



Minutes of the Greenwood Common Council

Date: June 17, 2024
Time: 7:00 pm
Place: Council Chambers
Greenwood City Center
300 S. Madison Ave.
Greenwood, Indiana

I. Call Meeting to Order: President Campbell called the meeting to order at 7:00 pm in person and online via Zoom.

A. Pledge of Allegiance

B. Prayer: Cleon Wright, Pastor Mt. Carmel Christian Church

C. Roll Call: Roll Call of the Common Council was taken.

Council Members Present: Mike Campbell ("Mr. Campbell"), Erin Betron ("Ms. Betron"), Linda Gibson ("Ms. Gibson"), Ezra Hill ("Mr. Hill"), David Hopper ("Mr. Hopper"), David Lekse ("Mr. Lekse"), Teri Manship ("Ms. Manship"), Steve Moan ("Mr. Moan")

Mike Williams was absent.

City Officials Present: Mark Myers ("Mayor Myers"), Jeannine Myers ("Ms. Myers") City Clerk, Shawna Koons ("Ms. Koons") City Attorney, Gabe Nelson ("Mr. Nelson") Planning Director, Greg Wright ("Mr. Wright") City Controller, Mark St. John ("Mr. St. John") City Engineer

II. Approval of Minutes

A. Minutes from the regular meeting on June 3, 2024

Motion to approve regular meeting minutes from June 3, 2024 by Lekse, seconded by Betron

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

III. Reports

A. Corporation Counsel

B. Controller

Presentation of Resiliency Report – Susan Reed (Baker Tilly). See [link](#).

C. Committee & Board Reports

Christian Maslowski with Aspire Economic Development + Chamber Alliance. See [link](#).

IV. Public Comments

Mark Webb, 405 Lea Lane spoke against the proposed changes to Ord No. 24-03. See [link](#) for handout.

Kyle Jones, 566 Poplar Dr. spoke against the proposed changes to Ord No. 24-03. He said not having sidewalks on their streets would fall under unusual conditions, circumstances and an apparent safety hazard as stated in the Unified Development Ordinance. This approach to regulating development standards promotes development intensities that match existing and improved infrastructure. He said it would be fair to say that new development against the UDO, should not have sidewalks either. Section 10-06-05 R states that a permanent dead in street shall not be permitted. That has been brought to their attention multiple times. He thinks they have a special condition of not having sidewalks. He encouraged the Council not to connect the neighborhoods with a street that will cause more traffic. It puts their families at risk who don't have sidewalks.

Patrick Olmstead, 1491 Hunters Lane spoke against the proposed changes to Ord No. 24-03. He finds it ironic that City personnel are now fighting against the Council's modification. The plan for decades was for that land to be single-family residential. He said if they want to take off the modifications that the Council put on, then the Council should go back and resend the rezoning. He asked that the Council listen to the people who have lived here, paid taxes here and who are their neighbors, friends and colleagues and stop listening to outsiders. The connection of the new 150 doors to the single-family neighborhoods isn't right. He explained that the connecting street would not be helpful to emergency vehicles. He explained the quickest route and it didn't include the proposed street.

Patricia Chaney, 242 Victory Ave spoke against the proposed changes to Ord No. 24-03. She said Villa Heights was platted in May of 1966. They were apart of Center Grove but the City of Greenwood decided to annex them into the City in 1991. She has seen the progress that has taken place in the City of Greenwood over the years. She said they aren't an HOA but they watch out for each. For every decision there is a consequence and they can be long lasting. She asked the Council to think about the consequences of their decisions. There are more children in Villa Heights than ever and they couldn't play safely if there was a connecting street because they have no sidewalks. If they want growth in the City, take care of the ones who are already here and not put in a connecting road or put in sidewalks.

A gentleman on behalf of the Church of God at 305 Love Ave. spoke against the proposed changes to Ord No. 24-03. He said that widening the street at the proposed entrance would shorten the already short driveways of the two residents who live right there. He is also concerned about the property values dropping. For that reason, along with the other reasons given, he asked the Council to vote against the modifications.

V. Ordinances and Resolutions

A. Notice of Intent to Consider

B. First Reading

ORDINANCE NO. 24-16 AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FROM THE FIRE FUND TO BUDGET CLASSIFICATIONS 422 (\$135,828), 429 (\$39,654) AND 431 (\$31,080) FOR NEW HIRE SUPPLIES, EQUIPMENT, AND PHYSICALS, AND TO BUDGET CLASSIFICATION 439 (\$13,342) FOR TORNADO SIREN SYSTEM UPGRADES (Sponsors by Gibson, Hopper, Lekse, Manship and Moan)

** Public Hearing scheduled for June 17, 2024*

Mr. Campbell opened the public hearing.

Mr. Campbell closed the public hearing.

Motion to pass first reading for Ord No. 24-16 by Gibson, seconded by Manship

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

ORDINANCE NO. 24-17 AN ORDINANCE VACATING PLATTED VARIABLE WIDTH DRAINAGE AND UTILITY EASEMENT IN SATURN PARK BLOCK C (Sponsored by Gibson)

Motion to amend Ord No. 24-17 in the third whereas clause to include the recommendations of the Plan Commission and Board of Public Works and Safety to recommend approval subject to meeting the following conditions: 1) Prior to construction of the new detention facility, a replat of Block C of Saturn Park will be recorded with the following note: the easement drainage and utility easement per instrument number 920115774 as shown in Greenwood Common Council Ord No. 24-17 for the existing detention facility shall be vacated and null upon successful completion and operational status of the new detention facility as verified by the City Engineer and the recording of the vacation ordinance petitioner must also plat the new detention easement on the replat of Block C of Saturn Park. 2) Prior to reporting in the vacation ordinance, the petitioner must complete the construction of the new detention facility and ensure its functionality the new detention facility must be fully operational. Only after the new detention facility is confirmed operational by the City Engineer and all related documentation is submitted may the vacation coordinates be recorded. Also, an amendment to section one to include described and shown as follows and deleting and substituting the former drawing with the drawing and legal description that has been provided in the proposed red line and following the words is vacated in section one, add the additional language provided that the petitioner meets the conditions that are set forth in the third whereas clause above to the satisfaction of the City by Gibson, seconded by Lekse

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

Motion to pass first reading for Ord No. 24-17 as amended by Gibson, seconded by Lekse

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

C. Second Reading

VI. New Business – Introductions of New Ordinances and Resolutions

ORDINANCE NO. 24-18 AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS FROM THE AMERICAN RESCUE PLAN CORONAVIRUS LOCAL FISCAL RECOVERY FUND TO BUDGET CLASSIFICATION 431 (\$2,450,914) AND THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO BUDGET CLASSIFICATION 431 (\$187,200) (Sponsored by Gibson)

** Public Hearing scheduled for July 1, 2024*

Mr. Wright said back in 2021, the City received a disbursement from the American Rescue Plan Act of just over \$6.6 million. Part of the rules on that is that by the end of this year, all that money must be under contract or committed and by the end of 2026, it must all be spent. With the two projects that they are looking to add, it will take the City to just under \$500,000 remaining of those funds. There are two different projects between Main Street and the airport basically to widen that, do sidewalks, curbs and stormwater as well. The biggest piece is the Market Plaza project. They're looking to fund that construction contract from the ARPA funds under what's known as revenue replacement. The final rule ARPA funds was that if you receive less than \$10 million, you could claim up to \$10 million under the revenue replacement standard allowing you to utilize those funds for any legal purpose of the City. He recalled several items that this has been used for. The piece from the CCD fund is a road impact study. The total cost for the study is projected at \$187,200. After the study, should the Council adopt the road impact fee, the City can be reimbursed for the cost of the study from those fees. The county has a road impact fee in place as well as other cities.

ORDINANCE NO. 24-19 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, SEC. 2-38 OF THE GREENWOOD MUNICIPAL CODE, AS AMENDED, DESIGNATING NO PARKING ON PORTIONS OF PARADISE WAY WEST, NORTH, AND EAST DRIVES
(Sponsored by Gibson)

Mark St. John said this was a request that came in through a citizen in the area. There were previously No Parking signs in this area, along the streets listed. They were not backed up by any ordinance so the Street Dept. came out and removed those signs. Now, they are in the process of establishing no parking areas.

Motion to suspend the rules through first reading for Ord No. 24-19 by Gibson, seconded by Hopper

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

Motion to pass first reading for Ord No. 24-19 by Gibson, seconded by Lekse

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

Motion to suspend the rules through second reading for Ord No. 24-19 by Lekse, seconded by Hopper

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

Motion to pass second reading for Ord No. 24-19 by Moan, seconded by Hopper

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

VII. Miscellaneous Business

A. Public Comments

B. Council

Conflict of Interest for Christopher Jones for his son, Elliott Jones

Motion to accept Conflict of Interest for Christopher Jones for his son Elliott Jones by Hooper, seconded by Gibson

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

Request to modify the commitments to Ord 24-03 – Walker Property

Ed Hamilton with Apollo Developers said in the February Council meeting where the rezoning ordinance was adopted, there were three commitments that were presented. In addition to those commitments, there were commitments of a traffic study being completed. He said he is there in support of removing those conditions and not necessarily there in support of adding the connections.

Mr. Hopper asked what is preventing them from moving forward with those conditions in there. Mr. Hamilton said those three commitments are directly in conflict with requirements within the Unified Development Ordinance for the City of Greenwood.

Ms. Betron asked if in order to move forward would they need some sort of waiver with the Planning Commission. Mr. Hamilton said that is part of it. The Plan Commission has to approve that and staff typically would support that. It's atypical for a community to not have those connections. There is good safety and engineering planning logic behind having them.

Gabe Nelson gave a presentation. See [link](#).

Mr. St. John addressed Mr. Hopper and Ms. Betron's questions. He said if the Council doesn't resend these commitments, they would have to come to Plan Commission to get a waiver from the City's UDO. He thinks it is very likely that staff would write an unfavorable recommendation on that waiver but the Plan Commission would ultimately be the deciding body. If they voted no on that, this project wouldn't be able to continue. Mr. St. John said he is in full support of what Mr. Nelson said about connections. They don't often look at the technical aspects during the zoning process. The two technical aspects he's covering are the all way stop at Covered Bridge and Timber Trail and the right in and right out on Smith Valley Road. He provided the Council with an excerpt from the Indiana Manual on Uniform Traffic Control Devices which is put out by the US Dept. of Transportation. He said there's a very strong chance for that to be an all way stop, he just doesn't believe that is something that should be set at the zoning phase. Those commitments are also tied to the land, not just the project which means in the future if a different project comes in with a different site layout, they would be committed to these exact same site improvement conditions. In February, a traffic study had not yet been completed. Since then, a traffic study has been completed. The study looked at the Smith Valley access point as a right in and right out and as a full access drive. The study shows that full access drive operates appropriately and that there is adequate sight distance. He would be comfortable with a full access point on Smith Valley Road for this development based on this traffic study.

Mr. Nelson said he is worried what would happen if this development would die from a legal standpoint. That could open the City up to scrutiny for committing someone to go against the City's own ordinance which the Council has already adopted.

Mr. Lekse asked Mr. St John if the Council got rid of these three commitments, how confident he would be that the access point to Smith Valley Road would be both directions. Mr. St. John said he thinks it will be based on the findings of the traffic impact study. Mr. Lekse said if that's full access at that point, then traffic running through the existing neighborhoods would be a lot less because you wouldn't have somebody cutting through in order to make a left-hand turn.

Ms. Koons said that she has to give the Council her legal concerns. State statute 36-7-4-702 states that if the City is going to allow subdivision of properties, they have to have a subdivision control ordinance. It requires that the subdivision control ordinance specify the standards including standards for public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways. Also, in subsection C of that statute it says the standards fixed in the subdivision control ordinance may be waived at the discretion of the Plan Commission. The Indiana legislature has vested the Plan Commission with the authority and jurisdiction to waive the subdivision control requirements. The Council does not have the authority to do that and that is a concern she has. Secondly, the regulation of land use and development is a police power. It's against public policy for the Council to contract away police power. She said she is not a judge and she doesn't know what a court would say should this come to a challenge and ends up in court.

Ms. Gibson asked now that there has been more planning done, do they still see more modifications being made to the layout of the property. Mr. Nelson said they have not had a primary plat submitted to them. That is the first thing they will review at a technical level so yes, there could be changes. He said he doesn't feel comfortable saying this is what they are going to see at the end of this process. He listed examples of possible changes.

Ms. Betron asked if they were saying that for the streets, as far as the connectivity, there has to be an extra exit somewhere connecting to at least one of the neighborhoods or does it have to connect to all of the neighborhoods. Mr. Nelson said it would have to connect to all the existing dead ends. The new streets will have sidewalks. Some of the neighborhoods that were annexed into Greenwood after being built do not have sidewalks but they would have quick access to sidewalks.

Ms. Gibson asked if Apollo doesn't move forward with this what are the Council's option to rezoning that land back to agriculture. Mr. Nelson said Council can direct a zone map change on someone else's property but that isn't something he would encourage to do to control development. They are supposed to pay reasonable regard to the comprehensive plan which has designated this land as single-family. Everyone on the Council and the public was in agreement that single-family should be what develops here. There is nothing in the comprehensive plan that says it would be appropriate to rezone a single-family development to an agriculture development but Council can enact a zone map change.

Mr. Moan said if the Council moves forward and does not change what was passed and Apollo doesn't get the Plan Commission to issue a waiver, what would the Walkers do. Mr. Nelson said if they don't halt agriculture practices, they can continue to farm as agricultural land for as long as they desire to. The zone doesn't impact the current use.

Mr. Hopper asked at Dairy Queen, the no left turn westbound onto Main Street, didn't the Council do that. Mr. Campbell said yes, they did. Mr. Hopper said so it is within the Council's prerogative to do that but they just don't think it's the Council's prerogative to do it here at this step. Mr. St. John said that was before his time at Greenwood. He doesn't know if that was passed to restrict left turns or if it was just infrastructure to restrict left turns. Ms. Gibson said the Council did it and she thinks it was because there were some accidents happening there. Mr. St. John told Mr. Hopper that it would be within the Council's prerogative in the future to request a restriction ordinance once that road is constructed. Mr. Campbell said as he recalls, their concern when this commitment was made about the right in right out only was due to concerns with its proximity to the roundabout but he thinks the full access entry would be better.

Mr. Hopper said he heard staff's recommendations and he's not opposed to removing number two and number three. He thinks number one is bad policy. They would be telling people they want to put more cars on the road when they have failed them since at least 1991 in the case of Villa Heights. Weighing one bad policy against the other he thinks having the bad policy of having those streets connect is worse. He encouraged the Council to vote in favor of number one as he is. Ms. Koons said she suggests if he thinks it's bad policy, then change the ordinance. Mr. Hopper said he thinks they should.

Mr. Lekse said his oath of office says he is to uphold the laws of the State of Indiana and the UDO is an ordinance and he feels like he has to support the UDO. He has to uphold the law whether he likes it or not. Ms. Gibson said that is where she stands as well.

Mr. Moan said isn't it also incumbent upon this body to look at an ordinance that this body passes and do the things that are best for residents of this City. They're looking at three neighborhoods that don't have sidewalks. If he had his way it would be farm land 50 years from now. That's just not feasible. So, as a body, they want to encourage good development, like Apollo. The Council also needs to move forward in their ordinance and legality and protect the citizens. He said you can drive through the City and find places time and time again where the UDO was waived probably for the good of the community. Safety has to be the priority.

Ms. Gibson gave an example of a neighborhood close to her that has no sidewalks and people cut through there and the amount of traffic is unbelievable. Ms. Betron said that proves the point that it's better to do the right thing than to be right.

Mr. Hill said sometimes in some cases there's a need for an exception to the rule. He's for compromise and he's pro-development but he thinks they need to keep in consideration their constituents. Mr. Nelson said the body responsible for those exceptions is the Plan Commission and it is not the Common Council.

Ms. Gibson asked Mr. Nelson if this could be tabled to give the Plan Commission time to look at the UDO. Mr. Nelson said it is about a 60-day process and with that comes a lot of investment and that would be a question to ask the developer. Ms. Gibson said she is sympathetic with the residents but is finding it hard to go against the UDO. Mr. Lekse said his concern is about the safety of the neighborhood and the connection. Without being able to make a left-hand turn onto Smith Valley Road, people would just cut through the old neighborhood. His concern about the lack of sidewalks went down when Mr. St. John said he would allow a full access point. Mr. Moan asked Mr. Lekse if he meant the current road that will come out of the new development onto Smith Valley or is he talking about a connector road that goes through Green Valley because as it stands now, they aren't coming out of Green Valley they are coming out of the new road out of the subdivision. He thinks they were talking about two different things. Discussion took place between Mr. Lekse and Mr. Moan to clarify.

Ms. Gibson asked Mr. Nelson if in the new diagram, were there sidewalks and trails. Mr. Nelson said there are sidewalks and in the current commitments, they're going to try and work with the schools to get safe routes to schools where kids are on a sidewalk from these neighborhoods to get there if they choose to walk. He said there quite a few much more direct north south roads. He doesn't envision Green Valley, Lea Lane and Faith Street being the predominant choice for traffic to go through especially if that is full access on Smith Valley.

Motion to remove the commitment of no vehicular connection to Faith, Green Valley or Lea Lane by Lekse, seconded by Gibson

Votes: Ayes- Campbell, Gibson, Lekse

Nays- Betron, Hill, Hopper, Manship, Moan

Motion fails 3-5

Motion to remove the commitment of adding of a four way stop at Covered Bridge and Timber Trail by Hopper, seconded by Lekse

Votes: Ayes- Campbell, Gibson, Hopper, Lekse, Manship

Nays- Betron, Hill, Moan

Motion passes 5-3

Motion to remove the commitment of limiting the exit onto Smith Valley as a right in right out only by Hopper, seconded by Lekse

Votes: Ayes- Campbell, Betron, Gibson, Hill, Hopper, Lekse, Manship, Moan

Motion passes 8-0

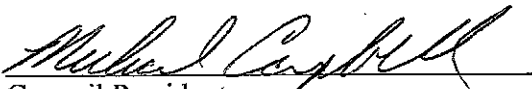
C. Other Miscellaneous

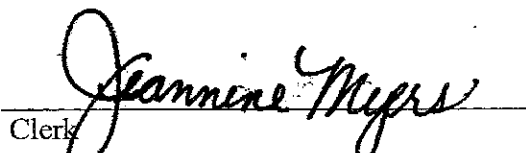
A. Corporation Counsel

B. Controller

C. Mayor

VIII. Adjournment: 8:57 pm


Council President


Clerk