

# BROWNSBURG



# SENTINEL

A News / Commentary Publication

Informative / Insightful

May 31, 2017

## A Tale of Two Town Councilmen

### Town Council May 15th 2017

### Town Council May 25th 2017

The meeting was called to order by Vice President Dennis Dawes. The roll call indicated three members were present with Ms. Bascu out on maternity leave and Mr. Worley out of town. The town attorney indicated that all votes had to be unanimous to pass on this evening.

After the invocation and the Pledge of Allegiance, Mr. Dawes opened the floor for citizens comments on the agenda. I am pretty sure the town council was not ready for what came next. All the comments were on item 10.05 under new business which was a motion to approve a rezoning of a property on 700N to R3. Dr. Mark Petersmann, the representative for the homeowners around the Cadence development, came to the podium to present a 20 minute power point presentation which went through the comprehensive plan, the Brownsburg zoning ordinances and the Maxfield Research information.

The representative from Olthof Homes asked that the motion be tabled until the next Town Council meeting on May 25th. The motion is to give consent that the zoning is correct because this is not annexed land. This is a conditional rezoning. Mr. Dawes asked for a motion to table the motion and send it back to the Advisory Plan Commission. This started a discussion between the council members and Jonathon Blake which led Mr. Jessen to ask to suspend the rules and deal with item 10.05 which was passed unanimously.

At this point, Mr. Blake presented the Advisory Plan Commission case for the favorable recommendation for the rezone. Mr. Blake announced the town has been approved by the metropolitan planning organization to improve 700N from Green Street to 900East. The Advisory Plan Commission required the applicant to provide \$54,000 towards the 700N improvements. These improvements are slated for 2022. The area is currently zoned RB by Hendricks County which has a minimum lot area of 12,500 sq. feet, minimum lot width of 85 feet and minimum square footage of 1st floor of 1260 sq feet. The R3 zoning of Brownsburg calls for a minimum lot area of 9000 sq feet. allows minimum lot width of 80 feet, a minimum set back of 25 feet and a minimum 1st floor of 1400



## “ TRUST US ”

Mr. Dawes opened the meeting indicating that four members were present with Ms. Bascu still on maternity leave. Mr. Dawes then used the proactive of the chair to suspend the rules to move the residential academy presentation first and then item 10.01 the Cadence rezone recommendation.

First was the certificates to the 34 participants of the residents academy this year which included the editor of this paper. They posed for a picture with the town council.

Next on the agenda was another discussion on the Cadence rezone recommendations. The discussion started with Jonathon Blake making the presentation and then open it up for public comments. Jonathon Blake started addressing some of the concerns. He stated the town was in conversations with the county to look for other drainage routes and Stone Creek was given as a possibility however it is a mile away from the site and how the water would get to the creek has not been decided. He also stated that on May 24th the metropolitan planning organization had given approval for a 3.8 million dollar road improvement project for 700 North in fiscal year 2022. The earliest this could get moving is July 1st 2021. Concerns about the price of the homes the developer provided the average sales price of homes in Westfield and it came to \$274,000 which is in the range provided for the Brownsburg project. As far as density of the project, industry standard is to look at gross density or how many homes on how many acres without removing acreage for infrastructure and amenities. Since the last meeting, the applicant has taken steps to increase the size of the lots that are close to other residential lots to a R2 standard of 12,500 square feet. The floor was opened for questions from the council. Mr. Jessen began the conversation with a question about looking at density in

a specific area but these were all from one area. Jonathon said all one area but different neighborhoods. Jonathon had previously stated the Hession Farms was at 1.99, Lake Ridge was at 2.4, Cadence was at 2.1, Northwood was at 1.4 and Reeds estates was at 0.38. Jonathon also stated that staff had looked at the density around town in other areas and it ranges from 1.3 to 2.25 units per acre. Mr. Dawes then asked if

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

# LETTER TO / FROM THE EDITOR

## Press Release submitted via Mark Petersmann one of the residents speaking against the Cadance Development on 700N

1. I am beyond disappointed in the council's decision to allow an R3 designation of a property next to what they have identified as an R1 territory which borders it on 3 sides. This is a direct contradiction to their own unified development ordinance rules and regulations. They have elected to ignore this fact since the loophole is that the surrounding territory annexation is currently in litigation and therefore is not "technically" zoned R1. Therefore they have elected to utilize the loophole, and put a developer before their own neighbors.

2. During the discussion Mr. Worley indicated that when the proposal came across the docket of the planning commission, what he should have done at that time is to table the discussion until the watershed analysis and plans were complete. Yet, at this time, rather than doing exactly that, he elected to vote the rezoning through and allow it to move on? This seems very contradictory in and of itself.

3. The community members in our neighborhood have spent an exceptional amount of time working on conveying our thoughts, ideas, and concerns on this project in hopes that the council would actually take our hopes and wishes into consideration. I have lost many nights of sleep over this as I truly hoped to protect the rural feel that so defines our community and the local Brownsburg community. My fiancée and I just remodeled our home last year and decided to move to the area for the charm. Last night, that was stripped from us in pursuit of high density housing. All we really wanted was a smooth transition into the high density housing. Instead they elected to put profit in the forefront of their minds and ignore all other concerns.

## Letter From Abigail Warner she is against Cadence at 700N

I am writing to you today to express my severe disappointment in the Town Council's vote on agenda item 10.01 at the May 25, 2017 Town Council Meeting (A motion to support the Plan Commission's Recommendation for the Cadence Rezone to R3). I live at 8270 E CR 725 N, directly across the street from the property involved and my neighbors and I are incredibly frustrated by the result of last night's meeting.

Dr. Petersmann, our neighborhood spokesman, presented a very well thought out and researched presentation outlining the numerous reasons that R3 zoning is not appropriate for this land yet the Council gave him little regard and voted in favor of the petition.

Most concerning to me is the fact that the Council voted in favor of the petition even though it very clearly contradicts the Brownsburg Unified Development Ordinance. My property, as well as my neighbors' properties in Reed Estates, are part of the North Annexation Territory, and as such have been conditionally zoned as R1- Low Density Single-Family Residential District by the Town itself as can be seen on the Brownsburg North Annexation Area Map. The Brownsburg Unified Development Ordinance clearly states in Article 2.07 that R3 is not an appropriate adjacent district to R1. This is a point that Dr. Petersmann made clear in his presentation before the Council both on May 15th and May 25th. However, the Council chose to completely ignore the single most important document in town planning and development and voted favorably to assign R3 zoning directly adjacent to properties that are, as far as the Town is concerned, zoned R1.

The fact that the Council is so willing to disregard the UDO when making town development decisions is extremely concerning to me. This creates a precedence that more or less allows the Council to make decisions without any accountability. If the Council can disregard the UDO in this case, what is to keep it from doing so in other cases in the future? This action worries me that future development of Brownsburg will be completed at the whim of the Council with no accountability to Brownsburg's citizens.

Dr. Petersmann expressed in his presentation multiple times that the residents of Reed Estates are not against development of the property in question. My neighbors and I all understand that the town of Brownsburg is growing and expanding and it is inevitable that the 46 undeveloped acres adjacent to our neighborhood will one day be developed. We have no illusions that the property will stay farm land forever. But as was stated at the May 15th and May 25th Town Council Meetings, we vehemently oppose that property being zoned R3- High Density Single-Family Residential. Our neighborhood has suggested compromise of lower density R1 or R2 districts for that property as a transition between the higher density zonings to the south of the property and the lower density zonings to the north. But these suggestions seem to have fallen on deaf ears. It appears the Council considered only two options-- a change to R3 zoning or forever keeping the current Agricultural zoning. Several Town Council Members mentioned that development will occur in this area so this petition should go forward, but it seems they never considered assigning zoning or finding a development plan that would create expansion that is also sensitive to the over 100 residents already living in that area.

I understand that as a resident of Reed Estates I am not a citizen of Brownsburg and my property tax dollars do not go to support the town. I also understand that I am not one of your constituents and do not have the power to vote for or against you or any other member of the Town Council in elections. However, living so close to the Town limits, my neighbors and I are members of the greater Brownsburg Community-- we shop in Brownsburg stores, we own and are employed by Brownsburg businesses, our children attend Brownsburg Schools, and we consider Brownsburg to be our home. Actions like the one taken on the Cadence Rezone Issue last night make me believe that Brownsburg does not value us as members of the community. It disheartens me to think that the Town Council is more concerned with increasing the total assessed value of properties within its borders than it is with protecting the longstanding members of its community.

Shame on you for putting monetary gain above the wellbeing of your community. Sincerely, *Abigail Warner*

## From The Editor

While the tedium of town governance continued, there was little news fit to print for the month of April. This month's edition is a compilation of April and May, mostly May. A variety of April boards and commission meetings wrapped up loose ends surrounding the east and west side town center projects. Various funding sources and amounts were disclosed, TIF (Tax Increment Financing) districts were established, and estimated closing dates projected which allowed for the Town Council's vote for final approval of the town center's primary projects in May. Culminating in an official ground breaking ceremony for the Envoy project May 17th.

For reasons unclear to this publication and the town and township public at large, the Town of Brownsburg has taken significant interest in fostering development on a previously "not economically viable" parcel of land located on CR 700 N, east of Green Street (Hwy 267). This same parcel and request for zoning variance was voted down by the town by different administrations in 2005 and 2013. The issues that were present then are still applicable today. This administration's hubris knows no bounds, believing nothing can stand in their way to achieve their goals, some publicly known, and probably many others this publication will not speculate on. These apparent unknown objectives appeared to play a significant role in the questionable decisions made by this council in overturning precedents by several previous administrations. The actions taken by Brian Jessen and Chris

# LETTER TO / FROM THE EDITOR

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Worley are of greatest concern. This publication is singling them out because Mr. Dawes and Mr. Benham stayed true to their vote through the entire process. Because of this publications concerns, we submitted the same question to both Mr. Jessen and Mr. Worley. The question was: "What new information was made available to you to change your vote on the R3 zoning question?" You can read their responses on page 4 and 5 of this publication.

Even reading Mr. Worley's explanation, it is difficult to understand his rationale for changing his vote, this is the second time he made public a miscue of this nature. The first being his vote to eliminate general citizens comments from the town council agenda. Otherwise, Mr. Worley's public actions and voting record are more often aligned with his moral compass. Despite Mr. Worley's reasoning behind his most recent vote, questions remain, why vote on a motion in town council on which he held reservations during the Advisory Planning Committee? It seems odd to vote on a recommendation in which the developer had yet to provide to the town or county a workable solution to multiple well known, decades old, drainage issues. In addition, members of the public question the ability of existing infrastructure to service the development's residents when completed, even after factoring in the developer's monetary contributions. Finally, speculation swirls that previously unannounced but much needed road improvements to 700N will not materialize in time, if at all.

Unfortunately this is very familiar for Mr. Jessen, he is a walking contradiction. Publicly, he offers a wide range of platitudes "That's a great idea", "I'm listening", "I will look into that", "We're developing an action plan", "Let me dig into that", "Let me get back to you". Yet nearly as often, "Your perspective doesn't matter, you don't live in the town" (yet he cares about the owner of the county property on 700N and their ability to sell their land, see page 4), "This is a matter for Brownsburg residents to decide". This ignores the fact that taxes collected from the townships are funneled through the town to fund vitally important shared services, Brownsburg Schools, and Brownsburg Fire Territory among others. Tampering with the delicate funding balance between these entities directly impacts the value of the largest physical asset owned by town and township residents alike, their homes.

He proclaims he is an advocate for public safety as the town's representative to the Brownsburg Fire Territory Board, yet he has

not acted to address an easily recognizable conflict of interest. Both the town and fire territory are separate entities but are represented by the same attorney and firm. He has also voted in favor of continued reductions to the fire territory portion of share revenue streams.

Mr. Jessen also advocates for greater transparency in government, but ironically, to date has fallen in line with the status quo. The result, the town continues to stonewall citizen access to public information.

Mr. Jessen spends a considerable amount of time engaging the public, crafting the persona of being approachable, a listener, an advocate for those who feel marginalized by other elected, hired, and appointed public servants. However, using metrics which count, he too often falls far short. Mr. Jessen clearly has a difficult time grasping the difference between gushing platitudes and being effective at bi-partisan leadership, getting people who hold differing views to set their differences aside and work collaboratively on shared goals to the benefit of the people he was elected to serve. Not only working with the other members of council, boards and commissions, he must also be able to achieve the desired results from hired persons to perform their duties of office in a totally transparent manner, and not blindly follow the advice from hired or elected public servants, rather he must understand and ensure compliance with Federal, State, County, Local statutes and ordinances regardless if push back is given "It's always been done this way", "It's not fashionable", or if this approach exposes some impropriety by past or present administrations.

His lack of consistent performance prevents him from achieving his lifetime goal, one which he is publicly promoting to become mayor of a community. This publication admires Mr. Jessen setting a stretch goal for himself. At some point he may achieve it. However, using recent history as our guide until he and all elected, hired, and appointed public servants perform their sworn duties of office in an effective and equitable manner for at least 5 years, there is no justification to consolidate more power to the select few. In this case to someone who has just started his first day of apprenticeship.

This publication looks forward to partnering with him and all other public servants as long as they act in the best interests of the people they were elected to serve or whose tax monies they disburse. They must do so in a manner aligned with their duties of office they swore an oath to guard and uphold.

"He who knows best knows how little he knows"

--Thomas Jefferson



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## Mr Jessen Question Regarding Cadence Development Vote Reversal

**Editor Question to Mr. Jessen: “What new information was made available to you to change your vote on the R3 zoning question?”**

Answer from Mr. Jessen to the Brownsburg Sentinel follows:

The reason I have decided to support this project is complex. I also understand that this project has a very long way to go. It deserves the chance to be heard by all parties involved to see if it can work.

Additionally, the land owner has been trying to sell this parcel for over ten years now. He deserves the opportunity to work with a developer to sell the parcel.

My initial concerns about this area focused on the drainage issues. The Town of Brownsburg understands that there are existing drainage issues in this area, specifically on and around the Reed’s Estates subdivision. These drainage issues are a result of poor topography, lack of positive drainage and aging legal drain infrastructure. That being said, the Developer will be required to accommodate drainage into his project, just as other developments are required to do within the Town and County’s jurisdiction. The next step in the development process will be to prepare a primary plat. At that time, the Developer will be required to conduct a detailed drainage study for the project; and meet with the Surveyor’s Office and Drainage Board to determine the appropriate “outlet” rate for the project.

There were also a few other comments made at the last Council Meeting that I’d like to touch on.

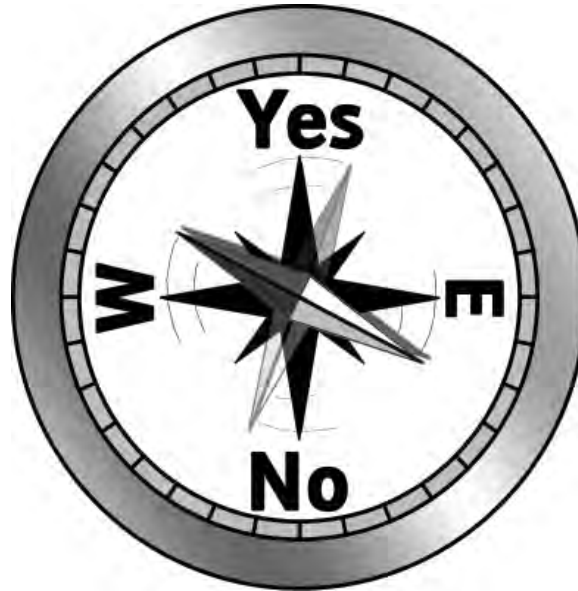
The Developer has made several attempts throughout the zoning process to reach out to the property owners, offering to meet one-on-one or as a collective, to explain (in detail) the project, and gain feedback from the residents. He placed his personal contact information in his notice of public hearing, and never received a single call from the remonstrators.

After hearing the concerns raised at the Plan Commission hearing, and the May 15th Council Meeting, the Developer (on his own) went “back to the drawing board” to increase the conditions and self-imposed commitments he was willing to meet for this project. These conditions include: minimum home size, minimum lot area increases, increased buffering (to a Level 4), increased lot widths and frontage, and road improvements.

Also at the 5/25/17 Council Meeting, one of the residents cited a housing study conducted by Maxfield Research, commissioned by the Town. It states that there are over 450 vacant homes in Brownsburg that have yet to be bought. The number touted as being “vacant homes” is actually the number of improved lots. Additionally, the townships residents claim that another 800+ lots have been approved and are sitting vacant. But this is not true. The Housing Study shows that there are approximately 800 lots that have been approved for development (through the zoning and primary plat processes) but have not been developed. In other words, these 800 lots do not exist yet.

Lastly, I want to talk about the argument of zoning. A rezone process is not the right time to discuss “site” related issues. That’s not to say that we don’t want to consider those issues at time of zoning, but it is impractical to expect a developer to have those issues “resolved” at zoning. Bottom line is if the area cannot be zoned, then there is no project.

### Jessen’s - Worley’s Compass



“True enough, this compass does not point north.”

“...Where does it point?” [Elizabeth Swann]

“It points to the thing you want most in this world.”

-- Captain Jack Sparrow  
(Pirates of the Caribbean)

I do understand both sides of the “this area is not compatible with the proposed zoning” argument. At zoning we are asking the questions “is this the right zoning classification for this area?” and “is this zoning consistent with our comprehensive plan?” Page 69 of the Comp Plan does specifically show this area for single family housing. Addressing the comments about the area not being compatible, a table was shown from the Unified Development Ordinance. The UDO does not state they are “incompatible”. Incompatible is not the same as is it appropriate.

Developments are looked at as a whole for the area as a whole around, not just one adjacent area. Technically, Reed Estates is an anomaly to that area based on the Comp Plan. The current zoning of the property is “RB – Single-Family Residential” and is under the jurisdiction of the Hendricks County Area Plan Commission. The RB classification is very similar to the Town’s Medium Density Single-Family Residential (R2) and High Density Single-Family Residential (R3) districts. As it is presently zoned, the Developer would request voluntary annexation of the property into a classification of equal or lesser density without triggering a zoning map amendment process. Based on the

characteristics of the built environment surrounding this property, the proposed zoning classification and the changes the Developer made to increase the lot widths and frontage, and road improvements, I believe the R3 district works with the Hendricks County RB classification.

I understand Mr. Editor, this is a longer response than initially was requested. I wanted to ensure I provided information as well as back up to my decision. I am forced to take emotion out of my decisions and vote on facts, which is not an easy action based on all the emotion in the room that evening.

It has been debated that I as a Town Council member “shouldn’t care about the opinions” from township residents. Township residents consider themselves members of the greater Brownsburg Community; shopping in town, attending the schools and calling Brownsburg home. I could make similar claims about Avon or Indianapolis. While my kids did not attend schools there, I spend a good amount of time and money in these communities. Should I be permitted to have a voice in the decisions they make in regards to town planning or where new developments should be and not? Of course not. To ignore and/or deny growth would be detrimental to our community. Growth is going to happen. If township residents have an opposing viewpoint on any issue, I would want to understand why. Outside of that, I have strong obligations to the residents of the Town of Brownsburg. -- Brian Jessen Ward 3 Town Councilman

## Beginning of the Cadence Rezoning

### April - Advisory Plan Commission Meeting

Under Old Business, there was one case which was PCCZ-02-17-1500 Cadence Subdivision zone to R3. This subdivision is on the north side of 700N east of Green Street. It is 46 acres and mostly farm land. The site plan contains 98 home sites or 2.1 homes per acres. The average price of homes in the community will be upper 200,000 to low 300,000 dollars. It was very obvious that Olthof homes had done their homework and pointed out all the ways that their development fulfills the Comprehensive plan of Brownsburg.

Cadence Development is 98 homes on [for practical purposes] 35 acres on CR 700N.

Neighboring an established rural area where home sites are between 2 and 10 acres. The new homes have lot sizes of 1/3 acre and are priced between 200k - 300k.

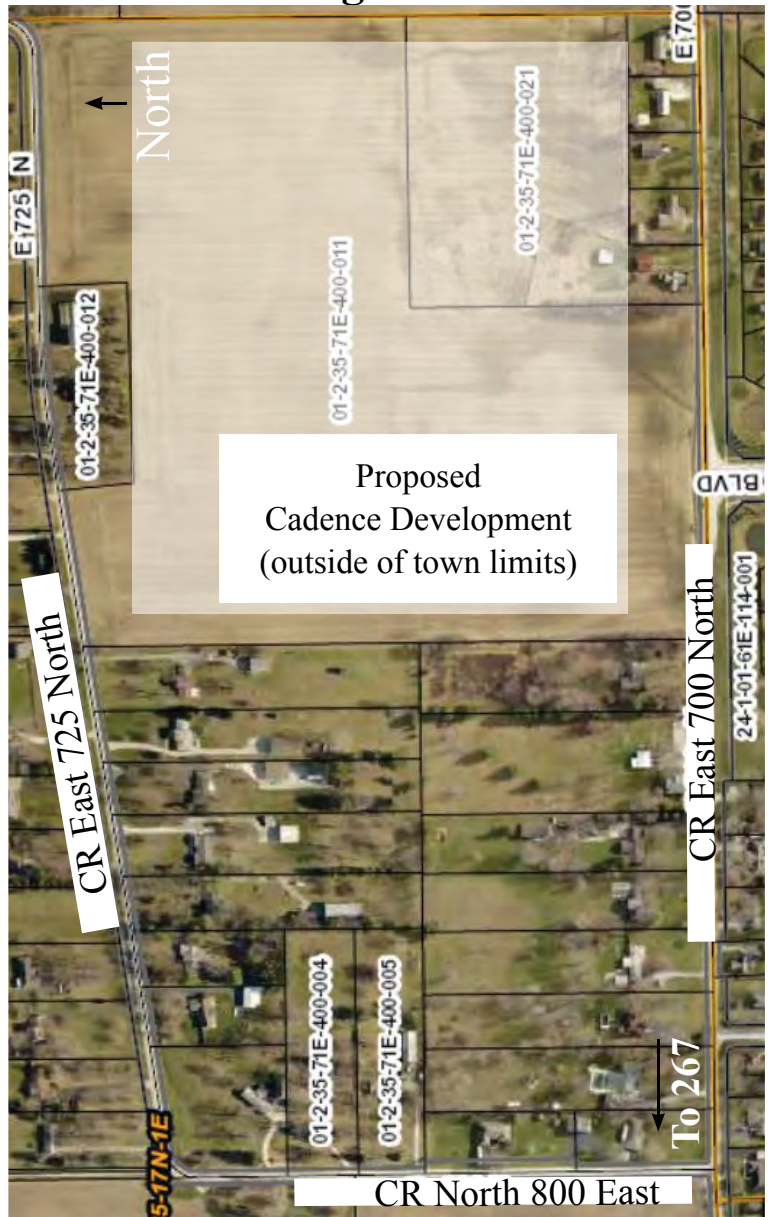
This area is currently located outside the limits of the Town of Brownsburg.

Known [substantial] drainage issues have prevented multiple attempts to develop this property over the last 20 years.

He then brought up the last petition for a zoning change for this same land which was denied a rezoning request in 2013. He continued by displaying a powerpoint of the 2013 decision and why it was denied. He said no infrastructure changes had been made since the 2013 ruling. Water drainage is a huge problem for the homeowners of this area and the build out of more subdivisions on 700N, St. Malachy school and the proposed baseball diamonds would only serve to make the strained infrastructure worse. He then pointed out how the development of this land would go against the comprehensive plan in direct contrast to what Olthof homes had stated earlier in the meeting. There are almost 1200 open lots in existing neighborhoods and the comp plan states that those lots be filled first. He also pointed out that there is land within the town limits that is appropriate for R3 zoning that has not been built out.

Next up was Dave Gaston the County Surveyor to discuss the impacted drains and the resulting issues for to the home owners. The Drainage Committee has approved a study to analyze the total watershed. The developer thinks they have this handled by using the Lake Ridge ponds for drainage. He stated until there are engineering plans he cannot really comment on the total impact. If the project has a negative impact, Hendricks County Drainage Commission will deny the development. After these comments, Olthof homes spokesperson got up and stated that they thought their development was consistent with the comprehensive plan and this would be a voluntary annexation of a land area that is part of the North Annexation Remonstrance effort which is still in litigation. The public hearing was then closed and a vote was taken which was to send a favorable recommendation of the rezoning to the Town Council. This motion passed 4-2.

The public hearing was opened with a caveat on comments only on the rezone. Dr. Mark Petersmann spoke on behalf of the on behalf of the homes in Reed Estates an area adjacent to the Cadence property on 725N. He started with a personal note as to why he moved into this neighborhood approximately a year ago. He stated that they chose their current home based on the rural feel of the neighborhood. He then moved to a presentation on behalf of the community. Reed Estates consists of home sites of 2-10 acres and the residents have chickens, horses and pigs. These homes are zoned for agriculture or very low density housing. Dr. Petersmann noted that the Cadence subdivision will have 4 times the density of the homes in Reed Estates.



**Editor Question to Mr. Worley: "What new information was made available to you to change your vote on the R3 zoning question?"**

*Answer from Mr. Worley to the Brownsburg Sentinel follows:*

When the Cadence Rezone was being heard by the Advisory Plan Commission, at the conclusion of the Public Hearing, my initial thought was that maybe this should be continued to a future meeting, pending the completion of a study of the property drainage and nearby public Drains by the Hendricks County Surveyors Office. However I failed to offer a motion-to-continue before the final vote of the Plan Commission.

In preparation for the subsequent Town Council hearing on the Cadence Rezone Motion to Support Advisory Plan Commission Recommendation, I realized that the County Surveyors study should be completed well before any actual development of the Cadence Property. Also that regardless of the outcome of the Surveyors study, the Cadence Development would be required to comply with the Hendricks Co. Surveyors Office requirements, as well as the Hendricks Co. Drainage Board conditions of approval, and the Town of Brownsburg Stormwater Management Ordinance, standards, specifications and details, at the time of development.

-- Chris Worley Ward 2 Town Councilman



## May 15th Town Council - *continued from page 1*

sq feet. If Cadence would be zoned R2, it would be a minimum lot area of 12500 sq feet, 100 feet for a minimum lot width, and 1600 sq feet for a minimum 1st floor. The 2013 Beazer rezone was for approximately 120 acres with 290 homes with a lower price point. Olthof Homes is committing to an average of \$270,000 per home. Mr. Dawes opened the floor for more comments. Dr. Petersmann came back up to say the main issue is the R3 zoning which is incompatible with the surrounding area which is consistent with an R1 zoning. The comprehensive plan states that R3 cannot be placed next to R1 zoning.

Next up was Mike Roberts, his comments concerned the history and the issues with storm water and sanitary with the Quinn ditch and the Mary Gibbs ditch. The Quinn is a sub surface tile which drains part of the Gary Maloney farm and the homes on the west side of 700 and 750. The Quinn ditch has been deemed to have inadequate outflow for at least 20 years this was caused when I-74 was built and would cost \$250,000-\$300,000 to repair.

Josh Becks came to the podium. He has done research on Olthof homes subdivisions. Olthof has committed to establish pricing for Cadence to be between \$275,000-\$325,000. However, when looking at the Olthoff website the starting price for all neighborhoods \$209,000-\$250,000 with the average of all their neighborhoods is \$209,500. The lowest starting price is \$120,000 and the highest starting price \$290,000. There are only two neighborhoods with a starting price for over \$270,000.

**Mr. Jessen and Mr. Benham voted *against* the favorable rezone but the motion failed because only 3 members were present.**

**The motion moved to the May 25th agenda.**

the residents. Ms. Leminger stated no action does not fail the motion some action needs to happen. Mr. Jessen made the motion to deny the recommendation and Mr. Benham seconded the motion. The vote was 2-1 so there was no action because it needed a vote of three to pass. The motion will be placed on the May 25th agenda.

The 2017 Road Resurfacing Project Bid Opening The town received 4 bids. The accepted bid was for \$797,000 which was below the estimate. The bid acceptance passed unanimously.

After one hour and 15 minutes spent on the Cadence rezone, the council moved swiftly through the rest of the agenda in about 25 minutes. Last on the agenda was citizen's comments where Anthony Daniels former BJFL board member came to the podium. He stated that when they had their fields taken away with the land swap with the school system the town did not help them find new fields. The town needed to treat all youth leagues the same way within the town.



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## May 25th Town Council - *continued from page 1*

the drainage work for this development would fix the already known issues for drainage in the area. Jonathon answered that no it would not help the current flooding by extending storm drains or the like. The developer would be required to be able to handle the runoff that comes on to the Cadence subdivision and release it in a way as not to flood downstream developments. Mr. Dawes asked if the project moves ahead what would be the timing? Development of the subdivision would probably start next spring with homes being built the summer of 2018. By the time the development is 50-75% full it would be around the time of the 700 North project. Mr. Dawes asked if the drainage issues and the 700 North construction regardless of the Cadence project and Jonathon answered that it would go forward. Mr. Worley then asked for a recap of the changes made by the developer over the last week. Jonathon noted that all the western and northern lots besides lot 13 exceed 13,000 square feet with Lot 13 on the North east corner which is at 9030 square feet.

**Mr. Jessen asked if the drainage problems were taken into affect before starting this project. The developer stated that first they looked at the comprehensive plan ....**

It is currently zoned RB for the county which is similar to the R2/R3 zoning of the town. Mr. Benham asked Jonathon to comment on why we would be putting an R3 next to an area if annexed would be R1? In 2013, the idea of making Reed estates R1 was because they did not meet all the requirements for agriculture or residential estate zoning so to keep them from having to do variances every time they wanted to make a change the area was classified R1 if annexed. So in 2013, Beazer development was looking at Red Estates being R1 but today since it is not annexed it is being looked at as RB for the county which is more of a R2/R3 zoning. Mr. Benham then asked if Olthof pulls out 18 months from now what is keeping another developer from coming in and saying it has already been zoned R3 but makes a development of less quality. Jonathon answered that the council could put stipulations to the rezoning like minimum home price or minimum average price or the cleaner option that the council give conditional approval with a time frame or the council at any time could at any time could initiate a rezoning back to agricultural. *Mr. Jessen then asked if the property was part of the north annexation and Jonathon answered "yes".*

With no more questions from the council at this time, the public comments were opened with a stipulation to keep the comments to new information only. The change in lot sizes reduced the number of homes from 98 homes to 95 home sites. They are changing the level 3 landscape buffer to a level 4 which changes the landscape to evergreen. The developer is committing to no more than 95 home sites with a density of 2.06 minimum lot frontage of 78 feet. The development minimum floor area of any house will be 1800 square feet with the average lot area will be 11000 square feet. He also commits to 20% open space with a community park and pedestrian pathway within the community. The developer stated that infrastructure issues have not been addressed because it is not time for that in the process and there will be more time for public comment. Mr. Jessen then asked if the drainage

**Next the developer talked to Dave Gaston [county surveyor] who stated that runoff to Lake Ridge was appropriate. But since then he has started an assessment of the area which will take months.**

## May 25th Town Council - *continued from page 6*

problems were taken into affect before starting this project. The developer stated that first they looked at the comprehensive plan and it was in compliance and then they talked to Dave Gaston who at the time stated that run off to Lake Ridge was appropriate but since that time we have learned that they are doing an assessment which will not be completed for a couple of months we just stopped until we know the results of the assessment. Mr. Jessen then asked if they had spoken with the residents. He answered they sent out notices to the surrounding property owners and it had contact information on the notice. They are willing to sit down with the adjacent homeowners to discuss the differences. Dr. Petersmann then came up to the podium, He first stated that the developer did send out letters stating that they would be building but no one ever asked for the residents opinion. When it comes to hierarchy the universal development ordinances should be number one. He also stated they are not concerned with density but lot sizes compared to their own lots. Cadence lots are about 1/3 acre lots where the average lot size of the neighboring lots is 3.1 acres which is 9 times larger than the Cadence subdivision. The UDO, the comp plan and past town recommendation state that R1 should not be next to R3. This is not the first try to get high density housing on this lot. In 2005 and 2013, the town decided that R3 could not go on this lot why has it changed now? Jim Sering came with a cane for protection. Mr. Sering stated that every time we add a development close to town these same issues will come up. He also stated that 700 North is long overdue for change which should be happening by the county. He also stated that the town should be looking at making lots larger to have the houses sell. His last statement was that the council only represents their citizens and not the un-annexed areas. Yes be a good neighbor but if you have a good project for the town it is the town you represent.

The developers representative came up to comment on some of the statements that evening. First the comp plan states that low density can be up to 5 units per acre and this development is at 2.06. The number of lots being developed next to the existing community. In regards to how many lots being developed next to the existing community, 13 lots adjacent to two parcels where Autumn Glen which was recently platted has 16 lots adjacent to one parcel. With the comment that the developer did not contact the community, the community could have contacted the developer. Citizens comment were closed.

“I failed to offer a motion of continuance before that vote [the APC vote] was taken.”

-- Chris Worley.  
May 25, 2017

Mr. Dawes asked if there were any more questions or a motion. Mr. Worley who is on the planning commission spoke to where he was on this topic. “Yes it has been a difficult issue for all of us to consider. The Reed Estates group has been very professional in their opposition to this very effective presentation by Dr. Petersmann and others. I did miss the last town council meeting where this was heard however I did go back and watch the video I watched ever

bit of testimony and anything that had to do with this matter. I want to explain for a just a moment what happened at the advisory plan commission meeting. The plan commission did approve or send along a favorable recommendation to the town council by a majority vote. I did vote ‘no’ on this at the advisory plan commission meeting. My no vote had nothing to do with the zoning issue. It had nothing to do with zoning moving to R3. When I heard during the public hearing on that Mr. Dave Gaston spoke from the Hendricks County Surveyors office and he explained that he currently had a study going on with this and many of you are familiar with what going on with him and that study. My initial thought right then was should this be continued or put off until he can get that study done. So that’s rolling around

in my head and then the vote came around and I failed to offer a motion of continuance before that vote was taken and I voted no on the rezone as a result of that I thought it should be continued until he finished his work. As I said that was an error, I should have before the vote was taken said I am going to make a motion to continue this but anyway, after the fact I realized that I had made a mistake on that so that brings us to today and since I missed that meeting, I went back and viewed the video I have considered and examined this issue every day since and most nights since. Where I am at today that I do feel R3 zoning is appropriate for the expected density of this and we have new commitments now just this past week that exceed the R3 requirement. I know this is a zoning issue but if this development does proceed. The developer as stated by Mr. Blake will be required to comply with the Hendricks County surveyors office requirements, the county drainage board conditions and the town of Brownsburg Storm Water Management ordinance and specifications which now with our new UDO has been enacted are stronger than ever along with our new waste water treatment plant. The developer will be required to improve when we talk about the roads will be required to improve the proposed intersection at the entrance to 700 North and contribute funds to the towns expected improvements and as we heard there was more development on that here tonight. I think we would be hard pressed to find another developer so willing to commit to make these drainage and infrastructure improvements and share the cost of doing so. This is a zoning request only at this time. I did review the development plan as part of the planning commission. I like the development itself. This would be an assessed value addition into the town that was mentioned here tonight with the expected price of these homes somewhere in the neighborhood of a 25-26 million development for the town. It’s a primary growth area as identified by the comprehensive plan. The item before us right now is a motion to support the plan commission recommendation for Cadence rezone to R3. As the town’s appointee to the Advisory Plan Commission, I do wish to support the majority of the plan commissions favorable recommendation for this rezone to R3.” Mr. Worley then made a motion to approve the recommendation by the plan commission for a rezone to R3 for Cadence with Mr. Dawes seconding the motion. Mr. Jessen wished to make a comment “We heard a few times over the last eighteen nineteen months that we have been a council of us five Brownsburg’s growing so quickly and things are out of control and everything else and we are losing the Brownsburg charm and this and that. We live next to the 14th largest city in America and to not expect any growth to bleed to the west to come out towards Hendricks County is something everybody should take into account -I considered it when I moved here. I think it is our responsibility as a council and as the commissions we appoint that we address that and tackle that together as a unified body to control the growth in that sense but that’s not saying we should be totally closed to all growth. I wish in this position that the developer who has said several times he may try to connect to with the people and speak to the people and everything else in the area around it. I respect that. I also respect the position of everyone in the area that is against this I think the one thing that keeps coming up is while the annexation is in contention if the annexation is successful these are our residents and I don’t want anybody to think out there especially that the four of us over the last week or so haven’t heard from, thought about or anything about that. We’ve heard the arguments from many in town that you are not our resident so we shouldn’t care about what you have to say we have heard the opposite argument that eventually we are all going to be part of Brownsburg. I think the one thing we need to look at here tonight is the facts that were presented to us from the developer as well as the remonstrators and I think that as we move forward with this vote we’re going to vote on the facts.” A vote was taken on the motion to support with the conditions heard this evening along with a condition

*cont to p. 8*

## May 25th Town Council - *continued from page 7*

**Mr. Jessen  
Voted to  
approve the  
motion he  
voted against  
on May 15th.**

to revert to a lower zoning if this development fails. The amendment carried three to one and then they voted on the amended motion which passed 3-1 with Mr. Benham being the opposing vote tonight. The second vote which was held by roll call was interesting because everyone was decisive except for Mr. Jessen who took a very long minute before approving the motion.

*(I wonder what was on his mind--maybe discussions held that very day that predicted a different outcome--The Editor)*

Next was the Police and Fire Territory reports. Chief Grimes commented that there were 300 applicants for the open positions and 282 made it through the first cut and were invited to test which will happen on June 10th. Chief Alcorn stated they had taken delivery of a new pumper another one will arrive the week of May 29th and the last in mid June. The older trucks will be decommissioned at that time. Also, an offer will be made to a new Fire Marshall the week of the 29th.

The first three ordinances on New Business flew through the council with unanimous votes taking all of five minutes. Next on the agenda was the ordinance to approve the RDC grants to the Brownsburg Improvement Committee for commercial developments in the Arbuckle Commons and Town Center allocation areas as part of the money commitments to Scanell and F&C developers. The town was confirmed AA+ with a stable outlook the week of May 22nd. The ordinance was changed to approve on the 2nd reading only and a motion on the amended dates. Both were approved. Now they made a motion for third reading and final adoption and it was approved. The other four resolutions took another 6 minutes to approve.

Next on the agenda was the 2018 budget discussion, staff has started the first conversations with all departments. The general fund projected for the end of 2017 is 4.6 million that assumes the town will spend every dollar in the budget. The town usually only spends about 90% of the budget so at the end of the year another 500,000 dollars will probably be added to the general fund. The town has had a rough two years for insurance claims, staff is proposing a onetime transfer of funds to the 504 account to grow that account. The fire training facility may need roofing needs and maybe a different use for Eaton Hall. Staff is proposing a levy appeal since the town's growth rate is 6.4% and the average for the rest of the state is 1.9%. State statute says if a municipality exceeds the growth by 3% they can ask for a levy appeal. The paperwork is \$1500 and the town is not guaranteed to get the monies but if approved it would give the town another \$100,000 to share between the general fund and the motor vehicle highway fund. They want to propose the reestablishment of the CCD fund rate not asking for a vote at this meeting. They are asking for a 1% merit pool for 2018.

Under Town council items, there were two main items this evening. First, the council needed to give a name for the Brownsburg Improvement Committee from the advisory plan commission. The name appointed was Jack Swalley. Second on the agenda was an update on the Brownsburg Little League. A meeting was held mid-May. Those in attendance were Councilmen Jessen and Dawes, Ann Hathaway, Phil Utterback, Darrin Lambert from the Little League, Director of Parks Phil Parnin, Travis Tranbarger, Mary Louise Bewley, Grant Kleinhenz and Prose Consulting Leon Younger. The meeting started to be a visioning session for the Brownsburg Little League. During discussions about roles and responsibilities, the meeting topic widened to talk about all the sports youth leagues in Brownsburg. Mr. Dawes submitted a motion to direct Grant and Phil to investigate creating a youth sports league commission. The motion was approved for a report back by the first meeting in September.

## BCSC May Report - *by Anne Sering*



The Brownsburg Community School Corporation Board of Trustees met on May 8, 2017. The meeting surely started on time with commendations and the character presentation by Brownsburg High School Students. Shortly after the 6:30 p.m. start time, this writer pulled into her drive following a four day trip to Manhattan, Kansas where we visited our grandson who had recently returned from Afghanistan. Having rested all day in the car, I decided to see what part of the meeting I could catch. What I missed was the Character Presentation, the commendations for Julie Bahr for being an Indiana Academic All-Star, for the Robotics TEAM 3176, and DECA, an association of high school students learning business, finance, hospitality and marketing sales and service.

Brownsburg Schools Police Department Chief Ginnie Wing gave her annual report to the Board. She said daily duties include patrolling the campus, traffic and parking, transportation, and arrests. This past year it was necessary to arrest 8 parents and about 40 students. One of the most popular tasks is when the police dog Zeus visits classrooms. Another appreciated task was when the school police helped clean the windshields of the students on a snowy day. The officers also attended the Prom during which students asked to be pictured with the officers.

Mr. Voigt reported that the last set of bids for the High School renovation project and at present is 4% under budget. The cost of school meals will be increasing in the coming year. Elementary lunches will be \$2.40 and \$2.55 for others. The cafeteria will be changing financial reporting according to state accounting guidelines. Bid packages 10 thru 17 were approved.

Asst. Superintendent Jessup recommended the approval of textbook and laptop rental and repair fees. In many cases the cost to elementary students will go down but science book rental will cause some high school students realize an increase. The computer charges will remain the same.

Dr. Snapp thanked John Voigt, Chief Operations officer and Business Manager Barry Gardner for their service. High School Principal DeGaye stated 950 students attended the Prom. Mr. Hylton attended the dinner honoring the top 25 students and remarked that 22 of the students had spent 13 years in Brownsburg Schools. -- *Anne Sering*

## May Little League Update

The BLLB is continuing to explore partnership opportunities with the Town of Brownsburg, specifically the Parks & Recreation Department. In terms of actual space, however, we are in formal negotiations with the Hoosier Athletic Center (HAC). If we do not reach a purchase agreement, we do intend to seek lease options at that facility which would allow us to play our league games there next year.

Our work with Tucker Barnhart and subsequent support from the Cincinnati Reds has and will continue to be an integral part of our future. In addition to this, we are sincerely appreciative of the additional support we have found in community members and various local organizations. Fund raising and the growth of both new and existing partnerships will continue in the coming months.

In addition to this, our fall baseball leagues will be held as in years past. We will continue utilization of diamonds 2-5 at Arbuckle Park and are also working with the youth teams in our neighboring communities to potentially use their facilities, as needed.

Questions, contact us at [info@brownsburgbaseball.com](mailto:info@brownsburgbaseball.com). - *BLL Board*

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## May Park Board - by Anne Sering

The Brownsburg Parks and Recreation Board met on May 18, 2017. On June 1, 2017, this columnist and the Publisher/Editor of the Brownsburg Sentinel met with Parks and Recreation Director Philip Parnin and Community Engagement Manager Mary Louise Bewley. Also in attendance were Interns Megan Lingle and Brianna Marvell. The following article will include information from both meetings and the 2016 Annual Report published by Brownsburg Parks.

The Interns will be interviewing citizens in order to compile a history of parks in Brownsburg. A wealth of historical information is being lost with each passing year. Besides Megan and Brianna, Veronica Charles hiring for seasonal customer service support was also ratified at the May meeting. Each was hired with budgeted funds.

It is hoped that a request to use additional funding will be approved in order to amend the Salary Ordinance to hire 3 to 5 full time managers for B.A.S.E. in the fall. Having a full time manager in charge of each B.A.S.E. location will help retain and obtain more qualified managers. This cost will be covered by B.A.S.E. revenue. The goal is to be able to put full time managers at 3 locations this fall. The locations will be chose on basis of need.

A plan is being developed for park site maintenance to insure consistency within the park system. Specific tasks will be placed on a rotating schedule. A professional design consultant will be engaged to help with the interior renovation of Bundy Lodge in Arbuckle Acres Park. Joe Maples was recognized for his maintenance of the Splash Park. The Rotary Club provided forty volunteers who picked up limbs on the B&O Trail. Rain has delayed sub grade work on both the Centennial and B & O Trails. Bidding for the development for the Cardinal Property is being sought. However, dirt is still needed for fill. Little Free Libraries have been set up in Arbuckle and Williams Parks. The last bit of information on parks was that Mr. Carmody, residing in Florida, had been contacted concerning the moving of the fountain at the entrance to Arbuckle Acres and dedicated in memory of his late wife. He will be included in the changes made.

It is no secret that parks and recreational areas are not important to some of the town officials and believe parks should be self supporting and not use tax funds. Like Disney Land? Gated parks with admission fees? It is a proven fact that it is the quality of life and not abatements that bring jobs to an area. Abatements may bring buildings but buildings do not necessarily bring customers. The reader of this article may have seen the 2016 Annual Report on Brownsburg Parks. In our meet June meeting with the Parks Department Director Philip Parnin clarified what appears to be a bottom line deficit of \$400,000. One big expense expected (but not before January 2017) was the relocation of the Parks Department Office. The building was purchased without tax payer dollars at a cost more than the bottom line deficit. It was remodeled with food and beverage tax money. (Be sure to be nice to strangers stopping at our fast food locations.) Much, if not all, of the labor was provided by Park employees. Reserve dollars were used thus the Department actually under spent the Town Council approved budgets. The Park Department now has a permanent location easily seen and accessible.

Parnin strongly believes that the Parks Department consider the people it serves as customers not tax payers because it is the only department people choose to spend their disposable income with. He also feels that just because the Parks Department is government doesn't mean the department personnel have to act like it. For this reason a detailed business plan keeps the Department expenditures to a minimum with the largest source of revenue being fees and charges. The newly established playground adjacent to the Watermill splash pad has made the shelters in the vicinity much in demand where before they were not the first choice. By surveying shelter customers it was determined that providing serving areas with electrical outlets for serving dishes in some and fire pits near others increased their

demand and department profits. The trails being developed for walking and bicycling are a health benefit. I was shocked, when I returned home from a walk on town streets (Green St.), to realize how loud I had turned up my walkman to hear it over the traffic noise. Just saving people's hearing must be worth something. Have you priced hearing aids?

One hot topic in Brownsburg is the loss of the Little League fields in Arbuckle Acres. (People have actually moved to this area because of the opportunity youth sports provides their children.) At this time Brownsburg must give up its small community attitude toward youth sports. Not every child wants to play football or baseball. Other sports in demand are soccer, rugby, swimming, and softball not to mention golf and tennis. The Parks department is helping set up a Commission for Youth Sports to investigate and develop a business plan for all youth sports in conjunction with Brownsburg Community Schools whose territory extends beyond the Town of Brownsburg. Youth Sports has to define how it should be run, what quality is in demand, what the cost should be and have a defined role as to how it fits in our area. By the different sports joining together would there not be more efficiency for all?

Another hot topic is that of the Town providing a community center. In past surveys this is always at the top of the list. In 2016 revenue from fees and charges was over \$1.1 million. Compare that with \$115,000 in 2010. I believe a community center would bring in more revenue to Brownsburg than additional office and business space of comparable size. Could it be possible that the fees collected for amenities in a community center might be greater than the property taxes actually collected by a business of the same size in the new metro area? Hopefully, Town Council members should reconsider their opposition to a Community Center. To continue growth, the Parks Department must be enabled to provide more services which may mean hiring more staff and providing more services. It required two buses to serve those wanting to go to the Cubs game in Chicago on June 2. The Parks Department is well aware that their customer base ranges from those 1 year old to those 100 years old. According to the Director Parnin, "It is the public's park system; we just have the honor of managing it for them".

### Lions Club July 4th Parade Entrants

New Parade Entry Form

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## Joint RDC & RDA Meeting May 16th

The meeting was opened indicating both the RDC and the RDA had a quorum for the meeting. This evenings meeting only had new business. First up was 7.1a which was a public hearing on the resolution to alter and expand the North Beltway Economic Development Area. This area will not have any added taxes this is an expansion of the TIF only. The town has been looking at these properties over the last two years with the comprehensive plan in mind. The public hearing was opened and Terry Henderson came to the podium. He owns one of the new areas that were included in the TIF. He asked why the Motorsports industrial park was not TIF'd? Mr. Kleinhenz answered that twenty years ago a decision was made to use other incentives in the Motorsports area instead of TIF. Next to the podium was Chris Byrd who resides on west Main Street. He asked why the area west of the intersection of Main and Green which is primarily residential was included in the TIF district expansion? The town thought that any of these properties had potential to be used for commercial. Next, Mr. Sering came up to speak. Why is Arbuckle Park in the gray area because it would use money to develop trails and infrastructure for the park. The public hearing was closed. The RDC moved to 7.1b which was the confirmatory resolution to expand the North Beltway Economic Development Area and allocation area. The resolution to expand the TIF district was approved.

The next public hearing was on the disposition of the property at the northwest corner of North Green and Lucas Drive. There is not a vote tonight, it is just a public hearing. This is the property that Paragon wants to include in their development. The town did not receive any bids on the property so they can sell the property to Paragon. Jim Murphy came to the podium to speak. His question was about the advertisement which said the minimum price was \$490,000 and he asked what the town had accepted as the negotiated price. Mr. Kleinhenz stated that Paragon paid \$75,000 and the town was adding \$150,000 to give the Parks department \$225,000 to replace the 2.25 acres they are losing with the development. No one came up so the public hearing was closed.

Next up for new business was the resolution authorizing a Brownsburg Improvement Committee grant to be put towards the Scannell property garage installment agreement. This is resolution 2017-07RDC. The resolution was approved.

Right behind was resolution 2017-08RDC which authorizes a Brownsburg Improvement Committee grant to put towards the F&C property garage. Again, it was approved unanimously.

The next new business was a resolution for the RDA #2017-02RDA. This is the resolution approving the preliminary official statement for the rental revenue bonds to be used for the Arbuckle Commons Project. There was no discussion and the resolution was passed.

Last on the agenda was the TIF pass-through for 2018, staff recommends no changes from the current 8.3 million dollars because we can fund all the current projects without decreasing the amount. With no comments, this was prepared for the June RDC meeting.



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## Townships and Town council May 25th

A special joint meeting was held among Brown and Lincoln township boards-- Brown and Lincoln with all members -- and the Brownsburg Town Council with 4 members. Ashley Bascu, town council president was absent.

The meeting moved to the agenda item for the joint meeting which was the re-establishment of the equipment replacement fund to be voted on by each township board and the town council. Chief Alcorn presented the need for the fund for station upgrades as well as a fourth fire house which will need a pumper and ambulance. The fire territory looked at the need for the next four years and the cost is approximately \$4 million. The plan is laid out by year. The tax rate would be stable just need to renew it. The fund has \$636,000 in it as of mid-May 2017.

The public hearing was opened with Kurt Disser coming up to the podium.

He addressed the conflict of interest since the same attorney and firm represent the Town and the Fire Territory. First, was the titling of the fire engines where Ms. Leminger interpreted the state statute that the fire engines needed to be titled in the name of the providing unit but recent conversation with the BMV states that it does not need to be the provider unit but one or several of the units that the fire territory covers. Current statutes say any fire fighting apparatus do not need to be titled or plated. With the engines titled in this way, if there is a dispute the Town will walk away with the fire equipment.

With no other comments, the public hearing was closed and the votes were taken for each entity with unanimous consent.

Mr. Disser  
reminded everyone -  
The same attorney and  
firm represents the  
Town and the  
Fire Territory

*[A clear conflict of interest]*

## Redevelopment Commission May 2nd

The meeting was opened and noted that there was a quorum. After the Pledge of Allegiance and approval of minutes. The Redevelopment Commission moved on to old business.

Resolution #2017-02RDC is a resolution to establish this year's facade improvement grant program for an amount up to \$100,000. 15 businesses are looking to ask for 50% match up to 15,000 dollars this year. Last year, the program awarded \$60,000 to Brownsburg businesses. This is a way to assist established businesses when the town cannot give them tax abatements. The town took this on to improve the look and feel of downtown. The RDC would like to decrease the amount available for the facade improvement grant program. The RDC decided to amend the resolution to 40,000 dollars and the dollar to dollar match to 30% match and a second funding can be considered if needed later in the year. The motion passed 4-0.

Next on the agenda was the consideration of bids for the property on the northwest corner of Lucas Drive and North Green street. No outside bids were received from the public. There will be a public hearing on May 16th on this property.

The only other item was that the Town has to make an official determination on the TIF pass through amount by June 15th. This discussion will be added to the May 16th meeting with final approval at the June meeting.



# April 11th Town Center Ground Breaking



Pictured Above The actual ground breaking, looking south towards US 136 (Main Street) west side of street, the former St. Malachy property.

April 11th -- Town of Brownsburg Breaks Ground on Town Center  
With little fanfare, the Caterpillar D4 Dozer roared to life beginning the rough grade work in the area of Arbuckle Commons and later Brownsburg Office Suites, later renamed Elevate Offices at the time of the formal ground breaking ceremony. The area currently under construction is shaded and labeled as "General Area of Rough Grade Work". Other buildings, upgrades to North Green Street, new Enderly Road Extension, Twin Street, parking lots will come on-line throughout 2017 - 2018.

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