

## **I. Call Meeting to Order**

The Common Council of the City of Greenwood, Johnson County, Indiana met in its regular session on Monday, December 5<sup>th</sup>, 2016 at 7:00 p.m. in the regular place, the Council Chambers of the Greenwood Municipal Building, 300 South Madison Avenue, Greenwood, Indiana. The Council President, Mike Campbell, presided and Administrative Assistant to the Clerk, Becky Thompson, was present to memorialize the proceedings.

The audience recited the pledge in unison, after which Rev. Matt Swisher, Pastor of Smith Valley United Methodist Church, led in prayer.

Present on the roll call were Council Members: Bruce Armstrong ("Mr. Armstrong"); Ron Bates ("Mr. Bates"); Mike Campbell ("Mr. Campbell"); Brent Corey ("Mr. Corey"); Linda Gibson ("Ms. Gibson"); Ezra Hill ("Mr. Hill"); David Hopper ("Mr. Hopper"); Chuck Landon ("Mr. Landon") and David Lekse ("Mr. Lekse"). A quorum was obtained.

Additional Officials Present: Mark Myers ("Mayor Myers"), City of Greenwood Mayor; Krista Taggart ("Ms. Taggart"), Corporation Counsel; Bill Peebles ("Mr. Peebles"), Planning Director; John Laut ("Mr. Laut"), Greenwood Police Chief; Terry McLaughlin ("Mr. McLaughlin"), Deputy Mayor; Jody Long ("Ms. Long"), Greenwood Controller; and Darin Hoggatt ("Chief Hoggatt"), Greenwood Fire Chief.

## **II. Approval of Minutes from the Regular Meeting on November 21<sup>st</sup>, 2016**

Motion to approve the minutes from the regular meeting on November 21<sup>st</sup>, 2016 moved by Mr. Bates. Seconded by Mr. Lekse. **Vote: Ayes: Armstrong, Bates, Campbell, Corey, Gibson, Hopper, Landon, and Lekse. Mr. Hill abstained. Motion Carries.**

## **Approval of Minutes from the Executive Session on November 17<sup>th</sup>, 2016**

Motion to approve the minutes from the Executive Session on November 17, 2016 moved by Mr. Lekse. Seconded by Mr. Landon. **Vote: Ayes: Armstrong, Campbell, Corey, Hill, Hopper, Landon, and Lekse. Mr. Bates and Ms. Gibson abstained. Motion Carries.**

## **III. Audience Requests**

### **A. Mays Chemical Tax Abatement Report**

Eric Gillespie, Corporate Controller and Vice President of Mays Chemical, presented information on Mays Chemical Greenwood facility and tax abatement. Mr. Gillespie stated in 2009 Mays Chemical undertook a project to consolidate operations that Mays had in metro Indianapolis. Working with Precedent, the developer of the industrial park, they put together a state-of-the-art facility giving them significant additional square footage and room for growth. He said Mays is 6 years into the lease with about nine years to go; at that time a tax abatement was done on the building thru Precedent and there was also a tax abatement on the facility and the assets and operations we had at that time. Mr. Gillespie stated the original request showed close to \$900,000 of equipment they expected to implement and to this point they have spent closer to \$1.2 million which is more than they have expected even though the abatement was on only been on about \$350,000 of the equipment, that was specifically related to equipment identified in the original request. Mr. Gillespie said based on projections and business volume they had and expected to receive at that time they thought they would need about 12 people in total but has average closer to 10; they were also unsure how they would staff and have ended up with staffing at the physical facility but also staffing that for the books and records are on the Indianapolis Journal Ledger but operate down here most of the days of the week; they use the corporate facility as headquarters where they have quality control and maintenance as well. Me. Gillespie stated payroll they felt would be at half a million and was down for a couple of cycles partly because there was turn over in the management of the facility but has probably averaged in the 400+ average range. He said

they are continuing their investment in their facility, they are excited and committed to it, they have done some major projects for some major customers; some household names; they have done lending mixing and repackaging and another piece of equipment coming over from Europe early next year, a metal detector for additional processing they will be doing at the Greenwood facility. Mr. Gillespie introduced Jenny Harrington, from the financial group as well as George Hughes, V.P. and head of supply chain at the Greenwood operation. Mr. Campbell stated the reason they requested Mays to appear before council because of the previous report showed a steady decline in the number of employees and salaries have decreased; he said council wanted to get an idea of the prospects, the company, and... Mr. Gillespie stated in the data in 2011 report they have used some temporary staffing there, so in 2011 they had a quality person that was full time but not shown in the tax report; currently they are projecting a total of eleven people associated with it, six doing the operations, some temporaries, they will have additional quality support there and are going thru an audit this week; and some temporary individuals that will help in the operation too. Mr. Gillespie stated they think the number associated with it will be 11 in 2017; the compensation has gone down due to management turnover there is a new plant manager that will be there full time now. Mr. Hughes stated two retirees that [inaudible]. Mr. Campbell thanked them for their time.

Mike Neil, President of County Convention, Visitor, and Tourism Bureau a mayoral appointee, who apologized for the last minute jump but wished to give council a quick update. Mr. Neil stated the Convention, Visitor, and Tourism Bureau was appointed at the beginning of this year, this is its first year in existence, there is a nine member board and by statute, Greenwood which is the largest municipality in the county gets to appoint three of those nine members; the other six are appointed by the commissioners. Mr. Neil stated they have been charged with creating a plan and expending tax dollars, which are being collected as a 5% Inns Keeper tax that are on all hotels, cabins and those types of stay locations in the county. That was levied by the County Council and approved by the Commissioners as part of state statute. Mr. Neil stated all of that money goes into a fund which they can use to try to increase our convention visitor and tourism industry in the county. He said this first year they used time and resources to save the money to put years' worth of dollars into their account so they can fill any contracts or staffing they might have; they have spent the greater part of this year investigating what other counties in the state are doing, thru the state associations and groups and how they are successful in growing that industry. He said they have not taken a lot of action when it comes to marketing but the second year is where that opens up. Mr. Neil stated the first year they created a budget for next year, which will entail \$406,000 which will go towards a Director and office space, but more than 16% of that goes to a professional service contracts where they work with a marketing firm to attempt to market the county, from the mall to Franklin events and all across the county to get people not just to come for the day but maybe stay a day or two if they are here for the race or an Indianapolis event we get a lot of overflow, and to market Johnson County as a place to spend dollars and shop and see what we have, places like Freedom Springs and market that to a larger group of people here in the United States. He said through the third quarter we have raised almost \$429,000 so we have already more than paid for the budget of 2017. Mr. Neil stated they anticipate revenue should be in the \$500,000 range which will give next year a chance to assess trying to grow that budget in order to spend more of those dollars, not necessarily on staff or amenities but a contract to continue to increase digital marketing or what we may choose to do as a commission. Mr. Neil said at the next meeting, December 7<sup>th</sup>, they will be announcing they will be hiring a Director; they passed last month and put a committee together to write a contract plan, what they are looking for, and salary items, which will be released at the meeting; looking to hire in January with on-board in February and from there will build a strategic plan with marketing firms to bid on a contract to start marketing the county and everything we have in it. Mr. Neil stated he would keep council in the loop as they move forward and asked if there are any questions. Mr. Hopper asked if the current revenue is more than what we thought we were going to get. Mr. Neil stated there were estimates through different organizations such as Aspire, JCDC and other groups that thought somewhere between \$500,000 and \$700,000 but as a conservative in government they wanted to make sure they were not spending more money than they were taking in; although, while they started the first year they wanted to collect the entire

years' worth before they started spending money, he felt it was not prudent beyond that, so he directed as best he could and had a 9-0 vote with their commission and county council's unanimous approval on a conservative budget for the first year. Mr. Neil shared that now that they have an idea of what that is going to look like they will start to see trends in data and grow that budget in 2018.

#### **IV. Reports**

##### **A. Corporation Counsel**

Ms. Taggart stated she has none other than that which was provided in writing prior to the meeting.

##### **B. Controller**

None.

##### **C. Committee & Board Reports**

Mr. Campbell stated the RDC had a special meeting to address a request from One Click, the summary has been distributed to council.

Mr. Hill stated the Planning Commission met and minutes have been emailed out; the meeting for December 12 has been cancelled.

Ms. Gibson stated she anticipates the AdHoc Committee to have more information at our next meeting since Mark Richards has been out of town and they have been waiting for him to answer some questions as well as some from the public.

#### **V. Ordinances and Resolutions**

##### **A. Notice of Intent to Consider**

None.

##### **B. First Reading**

[ORDINANCE NO. 16-74](#) AN ORDINANCE AMENDING GREENWOOD MUNICIPAL CODE (1993) SECTION 2-93 TO INCREASE CASH CHANGE FUND FOR AQUATIC CENTER, COMMUNITY CENTER, AND PARKS SPECIAL EVENTS  
(Sponsored by Ms. Gibson)

Motion for the first reading of Ordinance No. 16-74 moved by Ms. Gibson. Seconded by Mr. Landon. **Vote: Ayes. Motion carries.**

[RESOLUTION NO. 16-24](#) A RESOLUTION DECLARING CERTAIN AREA WITHIN THE CITY OF GREENWOOD AN ECONOMIC REVITALIZATION AREA AND QUALIFYING CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING (VanTrust Real Estate, LLC)  
(Sponsored by Mr. Campbell)

**Public Hearing to Create ERA scheduled for 1st meeting in Jan. 2017**

Motion for the first reading of Resolution No. 16-24 moved by Mr. Landon. Seconded by Mr. Hill.

Mr. Lekse stated upon reviewing the SB-1 on this proposed speculative project, a 37-acre site, the development is a 500,000 square feet which by his estimate is about 11-12 acres

of development, spending \$15 million dollars which is about \$30 per square foot which is a pretty low number for building a building and according to the SB-1 the employee and salaries are 0 employees and \$0 salaries. Mr. Lekse said there is a note to be fair that says the employment estimate for the proposed project are not available due to the building being constructed on a speculative basis. He said it seems it is a low threshold; and at the end of a 37-acre project can spend a pretty low number of \$15 million dollars and employ one person and meet all the requirements to getting this abatement. Mr. Lekse said as the application says this is speculative and it seems to him that we are being asked to share in the speculation and for that reason he said he does not support this. Mr. Hopper shared if the inside of the building is just four walls to be built out later which is why there would be low as opposed to completely building a building. Mr. Campbell agreed the building would be a shell building and once a tenant come in would build for warehouse or office space. Mr. Lekse asked if this complies with the statute they are supposed to estimate the number of employees and salaries and not just put zeros. Ms. Taggart stated it complies with the statute because they have put zero, they have provided a number; she said in the past we have asked for a number if they have left it blank or put not applicable. She said some used market data to come up with figures to estimate it with based on other similar industries. Ms. Gibson asked when the last spec building Greenwood had. Ms. Taggart stated she doesn't know if a spec building has gone all the way through; Opus which council just approved is a spec building in the same area and they estimated based off of market figures for similar types of building in the past and put in their employment figures based on that. Mayor Myers stated he has met with VanTrust once on this building and on quite a few occasions on theirs. Mayor Myers stated there are no other spec buildings available in Johnson county which is an anomaly where we are; he stated opus has had a lot of interest in their building that may bring in larger distribution facilities which would fill this out and bring the AV up quite a bit. Mayor Myers said VanTrust will have their public hearing in a few weeks and will be able to answer specific questions then; he said a spec building is something that we need, he receives quite a few calls and Johnson County Development Corporation does get calls to see if we have any available, if not they move to other areas that have them such as Whites town, Plainfield, and other areas around central Indiana. Mayor Myers stated we are in a unique location especially where VanTrust and Opus buildings will be to have the perfect location, access, utilities, and all the infrastructure is in place. He said he believes this is somewhere we need to go, and to look at to have speculative buildings. Mayor Myers stated this is a larger building and will bring a larger business, bringing more jobs and AV to that area. Mr. Campbell said as the RDC representative, the RDC has been requested to fund speculative building projects in the past and have not done so; there has been a need for spec buildings for some time and he said he was pleased to see Opus come in and have these people who are wanting to build spec buildings and not have the RDC pay for it. Mayor Myers stated Franklin did this a couple of years ago and filled their building within 11 months and the city along with the developer, built it out, the property owner, developer, and the city helped; he stated there is a huge need for this on the south side and this is the perfect opportunity for us to reach out and grab it. Mr. Corey [inaudible]. Ms. Taggart said if that is something you want them to do, you can ask them to provide it for the SB-1. Mr. Hopper stated providing a number holds them accountable should they... Mr. Lekse stated a bench mark, his concern is a lot of the real estate developers don't even buy a piece of ground unless they have a signed lease. Mayor Myers stated this is a building without interior or jobs, whoever purchases the building and develops the inside out will be the people that will come back again for an abatement for that; that is when we have our chance to say the number of jobs, wage per hour and so on... Mr. Lekse stated we have a form in front of us that shows zero employees, zero dollars. Mayor Myers stated this is just the building not what will go inside of it, what is the building itself worth not the jobs. Mr. Lekse stated they should promise to try to deliver something. Mayor Myers stated he is not defending them just telling council what he sees in the market. Mr. Lekse stated they are not here but made the choice to fill out the form this way.

Bill Baumgardner with Van Trust came forward. He said they build spec buildings throughout the region he cannot project how many jobs are going to go into a building; he is putting the capital investment to get somebody to come into the building. He cited examples of other various spec building sites. Mr. Baumgardner said they try to create

the environment in which a company can come in and make that investment; they are flexible with how the companies can attain the buildings, leases or purchases. He said if you don't put the infrastructure in place, a hell that a company can use, companies will look elsewhere. He said most of the searches are looking at Columbus, Indianapolis, Louisville or Cincinnati; a multi-state search. He said VanTrust tries to invest with the community by putting our hard dollars to become a good partner to give the best product for a company to make that decision because their product is what they want. Mr. Baumgardner addressed the 37 acres; saying it is a tough site, only about 25 usable acres, there are wetlands, easements and non-usable due to the power station and the setbacks. Mr. Baumgardner stated it is not a super-efficient site; they are paying a lot of money for a site that they would rather get more square footage, but the site dictates what you can do. Mr. Hopper asked for him to discuss the \$30/sq. ft. if it is walls with gravel floor. Mr. Baumgardner stated the shell construction is ground price that is not in that number but outside the number, he is giving the raw numbers as far as the shell goes, they will put a lot more into it once we get a tenant in there, base electric goes in 2,000 amps, they build a shell to be as flexible as possible to allow various types of usage to go in. Mr. Baumgardner stated if council wants him to go back and on an industry basis place the number of jobs, the potential wages he would be happy to do that. He said when you talk about wages in terms of warehouse there is a real fight for labor today; it is called the Amazon effect or the e-commerce effect, right now in real estate industry distribution space is the most active out there because of the changing consumers have in terms of going to a click society. He said there is a migration of the zombie channel of these retailers coming in and using the facility in different ways much like Opus, we are seeing the same amount of users, a lot of people interested in Greenwood, a lot of consolidation, a lot of fear of the labor market in Plainfield, that is why we chose to make our investment in Greenwood. Mr. Baumgardner said because of the market dynamics of having the two interchanges, the infrastructure already put into Graham Road and the ability to attract a different labor source than what we see in Plainfield. He said unfortunately in the market the tax-abatement is necessary to compete; if we don't get the tax abatement we don't make the investment. Mr. Baumgardner continued saying he could go to Plainfield and Whites town or River Ridge and get a piece of property and get a tax abatement. Mr. Lekse stated he read that Plainfield is about out of space. Mr. Baumgardner stated everyone keeps saying that but Duke and Browning Park has another three or four hundred acres there, and Whites town is opening up ground, every time someone says they are out of space he sees another building go up, it is a competitive market. Mr. Baumgardner says he appreciates the consideration.

**Vote: Ayes: Campbell, Gibson, Hill, Hopper, and Landon. Nays: Bates, Corey, Lekse, and Armstrong. Motion carries.**

[RESOLUTION NO. 16-25](#) A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREENWOOD AND PLEASANT TOWNSHIP, JOHNSON COUNTY REGARDING FIRE PROTECTION  
(Sponsored by Ms. Gibson)

Motion for the first reading of Resolution No. 16-25 moved by Ms. Gibson. Seconded by Mr. Corey. **Vote: Ayes. Motion carries.**

### **C. Second Reading**

[ORDINANCE NO. 16-72](#) AN ORDINANCE PROVIDING FOR AN ADDITIONAL APPROPRIATION FROM THE PARKS FUND TO BUDGET CLASSIFICATION 336 (\$41,322) IN PARKS AND RECREATION DEPARTMENT BUDGET  
(Sponsored by Mr. Hopper)

Motion for the second reading of Ordinance No. 16-72 moved by Mr. Landon. Seconded by Mr. Lekse. **Vote: Ayes. Motion carries.**



## **VI. New Business - Introduction of New Ordinances and Resolutions**

**ORDINANCE NO. 16-75** AN ORDINANCE AMENDING GREENWOOD COMMON COUNCIL ORDINANCE NO. 88-75, AS AMENDED, AND GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, CHAPTER 2, ARTICLE 6, SECTION 2-38, TO AMEND THE SCHEDULE OF ORDINANCES SUBJECT TO THE JURISDICTION OF THE ORDINANCE VIOLATIONS BUREAU  
(Sponsored by Campbell and Bates)

Ms. Taggart stated this is a clean-up ordinance, whenever we enact an ordinance that is under \$2,500 and we want to be subject to local jurisdiction we have the decision of whether we would send lower violations to the OVV or directly to the court office. She said a lot of time we send lower value tickets through the OVV which is ran through the clerk's office; there is a schedule of those at the front of the code. Ms. Taggart stated as ordinances have been added to the code over the years the table at the beginning of it in section 2-38 was not always updated to include those ordinances that were provided later in the code; and attorney went through and found all the references in the OVV that have been added to the code over the years and made sure that the table matched it; it has been provided to the clerk's office who have had a chance to review it. Ms. Taggart stated this is a clean up to fix it and make it clearer for everyone.

**ORDINANCE NO. 16-76** AN ORDINANCE AMENDING GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, CHAPTER 4, ARTICLE 2, DIVISION VIII REGULATING PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS, STREET VENDORS AND MOBILE FOOD TRUCKS AND REPEALING CHAPTER 6, ARTICLE 10, SECTION 6-352  
(Sponsored by Campbell and Bates)

Ms. Taggart stated this is going to be the first of a series of ordinances that will be brought to council following the Supreme Court's decision last year regarding Reed vs. The Town of Gilbert which shed new light on the Supreme Courts First Amendment jurisprudence and municipalities and governments in general abilities to regulate speech. She continued saying as this requiring a much higher level of scrutiny for anything that is not content neutral, so these regulations, on one level, remove anything that is not content neutral and on another level, this section of the code had not been updated for many year and it tries to modernize them a bit with respect to some of the current practices. Ms. Taggart stated Mr. Campbell stated a concern earlier today regarding farmers markets the mention was only of agricultural products, and as any of you who have visited Farmers Markets they sell other assorted goods like baked goods, crafts, and candles he recommended amending this to add after agricultural product language "...and other homemade products."

Motion to amend as presented by corporation counsel made by Mr. Corey. Seconded by Mr. Bates. **Vote: Ayes. Motion carries.**

Ms. Gibson suggested that bees and honey products is not quite and agricultural type of things and wouldn't be a homemade item. Ms. Taggart stated she believes it would be considered an agricultural tem, bee farming. Mr. Lekse stated it would be similar to milk.

**RESOLUTION NO. 16-26** A RESOLUTION OF THE GREENWOOD COMMON COUNCIL TO AMEND RESOLUTION NO. 07-12, "A RESOLUTION TO ADOPT AND APPROVE A COMPREHENSIVE PLAN FOR THE CITY OF GREENWOOD IN ACCORDANCE WITH THE PROVISIONS OF IND. CODE § 36-7-4-500 et seq. AS AMENDED", TO UPDATE OR INCLUDE VARIOUS PLANS  
(Sponsored by Campbell and Bates)

Ms. Taggart stated this is to update the comprehensive plan to include various capital improvements plans and other plans that have been adopted by various other boards,

and this council even but were never official added to the comprehensive plan. Mr. Peebles is present to answer any specific questions.

## **VII. Miscellaneous Business**

### **A. Council**

#### **i. 2017 Meeting Dates Proposed**

Mr. Campbell stated the proposed meeting dates for 2017 were distributed to council; he pointed out that it is unusual to have five meetings that will be held on a Wednesday next year, three are due to holidays falling on Monday, one is due to allowing a long weekend over the July fourth holiday, the first meeting in February was moved to February the 8<sup>th</sup> at the request from the Greenwood Public Library who will be celebrating their 100<sup>th</sup> anniversary on Monday the 6<sup>th</sup>, not only would it conflict but they would like for the council to be a part of that celebration. Mr. Campbell stated he thought that would be a good idea and he proposed we move the council meeting to Wednesday the 8<sup>th</sup>. He also said since there is not election in the county next year we will still have the first meeting of November on Monday.

Motion to approve the 2017 Common Council Meeting Dates made by Mr. Corey. Seconded by Mr. Bates. **Voice Vote: Ayes. Motion carries.**

Mr. Campbell stated he sent out an email to council regarding the possibility of council hiring its own attorney; there were three resumes submitted and has received word today that there is possibly a fourth attorney that might be interested but has nothing official on that. Mr. Lekse stated he has a proposal; after dealing with this for way to long, he feels we have one attorney who is clearly conflicted or does too much business with the city, if we agree to not consider him he would propose that we put the other two, Dave Hen and Eric Harvey on an approved list of attorneys that are acceptable to the council and that depending upon the issue in question council president and vice president if need be a third member of the council decides which attorney to engage on that particular issue. Mr. Lekse detailed a few possible conflicts that may emerge as examples to determine which attorney would be most appropriate to handle the issue at hand, based on his area of expertise, potential conflicts or appearances of conflict etc... Mr. Lekse stated the council could approve two attorneys and possibly the third to be added later; to have a list similar to what the city would have a vendor list adding that it may be easier to have a couple of them we can utilize from time to time depending upon the circumstances. Ms. Gibson asked if we received a fourth application would we consider adding that person to that list of... Mr. Lekse stated he feels that may be okay. Mr. Hopper stated one of them he would vote nay simply because he ran one of their campaigns and the one issue he has weighed in on he was wrong, he said he would not want that attorney to represent us. Mr. Lekse asked for clarification if he was wrong on a legal sense or was his opinion... Mr. Hopper stated he believes it was a legal sense, he argued it was illegal for us to do what we were doing. Mr. Lekse asked if he challenged it, on that issue we wouldn't use them, the other attorney has a partner who... Mr. Hopper questioned why we do not go with a full service firm and any question we have could be handled by that firm. Ms. Taggart asked on conflicts how will you handle it if they have other actions that are averse to the city; one firm has been on the other side of the city with respect to deals, they may not be... Mr. Lekse asked [inaudible]. Ms. Taggart stated on multiple occasion certain firms may represent developers for example, is the council president or vice president going to depend upon the law firm to do the conflict check or will you call... Mr. Lekse stated he would call them out on the three letters they have received, the attorney has the obligation to point out the conflict not vice versa; the attorney can say they are conflicted with us on this area should this issue come up I cannot represent you in this area. Mr. Lekse stated he has stood up here at the podium and represented a client and identified himself as conflicted on issues that are no longer pending. Mr. Lekse stated we published a public notice and received two resumes. Ms. Gibson asked if the notices were primarily in Johnson County for the most part, because we were thinking we wanted someone within

the county, is that asking for more of a conflict because of so many people being involved in boards and other things going on within the county. Mr. Lekse state it has been so long since they have been working on this and asked if the clerk's office remembers where we published he notice. Ms. Thompson stated she was not involved with the publication and is not aware. Mr. Lekse stated he believes it was published in the Daily Journal. Mr. Campbell stated he believed it was published in the Daily Journal as well. Mr. Lekse continued part of it is trying to save expense to hire a big Indianapolis Law Firm that has a municipal law partner you are looking at quite a different hourly rate. Mr. Campbell stated that this is a new proposal possibility and stated he would push it off one more council meeting before we take action on this to allow more time to think about it. Mr. Lekse stated he will make a motion to add Eric Harvey and David Henn to add on the list of approved attorneys to hire from time to time on an as needed basis. Mr. Corey asked if we have anything in writing exactly what we are looking for besides the ad in the Daily Journal. Mr. Lekse stated we have a resolution in the last meeting. Mr. Corey asked if it was written in anything beside the minutes. Mr. Lekse stated the minutes were passed. Mr. Corey stated he would like to see something actually written out with this list all in one place instead of having to go... because the original motion was in the minutes and that has been months ago. Mr. Lekse stated we approved the minutes tonight. Mr. Corey argued that when this was initially brought up this issue for the attorney, if he is trying to piece this deal all together he is going to have to go back to minutes three months ago. Mr. Lekse stated the first motion was to hire an attorney, and subsequently passed in the budget to hire an attorney, at the last meeting we approved his motion which detailed local... Mr. Campbell read the ad that went out stated "*The Common Council of Greenwood Indiana is seeking a law firm or individual attorneys to provide city council attorney services on an as needed basis. Law firms and attorneys are invited to submit their qualifications, proposals for the provision of these services.*" Mr. Corey stated it sounds as if we are making a hodge podge making rules up as we go. Mr. Lekse stated they are pretty customary rules. Mr. Corey said provide me a document where all the rules are... Mr. Hopper stated he feels we have a competent attorney to his left and two other attorneys in our Legal Department we can ask them questions; he would like for one of the rules to be that they weigh in on it first, he understands if it comes back and you don't like their... Mr. Lekse stated in light of all that has happened... Mr. Corey asked where the statement is. Mr. Campbell pointed out that while he does not know all councilors personally we have two attorneys on council that he would think they would at least profess to be competent. Mr. Hopper joked the bar says so... Mr. Campbell stated by law they have two competent attorneys that sit on council and that he trusts the opinion of the attorneys as well. Mr. Lekse stated on two separate meetings we have passed resolutions at three meetings; we passed a resolution to hire an attorney, we passed a budget resolution at another meeting, at the last meeting we passed a resolution defining more specific parameters it is time that we do something so that we have an attorney available to us instead of worrying about scenarios, we can deal with that as it comes up. Motion to put two attorneys Mr. Henn and Mr. Harvey on a list of approved attorneys that the council president and or vice president can call on for advice on an as needed basis made by Mr. Lekse. Seconded by Mr. Landon. Mr. Corey asked if the president and or vice president could blow the budget on one particular item or would you save some for... Mr. Campbell stated he would think that if council president decided to do that he might be council president for a short period of time. Mr. Hopper stated it may be that important that you would want to blow it all. Mr. Campbell stated whomever the next year's council president is, if that was the decision they should consult the council before they did so.

Mr. Campbell requested a roll call vote on the motion. **Voice Vote: Ayes: Landon, Lekse, Armstrong, Bates, and Hill. Nays: Hopper, Campbell, Corey, and Gibson. Motion carries.**

Mr. Campbell stated he has received a number of calls and emails over the last couple of weeks regarding the new recycling program. He said the most common complaint he has heard is that the bins are too large and that they cannot store in the garage and the HOA will not allow them to be kept outside; those particular residents stated they could not participate in the new program due to the size of the bins and were wanting to know if it was possible to get a choice of a smaller bin. Mr. Lekse had the same question proposed



apparently there are small, medium and large and we have gone to large; some people would like the medium or small option some people do not have that much recycling in the first place. Mr. Bates stated the idea is to allow the large bin to be a one-man operation picked up mechanically; would it be possible to have a mid-sized one; he stated he has received the same complaints. Ms. Taggart stated Mr. Bates is correct, that is what drove it. Mr. Lekse stated he likes the idea that the large bin is a ten-inch larger foot print than the small one but he understands there are height restrictions as well. Mr. Corey asked if residents did not fill out the post card how can they still sign up. Ms. Taggart stated they can still sign up by contacting Best Way or by going online and filing out the form; the deadline was extended a week from the December 1<sup>st</sup> which was somewhat of an artificial or rolling deadline. She said it is not too late they can still sign up and Mr. Bates is absolutely correct it is completely being driven by the switch to automated pick up which is the way the industry is going; we will most likely have to go that direction for trash in the near future but we have been able to hold out on that for a while. Ms. Gibson stated she has been asked why we have not used the big bins for trash and not recyclables, even a small household tends to have more trash. Ms. Taggart stated they received one bid to do the trash by hand this year and the other companies elected not to bid; we were able to have one bid Best Ways kept their prices relatively stable, it was a small rate increase and they were willing to still do it by hand, but it was only one bid. Mr. Lekse stated he would encourage anyone who is concerned with the restrictions to speak with their HOA managers; they are not bound by law to enforce every covenant and restriction in place to the letter, they can waive that, look the other way, he said he would think that there would be some cooperation from the HOA's on this topic. Mr. Bates stated he sees the positive but the negative for the fact those that don't want to switch and don't want change in many ways but they say if we go this route they will discontinue to recycle and that is not good that is a negative but hopefully if that is their choice it is of course voluntary perhaps we will get more that do participate than those who do not, it is unfortunate we cannot get everyone to participate. Ms. Gibson stated the people that called her felt like the larger bin would be more appropriate for trash, households have more trash than recyclables even in a two-week period of time, they were disappointed we did not start with trash and then grow to the other. Mr. Campbell stated we cannot solve the problem, maybe someone here could.

Mr. Campbell stated at the end of the year there are a few council appointments that would be expiring, if you have someone that might be interested in serving on one of the boards or commissions that we appoint people to, if they want to submit a resume or speak to the council, we would give them an opportunity at the next council meeting as well as the first council meeting in January. Mr. Corey asked about the list. Mr. Campbell stated some of them are people we appoint from council like Planning Commission, Solid Waste, the one potentially outside the council would be the Greenwood Redevelopment Commission which right now Mr. Campbell and Don Cummings are current members, Mr. Campbell expressed that he is interested in continuing that but is obviously up to council. Ms. Gibson stated we have had a letter from Mr. Cummings. Mr. Campbell stated the other one is the Greenwood Community Development Corporation appointee is Paul St. Pierre which expires at the end of this year; Mr. Campbell will be contacting Mr. St. Pierre to see if he is interested in continuing; but just so council is aware that will be coming up if there are any nominees that may be interested.

Mr. Armstrong shared he found out over the weekend that Express Employment asked for a tax abatement in front of the Oaken Barrel, that deal has fallen through and they are currently looking at other property and asked if we need to do any housekeeping in regards to that. Ms. Taggart stated she would look into it but generally no, they do not file until they start the construction but she would check the statute. Mr. Armstrong said he believe there was a specific address associated with that abatement and when they were unable to purchase the property then the abatement goes away. Ms. Taggart stated she believes so but she would... Ms. Gibson stated it is her understanding that they are going into the building the city was in on Emerson. Mr. Armstrong stated that was the same thing he heard as well.

Mr. Armstrong stated he was told the stop light going in at Graham and Main Street was supposed to be done by Thanksgiving. Mayor Myers stated it is his understanding they

are having problems with getting electric connected. Ms. Taggart shared at the Board of Works meeting last week, Paul Peoni, from Community Development Services, mentioned they were working on it last week but as of last Friday they have not been able to get electrical working but they are still working on it.

**B. Audience**

None.

**C. Other Miscellaneous**

**1. Corporation Counsel**

None.

**2. Controller**

None.

**D. Mayor**

None.

**VIII. Adjournment**

With no further business the meeting adjourned at 8:06 p.m. Next regular meeting of the Greenwood Common Council to be held on December 19<sup>th</sup>, 2016 at 7:00 p.m.

  
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Council President, Mike Campbell

  
\_\_\_\_\_  
Clerk, Jeannine Myers