

May 31, 2011

These are the minutes of the special meeting of the Town Council for the Town Brownsburg, Indiana held on May 31, 2011 at 6:00 p.m. for the purpose of conducting the first public hearing on the matter of the proposed Brownsburg East Annexation Area.

Members present: Matt Bowles, Bill Guarnery, Gary Hood, Dwayne Sawyer and Dave Richardson.

Also present: Jeanette M. Brickler, Clerk-Treasurer; Tricia Leminger, Town Attorney; Grant Kleinhenz, Assistant Town Manager; Todd Barker, Planning Director; Jon Blake, Planning Tech; Kevin Koons of H.J. Umbaugh & Associates; Jeff Logsdon, Attorney with Kroger, Gardis and Regas.

Those residents attending the public hearing were requested to sign-in at one of the tables as they came into the meeting. Grant Kleinhenz and Kevin Koons were located at one entrance and Jeff Logston and Jon Blake were at the second entrance signing in residents to testify or not testifying.

The meeting opened with the Pledge of Allegiance to the Flag.

Roll Call of the Council showed all members were present.

The meeting began with comments from General Counsel who explained the process and procedures for the proposed annexation of the East area presented in Ordinance #2011-07. Matt Bowles added a statement that property tax exemptions may be given to owners of agricultural zoned property. A second public meeting will be held on June 21 at 6:00 p.m. as step 2 of the annexation process. He added that this meeting was on the East Annexation only to give comments from residents or their representatives who signed-in. Speakers are asked to be clear, concise and respectful; the hearing is not for holding conversation, debate or discussion. There will be no feedback from the Council.

The first speaker called upon was Chris Long, Attorney located at One Indiana Square, Indianapolis, IN 46204 representing the interests of Hession and Lacey. He requested that his comments follow the County Officials.

Next was Walt Porter, represented by Mark O'Hara, Hostetter and O'Hara, 515 N. Green Street, Brownsburg, IN 46112. Mr. O'Hara stated that Mr. Porter had no farmland and that the property was zoned industrial. Verification on who handles waste water east of CR 900 was requested. There will be no new capital improvements provided; will the Town provide a 3-year tax abatement to other non-agricultural property?

Doug Johnston, 4910 N. CR 900 E, Brownsburg, IN 46112 for the Ora Johnson Trust was next. He stated the Johnson Trust was all farm ground and there is no benefit to annexation.

Tom Brunes, Aqua Indiana, Inc., 5750 Castle Creek Parkway, Suite 314, Indianapolis, IN was next and was represented by Eric Wathen, Hendricks County Regional Sewer Board, 355 S. Washington Street, Danville, IN 46122. He asked that his representative, Chris Janek, Bose, McKinney & Evens, 111 Monument Circle, Suite 2200, Indianapolis, IN 46204 come forward. Chris Janek was present to talk about the fiscal plan, specifically pages 14, 15 and 20. He has reservations with the Town of Brownsburg providing sewer service to the area is supported by Indiana Law, and precludes Aqua Systems from being taken over by the Town. Aqua Systems is ready, willing and able to serve the area and has had an agreement with Hendricks County, it has invested \$18 million for infrastructure. He added that American Structure Point will continue to provide these services. They are not opposed to annexation but do object to the fiscal plan. Chris Janek proposed alternative acceptable language for the fiscal plan but has been rejected. He is asking for the fiscal plan to be revised before the June 21 and will protect its area.

Chris Long, Kreig Devault Law Office, One Indiana Square, Indianapolis, IN 46204 came forward representing the Hession and Lacey property interests stating they object to the zoning treatment; they went with the County rezoning overlay design. If they come in as agricultural, the developers will go elsewhere. They have also agreed with County on the sewers and 3-year tax abatement. The Ronald Reagan Parkway overlay has been defined while the Town's overlay needs amending. He asked if the Town could accept the County's overlay plans.

By consent, the Council confirmed that this meeting will be recessed and reconvened on June 21, 2011 at 6:00 p.m. Gary Hood moved to recess the meeting until June 21 at 6:00 p.m. to hold phase two of the public hearing. The motion was seconded by Bill Guarnery and unanimously carried.

Matthew S. Bowles, President

ATTEST:

Jeanette M. Brickler, Clerk-Treasurer