



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL  
MEETING AGENDA  
FOR**

Tuesday, September 6, 2016 at 7:00 PM  
Zionsville Town Hall – Beverly Harves Meeting Room  
1100 West Oak Street

(Note: There is no longer a Council pre-meeting prior to this Town Council Meeting)

1. OPENING

- A. Call Meeting To Order
- B. Pledge Of Allegiance

2. APPROVAL OF THE MEMORANDA OF THE AUGUST 1, 2016 REGULAR MEETING  
(COPY POSTED)

Documents:

[2016-09-06\\_TC\\_MEETING\\_2016-08-01\\_TOWN\\_COUNCIL\\_MEMORANDA.PDF](#)

3. DEPARTMENTAL MONTHLY REPORTS

Monthly Reports submitted by the Town management staff for Council review and posted on the Town's website ([WWW.ZIONSVILLE-IN.GOV](http://WWW.ZIONSVILLE-IN.GOV)).

4. PRESENTATIONS

- A. State Senator Brandt Hershman
- B. Public Safety Needs Presentation By Fire Chief James VanGorder And Police Chief Robert Knox

5. REQUEST TO SPEAK

6. OLD BUSINESS

7. NEW BUSINESS

- A. Consideration Of An Additional Appropriation Resolution From The General Fund (\$65,000.00 For Plan Commission Engineering "Pass-Through" Reimbursement). (PUBLIC HEARING)

Documents:

[2016-09-06\\_TC\\_MEETING\\_ADDITIONAL\\_APPROPRIATION\\_SEPTEMBER.PDF](#)

- B. Consideration Of An Ordinance To Rezone 68.6 Acres From The R-SF-2 Urban Residential Zoning District To The SU-7 Special Use Zoning District To Provide For A Residential Housing Development For Seniors

Documents:

[2016-09-06\\_TC\\_MEETING\\_2016-39-Z\\_EXECUTED\\_CERTIFICATION\\_WITH\\_ORDINANCE.PDF](#)

- 8. OTHER MATTERS
- 9. APPROVAL OF CLAIMS
- 10. ADJOURN
  - A. The Next Regular Town Council Meeting Is Scheduled For Monday September 26, 2016 @ 7:30 AM In The Zionsville Town Hall Community Room



**ZIONSVILLE TOWN COUNCIL  
MEETING MEMORANDA FOR**

Monday August 1, 2016 at 7:00 PM  
Zionsville Town Hall – Beverly Harves Meeting Room  
1100 West Oak Street

(NOTE: there is no longer a Council pre-meeting prior to this Town Council Meeting)

Date of Preparation: August 2, 2016

Members Present: Elizabeth Hopper, Jeff Papa, Kevin Spees, Bryan Traylor, Joshua Garrett

Also Present: Tim Haak, Mayor; Ed Mitro, Deputy Mayor; Adam Steuerwald, Attorney, Barnes & Thornburg; Amy Lacy, Director of Finance & Records and Town Department Staff

1. OPENING

- A. Call meeting to order
- B. Pledge of Allegiance

2. APPROVAL OF THE MEMORANDA OF THE JULY 25, 2016 REGULAR MEETING (COPY POSTED).

**COUNCIL ACTION:** Councilor Traylor moved to approve the Memoranda of the July 25, 2016 Town Council Meeting. Councilor Garrett seconded the motion.

The Memoranda of the July 25, 2016 meeting was approved by a vote of five in favor, zero opposed.

3. DEPARTMENTAL MONTHLY REPORTS

Monthly Reports submitted by the Town management staff for Council review and posted to the Town's website ([www.zionsville-in.gov](http://www.zionsville-in.gov)).

Street and Stormwater Superintendent Lance Lantz reviewed the list of nearly \$3.05 million dollars in proposed road projects submitted for the Indiana Department of Transportation's Community Crossings matching grant program, stating that though municipalities are only eligible to qualify for up to \$1 million matching funds, the submission of multiple projects may increase the possibility of the Town being selected for funding and demonstrates the needs of the Town.

4. REQUEST TO SPEAK – Zionsville resident Connie Brye discussed her concerns regarding the recent decision of the Council to eliminate the agenda meeting and replace it with a full regular meeting.

Vice President Hopper and Councilor Papa explained the intention behind the decision, citing transparency and better service and accessibility to citizens by allowing two opportunities for attendance with morning as well as evening meetings.

5. PRESENTATION: Sheriff Michael Nielsen – Public Safety Local Income Tax (LIT)

Sheriff Mike Nielson reviewed the new Local Income Tax with its provision for Public Safety use. He also outlined the Boone County Sheriff's Office Strategic Plan and the need to raise the rates on the Public Safety use portion of the tax, as allowed, in order to offer better service and safety to the Boone County community. Sheriff Nielsen provided handouts detailing the tax and his proposed plan to the Council and members of the public present at the meeting.

6. OLD BUSINESS

A. Consideration of a request to rezone property (Pittman “the Farm” property).

Vice President Hopper stated that no action would be taken at this time but that the situation would continue to be monitored. Council discussion followed. Councilor Traylor noted his concern for continuing to keep the item on the agenda. He added that the Council monitors many items in Town but they do not become agenda items.

**COUNCIL ACTION:** Councilor Traylor made a motion to remove the item from the agenda. Councilor Garrett seconded the motion. The motion passed with a vote of 5 in favor, zero opposed.

7. NEW BUSINESS

A. Consideration of an incentive recommendation from the Boone County EDC for MOBI expansion.

Molly Whitehead of the Boone Economic Development Commission reviewed the potential expansion of the Zionsville based company MOBI, stating that the expansion could potentially bring 521 new jobs to the community and more than \$11 million in capital investments by 2020.

Ms. Whitehead stated that the Boone County Redevelopment Commission had already approved \$180,000 in cash incentives for the expansion and recommended that the Zionsville Town Council consider a reimbursable cash grant of \$10,000 per year for three years to provide incentive for MOBI to expand their facility in Zionsville rather than an alternate site in Arizona also under consideration.

Councilor Garrett read a statement recusing himself from any vote or discussion, citing conflict of interest as the Chief Strategy Officer and Co-Founder of MOBI.

Council discussion on the merits of the request followed.

Vice President Hopper called for a motion to vote on the recommendation.

**COUNCIL ACTION:** Councilor Traylor moved to approve the incentive recommendation and Councilor Papa seconded the motion. The MOBI incentive recommendation passed with a vote of 4 in favor, zero opposed and one abstain, with Councilor Garrett abstaining.

8. OTHER MATTERS

Deputy Mayor Ed Mitro stated that this item was added to allow for the review of any unexpected or walk on items. He said that there were no other matters to be discussed at this time.

9. APPROVAL OF CLAIMS

**COUNCIL ACTION:** Councilor Spees moved to approve the claims as presented and Councilor Garrett seconded the motion. Claims were approved by a vote of five in favor, zero opposed.

10. ADJOURN

**COUNCIL ACTION:** Councilor Garrett moved to adjourn the meeting and Councilor Spees seconded the motion. The motion was approved by a vote of five in favor, zero opposed.

The next regular Town Council meeting is scheduled for Monday August 29, 2016 @ 7:30 AM in the Zionsville Town Hall Community Room.

Respectfully submitted,

Amelia Anne Lacy, Director  
Department of Records and Finance

**RESOLUTION NO. 2016-\_\_\_\_\_**  
**OF THE TOWN OF ZIONSVILLE**

**A RESOLUTION REGARDING**  
**THE APPROPRIATION OF**  
**ADDITIONAL FUNDS**

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual Town of Zionsville budget.

Now, therefore, be it resolved by the Zionsville Town Council of the Town of Zionsville, Boone County, Indiana that for the expenses of the Town of Zionsville, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Budget Classification</u>	<u>Amount</u>	<u>Amount Approved by Fiscal Body</u>
General Fund (Fund #101)	Plan Commission Engineering (Line item #101001312)	\$65,000.00	\$65,000.00
<b><u>Total General Fund</u></b>		<b><u>\$65,000.00</u></b>	<b><u>\$65,000.00</u></b>

**Total Amount Appropriated - \$65,000.00**

Funds noted above are available for additional appropriation via a July 2016 balance in the General Fund of \$1,979,675.70.

The purpose of the additional appropriation is to reimburse the Plan Commission Engineering line item with "pass-through" funds received from developers for engineering work done on behalf of the Town/Planning and Economic Development Department.

**DULY PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by  
a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YAY</b> Signature	<b>NAY</b> Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_ Amelia Anne Lacy, Director,  
Department of Finance and Records

**MAYOR'S APPROVAL**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE

**MAYOR'S VETO**

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
DATE



**CERTIFICATION TO THE TOWN COUNCIL  
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

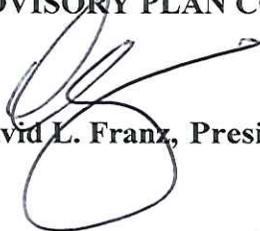
**August 16, 2016**

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on August 15, 2016, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave a **Favorable Recommendation** to proposal 2016-39-Z to amend the Zoning Map (the "Map") of the Town of Zionsville (Legal Description attached, "Exhibit A"). Proposal 2016-39-Z recommends that 68.6 acres described in the Petition be rezoned from the (R-SF-2) Urban Residential Zoning District, to the (SU-7) Special Use Zoning District.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2016-39-Z to amend the Zoning Map (a copy of which is attached to this Certification and incorporated here by this reference, "Exhibit B") to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE  
ADVISORY PLAN COMMISSION**

  
**David L. Franz, President**

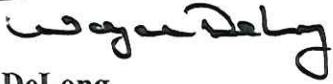
Attest:   
**Wayne DeLong  
Director of Planning and Economic Development  
Secretary  
Zionsville Advisory Plan Commission**

Exhibit 1

A part of the Northwest Quarter of Section 12, Township 17 North, Range 2 East of the Second Principal Meridian being more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 12, Township 17 North, Range 2 East; thence North 85 degrees 38 minutes 43 seconds East along the South line of said Northwest Quarter 336.74 feet to a point on the Westerly line of the former railroad right-of-way recorded as Deed Record 179, page 218, said point also being a point of a non-tangent curve having a radius of 7347.77 feet and whose cord bears North 07 degrees 52 minutes 37 seconds West said point also being the Point of Beginning of this description; thence Northwesterly along said curve an arc distance of 318.74 feet; thence North 06 degrees 38 minutes 03 seconds West 883.67 feet; thence North 85 degrees 01 minute 03 seconds East 3.00 feet; thence North 06 degrees 38 minutes 03 seconds West 115.80 feet; thence North 85 degrees 53 minutes 42 seconds East 1827.91 feet; thence South 00 degrees 20 minutes 07 seconds East 659.60 feet; thence North 86 degrees 19 minutes 43 seconds East 667.51 feet; thence South 00 degrees 17 minutes 36 seconds West 664.99 feet to a point on the South line of said Northwest Quarter; thence South 86 degrees 07 minutes 15 seconds West along said South line 2350.29 feet to the Point of Beginning, containing in all 63.6 acres more or less.

ALSO

A part of the Southwest Quarter of Section 12, Township 17 North, Range 2 East of the Second Principal Meridian being more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 12, Township 17 North, Range 2 East; thence North 86 degrees 07 minutes 15 seconds East along the North line of said Southwest Quarter 336.74 feet to the Point of Beginning of this description; thence continuing North 86 degrees 07 minutes 15 seconds East along said North line 927.50 feet; thence South 04 degrees 49 minutes 19 seconds East 103.56 feet; thence South 06 degrees 35 minutes 05 seconds West 130.81 feet; thence South 00 degrees 10 minutes 49 seconds East 468.58 feet; thence South 89 degrees 44 minutes 41 seconds West 423.17 feet to the point of curvature of a curve to the left having a radius of 333.19 feet and a chord bearing of South 76 degrees 42 minutes 00 seconds West a chord distance of 202.77 feet; thence Southwesterly along said curve an arc distance of 206.02 feet; thence South 59 degrees 01 minute 27 seconds West 160.88 feet; thence North 15 degrees 34 minutes 25 seconds West 35.07 feet to the point of curvature of a curve to the right with a radius point of 5977.77 feet and a chord bearing of North 11 degrees 51 minutes 00 seconds West and a chord distance of 722.49 feet; thence Northeasterly along said curve an arc distance of 737.52 feet to the Point of Beginning, containing in all 13.6 acres more or less.

ALSO

A part of the North Half of the Northwest Quarter of Section 12, and a part of the South Half of the Southwest Quarter of Section 1, both of Township 17 North, Range 2 East of the Second Principal Meridian, more particularly described as follows:

Beginning at a point in the South line of said North Half of the Northwest Quarter of said Section 12, distant South 82 degrees 51 minutes West in and along said South line 40121 feet of the Southeast corner of the West Half of the Northeast Quarter of the Northwest Quarter of said Section 12; thence South 82 degrees 51 minutes West in and along said South line 140.5 feet; thence North 6 degrees 31 minutes West 1580 feet to a point in the center line of a county road; thence North 78 degrees 27 minutes East in and along said center line 53.48 feet; thence South 58 degrees 47 minutes East in and along said center line 105 feet to the Northwest corner of realty now or formerly of George H. Graves, Jr.; thence South 6 degrees 31 minutes East 1512 feet along the West line of realty of said George H. Graves, Jr., to the place of beginning, containing 5 acres, more or less.

Exhibit A

**ORDINANCE NO. 2016-\_\_\_\_**  
**OF THE**  
**TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND THE**  
**TOWN OF ZIONSVILLE**  
**ZONING ORDINANCE**  
**FOR THE**  
**TOWN OF ZIONSVILLE,**  
**BOONE COUNTY, INDIANA**  
**AND FIXING A TIME WHEN THE SAME SHALL**  
**TAKE EFFECT**

**Plan Commission Petition No.**  
**2016-39-Z**

**WHEREAS**, I.C. § 36-7-4, et seq., empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana: and;

**WHEREAS**, in accordance with I.C. 36-7-4-600 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on August 15, 2016 to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance"); filed as petition 2016-39-Z; and,

**WHEREAS**, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on August 15, 2016 (Exhibit 1); and,

**WHEREAS**, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on August 15 2016.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36 7-4-600 et.seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:**

**1. Official Zone Map Amendment**

- (a)** The Official Zone Map of the Town of Zionsville Zoning Ordinance is hereby amended to rezone the Property located in the Town of Zionsville, illustrated and listed on Exhibit B to the attached Certification, from its current (R-SF-2) Urban Residential Zoning District, to the (SU-7) Special Use Zoning District. Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.
- (b)** The Director of Finance and Records and Staff are directed to comply with Section 7.3 of the

Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.

2. Construction of Clause Heading: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

**Section 2. Savings Clause:** If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 3. Construction of Clause Headings:** The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

**Section 4. Repeal of Conflicting Ordinances:** The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

**Section 5. Severability:** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

**Section 6. Duration and Effective Date:** The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_, 2016. A motion to consider on First Reading was sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2016,  
by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

	<b>YAY Signature</b>	<b>NAY Signature</b>
Susana Suarez, President		
Elizabeth Hopper, Vice-President		
Josh Garrett, Member		
Jeff Papa, Member		
Thomas Schuler, Member		
Kevin Spees, Member		
Bryan Traylor, Member		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Lacy, Director, Department of  
Finance and Records

**MAYOR'S  
APPROVAL**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

**MAYOR'S  
VETO**

\_\_\_\_\_  
**Timothy R. Haak, Mayor**

\_\_\_\_\_  
**DATE**

# TOWN OF ZIONSVILLE

## ZONING MAP

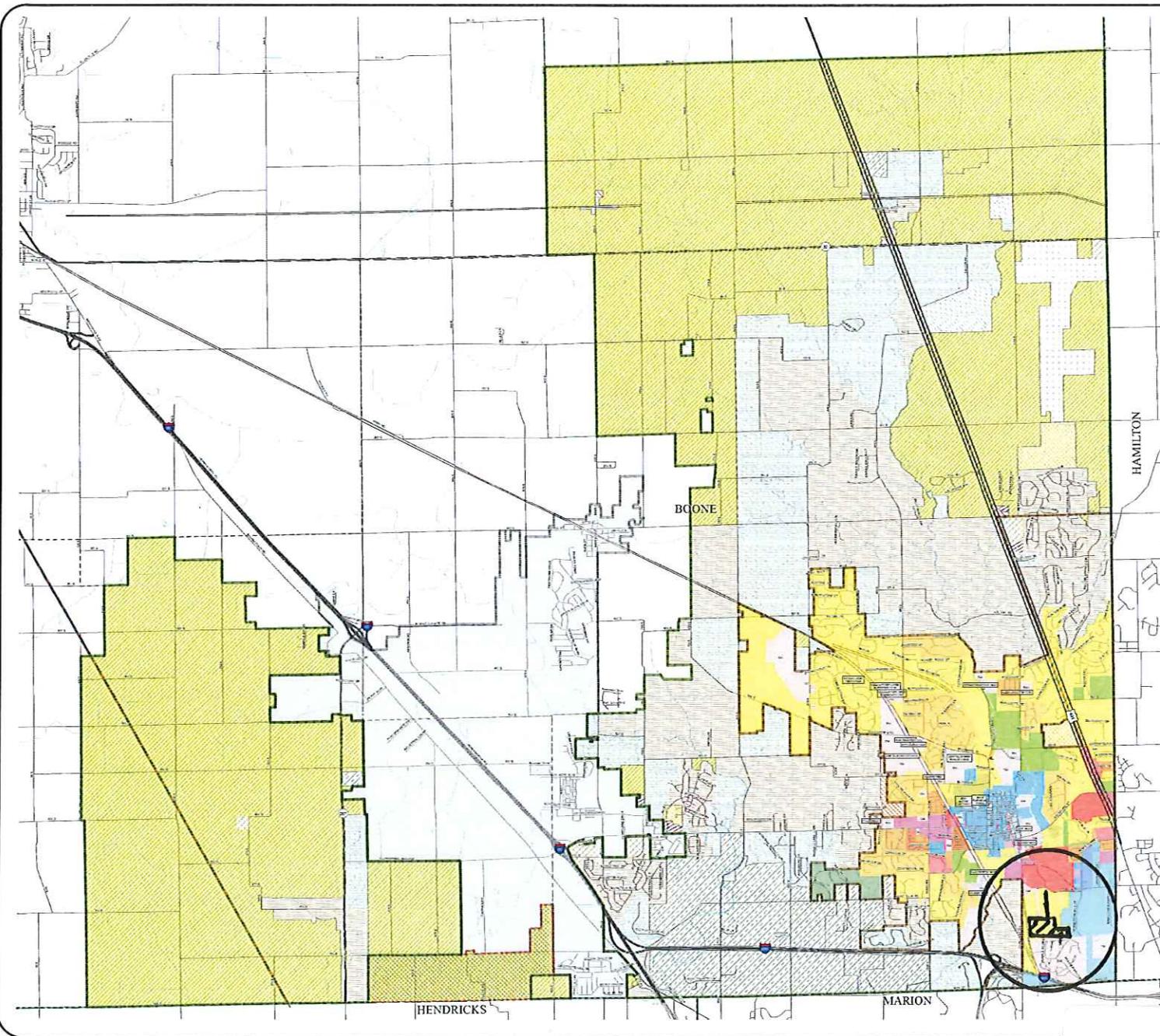
JANUARY 1, 2015



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS



Urban Zoning Districts	Rural Zoning Districts
FE	AS
R-UF-1	RE
R-UF-2	R1
R-UF-3	R2
R-UF-4	R3
RA-F-1	R4
RA-F-2	LB
B0	FS
B-1	LS
B-2	OS
B-3	M1
VBO	A2
ADRT	AZ
H1	Zoning No. Town Service District
H2	Zoning No. Rural Service District
H3	Designated Corporate Limits
SPECIAL USE ZONING	Michigan Road Overlay
OPEN LAND	Whitefish
RV	County Line
PUD	Township Line
	Water Features
	Highways
	Streets



RECOMMENDED BY THE PLAN COMMISSION, AND APPROVED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, AND AS AMENDED BY ZONING ORDINANCES:

- JEFF PAVAL, PRESIDENT
- TIM S. AM
- ELIZABETH HOFFER
- STEVE BLANDY
- TOM SCHILLER
- SUSANA SLIMAZ
- GABRIELE LUNGER

All real property located within the corporate boundaries of the Town of Zionsville and under the jurisdiction of the Plan Commission is set forth in this Ordinance in conformity herewith as shown on the Official Zoning Map which, together with all supplementary matters, is incorporated by reference and included to be a part of this Ordinance.

Attest: *[Signature]* Mayor  
 Plan Commission President  
 Date of Adoption: 12/17/2014

*[Signature]* Plan Commission Secretary  
 Date of Adoption: 12/17/2014



Exhibit B