

**WHITELAND TOWN COUNCIL**  
**August 09, 2022**

| <u>Council members present</u> |              | <u>Other Town Officials</u>             |              | <u>Other Town Officials</u>          |               |
|--------------------------------|--------------|---|--------------|--------------------------------------|---------------|
| Brad Goedeker<br>President     | <u>  X  </u> | James Lowhorn<br>Town Manager           | <u>  X  </u> | Stephen Watson<br>Town Attorney      | <u>  X  </u>  |
| Richard Hill<br>V-President    | <u>  X  </u> | Debra L. Hendrickson<br>Clerk Treasurer | <u>  X  </u> | Carmen Parker<br>Comm. Dev. Director | <u>  X  </u>  |
| Laura Fleury<br>Member         | <u>  X  </u> | Rick Shipp<br>Town Marshal              | <u>  X  </u> | Shaun Young<br>Street Supt.          | <u>  X  </u>  |
| David Hawkins<br>Member        | <u>  X  </u> | Eric Funkhouser<br>Fire Chief           | <u>  X  </u> |                                      | <u>      </u> |
| Joe Sayler<br>Member           | <u>  X  </u> |   |              |                                      |               |

**Call to order**

- B. Goedeker called the meeting to order at 7:00 pm

**Invocation – Jim Lowhorn**

**Adoption of the Order of Business**

**Minutes 7/12/2022, 7/25/22**

- D. Hawkins made a motion to approve the Minutes 7/12/22. J. Sayler seconded the motion.  
**Passed 5-0.**
- D. Hawkins made a motion to approve the Minutes 7/25/22. J. Sayler seconded the motion.  
**Passed 5-0**

**Voucher Packet 8-09-22**

- D. Hawkins made the motion to approve Voucher Packet 8-09-22. J. Sayler seconded the motion.  
**Passed 5-0**

**Financial Report**

- Clerk Treasurer reported balances on all operating funds.
- The ARPA funds should be deposited soon.
- DLGF approved the 2023 Budget balances and binders were distributed.
- Budget Reductions coming soon on appropriations not spent.
- New health insurance premiums increased less than 5%.

**Old Business**

- Redistricting Maps Update
  - S. Watson distributed maps showing how 185 residents shifted between Wards to satisfy the 10% rule.
  - Ordinance will be provided later.

*The rest of the page left blank intentionally*

- B. Goedeker inquired if everyone on the board could be at large. S. Watson stated the population must be less than 3500 to change to all at large.
- Resolution 2022-15, Patch Tax Abatement, ERA Declaratory Resolution
  - Adam Stone, Stone Municipal Group, presented documents showing a few changes:
    1. The TIF pledge is now at 80/20 instead of 90/10.
    2. Abatement adjustment from 49% to 45%.
    3. Lot 9 on a five-year schedule and Lot 12 on a 10-year schedule, abatement has been adjusted as well.
      - There will no change in the debt capacity.
      - Developer backed TIF Bonds so the taxes from the two buildings will pay for the debt.
      - 75 % masonry on front with hardy plank, no vinyl.
      - 60-90 days from approval of the bonds when it will be activated.
  - L. Fleury inquired what the Clerk Treasurer had to say.
  - D. Hendrickson stated we would collect more than what debt service needs. Feels it is not a bad idea just not common to us and is a good way to help the Town develop the new Public Safety Building. The interest rate is a little higher and there will be no mark ups. The rate is what it is.
  - L. Fleury inquired what was the Town's liability if the project does not happen. The Town would not have any liability.
  - R. Hill inquired about who would own the buildings if the developer defaulted. S. Watson stated the bond holders can get a lien on the property and make them functional.
  - Andrew Greenwood, Patch Development Representative, stated that the way the building will be financed is it will get a loan and if the bank would foreclose then they would put it back into service.
  - S. Watson stated that you should hear everything on both Resolutions before acting on either one of them.
- Resolution 2022-16, Approving Declaratory Resolution for Patch Development Project Economic Development Area.
  - Andrew Greenwood stated the project would be called "Gateway into Whiteland".
    - Not just another big box.
    - Made changes to help the town with the abatement.
    - The financing mechanism will help support the concept financially.
  - James Lowhorn, Town Manager stated he met with Andrew Greenwood several times over the last month. He stands about 50/50. There has been a lot of hours spent on the project. In agreement with Andrew the project is a "Gateway into Whiteland", and it is only two lots.
  - J. Sayler agrees it is different funding measure and not the most maximum capital return.
    - Only committing future money on 2 lots out of the entire TIF area and only exists if the AV is generated.
    - Really likes the project along with the new Public Safety Building.
    - All risk is on the developer.
    - It also attracts smaller businesses. So, he is in favor of the project.
  - B. Goedeker is also in favor of the project.
    - Particularly impressed with the developer after looking at other projects.
    - The additional retail serves a lot of the Town's needs.
  - S. Watson would like clarification if you were speaking of phase I or the whole project.
    - J. Sayler stated he was speaking about the project as whole.
  - J. Sayler made a motion to approve the Resolution 2022-16. L. Fleury seconded the motion. **Passed 3-2**, with D. Hawkins and R. Hill voting no.

*Page left blank intentionally*

- Resolution 2022-15, Approving Declaratory Resolution for Patch Development Project Economic Development Area.
  - S. Watson summarized the 10-year abatement at 49% to 45% approval to be as modified.
  - September public hearing at the September meeting.
  - J. Saylor made a motion to approve Resolution 2022-15 as modified. L. Fleury seconded the motion.

**Passed 3-2**, D. Hawkins and R. Hill voting no.

### **New Business**

- Recognizing Eagle Scout, Justin Gick
  - J. Lowhorn stated it is a great achievement and presented Justin a key to the Town of Whiteland.
  - Justin Gick thanked everyone and invited everyone to a ceremony on August 13, 2022, at 10:00 am.
- Ordinance 2022-07, Rezoning of Briar Creek to PUD
  - Adam Mears, Gradison Land Development, stated at the
    - Plan Commission Advisory Board meeting last week the project was given favorable review.
    - A local company owned by two brothers, Mark, and Joe Gradison, for 30 years.
    - A map was distributed showing the plan and sample villas images on 17.4 acres.
    - Entry way off Whiteland Rd.
    - Giving the Town \$65,000 for an area beside the WWTP to use as the Town sees fit, possible a park or stock pond.
    - Lawn maintenance will be included in the 83 single family villas and 37 estate homes.
    - 2.33 units per acre. 55 ft wide lots for single family villas.
    - 70 ft. wide lots for estate homes.
    - No vinyl. Hardiplank products. Dusk to Dawn lighting.
    - HOA will be included in the included in the current Briar Creek area.
    - B. Goedecker inquired why PUD's? S. Watson stated that PUDs has been used for other projects in the Town recently to alter or changes to apply development standards for zoning ordinances.
    - S. Watson inquired for clarification about the lot depths of 140' with an asterisk. Mr. Mears would come back if approved to go over that question.
    - S. Watson inquired about page six with the typo to be amended. Mr. Mears agreed.
    - S. Watson stated the anti-monotony in the South part was omitted and it should be amended.
    - Audience member requested to speak. S. Watson stated it was not a public hearing, which was held at the Plan Commission meeting, unless the Council wants to. B. Goedecker stated they would wait until the public comment
  - D. Hawkins made a motion to approve Ord. 2022-07 with the amendments. R. Hill seconded the motion.

### **Passed 5-0**

- Vacation of 470 Paul Hand – Access
  - C. Parker showed a picture of a small parcel is owned by the Town of Whiteland but is not a road. It is an access to the petitioner's home. The petitioner inquired if they could pave the area as the access to the home if the Town could transfer the ownership to the petitioner. The parcel does not do anything for the Town.

- J. Saylor inquired if it would be a quick claim deed. S. Watson stated there is a process to follow relatively simple. The Council must agree it would make sense to relinquish the property and an appraisal may have to be obtained. The next step would be to determine an offer price which has to be a minimum of all costs to the Town to put it up for sale. Then you give notice to surrounding property owners and publish it and give 10 days to respond with an offer. If no other offers, then you would close it.
- D. Hawkins made a motion to pursue sale of the property for as minimal as possible to the petitioner. J. Saylor seconded the motion.

**Passed 5-0**

- **Mohr Capital – Request for Consent to Assignment of Tax Abatement Project Agreement**
  - S. Watson was informed the building on Lot 9 has a buyer and assign the rights and responsibilities to the new owner. Before this can happen, the Town must approve.
  - J. Saylor made a motion to consent to the rights and responsibilities to the new owner subject to the Town’s attorney for final review. L. Fleury seconded the motion.

Passed 5-0
- **BZA Appointments – 1 executive and 1 legislative**
  - 1. Alida Craig – lives in Briar Creek Subdivision. Background in paralegal.
  - 2. Kimberly Blackburn – came as a recommendation of a BZA member.
  - J. Saylor nominated Alida Craig for the legislative position. R. Hill seconded the motion

Passed 5-0

  - B. Goedeker made a motion to nominate Kimberly Craig for the executive position.
- **Code Enforcement**
  - 469 Springdale Drive – tall grass, rubbish in the yard, mower in the front yard with a tarp over it, items on the side of the yard in May of 2022 was given a 10-day notification. Phone calls are made. If no response a notification of the violation is given. If no response, then a second notification is given. The Town has gone through all these steps and no success.
    - Cathy Spurlock came forward to respond. Gave several reasons including they had a fire a year ago.
    - J. Saylor inquired what help she needs? Daughter in law stated they have no way to haul the trash away. They have tried to hire someone to mow the grass. J. Saylor stated what she needs is a roll off. J. Saylor stated he would like to see the Town Manager to reach out to Strouse roll off to help with a dumpster. It would need to be within 7 days of drop off.
  - 305 Cardinal Drive – Valerie Taylor, has been before the Council before and all the certified letters have been refused. She has no phones. Weeds are hip high. She was given a 30-day window earlier and complied and now she has a problem again. Pictures were displayed. J. Saylor would like to direct the Town Manager for the Town to mow and bill her then file for a lien.
    - John Ellis - neighbor, shows pictures and states it is infested with mice. She has been very aggressive towards the neighbors. The growth will be on his house within a year or two and there is trash everywhere.
    - Jessica Tharp – neighbor, stated she attacked her husband with a weedwhacker. She screams and hollers at them. It is getting physical and have cameras showing her actions.
    - J. Saylor suggests they look into getting a protective order so her behavior can be addressed.

*Page left blank intentionally*

• **Town Manager Report**

○ J. Lowhorn

- Project 32, Sewer collapse has been repaired. The only thing left is paving and curb repair. We have reached out to three construction companies and only one has stated they would be interested in the project. Case Construction, Inc. has given us a quote of \$64,848. The traffic keeps going fast across the area and we are filling it in as fast as we can.
- J. Saylor made a motion to approve the repair for \$64,848 from the Sewer Improvement Fund. D. Hawkins seconded the motion.

**Passed 5-0**

- C. Parker, Community Development Director, stated the Community Crossings Matching Grant Road project for fall will expire on 8/31/2022. The roads were checked in the Springhill Subdivision for storm drainage to see if it qualifies for the grant through INDOT. Hopefully it would be able to be included but if not, then funding will have to be worked on somewhere else.

**Council Comments**

- D. Hawkins inquired if Cooper Tire/Good Year signed by the deadline? S. Watson stated they did.

**Public Comments**

- Tim Gallagher, Lot 137 in Briar Creek Subdivision, voiced his concerns about the new PUD going in. Their concerns were ignored at the Plan Commission like they were at this meeting. The traffic is concerned if there will be a public park. The market is going stagnant and therefore these houses will be sold at a lower price, and it will affect his home's value. Drainage issues have not been addressed.
- Bill Smith, 720 Walnut St., would like to meet with the Town Manager about his issues.
- Pat Britton, Briar Creek Estates, voiced his concerned about the lot widths and hoping they keep them uniform. Does not see an issue with a park or HOA.

**Counsel Comments**


- S. Watson stated he received communication from the HINES 2 project plans to start this summer with site work and vertical construction should start this next spring and completion by December of 2024.

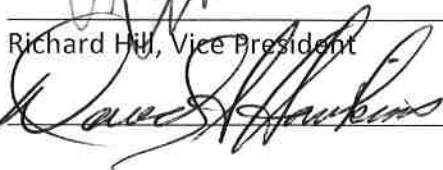
Meeting adjourned at 9:38 pm.

Passed by the Whiteland Town Council on this day 13 of September, 2022

**Aye**

  
\_\_\_\_\_  
Brad Goedeker, President

  
\_\_\_\_\_  
Richard Hill, Vice President

  
\_\_\_\_\_  
David Hawkins

**Nay**

\_\_\_\_\_  
Brad Goedeker, President

\_\_\_\_\_  
Richard Hill, Vice President

*Page left blank intentionally*

David Hawkins

  
\_\_\_\_\_

Laura Fleury

David Hawkins

\_\_\_\_\_

Laura Fleury

\_\_\_\_\_

Joe Sayler

\_\_\_\_\_

Joe Sayler

**Attest:**

  
\_\_\_\_\_

Debra L. Hendrickson, Clerk Treasurer

*Page left blank intentionally*