)
- Utilizing 1.6M to pay off the 1998 Bond
- Took advantage of the Northfield construction to install a larger diameter sewer line. This removed \$850,00 from the project at a cost of \$650,000 (already paid for)
- Value engineering contract which found 1.1M in savings
- Pursued a phasing in of the increased rate with the State Revolving Fund (SRF)
- Investigating options to provide emergency utility relief
- Bid project with various alternatives so the council could choose what to pursue
- Contacted 12 major companies to discuss the project
- Achieved several bids with the lowest bid coming in at 17.5 M plus 1.7M contingency and 2M for inspections for a total of 21M
- Considering requiring an annual review of the rates so they can be adjusted based on town growth

When Mr. Kleinhenz was finished there were a couple of questions from the council. First Mr. Dawes asked if there were any problem with SRF we changed our rates in year 2-4? The answer was that as long as the town structures the rate so that the rates and charges will provide for day to day operations, principle and interest and 25% of another payment—staff thinks the SRF will let the town council make changes.

Next the council asked Mr. Kleinhenz to review the deadlines to get this project moving. To be able to get the SRF loan and guarantee the low 2.25% rate, the loan must be closed before December 31, 2016. The bids are only good for 90 days which falls in mid-January 2017 and the IDEM mandate for Phosphorus removal must be on line by October 1, 2018 which to meet that date the project must start in January 2017. If the town does not meet the deadline, there could be daily fines and /or criminal charges. The town asked for an extension but was denied. The council asked how much it would be to do just the phosphorus removal and the answer was 1.1M but it was not advised as it would add work later when the other improvement would happen.

At this point, the session was opened for public comments with 15-20 different citizens coming to the podium. It was good to see so many citizens come to the meeting to voice their concerns even though at points those comments did become contentious. I will try to summarize the questions and answers received on November 2<sup>nd</sup> and indicate when the answer will be addressed at a different meeting date.

1) How much money is currently in the EDIT fund? There is about 5 million dollars but some of those funds are already committed for economic development incentives i.e. the west side of Green Street and other projects.

2) Can we use the other money in EDIT for this project? We can pull 2 million from EDIT for this project if any more is taken we are impacting already approved projects.

3) Can we grandfather the old rates in for current residents and only use the higher rates for new homes and/or residents? This can be done based on state law which states all residents must be treated equitably. These monies go into the enterprise fund for the last 30 years. The fund is used to pay for sewer plant expenses and the administration of the sewer plant (payroll, HR and such). The rates are being increased to pay for the capital improvements. We usually save about 300,000-400,000 dollars per year which we have been using to pay for the design and any other pre-project work that needed to be done. Those items are in the cost of the project but are already been paid and will not be part of the funding package.

4) The citizens are frustrated because the rates are going up but we see other things like the Gateway project which seems like that money could have been spent on the sewer? The money used for the Gateway project came out of the parks fund from food and beverage taxes and must be used on projects connected with the park, walkways, trails etc, Those monies per state law may not be used for the wastewater plant only for park type projects.

5) Is there EDIT money set aside for the recreation center? No because it is not an approved project by the Town Council yet. The funding for the recreation center will be looked at once staff gets the go ahead from the council. By the way, the town never wants to deplete all cash reserves because it would lower the town's bond rating and is not good fiscal policy.

6) Does the town service outside the city limits for sewer? Yes.

7) Do they pay higher rates? Yes. The town is going to talk to the trustees about helping with some sort of subsidy program to offset the rate hike.

8) If we have more than 5 million dollars in the EDIT funds, why can't we use some of the money towards more cash for this project? Mr. Kleinhenz stated that it would take more than 1 million dollars to actually affect the rate dramatically. Every million dollars has the possibility of lowering the rate increase by 50 cents.

9) I live outside the city limits and have septic and well but I live near the wastewater treatment plant how will this expansion affect my property? All the improvements are located within the current footprint of the existing plant. There will be more water going through the system. The wastewater treatment plant project has *cont to p. 5*

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## November Council Highlights - *continued from page 4*

requirements to make sure they do not affect neighbors with well and septic. Also, there will actually be less chemicals in the treatment and it will be safer.

10) I am a customer of citizen's water and Brownsburg wastewater. I pay an unmetered rate based on an average use of 6000 gallons of water a month. Does this rate change need state approval? No, not like other utilities, the town needs SRF approval so they can make sure we can pay back the loan.

11) The rates could down with growth, could they go up? Yes but it is possible but it would need to be something negative like a big industrial customer leaving Brownsburg.

12) Are there stipulations in the contract to get the project done faster? No, there are disincentives in the contract for being late but no incentives for being early.

Up to this point, the meeting had been very cordial but when the next citizen came to the podium voices were raised and it became confrontational. I do want to commend Mr. Dawes and Mr. Jessen for defusing the situation as best they could. This citizen's questions are the following:

13) Whitestown made a 25 million expansion with no rate increase, have you asked them how they did that it? No Mr. Kleinhenz will contact the Whitestown wastewater to understand how it was accomplished.

14) Three months ago a group asked to help and they haven't heard from the town. There has been no communication to the community. Mr. Kleinhenz answered that no one had contacted him for a meeting until this very week. Mr. Jessen suggested a meeting with concerned parties to discuss suggestions. (This meeting happened on Nov. 8<sup>th</sup>)

When that citizen left the podium decorum returned with the rest of the citizens who had inquiries that night.

15) In the various phases have any consideration been given to increase hook-up fees including the availability fees? How much we could use availability fees was limited by the SRF but 50% of the fees are baked into these numbers already.

16) Follow up from an earlier question, seems like the town council budgets money to the parks department, can the town allocate less money to the parks department? See earlier answer this is regulated by the types of fees used.

17) For the past year, I have been following my water bill and using the current formula and the information in the legal notice I think I will have a 78% increase not a 54% increase that is in the slides. I also do not think anyone would ever reduce rates. I would like the council to hire a "time study engineer" to look at each department to see if the departments are taking the appropriate amount of money out of the enterprise fund for the administration of the wastewater plant.

18) What will the savings be to go from chlorine to UV? It will be around \$20,000, however, the phosphorus removal costs more so there will probably be no savings in the long run.

19) What other funds can the town take money out of for the project and has the town looked at those other funds to see if they can be used? I would like a detail report of where the town could find extra money to put to the project.

20) Compare to other towns how does are rates compare? We have a graph where the town is going from the low end to the higher end of the spectrum but all other municipalities have to meet the same regulations and will be re-looking at their rates to accommodate the changes.

21) If everyone has to be treated the same with the sewer bill, why does a person who only has sewer get a flat rate? In town the rates are based on a factor off the amount of water used, if you don't use the cities watered you pay an unmetered rate.

22) What is the true cost of all the fees at the end of the 5 years? It will be 21 Million plus 6 million in interest which is already built into the new sewer rates.

23) What is the highest annual payment level over the life of the loan? It is 1.6 million.

24) What is the possible fine for not hitting the phosphorus removal date? This was answer on subsequent meetings.

25) What is the home hook-up fee? It is \$4700 for sewer and about \$2000 for water for a total of approximately \$7000.

25) Comment: Every time a government entity says it is only going to cost a little it never happens the citizens are taxed to death.

26) Businesses will pass on their cost to the customers but households cannot. I did my own calculations and also got a 78% increase for my bill. Enterprise funds have been used for funding various purposes from other department, can we determine the real cost? The rate increase is only for the increased capacity. The enterprise is used for other wastewater needs outside of this project. The town has reduced the reliance of the enterprise fund. The town can't use money out of other funds for wastewater when there are other needs in the town.

27) I just moved to town within the year, first mention of the project I received was on my bill. I just got the notice yesterday. When I read the packet there was not enough information.

With no other citizens coming up to the podium and after 2.5 hours the meeting was adjourned

### Nov 3<sup>rd</sup> special town council meeting

The meeting was opened by Ms. Bascu who announced that all Town Council members were present,

First up were citizen's comments on the agenda. Mr. Lacy approached the podium to talk about calculations he had performed on his water bill. He did not get the same numbers as the slides. He asked if the rate schedule was linear in nature? Staff answered yes however, there is a base fee that will be assessed first and then the additional gallons are calculated at the rate schedule. Mr. Lacy could not go on with his comments because he did not have all the information to do his calculations.

Next up was Bill Sibbing who wanted to amend his comments from the Nov. 2<sup>nd</sup> meeting. He did find a mistake in his formula and his original calculations would be a 65% increase instead of a 78% increase. With the help of staff, Bill was given the correct formula because there are actually two rates in play. When he used the revised Umbaugh numbers, he confirmed a 54% increase. He thanked the staff for their help. His new request was for the town council not to vote on 2<sup>nd</sup> reading this evening and look for some more or different funding which might change the rates.

There was only old business on the agenda this evening.. Ordinance #2016-35 – An Ordinance of the Town Council of the Town of Brownsburg, Indiana Amending Title V, Chapter 52, Section 52.71 of the Town of Brownsburg Code of Ordinances Relating to Sewers and Sewer Rates – Proposed 2<sup>nd</sup> Reading (Grant Kleinhenz)

First Mr. Kleinhenz wanted to answer some questions from the Nov. 2<sup>nd</sup> public meeting. More detailed answer to question #17 above. Staff went to the budget binders and looked at the detail and the budgets and the actuals show that the town has been *cont to p. 8*

## Advisory Plan Commission November 7<sup>th</sup> Special Meeting

The APC was called to order and the president announced that they had a quorum even though members were unavailable.. This special meeting was called to discuss the new urban commercial district zoning that was requested by the town council. On the docket was also two Development Plan requests.

First on the agenda was the zoning amendment discussion, PCZT-08-16-1439 UC District Zoning Text Amendment A recommendation for zoning text changes to the Urban Commercial District (UC) to: permit first floor residential uses; establish a new overlay zoning district and promote downtown walkability. ADVERTISED PUBLIC HEARING Represented by: Todd Barker, Director of Development Services.

Todd Barker started the conversation by reminded the APC about the purpose for the mixed use district and what the original zoning was trying to create. The mixed use district #1 was defined as a walkable district for the town. This category of zoning was created in 2012 with the zoning update to reintroduce this concept back into the town's zoning district. In the last six months, there have been a couple of mixed use projects which wanted a variance to have residential areas on the first floor. The town council sent a request to staff and the advisory plan commission to understand what other towns/cities do and try to rework the zoning to be friendlier to mixed use development. Staff looked at other towns mixed use zoning districts and talked with developers not currently engaged in Brownsburg and were told the town should not completely eliminate first floor residential because when shops are vacant the walkability of the district is decreased.

Staff then looked at how to have key nodes and encourage development along the Green and Main Street corridors. To this end, staff developed an overlay district with the intent of protecting key three key intersections which are Enderly and North Green, Main and Green and Main and Jefferson. Having these three intersections the focus of the overlay districts is consistent with the comprehensive plan. Studies show that most walkable districts are designed by the amount of distance people are willing to walk. The research shows that people are willing to go between a ¼ mile and a ½ mile to get to the district. Staff was not willing to go that far in this beginning area so they opted for 1/8 mile to ¼ mile distance for the district.

There are three pieces to the overlay design:

- ¼ mile is the boundary of the overall district itself
- a 1/8 mile pedestrian mixed use core and
- a hashed area which is the pedestrian mixed use corridor.

What are the changes to the code? The first changes are to Article 2 of the code. First is a change to the district intent which now will be houses, institutional and offices on the first floor which allows for both vertical and horizontal mix use. The second change is under permitted use where staff added the various multi-family pieces to be admitted on all floors.

Next Mr. Barker showed overlay version 3 which is the current version for the zoning changes. There are three layers of standards. What happens if a property falls partially in and out of the district boundary? Mr. Barker commented that only the portion of the property in the district is subject to the overlay if it makes sense architecturally for the project to do so. *(see reduced map end of this article for boundary layer reference)*

The use restrictions include a special exception would need to be filed for multi-family on the first floor for the 1/8 mile core which would need BZA approval. Secondly, surface parking restriction of use within the hashed area with a total prohibition of surface parking with exception to the multi-family areas.

Changes to section 3.10, these standards apply to all of the overlay area. This includes must be at least two stories to encourage

walkability, architectural limitations, entrance standards, corners and openings and minimums for balcony and mezzanine spaces.

Changes to section 3.1, these standards apply to the 1/8 mile core area. This includes first floor finish floor elevation separation, first floor heights of residential and non-residential uses and maximum door spacing.

Lastly changes to 3.12, the standards apply to the ¼ mile overlay area. This includes distant separation of residential and non-residential, height separation between the walkway and the entrance of the residential and a 2.5 story height minimum which is similar to 3.10.

Mr. Barker opened up the floor for questions from the APC. First question was since the town council sent this mixed use zoning back to the APC is there a conflict of interest since the members are appointed by the council? No there is no conflict of interest.

The permitted uses within the corridor and the core are within the 1/8 mile overlay a developer would have to ask for a special exception from the BZA to have residential on the first floor to give flexibility based on market needs. Outside the 1/8 mile overlay, first floor residential is permitted. SO the town could still have a four story apartment building within the 1/8 mile overlay if the special exception is granted by the BZA. Did staff look at any percentages to prevent 100% residential? No, staff did not set a maximum percentage because of the BZA review of each request for special exception.

If a property has 3 square feet in the core, which zoning does the structure fall into? If you have a property that the rest of the building is not in the core and you can develop it under the two standards that can happen but if it does not make sense then they are held to the core standards.

We can revisit if needed on a yearly basis. If the ordinance changes in the overlay area, the space is not rezoned unless space is vacant for more than a year. The goal is to have a sustainable building where the building could be reused based on changing market conditions.

The BZA will look at five things when considering a special exception in the 1/8 mile zone. They are:

- 1) If the proposed special exception is consistent with the zoning and the comprehensive plan
- 2) The special exception will not be hazardous to the public
- 3) The special exception is in harmony with all adjacent land use
- 4) The special exception will not alter the character of the district
- 5) The special exception will not alter property value in an adverse manner.

Another question was if staff found any town where they use a percentage to limited residential? No, percentages found were mostly prohibiting residential but those are being changed to allow some



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## Advisory Plan Commission November 7<sup>th</sup> - continued from page 6

residential. For a couple of members the sticking point was going from no residential to being able to have 100% residential.

At this point, the public hearing was opened. The first person up was interested that the east side wanted only 17 residential units but now the town is looking at allowing 100% residential. It is like the town is saying that Brownsburg cannot support commercial. At least for the building on the east side, the front on Green should be commercial with the residential on the side streets. Mr. Barker stated he was not opposed to look at percentages.

A member of the APC asked if the commission could send a conditional recommendation to the town. Mr. Barker stated that it was acceptable to send a recommendation with a condition to the town council.

To the public, it looks like recommendations on some of the properties have been held to a stricter code because the rules of development were stricter. There have been no cases that have come before the APC and held to the stricter rules because the east side development withdrew their variance request waiting for these possible changes. Staff was told to set up standards not to set up zoning so that there were no exceptions or variances. These new rules may cause current projects that have not been through the whole approval process to ask for exceptions or variances.

A recommendation from the APC to change the wording in 3.11 to state no more than 50% of the first floor can be residential. Can we send that as a recommendation to the council because the comprehensive plan says no residential on the first floor which the BZA will have to take into account when looking at the special exceptions.

A resident asked why the town is scrutinizing the east side when you didn't on the west side? You are trying to guess every little thing and you are holding up the process. West side seemed pretty quick but east side is dragging on and on.

Comprehensive said mixed use on first floor but when the zoning came out it was stricter. The consultant from this summer stated the town is in need of both residential and commercial. A percentage is probably not possible maybe change it to not 100% residential. It seems like the east side was first and the APC seemed to slam the door shut. Both sides are stopped right now. The president of the APC stated that the town was not controlling the timing of the projects coming forward that was being controlled by the developers. Mr. Barker suggested making a motion to amend the amendment to add a "d" to 3.10 which states "the first floor shall not be 100% residential. The proposed additional wording was not approved and the original amendment without the extra wording passed 3-2 to be sent with a favorable recommendation to the town council.

Next on the agenda was PSDP-09-16-1447 Brownsburg Public Green DPR A request for development plan review approval to develop the subject property for surface parking and other public amenities in conjunction with the downtown redevelopment of the former St. Malachy property. Parcels: 32-07-11-100-002.000-016; 32-07-11-100-004.000-016 and 32-07-11-140-013.000-016 ADVERTISED PUBLIC HEARING Represented by: Todd Wallace, PE—Town Engineer

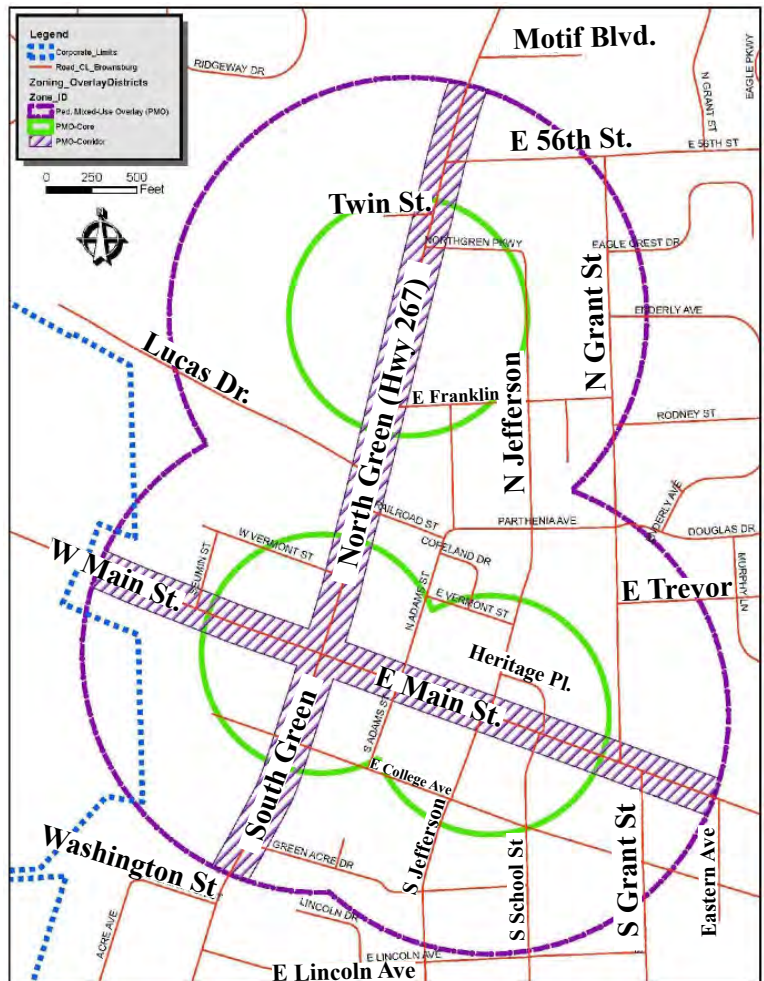
This is the first town project that has ever come before the APC. This public green is not proposed as a right away. It does not include any structures just parking, lights and drainage. Staff recommends approval subject to an updated lighting photometric plan and all reviews are passed.

The public hearing was opened and Jim Sering came to the podium. He asked if the entrance will accommodate the community center. Mr. Wallace stated it will but more parking spaces will be needed when it is built. Next Mr. Sibbing spoke. He said that he was confused why

the town is building the green for west side and doing it now. The tax payers will pay the bill not the developers. The APC voted to pass the DPR conditioned on the town meeting staff's recommendations.

Last up was PSDP-09-16-1448 Wastewater Treatment Plant Expansion DPR A request for development plan review approval for the expansion of an existing wastewater treatment facility and utility offices. Parcel: 32-07-10-400-001.000-016 ADVERTISED PUBLIC HEARING Represented by: Todd Wallace, PE—Town Engineer

This is the DPR for the waste water treatment plant project. Staff recommends updates to landscape and photometric plans and passing all reviews. This expansion increases the plant's capacity by 50%. The project is estimated to be a 2 year project. This expansion is good for 15 years of projected town growth. The public hearing was opened and Mr. Sering asked if the APC had any jurisdiction because the town council is approving the budget this month. Mr. Barker stated the APC is approving how it looks not how much it costs. Mr. Worley asked MS. Dillon if the design meets the department's needs and Ms. Dillon answered an ecstatic yes. The DPR passed with staff recommendations with no other business the meeting was adjourned.



Pedestrian Oriented Mixed-Used Overlay (PMO) District Map  
Unified Development Ordinance V3

### Legend:

- 1/4 mile boundary of the overall district itself (outer most circle)
- 1/8 mile pedestrian mixed use core (inter most circle)
- The hashed area which is the pedestrian mixed use corridor



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## Nov. 29 Advisory Planning Meeting - *Anne Sering*

Attending Brownsburg Town Commission Meetings can be interesting especially if you like to watch people. People can always surprise you. What is a ho-hum minute can suddenly take on a different turn in a few words. Such was the case at the November 29, 2016, Advisory Planning Commission.

Unlike the Park Board which sees very few observers, Planning Commission had in attendance four presenters and a dozen citizens. In scanning over the agenda, I guessed most were there to comment on St. James Place, a 2 building, 4 unit development, on South Green Street. It turned out most were present to comment on the two items presented by John Voigt for the Brownsburg Community School Corporation.

The first phase of the Brownsburg High School major remodel and expansion is to add an 1000 sq. ft. mechanical room addition in proximity to existing mechanical area. My first surprise of the night was when President Charles Bischoff asked for an explanation of the whole project. Voigt replied a more detailed plan would be presented in January. However, this first step was needed to be approved now as all other improvements depended upon its completion. My first thought was 'where has this person been over the past year?' The request passed.

The next surprise came when the development plan for Lincoln Elementary School, parking lots, and associated infrastructure was presented. Lincoln Elementary will be the mirror reflection of Reagan Elementary. A main concern seemed to be the redesign of the road cuts into the driveways. First of all I learned the driveways were designed to be difficult to enter in order to slow traffic. One commissioner and a few patrons spoke on the pick up/drop route as presented. Voigt mentioned that the parents soon learned to follow the appropriate colored line to the pickup area and were very good at self regulating. He didn't mention the seemingly unnecessary stop signs and necessary white stop lines so your car didn't get sideswiped by a coming or going school bus. Nor did he mention the school police who had to discourage drivers from shortcutting the beginning of the route and blocking the road to turn in when the route was filled with waiting vehicles. I found a quicker way after drop off was to turn left where I had to cross in front of Delaware parents coming-in. Now temporary cones are placed, morning and evening, to prevent that. So parents, don't worry, BCSC has savvy traffic engineers.

I was surprised that the patrons were mostly there to express concern about the elementary school construction: would the contractors be dropping off heavy and noisy equipment after dark and waking neighbors, would the chillers be noisy, traffic concerns, tree buffer for nearby homes, etc. I believe all concerns were answered and project was approved. And half the patrons left!

The remaining item, and final surprise, was the Saint James Place development on South Green Street adjacent to the East edge of Stephens Park. Landscape, sidewalks, air conditioning and propane tanks were discussed along with buffer between the 2 buildings and the Park. Jim Sering expressed concern the people using the park (walking dogs...) might stray onto private property. Commissioner Mark Tieken correctly pointed out to the owner of the property that the drawing of the buildings did not match the layout of the buildings. Mr. Arkanoff replied that he didn't do the drawings nor build the buildings, he just wrote the checks. I'll not comment on my impression of the reply. And suddenly we had harsh words for which the Commissioner later apologized. Another citizen then interjected himself in the fray pointing out that the Board member had not followed the rules of engagement. My opinion was that the owner and the Commissioner reacted because of authoritarian issues. Anyhow, I don't know nor do I really want to know the background to this flare up. Needless to say, no one came to blows and the project was approved. 'Brownsburg Monopoly' does build attractive buildings. However....

## Nov. Council Highlights - *continued from page 5*

reducing their reliance on the enterprise funds. Answer to question #13 above: Staff talked to Jason Lawson the Director of Public works for Whitestown. Before they built this new plant, Whitestown paid a million dollars a year to citizens to treat their sewage. When they built the plant, those 1 million dollars in expense went away immediately but they were still collecting the money from the sewer users. So, they put those 1 million dollars a year directly to paying for the new plant and they had been saving the rest over the last ten years. They also took out a Bond anticipation note from SRF. They were told they had to pay the note off in four years. They are also bigger than us they have 500-600 single homes and commercial starts a year compared to Brownsburg's 180 homes and 20 commercial starts a year. Their availability fee is \$3100 which you multiply that by 600 it comes to approximately 1.9 Million. SRF required them to collect all of those monies and wire them directly to SRF to pay off the note in four years. Their rate is currently 67.26 which is 2 times our current rate and comparable to the rate we will have at the end of the project.

The floor was opened up for questions from the council.

1) What items of the plant are absolutely critical to be done now to meet any federal or state mandates? The plants ammonia and BOD capacity are exceeded now. The department looked at all the alternatives and the following pieces are not critical at this time odor control, main building annex, and the 2<sup>nd</sup> 16 inch main. These items come to approximately 2 Million dollars which would remove about \$1.20 off the rate increase over the five years. However, it is cheaper to do these items now with the big project instead of doing them later as a separate project.

Is there a savings when we change to UV? No because the cost of phosphorus removal is higher than the chlorine cost.

Could we use 1 million dollars for the EDIT fund towards the project? Mr. Kleinhenz thinks that would be tough with the other projects that are needed. He might be able to remove \$197,000 from the general fund which reduce the rate about \$.50 cents over the five year period

The rates that are being shown are still the old rates. The bids for the inspection and administration of the project came back at about 1 million dollars instead of the estimated 2 million dollars. So the total project cost has been reduced to 20.3 Million.

On Nov. 2<sup>nd</sup>, the town was asked if only the phosphorus remediation could be done now and a cost of 1.1 million was given however, when we looked at this closer it will actually increase the cost of the rest of the project because of changes to that project. The base bid to do the ammonia, BOD and phosphorus is 10.9 million and the three absolute alternatives brings the total to 13.6 million. The three absolute alternatives are 1) treatment plant 5 alternate—odor control and annex, 2) sewer plant 3 alternate—air release valve, 2<sup>nd</sup> force main and trenchless force main and 3) collection system for the North and Northwest side of town. The town thought the alternatives would come to 5 Million but came in at 2.7 million.

Can the table the motion tonight? No because the time line to get the SRF loan and meet the construction milestones are so tight. The council voted on the ordinance and it passed 3-2 with Ms. Bascu and Mr. Jessen as the declining votes.

Next was Ordinance #2016-36 – An Ordinance Authorizing the Construction and Installation of Certain Additions and Improvements to the Sewage Works of the Town of Brownsburg, the Issuance of Revenue Bonds to Provide the Cost thereof, the Collection, Segregation and Distribution of the Revenues of Such Works, the Safeguarding of the Interests of the Owners of Such Revenue Bonds and Other Matters Connected therewith, Including *cont to p. 9*



## November Council Highlights - *continued from page 8*

the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent herewith – Proposed 2<sup>nd</sup> Reading (Grant Kleinhenz) This is the SRF loan ordinance which will be amended with the true rates for the third reading. The ordinance passed 3-2 with the same council members declining.

Ordinance #2016-37 – An Ordinance Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects Related to the Town and Incidental Expenses in Connection Therewith and on Account of the Issuance of Bonds – Proposed 2<sup>nd</sup> Reading (Grant Kleinhenz) this is the ordinance for the GO bond and it passed 5-0.

Citizen's comments brought Jim Sering to the podium. He did not like that everyone wanted to use park money for the wastewater treatment plant.. The park system is one of the town assets and the town needs to take care of it. For several years the council members just maintained the status quo but the town needs to look towards the future to become the next Carmel.

### November 10<sup>th</sup> Town Council Special meeting

This meeting was opened by Ms. Bascu with all 5 members present. This meeting was called just to address the three ordinances which deal with the wastewater treatment plant.

First up for final reading was Ordinance #2016-35 – An Ordinance of the Town Council of the Town of Brownsburg, Indiana Amending Title V, Chapter 52, Section 52.71 of the Town of Brownsburg Code of Ordinances Relating to Sewers and Sewer Rates – Proposed 3<sup>rd</sup> Reading, Advertised Public Hearing and Final Adoption (Grant Kleinhenz) this is an official public hearing. Mr. Kleinhenz detailed out the changes made to the ordinance since the 2<sup>nd</sup> reading. Staff found additional items which have the effect of reducing the rate increase from 54% down to 47.2%. Staff did this by adding more cash to the project, reducing the payment in lieu of taxes by \$50,000 and reworked the cost of living adjustments.

The new rates are as follows:

- At 2500 gallons a month the rate will increase by \$8.87 from \$18.78 to \$27.65.
- At 4500 gallons a month the rate will increase by \$12.87 from \$27.16 to \$39.97
- At 6000 gallons a month the rate will increase by \$15.77 from \$33.44 to \$49.21

At the conclusion of the five year period we will still be lower than Lebanon, Jamestown, Indianapolis and Pittsboro. Staff also added wording for an annual review to be done each year during the budgeting process.

Mr. Dawes asked if it would be a problem if in year 3 the town decided to not raise rates. Not a problem as long as the SRF and the Indiana Finance Authority approves. Phase 3 is the first year this can happen because phase 1 and phase 2 will come within the first 6 months of the project. So the only review could come up in phases 3-5. Brownsburg has never cut a rate to this point but the town never had an ordinance that allowed the rate to be reviewed before this ordinance.

With the questions answered from the council, Ms. Bascu opened the public hearing. First up was Bill Sibbing. First question would there be a public hearing on the SRF ordinance? Mr. Kleinhenz answered no because it was not required. He noticed that the rates for phases 4 and 5 were reduced which does help bring down the percentage. On pg 17 of the ordinance addresses the annual review of the rates during budgeting, will the residents that met with Mr. Jessen, Mr. Benham

and Mr. Kleinhenz be able to be brought into the conversation before each review? Mr. Kleinhenz acknowledged that nothing prohibits this discussion. Are the new rates based on 14.4 Million? Yes that amount drives the rates in the amended ordinance. The total cash and dollars already spent are included in the description but are taken out of the calculations.

Next up was Kurt Disser. He asked if the application for the SRF loan has been already been submitted? Yes the loan application was submitted in the summer and approved by SRF. On the recording of the Nov. 2<sup>nd</sup> meeting at minutes 38 -53, what is the penalty to use designated funds for the wrong project? The answer was it would be caught during a State Board of accounts audit and the penalty is their discretion. Did you spend any enterprise funds for the annexation litigation? Mr. Kleinhenz he does not know off the top of his head. The town can use the funds for furthering the department. If it is legal, why can't you use other funds to pay for wastewater treatment plant? Mr. Benham asked Mr. Disser to take that question up with the SBOA. Then Mr. Disser asked that is the past, growth seemed to come from involuntary annexation which means that seems to drive the wastewater treatment plant expansion? Mr. Kleinhenz stated that it was not being done just for annexation. There is other growth to take into account. How much will the capacity increase? It will probably be enough for about 15 years. It is a 50% increase in capacity from 3.5 million gallons a day to 5.25 million gallons a day. What does that equate to in households? The average household uses about 310 gallons per day so it would be an increase of 5645 more households.

With no more comments from the audience, Ms. Bascu asked if there were any comments from the council. Both Mr. Dawes and Mr. Worley agree that the town needs to move forward.

Mr. Jessen is upset that a lack of urgency in previous years has forced the current town council to place the burden on the citizens.

Mr. Benham stated that he knew he would be the swing vote and it had kept up at night over the last couple of months. However, it comes down to timing and it has to be done to meet state mandates.

Ms. Bascu stated that she understood the urgency and need but if the town had a little bit more time she thinks more options would be found. So she is voting no to the ordinance.

At this point Ms. Bascu called for a vote and the ordinance with the amendments was passed 3-2 with Ms. Bascu and Mr. Jessen voting "no".

Next up was Ordinance #2016-36 – An Ordinance Authorizing the Construction and Installation of Certain Additions and Improvements to the Sewage Works of the Town of Brownsburg, the Issuance of Sewage Works Revenue Bonds to Provide the Cost thereof, the Collection, Segregation and Distribution of the Revenues of Such Works, the Safeguarding of the Interests of the Owners of Such Revenue Bonds and Other Matters Connected therewith, Including Repealing Ordinances Inconsistent herewith – Proposed 3<sup>rd</sup> Reading and Final Adoption (Grant Kleinhenz) Mr. Kleinhenz stated that the project description does have all the alternates listed for the project. Ms. Leminger asked a colleague, Ms. Doehrmann, to attend her specialty is environmental law to answer the question about sanctions.

Ms. Doehrmann explained that our permit with NPDES (National Pollutant Discharge Elimination System) does include its own provision that spells out the sanctions that can be assessed against the town. Most specific is a \$25,000 a day penalty and other penalties which may include criminal offenses. Intentionally violation against IDEM regulations is considered criminal act. The agency has discretionary enforcing authority under state *cont to p. 10*

## November Council Highlights - *continued from page 9*

statute 13-30-10 and it could be a class D felony under 35-50-2.7a.

After the discussion with Ms. Doehrmann, Ms. Bascu asked for a motion and the ordinance was passed with amendments 3-2 with Ms. Bascu and Mr. Jessen.

### **Nov 17<sup>th</sup> Town Council Meeting**

Ms. Bascu opened this regularly scheduled town council meeting indicating that all members were present.

**Bid Award for the East Plant Improvement** – This bid is for 3 items at the East plant. The improvements are as follows replacing a single rake, an adjustment on one of the concrete walls in our incoming, and reroute existing piping for the CSO tank so it can be automatically flushed. Three bids were received ranging from \$176,671 to \$223,000 with all the bids being below the estimate of \$320,00. The bids were reviewed and it is recommended to use the lowest bidder which was Graves Plumbing contingent on final contract negotiations. This was in the budget for 2016. The award passed 5-0.

Four items were on the agenda for old business, first Ordinance #2016-32 - An Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation, 6815 E. Co. Road 425 North – Proposed 3rd Reading and Final Adoption (Brian Hartsell) This was approved 5-0 and is for water and sewer connection.

Next, Ordinance #2016-33 - An Ordinance Annexing Real Estate into the Town of Brownsburg, Hendricks County, Indiana Pursuant to a Petition for Voluntary Annexation, 7523 N State Road 267 – Proposed 3rd Reading and Final Adoption (Brian Hartsell) This annexation was for water only and was approved 5-0.

Then, Ordinance #2016-34 - An Ordinance to Approve the Salaries and Salary Ranges for the Year for 2017 – Proposed 3rd Reading and Final Adoption (Brian Hartsell) This was approved with only a question to make sure the Fire Marshall was in the budget as either part time or full time and it was confirmed to be in the ordinance. This was approved 5-0.

Lastly, Ordinance #2016-37 - An Ordinance Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects Related to the Town and Incidental Expenses in Connection Therewith and on Account of the Issuance of Bonds – Proposed 3rd Reading and Final Adoption (Grant Kleinhenz) Mr. Kleinhenz indicated that the GO bond was a 10 year bond that will average approximately \$218,000 a year in debt service. This was approved 5-0.

New for consideration, first was Resolution #2016-39C - A Resolution Setting Forth Final Action in Determining that the Qualifications for an Economic Revitalization Area have been met and Confirmation Resolution #2016-39 Regarding Application for Real Property Tax Abatement – Brownsburg Partners LLC, East Northfield Drive, PIN: 32-07-12-100-001.000-016 – ADVERTISED PUBLIC HEARING (Greg Anderson) Mr. Worley abstained from the vote so it was approved 4-0.

Next, Resolution #2016-41 - A Resolution of the Town Council of the Town of Brownsburg Providing Final Approval for the Recommendations of the Brownsburg Improvement Committee, Inc. with Regard to the Award of Funds Under the Town's Façade Grant Improvement Program (Greg Anderson) This grant is for Hendricks County Bank on Northfield drive. The resolution was approved 5-0.

Under Town Council items, Mr. Dawes indicated that the 911 center starting next year will be under the control of the county and Mr. Jessen indicated the town council members had each received the

report detailing the legal fees utilized to fight the remonstrance of the annexation. The council will report it to the public when they have had time to review.

Citizens Comment brought up Mr. Sering who asked how the 911 center will be funded going forward. Mr. Dawes answered that a local option income tax was implemented by the state of approximately a 10 cent levy. This money goes to the county to fund the 911 center along with funds collected on cell and land line phones. Each town will still be responsible to buy their own equipment.

Lastly, Mr. Carnes spoke about the Little League Baseball issue around fields with the St. Malachy development. He was assured that both sides were talking and trying to understand both sides' needs. He reminded the council that Brownsburg has three men in the majors that came out of Brownsburg's Little League and that the club was actually why some people move to Brownsburg. He was assured that the league was not forgotten and a resolution will be signed as soon as possible.

### **November 21<sup>st</sup> Special Town Council meeting**

Mr. Dawes opened the meeting indicating 4 members were present with Ms. Bascu absent this evening. There was only one resolution on the agenda.

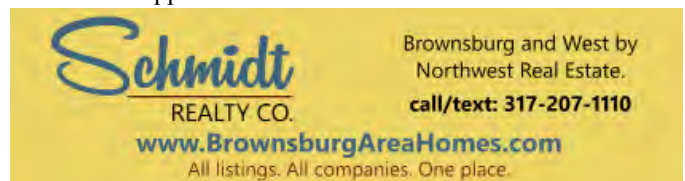
**Resolution #2016-42** – A Resolution of the Town Council of the Town of Brownsburg Approving Additional Appropriations to Pay for Certain Costs Associated with the Wastewater Treatment Plant Project, an Economic Development Project and Certain 1998 Bond Obligations - ADVERTISED PUBLIC HEARING (Ann Hathaway) This resolution was to approve the use of the cash to pay for 3 different projects. 1) The cash portion of the wastewater treatment plant funding with @M coming from the wastewater fund, \$650,000 coming from the rainy day fund which was the special LOIT distribution and 1M from EDIT, 2) The Envoy office building incentives which was 1.295 M from EDIT and 3) Paying off the 1998 Bond Obligation which was 1.8M from the wastewater fund for a total of 7.1M being reallocated. No money is being taken from the parks to pay for any part of this project. The resolution was approved 4-0.

### **Nov 28<sup>th</sup> Town Council meeting**

The meeting was opened by Mr. Dawes who indicated that 3 members were present with Mr. Benham and MS. Bascu absent. There were two items on the agenda

First was Resolution #2016-43: A Resolution of the Town Council of the Town of Brownsburg Approving an Additional Appropriation to Pay for the Purchase of Ammunition for the Police Department Training Facility. ADVERTISED PUBLIC HEARING – (Ann Hathaway) This was to move funds into the right category for the purchase. This was passed 3-0

Secondly was Resolution #2016-44: A Resolution of the Town Council of the Town of Brownsburg Determining the Lowest Responsible and Responsive Bidder for the Construction and Installation of Certain Additions and Improvements to the Sewage Works of the Town of Brownsburg. (Grant Kleinhenz) The lowest bidder for both parts of the project was Bowen Manufacturing. The resolution was approved 3-0. - *The Editor*.





## November Park Board Report - Anne Sering



The Brownsburg Parks Board met on November 9, 2016 because of the holiday. The December meeting will also take place on a Wednesday. With both the President Michael Klitzing and Vice President Scott Latimer absent, Phil Utterback served as Chairman-Pro Temp.

Travis Tranbarger gave the operations report. The job description for marketing manager was revised and reclassified. Much attention is being given to the rolling out of a new web site which offers more features than the present one. It has been undergoing testing and will go on line in mid December for B.A.S.E. registration and for all other processes on January 3, 2017. The cost is based on usage and the payments are managed by the third party which allows the Parks Services to not have any access to credit information. The process also interacts well with the Clerk Treasurer's office.

Director Philip Parnin reported on questions asked by the Board in October concerning the winter creeper. I was very impressed with Board Member Lindsey Jackson being knowledgeable about the

herbicides being used to eliminate the plant menace. She not only knew about them she could say the names. Something Philip was unable to accomplish. Philip said the lobby and welcoming area in the Park Department Office was much more user friendly and appreciated by the public. Financial matters can be discussed in an adjoining private area. The Parks Department and Lions Club will work together on the interior remodel with local services used when feasible.

Lindsey Jackson suggested to Parnin that more of an effort be made to let the public know the good things being accomplished by the Parks Department. It seems to me that communication is a concern of every organization.

The meeting ended as most do, with citizen Jim Sering adding his comments concerning the utility line relocation which will be taking place on North Green Street and concern about the Park Pillars built by the Jaycees. He also asked about the possibility of a recreation building and the funds for the Bundy Building. On the later: The Lions will be contributing funds. On the community building: It is my opinion that those who don't want a future recreation center move west to Lizton, Pittsboro, or North Salem or any other community that is small enough to meet in a small church. The more the various neighborhoods of Brownsburg can meet with others from different neighborhoods, the stronger Brownsburg will become. -- Anne Sering

## November Election Results

For a complete listing of election results please see the news paper's online edition or our Facebook Page.

U.S. Representative District 4 .....	Todd Rokita
State Senator District 24 .....	John Crane
County Commissioner District 2 ....	Matt Whetstone
County Commissioner District 3 ....	Phyllis A Palmer
County Council Member .....	Caleb Brown
County Council Member .....	Larry Hesson
County Council Member .....	David L. Wyeth
Brownsburg Schools Brown Twp ...	Eric M. Hylton
Brownsburg Schools Lincoln Twp..	Phil Utterback
Brownsburg Schools Brown Twp....	Matt Freije
County Coroner .....	Rick Morpew



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• SATURDAY	~ 9AM	~ 7PM
• SUNDAY	~ 12PM	~ 6PM
• CHRISTMAS EVE	~ 9AM	~ 3PM (CLOSED CHRISTMAS)
• NEW YEAR'S EVE	~ 9AM	~ 3PM (CLOSED NEW YEAR'S DAY)



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# APPENDIX

(1) Page - FULL SCALE Urban  
Commercial Codes Map

(8) Pages - Narrative Urban Commercial  
Codes Description

(5) Pages 11/08/2018 Unofficial Hendricks  
County Election Results



# Legend

Corporate\_Limits

Road\_CL\_Brownsburg

## Zoning\_OverlayDistricts

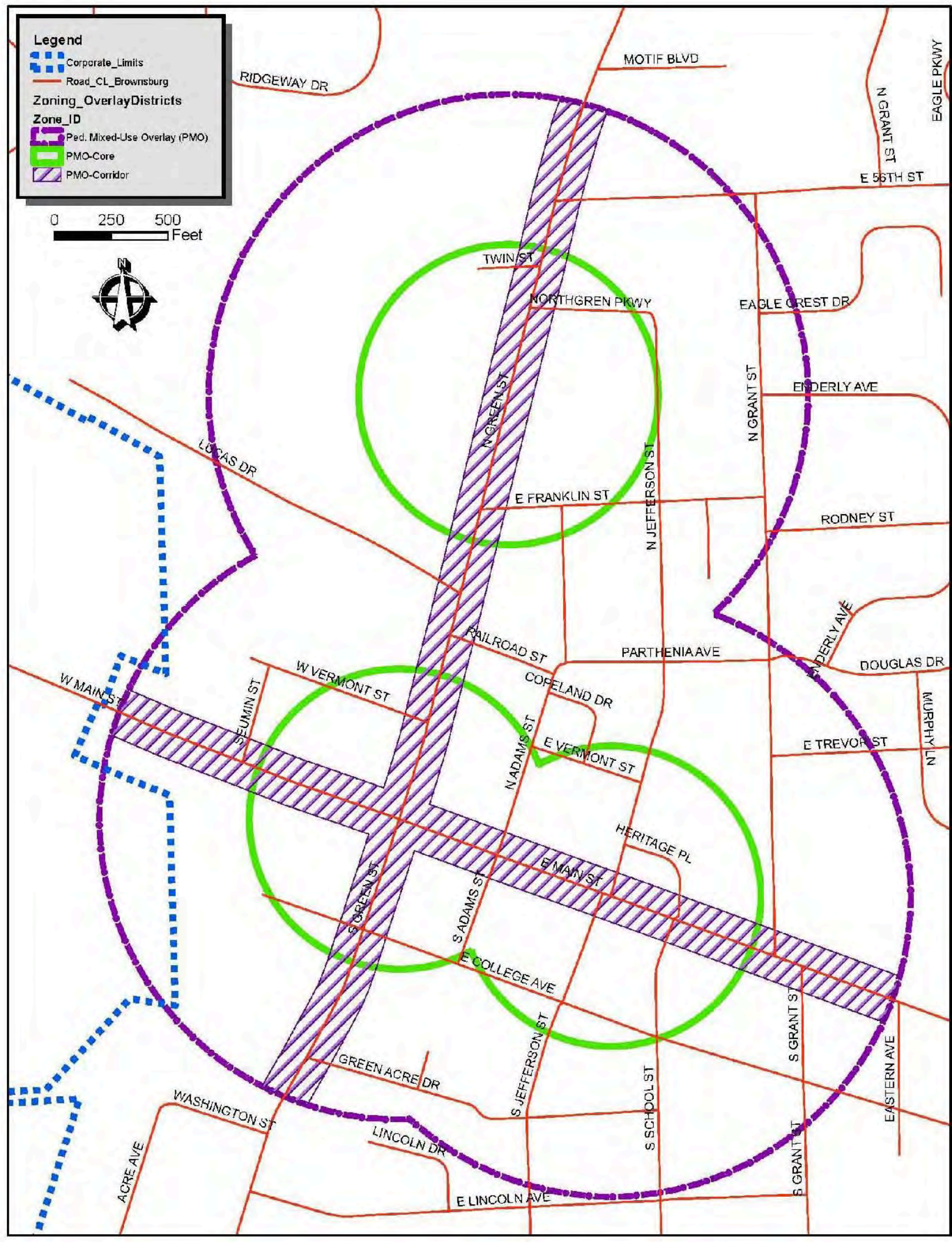
### Zone\_ID

Ped. Mixed-Use Overlay (PMO)

PMO-Core

PMO-Corridor

0 250 500 Feet





**FINDINGS OF FACT & REPORT OF DETERMINATION**

The Brownsburg Advisory Plan Commission held a public hearing for docket # PCZT-08-16-1439 UC District Zoning Text Amendment: a recommendation for zoning text changes to the Urban Commercial District (UC) to: permit first floor residential uses; establish a new overlay zoning district and promote downtown walkability. (*Amending Article 2, Section 2.27 and adding Article 3, Sections 3.07, 3.08, 3.09, 3.10, 3.11 and 3.12*)

After hearing a presentation from the Staff, and taking comments from the public, the Commission voted 4 in favor, 1 against and 0 abstained, on a motion to send a **FAVORABLE RECOMMENDATION** for PCZT-08-16-1439 (Exhibit A) on to Town Council to amend the Unified Development Ordinance.

\_\_\_\_\_  
Charles Bischoff, President

ATTEST:

\_\_\_\_\_  
Todd A. Barker, AICP, Secretary

## Exhibit A

## Urban Commercial (UC) District

## Article 2

## 2.27 Urban Commercial (UC) District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The UC (Urban Commercial) District is intended to be used as follows:</p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Horizontal and vertical mixed used projects including medium intensity commercial, institutional, and office uses, office, and residential uses</li> <li>Medium-density housing and office uses in upper floors of multiple-story buildings</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing downtown development</li> <li>New "village center" development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Pedestrian friendly development standards</li> <li>Downtown style buildings</li> <li>Building form and design</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>PR, AG, R3, TR, M1, M2, M3, IS, NC, UC, C1, and C2</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>atm walk-up</li> <li>bakery</li> <li>bank</li> <li>bar or tavern</li> <li>barber or beauty shop</li> <li>brew pub</li> <li>club or lodge</li> <li>coffee shop</li> <li>computer service</li> <li>copy center</li> <li>counseling center</li> <li>delicatessen</li> <li>design services</li> <li>dry cleaning pickup and drop-off</li> <li>express shipping center</li> <li>farmers market</li> <li>ice cream shop</li> <li>media rental</li> <li>mobile device dealer</li> <li>nail salon</li> <li>office, general</li> <li>office, medical</li> <li>pharmacy</li> <li>real estate office</li> <li>repair shop, electronics</li> <li>restaurant</li> <li>retail (type 1) very low intensity</li> <li>retail (type 2) low intensity</li> <li>retail (type 3) medium intensity</li> <li>seamstress/tailor</li> <li>shoe repair</li> <li>spa</li> <li>studio arts</li> <li>tanning salon</li> <li>title company</li> <li>travel agency</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>community center</li> <li>government office</li> <li>information center</li> <li>parking garage, public</li> <li>parking lot, public</li> <li>police substation</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>assisted living facility, upper floor</li> <li>dwelling, multiple-family (3 to 4 units)</li> <li>dwelling, multiple-family (5 to 8 units)</li> <li>dwelling, multiple-family (9 to 16 units)</li> <li>dwelling, multiple-family (17+ units)</li> <li>dwelling, upper floor (multiple-family)</li> <li>dwelling, upper floor (1 unit)</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine system, small</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>automobile oriented business (type 1)</li> <li>atm, drive-up</li> <li>banquet hall</li> <li>billiard hall or arcade</li> <li>day care</li> <li>funeral home</li> <li>hotel</li> <li>medical clinic</li> <li>parking lot, pay</li> <li>party facility</li> <li>repair shop, general</li> <li>retail (type 4) high intensity</li> <li>tattoo/piercing parlor</li> <li>theater, movie (indoor)</li> <li>wellness facility</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>hospice facility</li> <li>performing arts center</li> <li>place of worship</li> <li>shelter</li> <li>transit station (local hub)</li> <li>university or college</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>bed and breakfast</li> </ul>

Exhibit A *continued***Pedestrian Oriented Mixed-Use Overlay (PMO) District****Article 3****3.07 Pedestrian Oriented Mixed-Use Overlay (PMO) District Intent, Effect on Uses, and Effect on Standards**

District Intent	Effect on Uses	Effect on Standards
<p>The Pedestrian Oriented Mixed-Use Overlay (PMO) District is intended to encourage development and redevelopment that increase the desirability of walkable streets through proven development standards and use restrictions.</p>	<p>All permitted uses in the base zoning district are permitted in the PMO District except as prohibited below.</p> <p>All Special Exception Uses permitted in the base zoning district are allowed as such in the PMO District except as prohibited below.</p> <p>If the following land uses are listed in the based zoning as a Permitted Use that use must receive Special Exception Use approval from the Board of Zoning Appeals for any portion of the use on the first floor within Pedestrian Oriented Mixed-Use Core:</p> <ul style="list-style-type: none"> <li>• dwelling, multiple-family (3 to 4 units)</li> <li>• dwelling, multiple-family (5 to 8 units)</li> <li>• dwelling, multiple-family (9 to 16 units)</li> <li>• dwelling, multiple-family (17+ units)</li> </ul> <p>The following land uses are not permitted within Pedestrian Oriented Mixed-Use Corridor:</p> <ul style="list-style-type: none"> <li>• surface parking (does not include on-street parking)</li> </ul>	<p>The development standards from the base zoning district shall apply to the PMO District in addition to the development standards described in Sections 3.10: PMO District Development Standards, 3.11: Pedestrian Oriented Mixed-Use Core Development Standards, and 3.12 Pedestrian Oriented Mixed-Use Corridor Development Standards.</p>



Exhibit A *continued***Pedestrian Oriented Mixed-Use Overlay (PMO) District****Article 3****3.08 PMO District Applicability**

The following requirements apply to all land within the PMO District as defined in Section 3.09: PMO District Boundary. Under no circumstances shall a planned development or rezoning of property change the applicability of the PMO District's land use restrictions and additional development standards.

**3.09 PMO District Boundary**

The PMO District Boundary is created based on  $\frac{1}{4}$  mile (1,320 feet) radii from three downtown nodes. Those nodes include the intersection of Green Street and Main Street, North Green Street and [the proposed] Enderly Avenue, and East Main Street and Jefferson Street.

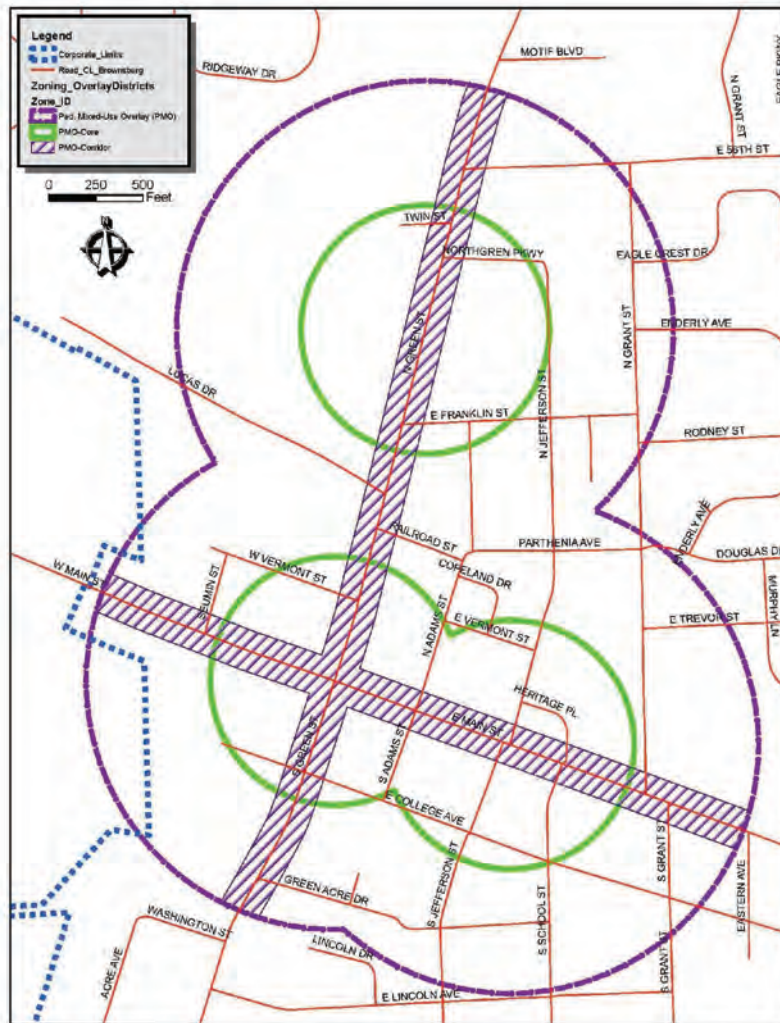
The Pedestrian Oriented Mixed-Use Core Boundaries are created based on  $\frac{1}{8}$  mile (660 feet) radii from the intersections of Green Street and Main Street, North Green Street and [the proposed] Enderly Avenue, and East Main Street and Jefferson Street.

The Pedestrian Oriented Mixed-Use Corridor Boundaries are created along the Primary Arterial classification for Green Street and Main Street (proposed 57  $\frac{1}{2}$  feet half R/W) and a line 50 feet beyond and paralleling both sides of the proposed R/W for Green Street and Main Street. (i.e. 107  $\frac{1}{2}$  feet from the centerline of Green Street and Main Street)

Exhibit A continued

### Pedestrian Oriented Mixed-Use Overlay (PMO) District

### Article 3



3-07 Town of Brownsburg Unified Development Ordinance – V3

Exhibit A *continued***Pedestrian Oriented Mixed-Use Overlay (PMO) District****Article 3****3.10 PMO District Development Standards**

The following development standards are applicable to any property within the PMO District:

- A. Building Height
  - 1. Each building must be a minimum of 2 stories.
- B. Street Façade
  - 1. A minimum of 40 percent of the first story street facing façade must be built within 2 feet of the minimum front yard setback or between the minimum and maximum front yard setback. However, the first story portions of the street facing façade within 10 feet of a lot corner at a street intersection are exempt from this requirement in order to allow special corner treatments in these areas.
- C. Side Yard Setback
  - 1. There are no additional side yard setbacks within the Pedestrian Oriented Mixed-Use Core unless shared with an existing single family house, in these cases the minimum side yard setback is equal to the side yard setback of the adjacent zoning district.
- D. Entrance Standards
  - 1. Each street facing first floor residential unit must have a private external entrance into the unit with a door that is parallel to the street.
  - 2. Each first floor residential entrance must have a defined private entry space (*excluding the stairs and landing*) that is a minimum of 20 square feet. The private entry space may be covered but not fully enclosed.
- E. Corner Lots
  - 1. Corner Lots shall be treated as fronting on both streets therefore they will have two street facing façades.
- F. Fenestration
  - 1. Fenestration shall be between 30 percent and 70 percent of all street façades (when measured as a percentage of the area of each facade and Story between 3 and 8 feet above the finished floor). Blank lengths of wall along any street façade of more than 15 linear feet are prohibited.
- G. Balconies
  - 1. When provided, Balconies shall have a minimum deep of 4 feet 6 inches and be a minimum of 30 square feet.
- H. Mezzanines
  - 1. Mezzanines greater than 1/2 of the floor area footprint shall be counted as full Story.
- I. Entrance and Driveway Standards:
  - 1. Residential
    - a. All lots containing less than fifty (50) feet of frontage shall be served by rear alleys or driveways that extend to garages located behind the residence.

**3.11 Pedestrian Oriented Mixed-Use Core Development Standards**

Include the PMO Development Standards and Pedestrian Oriented Mixed-Use Corridor Development Standards when located within the Pedestrian Oriented Mixed-Use Corridor.

- A. Building Height
  - 1. The first story finished floor elevation of each residential unit must be between 6 inches and 48 inches above the sidewalk.
    - a. Exception: A maximum of 10 percent of the street facing first floor residential units may be level with the sidewalk.
- B. First Story Height
  - 1. Non-Residential



Exhibit A *continued***Pedestrian Oriented Mixed-Use Overlay (PMO) District****Article 3**

- a. The first story must have at least 12 foot clear (floor to ceiling) for the entire first story and 15 foot clear height for at least 1/3 of its area contiguous to a Pedestrian Oriented Mixed-Use Corridor.
- 2. Residential
  - a. The first story must have at least 10 foot clear (floor to ceiling).
- C. Entrance Standards
  - 1. Non-Residential
    - a. The first floor entrances shall not exceed a spacing of 50 feet. However the Zoning Administrator may approve a greater distance between entrances when a defined active pedestrian scaled space (e.g. outdoor dining area, outdoor gathering/community space) is provided between the sidewalk and the primary structure.

**3.12 Pedestrian Oriented Mixed-Use Corridor Development Standards**

Includes the PMO District and Pedestrian Oriented Mixed-Use Core Development Standards when located within the Pedestrian Oriented Mixed-Use Core.

- A. Building Height
  - 1. Each building must be a minimum of 2 ½ stories.
  - 2. The first story finished floor elevation of residential units must be between 30 inches and 42 inches above the sidewalk.
    - a. Encourage English basement / garden apartment units
- B. Street Façade
  - 1. A minimum of 75 percent of the first story street facing façade must be built to the minimum front yard setback or between the minimum and maximum front yard setback. However, the first story portions of the street facing façade within 10 feet of a lot corner at a street intersection are exempt from this requirement in order to allow special corner treatments in these areas.
- C. First Story Height
  - 1. Non-Residential
    - a. The first story must have at least 12 foot clear (floor to ceiling) for the entire first story and 15 foot clear height for at least 1/3 of its area contiguous to a Pedestrian Oriented Mixed-Use Corridor.
  - 2. Residential
    - a. The first story must have at least 10 foot clear (floor to ceiling).
- D. First Story-Fenestration
  - 1. The first story street facing façade shall have between 40 percent and 90 percent Fenestration (measured as a percentage of the façade that is between 2 feet and 10 feet above the fronting sidewalk). Awnings and overhangs are encouraged.
- E. Upper Stories-Fenestration
  - 1. Upper Story facades shall have between 30 percent and 70 percent Fenestration (measured for each Story as a percentage of the façade that is between 3 feet and 9 feet above the finished floor.
- F. Entrance Standards
  - 1. Each residential and non-residential unit must have its primary entrance from the sidewalk of the Pedestrian Oriented Mixed-Use Corridor.
  - 2. Each first floor residential entrance must have a defined private entry space (*excluding the stairs and landing*) with a clear depth of at least 5 feet and a width of at least ¼ of the residential unit's width. The private entry space may be covered but not enclosed.

Exhibit A *continued*

**Pedestrian Oriented Mixed-Use Overlay (PMO) District**

**Article 3**

- 3. Non-Residential
  - a. Entries must be recessed or projected between 18 inches and 36 inches from the street facing façade or include awnings or similar overhangs between 60 percent and 100 percent of the length of the street facing façade.
- G. Residential Dwelling Unit Width
  - 1. All first floor residential units must be between 18 feet and 40 feet in width. First floor residential units that are at an intersection must front to a Pedestrian Oriented Mixed-Use Corridor.
- H. Residential Rooms Facing a Pedestrian Oriented Mixed-Use Corridor
  - 1. Only active residential rooms, such as living, dining and family rooms are permitted to face a Pedestrian Oriented Mixed-Use Corridor on the first floor. Any bathroom, laundry room or similar service room is not permitted to face the Pedestrian Oriented Mixed-Use Corridor.
- I. Architectural
  - 1. Primary Materials
    - a. Rectangular clay brick or equivalent architectural brick/block or other decorative masonry products
    - b. Native stone (or synthetic equivalent)
    - c. Glass
  - 2. Trim / Ornamental Materials
    - a. Metal
    - b. Pre-cast masonry
    - c. Concrete
    - d. Split-faced block
    - e. Fiber cement products

# Election Summary Report

Hendricks County, Indiana  
2016 General Election  
INHENG16  
11/8/2016 6:00:00 AM

## Hendricks County Unofficial Results

M- # OF Machine Ballots	48667	NUMBER OF PRECINCTS:	104
A- # OF Absentee Ballots	28498	# OF PRECINCTS REPORTED:	104
P- # OF Provisional Ballots	0	# OF PRECINCTS NOT REPORTED:	0
PUBLIC COUNT: 77165		# OF PRECINCTS INCOMPLETE:	0
VOTER TURNOUT: 70.21%			
REGISTERED VOTERS: 109906			

### VOTES

M	A	P	TOTAL	%	
					VOTE FOR 1
VOTES= 71,153					Public Question-Const Amend
37074	20710	0	57784	81.21%	YES
8588	4781	0	13369	18.79%	NO
					VOTE FOR 1
VOTES= 1,663					Public Question - Middle Twp
919	442	0	1361	81.84%	Yes
200	102	0	302	18.16%	No
					VOTE FOR 1
VOTES= 76,167					President And VP of the US
31027	17299	0	48326	63.45%	(R) TRUMP \ PENCE
13327	9268	0	22595	29.67%	(D) CLINTON \ KAINE
3046	1291	0	4337	5.69%	(L) JOHNSON \ WELD
646	263	0	909	1.19%	WRITE-IN
					VOTE FOR 1
VOTES= 75,040					United States Senator
30084	16626	0	46710	62.25%	(R) TODD YOUNG
14579	9845	0	24424	32.55%	(D) EVAN BAYH
2656	1230	0	3886	5.18%	(L) LUCY BRENTON
15	5	0	20	0.03%	WRITE-IN
					VOTE FOR 1
VOTES= 74,611					Governor And Lt Governor
28985	16213	0	45198	60.58%	(R) HOLCOMB \ CROUCH
16451	10724	0	27175	36.42%	(D) GREGG \ HALE
1629	597	0	2226	2.98%	(L) BELL \ TATGENHORST
9	3	0	12	0.02%	WRITE-IN
					VOTE FOR 1
VOTES= 72,138					Attorney General
33488	18484	0	51972	72.05%	(R) CURTIS T HILL, JR
11996	8170	0	20166	27.95%	(D) LORENZO ARREDONDO



-----VOTES-----					
M	A	P	TOTAL	%	
					VOTE FOR 1
<b>VOTES= 72,973</b>					<b>Superintendent of Public Inst</b>
29815	16591	0	46406	63.59%	(R) JENNIFER McCORMICK
16129	10438	0	26567	36.41%	(D) GLENDA RITZ
					VOTE FOR 1
<b>VOTES= 73,856</b>					<b>US Representative District 4</b>
32471	18206	0	50677	68.62%	(R) TODD ROKITA
11734	8236	0	19970	27.04%	(D) JOHN DALE
2324	865	0	3189	4.32%	(L) STEVEN M MAYORAS
13	7	0	20	0.03%	WRITE-IN
					VOTE FOR 1
<b>VOTES= 50,647</b>					<b>State Senator District 24</b>
26370	14767	0	41137	81.22%	(R) JOHN CRANE
6231	3279	0	9510	18.78%	(L) KEVIN ROGERS
					VOTE FOR 1
<b>VOTES= 15,392</b>					<b>State Senator District 35</b>
7137	3885	0	11022	71.61%	(R) R MICHAEL YOUNG
2566	1804	0	4370	28.39%	(D) PHIL WEBSTER
					VOTE FOR 1
<b>VOTES= 26,468</b>					<b>State Representative District 28</b>
17829	8639	0	26468	100.00%	(R) JEFFREY A THOMPSON
					VOTE FOR 1
<b>VOTES= 24,968</b>					<b>State Representative District 40</b>
15342	9626	0	24968	100.00%	(R) GREGORY E STEUERWALD
					VOTE FOR 1
<b>VOTES= 6,399</b>					<b>State Representative District 91</b>
4089	2310	0	6399	100.00%	(R) ROBERT W BEHNING
					VOTE FOR 1
<b>VOTES= 57,293</b>					<b>Circuit Court Clerk</b>
36919	20374	0	57293	100.00%	(R) DEBBIE (DJ) HOSKINS
					VOTE FOR 1
<b>VOTES= 57,667</b>					<b>County Auditor</b>
37093	20574	0	57667	100.00%	(R) NANCY L MARSH
					VOTE FOR 1
<b>VOTES= 57,524</b>					<b>County Treasurer</b>
37108	20416	0	57524	100.00%	(R) SHAWN M SHELLEY
					VOTE FOR 1
<b>VOTES= 71,214</b>					<b>County Coroner</b>
30848	17334	0	48182	67.66%	(R) RICK MORPHEW
13968	9064	0	23032	32.34%	(D) CHERYL TEAGUE-McCLENDON

----- VOTES -----					
M	A	P	TOTAL	%	
					VOTE FOR 1
VOTES= 71,122					County Commissioner District 2
32025	17895	0	49920	70.19%	(R) MATTHEW D (MATT) WHETSTONE
12696	8506	0	21202	29.81%	(D) NICHOLAS (NICK) G SCHMUTTE
					VOTE FOR 1
VOTES= 57,240					County Commissioner District 3
36916	20324	0	57240	100.00%	(R) PHYLLIS A PALMER
					VOTE FOR 3
VOTES= 160,459					County Council Member At-Large
28692	15953	0	44645	27.82%	(REP) CALEB BROWN
24518	14150	0	38668	24.10%	(REP) LARRY R HESSON
23584	13720	0	37304	23.25%	(REP) DAVID L WYETH
12115	8002	0	20117	12.54%	(DEM) JASON BURCHAM
11881	7844	0	19725	12.29%	(DEM) CARL WILLIAMS
					VOTE FOR 2
VOTES= 366					North Salem Town Council At-Lg
111	25	0	136	37.16%	(REP) JIMMY ROBERTS
123	18	0	141	38.52%	(REP) MIKE RUSSELL
48	4	0	52	14.21%	(DEM) JULIANNA C GOLDSMITH
34	3	0	37	10.11%	(DEM) ERICA M NICHOLS
					VOTE FOR 3
VOTES= 44,087					Avon Schools Washington Twp
6335	3838	0	10173	23.07%	(NP) ANNE L ENGELHARDT
2490	1565	0	4055	9.20%	(NP) RONN MESAROSH
6281	4077	0	10358	23.49%	(NP) CINDY TURNER SIMMONS
6022	3423	0	9445	21.42%	(NP) DAVID D WEBB
6187	3869	0	10056	22.81%	(NP) KIM WOODWARD
					VOTE FOR 1
VOTES= 17,470					Brownsburg Schools Brown Twp
4476	2382	0	6858	39.26%	(NP) JENN COX
5452	2527	0	7979	45.67%	(NP) ERIC M HYLTON
1484	1149	0	2633	15.07%	(NP) MARVIN TED WARD
					VOTE FOR 1
VOTES= 17,394					Brownsburg Schools Lincoln Twp
3358	1663	0	5021	28.87%	(NP) TAMARA R (TAMI) CARNES
3790	2268	0	6058	34.83%	(NP) BRIAN PETRAITS
4011	2304	0	6315	36.31%	(NP) PHIL UTTERBACK
					VOTE FOR 1
VOTES= 17,274					Brownsburg Schools Lincoln Twp
5644	2826	0	8470	49.03%	(NP) MICHELLE ARTMEIER
5512	3292	0	8804	50.97%	(NP) MATT FREIJE
					VOTE FOR 1
VOTES= 5,024					Danville Schools At-Large
3156	1868	0	5024	100.00%	(NP) AMY COMER ELLIOTT

----- VOTES -----					
M	A	P	TOTAL	%	
					VOTE FOR 2
<b>VOTES= 7,311</b>					<b>Danville Schools Center Twp</b>
2326	1384	0	3710	50.75%	(NP) MICHAEL C BEATY
2232	1369	0	3601	49.25%	(NP) MATT STEWARD
					VOTE FOR 1
<b>VOTES= 2,773</b>					<b>Mill Creek Schools At-Large</b>
2174	599	0	2773	100.00%	(NP) MISSY BRANSCUM
					VOTE FOR 1
<b>VOTES= 2,814</b>					<b>Mill Creek Schools Clay Twp</b>
2199	615	0	2814	100.00%	(NP) TIMOTHY A WHICKER
					VOTE FOR 1
<b>VOTES= 2,544</b>					<b>Mill Creek Schools Franklin Twp</b>
1994	550	0	2544	100.00%	(NP) GINA BOATRIGHT
					VOTE FOR 1
<b>VOTES= 4,041</b>					<b>Nw Hendricks Schools At-Lg</b>
1472	403	0	1875	46.40%	(NP) CRAIG BRELAGE
1540	626	0	2166	53.60%	(NP) CRAIG PEOPLES
					VOTE FOR 1
<b>VOTES= 4,196</b>					<b>Nw Hendricks Schools Middle Twp</b>
2001	726	0	2727	64.99%	(NP) JIM DIAGOSTINO
861	204	0	1065	25.38%	(NP) MARCOS MARTINEZ
265	139	0	404	9.63%	(NP) MARNEY L PENA
					VOTE FOR 3
<b>VOTES= 26,412</b>					<b>Plainfield Schools Guilford Twp</b>
3777	2347	0	6124	23.19%	(NP) MIKE ALLEN
2185	1393	0	3578	13.55%	(NP) BARRY F BLACKWELL
3649	2288	0	5937	22.48%	(NP) KATIE CHAMNESS
4205	2521	0	6726	25.47%	(NP) SCOTT J FLOOD
2495	1552	0	4047	15.32%	(NP) RHONDA IMPINK
					VOTE FOR 1
<b>VOTES= 59,297</b>					<b>Court of Appeals Dist 1-Najam</b>
29333	15727	0	45060	75.99%	Yes
9142	5095	0	14237	24.01%	No
					VOTE FOR 1
<b>VOTES= 59,558</b>					<b>Court of Appeals Dist 4-Riley</b>
30569	16629	0	47198	79.25%	Yes
8053	4307	0	12360	20.75%	No

### Straight Party Votes

Party Name	Votes
Libertarian Party	102
Republican Party	21330
Democratic Party	6390



End Of Report

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