

WHITELAND TOWN COUNCIL
April 9, 2024

Council members present

Richard Hill	
President	<u> X </u>
Tim Brown	
Vice President	<u> X </u>
Brad Goedecker	
Member	<u> X </u>
Debra Hendrickson	
Member	<u> X </u>
Joe Sayler	
Member	<u> X </u>

Other Town Officials

Melissa Fraser	
Clerk Treasurer	<u> X </u>
Carmen Young	
Director of Administration	<u> X </u>
Shaun Young	
Director Of Operations	<u> X </u>
Stephen Watson	
Town Attorney	<u> X </u>

Call to Order

- R. Hill called the meeting to order at 7:00 pm

Pledge

Roll Call – All present. Quorum requirements reached.

Invocation – C. Young

Adoption of the Order of Business

Minutes 3-12-24

- D. Hendrickson made a motion to approve the 3-12-24 minutes. J. Sayler seconded the motion.
Passed 5-0

Voucher Packet 4-9-24

- D. Hendrickson asked questions regarding amounts for First Onsite and Maddox Industrial. S. Young explained First Onsite was for fire station repairs and Maddox Industrial was for the sewer handrail repair.
- J. Sayler made a motion to approve Voucher Packet 4-9-24. B. Goedecker seconded the motion.
Passed 5-0

Financial Report

- The Clerk Treasurer/C. Young reported on the balance of all funds.

Old Business

- **Ordinance 2024-05, Modifying Stillwater Glen PUD Development Standards and Elevations (Stillwater Development)**
 - C. Young gave a recap on the Ordinance and changes that were made. This ordinance went back to the Plan Commission after discussions and concessions were agreed upon by the developer

and approved by the Council at the March meeting. The Ordinance then went back to the Plan Commission for their consideration after the changes. The Plan Commission still gave an unfavorable recommendation.

- S. Watson added that the Plan Commission voted 4-1 to disapprove of the amendment which by statute brings it back to Town Council to confirm. If the ordinance is confirmed within 45 days, it takes effect. If no response is made within 45 days, then it's deemed defeated.
- A. Mears – Gradison – discussed concessions/changes made.
- D. Hendrickson asked about starting prices for homes. A. Mears stated \$350,000.
- R. Hill asked if Gradison met all concessions Council had? A. Mears stated the ordinance was rewritten at the end of last month's meeting including the concessions/changes, prior to approving. Nothing else has changed.
- R. Hill asked C. Young to shed some light on why it was given another unfavorable recommendation. C. Young stated she was not at Plan Commission, but staff report did give a favorable recommendation.
- J. Saylor reviewed draft minutes from Plan Commission for the reasons given for the unfavorable recommendation and, as best as he can tell, reasonings were mostly aesthetic.
- A. Mears stated he feels confident this is a better product than what was originally proposed and is excited to move forward with Ryan Homes.
- B. Goedeker stated this product is an improvement from the originally approved PUD plus involves an established existing relationship with Gradison/Ryan Homes that the Town has been happy with. He stated he did not want to go against the Plan Commission, but in this case wants to deviate from the recommendation.
- R. Hill and J. Saylor discussed the draft minutes from Plan Commission and J. Saylor stated that nothing in the minutes made him feel any differently than he did last month.
- D. Hendrickson added that it seemed to be "their" (Plan Commission) preference as a homeowner and there didn't seem to be anything legally done wrong.
- T. Brown stated they are the Planning Commission for a reason, they take into consideration the best interests of the Town and he's not going to go against them or discredit them in any way. D. Hendrickson stated she felt they didn't give a good reason, and T. Brown agreed, it bothered him too. D. Hendrickson also stated the staff, whom we trust, said yes too.
- J. Saylor stated that the Plan Commission is an advisory board and ultimately nothing in the minutes changed his support on the matter.
- R. Hill asked C. Young about the favorable recommendation Plan Commission gave to original PUD from Arbor. C. Young stated there were more homes, closer to the road, and vinyl siding.
- B. Goedeker made a motion to confirm the vote to approve Ordinance 2024-05. J. Saylor seconded the motion.

Passed 4-1

- **Ordinance 2024-06, Adoption of New Stormwater Management Code (Second Reading)**
 - C. Young stated that adoption of new code requirements came from IDEM and are due by July 1. The Town is aligning with what the county approved last year.
 - T. Brown stated this ensures everyone follows the same rules.
 - J. Saylor made a motion to approve the adoption of Ordinance 2024-06. T. Brown seconded the motion.

Passed 5-0

- **Ordinance 2024-07, Adoption of New Stormwater Technical Standards Manual (Second Reading)**
 - C. Young stated IDEM would require the manual be updated as well.

- J. Sayler made a motion to approve the adoption of Ordinance 2024-07 . D. Hendrickson seconded the motion.

PASSED 5-0

- **Core5 Request for Abatement Amendment and Consideration of Resolution 2023-19 (Approving Core5 Amended SB-1)**

- C. Young referenced communication sent out to the Council regarding the timeline of Core5's request.
- Kyle Resetarits, representing Core5, referenced the property to projection cash flow summary provided to the Council which explains the original projected tax payments vs the actual tax payments for building 1. Also discussed projections/estimates for building 2.
- K. Resetarits discussed Core5's delay in construction for building 2 due to economic conditions. Central Indiana has seen vacancies for this type of building and the financing fallout due to that. Therefore, Core5 is requesting approval of amended SB1 form for building 2. K. Resetarits discussed changes to SB1 that include request of new start and completion date. Request start date of August 2025 and push out the completion to April 2027.
- J. Sayler asked for an explanation in timing regarding the fact that Core5 came before the council in December 2023, with a start date of April, but is currently requesting an extension to that start date, 11 days after it was to have started.
- Doug Armbruster with Core5 explained that the building pad and underground detention has been completed. He stated the market will not allow a spec right now. D. Armbruster was unable to come to a meeting in January due to being in the hospital and the attorney had some continuances due to scheduling conflicts, for which he apologized. He stated that they (Core5) aren't any different than Hines that asked for a similar extension.
- J. Sayler stated that Hines was different, and they didn't go past their deadline. K. Resetarits stated those deadline dates are estimates. D. Armbruster stated they have started the site work; they just have not gone vertical yet. Further discussions were had between J. Sayler and K. Resetarits regarding the start date request. K. Resetarits stated that the discussions regarding site work were to show the council their efforts and good faith to ready the building for vertical improvements.
- B. Goedeker asked about the completion date moving back a year. K. Resetarits stated that to remain competitive with potential investors/buyers, they would need the completion date extended. J. Sayler asked if Core5 could just come to the council for an abatement when they are ready to build. D. Armbruster stated that when talking to potential buyers, if an abatement is not in place, then you're out of the ballgame.
- T. Brown asked about abatement with Hines. C. Young explained Hines abatement timeline.
- B. Goedeker stated he hadn't heard any commitments to stick to the timeline by Core5. They were offered a tax abatement schedule at the beginning, and they just keep pushing the timeline. They are asking for a continued unlimited future until the market is satisfactory. He asked if they'd come back in a year to ask for further extensions.
- K. Resetarits stated that abatement approved allowed Core5 to be competitive, it was appreciated and the Town and Core5 will enjoy benefits from building 1 and estimates provided will likely be the same or exceed that in building 2. The discussion regarding the completion date of 2027 is Core5's recognition of changes in the market and desire to not come back and ask for any further changes from the Council. B. Goedeker again asked what commitments are being offered and stated a commitment he'd require for his vote would be that Core5 will not come back before Council to ask for any future amendments. D. Armbruster was hesitant to offer that commitment due to the uncertainty and demands of the market.

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- R. Hill agrees that the Town needs to be consistent and can't keep offering these amendments due to the market. He asked S. Watson for clarification on what constitutes "start" of the project and if there is anything in the ordinance about a threshold on requests. S. Watson stated that this is a policy decision for the Council to decide on. There is no ordinance or statute regarding requests for extensions on abatements nor any on what constitutes the start of a project.
- T. Brown asked about infrastructure. Core 5 stated 100% of the infrastructure is completed for both buildings.
- K. Resetarits stated that the driver behind the amended SB1 was the completion date. Depending on what the Council constitutes as the start of the project, we can just ask for the amendment on the completion date only, if the site work counts as starting the project.
- B. Goedeker asked the Council if there could be a limit on these types of requests. How many times can the Council allow someone to come back and ask for tax abatement extensions. He stated that the Town wants the developers to do well, and the Town will be flexible and support them, but at what point is there a cap put on these requests.
- D. Hendrickson stated she'd vote in favor of the extension if this was the last request. J. Sayler stated he was hesitant to go to 2027. These commitments were secured with the original SB1 and he had asked Core5 in November if they were willing to put in any additional infrastructure or offer anything to the Town for this delay. C. Young stated that they have installed over 2 million in infrastructure.
- T. Brown discusses limits on these abatement requests but anything this Council decides on could change when new members get elected. J. Sayler agreed. T. Brown and B. Goedeker continue to discuss how the Council can handle this. R. Hill stated flexibility is needed, but there needs to be a reasonable limit.
- K. Resetarits reiterated reasons for requesting the delay in completion date only.
- S. Watson gave an update on Hines extensions and discussions around that. Also mentioned the potential of reaching out to other communities to get info on how abatement extensions are handled. T. Brown asked if there was time for some research and gathering of information. B. Goedeker stated we know what's best for Whiteland and can make the decision. J. Sayler stated these decisions need to be more flexible depending on circumstances surrounding the abatement extensions and not just allow 1 extension as a uniform rule.
- J. Sayler stated he could accept this current amendment but not interested in going past the 2026 date.
- K. Resetarits stated we can offer, absent unavailability of materials, that Core5 will not ask for a second amended SB1, if the council approves the amended SB1 with a completion date of late 2027.
- J. Sayler stated the 2027 ask is problematic for him. K. Resetarits asked if the month in 2027 would matter to the Council. J. Sayler not to him, but maybe to some others. He stated that nothing has happened since 2021. K. Resetarits stated that due to building construction sequence, Core5 would be open to a late 2026 completion date.
- J. Sayler made a motion to amend Resolution 2023-19 to change the completion date from April 2026 to October 1, 2026. T. Brown seconded the motion.

Passed 5-0

- J. Sayler made a motion to approve Resolution 2023-19 as amended. D. Hendrickson seconded the motion.

Passed 5-0

- **Resolution 2024-02 Request for Heavy Rescue**
 - C. Young explained the fire department's request for a Fire Rescue.
 - E. Funkhouser discussed details of the Fire Rescue truck and the comparables he found.
 - T. Brown asked about what equipment was included. E. Funkhouser explained the type of hydraulic tools being thrown in.
 - R. Hill asked about taking an old truck to auction. E. Funkhouser stated that he's hoping to get 20,000-25,000. There are steps through the state they must follow 1st. It would need to be offered to districts, territories, and volunteer fire departments in Johnson County prior to selling it to someone else.
 - E. Funkhouser stated his ask is for the approval of a resolution to do \$125,000 and there is a GO Bond for that purpose. Also asking if check can be cut prior to next meeting. S. Watson stated it would have to be invoiced.
 - J. Saylor made a motion to approve Resolution 2024-02. B. Goedecker seconded the motion.

Passed 5-0

New Business

- **Appointment of Director of Administration and Clerk-Treasurer, or their designee, as Bid Opening Committee**
 - S. Watson stated we need to invite bids for trash collection. In order to receive and evaluate bids prior to the next council meeting, so that they can be presented with an evaluation/recommendation to the Council, we would like to open them on the Thursday prior. In order to do that a bid opening committee needs to be appointed. The best representatives for that would be the Clerk Treasurer and Director of Administration or their designee. This could be indefinite.
 - D. Hendrickson made a motion for the Clerk Treasurer and Director of Administration, or their designee, as bid opening committee for anything that needs bids.

Passed 5-0
- **Annual Review of Abatement Statements of Compliance (CF-1's) (Wrigley Real Estate Holdings LLC; and ABC, LLC)**
 - S. Watson explained the Annual review of Abatement Statements, and all are compliant.
 - J. Saylor made a motion to find Wrigley Real Estate Holdings LLC, and ABC, LLC in compliance. B. Goedecker seconded the motion.

Passed 5-0
- **Core5 - Approval of Maintenance Bonds, and Acceptance of Dedication of Improvements**
 - C. Young explains bonds and dedication of improvements. She asked for approval upon review and approval of Town attorney.
 - J. Saylor made a motion to approve maintenance bonds, and acceptance of dedication of improvements (public roadway improvements that include utility extensions of the storm water, sanitary, walking path, and landscaping with cost of \$2,037,309.00) subject to review and approval of town attorney. D. Hendrickson seconded the motion.

Passed 5-0
- **Legislative Update Concerning New Law Permitting Adoption of Policy Concerning Conduct at Public Meetings (HEA 1338, effective July 1, 2024)**
 - S. Watson explained adoption of new law that takes effect July 1.

- The council is in favor and discussions were had about having a police presence at every meeting and a limit of 2-3 minutes on public comment.
- The council agreed for S. Watson to prepare the policy for consideration.

- **Opioid Settlement Funds**

- C. Young discussed the Opioid Settlement Funds. The Health Department and County Commissioners have brought together municipalities to pool the funds together for a bigger cause. They have decided to do a Grant and have invited the Town to have a representative to be on the committee. D. Hendrickson volunteered.
- J. Sayler made a motion to appoint D. Hendrickson to the Opioid Grant committee. T. Brown seconded the motion.

Passed 4-0-1

- C. Young asked for approval to transfer the restricted Opioid settlement money to be transferred to Johnson County for this Grant program. A resolution will need to be drafted.
- J. Sayler made a motion to approve the transfer of the restricted funds to Johnson County. B. Goedeker seconded the motion,

Passed 5-0

Director of Administration &/or Director of Operations Report

- C. Young discussed updates on the Utility Rate Study and hopes to have the report in front of the Council next month. T. Brown would like a couple of weeks to review.
- C. Young discussed tornado properties that have not done any repairs. We are getting nuisance calls and those residents have been contacted. J. Sayler invited them to come to the next council meeting. T. Brown asked for pictures.
- C. Young discussed sinkhole repairs that occurred on Whiteland Rd. She also discussed the current sewer line collapse and repairs being done by Pearl St. T. Brown discussed the type repairs being done and safety surrounding these sewer line repairs. Requested S. Young to give him a call.

Department Head Reports

- Chief Shipp discussed updates. No issues with eclipse. The emergency radio system was fine-tuned and is ready to go.
- Chief Shipp mentioned some cable issues with a resident in Park Forest regarding Sawmill Rd.
- Chief Shipp commended S. Young and the crew for the quick response and repairs done on the sinkhole.

Council Comment - None

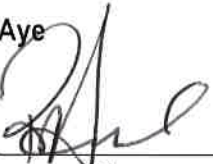
Public Comment - None

R. Hill made a motion to adjourn the meeting. Meeting adjourned at 9:26pm

Passed by the Whiteland Town Council on this day 14th of May, 2024.

Aye

Nay



Richard Hill, President

Richard Hill, President



Tim Brown, Vice President

Tim Brown, Vice President



Brad Goedeker

Brad Goedeker



Debra Hendrickson

Debra Hendrickson



Joseph Sayler

Joseph Sayler

Attest:



Melissa Fraser, Clerk Treasurer