



Meeting of the Greenwood Common Council

MINUTES

Date: October 21, 2024
Time: 7:00 pm
Place: Council Chambers
Greenwood City Center
300 S. Madison Ave.
Greenwood, Indiana

I. Call Meeting to Order

A. Pledge of Allegiance

B. **Prayer:** by Pastor Frank Finney of New Life Baptist Church Franklin, IN

C. Roll Call

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

Virtual: Mike Williams (“Mr. Williams”)

II. Approval of Minutes

A. Minutes from the regular meeting on October 07, 2024

Motion to approve regular meeting minutes from October 07, 2024 by Lekse, seconded by Betron
Votes: Ayes- Betron, Campbell, Gibson, Hill, Hopper, Lekse, Manship, Moan, Williams
Motion passes 9-0

III. Reports

A. Corporation Counsel

B. Controller

C. Committee & Board Reports

Mr. Campbell states everyone should have received copies of the last RDC reports.

IV. Public Comments

This timeslot is for residents who would like to address the Council about matters on the agenda. All materials presented at a public meeting are considered part of the official record; please provide a copy to the Clerk. Individuals- 5-minute time limit; Groups- 20-minute time limit.

V. Ordinances and Resolutions

A. Notice of Intent to Consider

ORDINANCE NO. 24-34 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN UNIFIED DEVELOPMENT ORDINANCE NO. 20-29 (PROPOSED REZONING OF APPROXIMATELY 0.89 ACRES OF LAND LOCATED AT 1846 SOUTH U.S. 31 (Sponsored by Lekse)

Mr. Bao Nguyen, 1846 US 31 South asking to consider changing the zoning for the purpose of using it as a business (nail salon). It was asked how it is zone, Mr. Nelson explains RMH residential mobile home. Explained it has been parceled out from the mobile home park. It was used as a heating and air business, but is currently vacant. Would possibly tear down and re-build. Ms. Gibson asked Mr. Nelson if the planning commission was in favor of this, and Mr. Nelson replied yes. He states that it is supported as a neighborhood business and will follow the UDO.

Motion to pass Ord No. 24-34 by Gibson, seconded by Lekse

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

Motion passes 9-0

B. First Reading

ORDINANCE NO. 24-32 AN ORDINANCE OF THE CITY OF GREENWOOD, INDIANA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR CERTAIN CAPITAL EXPENDITURE PROJECTS, ROAD, SIDEWALK AND TRAIL PROJECTS AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH, AND ALL MATTERS RELATED THERETO. (Sponsored by Gibson)

Motion to pass first reading for Ord No. 24-32 by Gibson, seconded by Betron

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

Motion passes 9-0

ORDINANCE NO. 24-33 AN ORDINANCE APPROPRIATING THE PROCEEDS OF THE CITY OF GREENWOOD, INDIANA GENERAL OBLIGATION BONDS, SERIES 2024 (Sponsored by Gibson)

PUBLIC HEARING SCHEDULED FOR NOVEMBER 6, 2024

Motion to pass first reading for Ord No. 24-33 by Gibson, seconded by Moan

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

Motion passes 9-0

RESOLUTION NO. 24-13 A RESOLUTION ESTABLISHING HOLIDAYS FOR EMPLOYEES OF THE CITY OF GREENWOOD FOR THE YEAR 2025 (Sponsored by Campbell)

Motion to pass first reading for Res No. 24-13 by Moan, seconded by Betron

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

Motion passes 9-0

C. Second Reading

ORDINANCE NO. 24-24 AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, SEC. 2-38 OF THE GREENWOOD MUNICIPAL CODE, AS AMENDED, DESIGNATING NO PARKING ON THE NORTH SIDE OF CUTSINGER ROAD FROM THE INTERSECTION OF CUTSINGER ROAD AND MCCORMICK DRIVE TO A POINT APPROXIMATELY 650 FEET (Sponsored by Lekse)

Motion to pass second reading for Ord No. 24-24 by Lekse, seconded by Betron

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

Motion passes 9-0

ORDINANCE NO. 24-25 AN ORDINANCE AMENDING THE 2024 SALARY ORDINANCE, COMMON COUNCIL ORDINANCE NO. 23-33, TO CHANGE THE CLASSIFICATION OF THE ASSISTANT AIRPORT MANAGER POSITION IN DEPARTMENT OF AVIATION. (Sponsored by Gibson)

Motion to pass second reading for Ord No. 24-25 by Gibson, seconded by Moan

Votes: Ayes- Lekse, Manship, Moan, Williams, Betron, Campbell, Gibson, Hill, Hopper
Motion passes 9-0

ORDINANCE NO. 24-26 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE 2025 BUDGET YEAR (Sponsored by Gibson)

PUBLIC HEARING SCHEDULED

Opened

Closed

Motion to pass second reading for Ord No. 24-26 by Gibson, seconded by Hopper

Votes: Ayes- Manship, Moan, Betron, Campbell, Gibson, Hill, Hopper, Lekse,
Abstain – Williams
Motion passes 8-0 with one abstention

Mr. Campbell states that all council members will need to sign and state how they voted before leaving tonight, and give to clerk.

ORDINANCE NO. 24-27 AN ORDINANCE FIXING SALARIES OF APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF GREENWOOD, INDIANA AND CITY UTILITIES FOR THE YEAR 2025 (Sponsored by Gibson)

Mr. Campbell states that all should have received the email where the legal department has requested an amendment to clear up some typographical errors.

Page five, "Police" salary chart, Lieutenant max salary reflect \$3,579.25-
should be a comma \$3,579.25

Page ten, Section 6., (a) third line by replacing "\$282 in 2024"
with "\$308 in 2025"

(b) second line by replacing "\$564 in 2024"
with "\$616 in 2025" and

(d) second line by replacing "\$847 in 2024"
with "\$925 in 2025"

Motion to amend second reading for Ord No. 24-27 by Lekse, seconded by Moan

Votes: Ayes- Williams, Betron, Campbell, Gibson, Hill, Hopper, Lekse, Manship, Moan
Motion passes 9-0

Motion to pass second reading for Ord No. 24-27 by Betron, seconded by Lekse

Votes: Ayes- Moan, Williams, Betron, Campbell, Gibson, Hill, Hopper, Lekse, Manship
Motion passes 9-0

ORDINANCE NO. 24-28 AN ORDINANCE FIXING THE SALARY OF THE CITY JUDGE OF THE CITY OF GREENWOOD, INDIANA FOR THE YEAR 2025 (Sponsored by Gibson)

Motion to pass second reading for Ord No. 24-28 by Hopper, seconded by Lekse

Votes: Ayes- Betron, Campbell, Gibson, Hill, Hopper, Lekse, Manship, Moan, Williams
Motion passes 9-0

ORDINANCE NO. 24-29 AN ORDINANCE FIXING THE SALARY OF THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA FOR THE YEAR 2025 (Sponsored by Gibson)

Motion to pass second reading for Ord No. 24-29 by Lekse, seconded by Moan

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

Motion passes 8-1

ORDINANCE NO. 24-30 AN ORDINANCE FIXING THE SALARY OF THE MAYOR OF THE CITY OF GREENWOOD, INDIANA FOR THE YEAR 2025 (Sponsored by Gibson)

Mayor Mark Myers came to the podium and addressed the president, he stated that you need to be in person when voting for the **Ord No. 24-26** with regards to the appropriations and tax rates for the budget for 2025. Mr. Williams then changed his vote to abstain. The record was changed to reflect the new vote.

Motion to pass second reading for Ord No. 24-30 by Lekse, seconded by Moan

Votes: Ayes- Gibson, Hill, Hopper, Lekse, Manship, Moan, Williams, Betron and Campbell
Motion passes 9-0

ORDINANCE NO. 24-31 AN ORDINANCE FIXING THE SALARY OF THE CLERK OF THE CITY OF GREENWOOD, INDIANA FOR THE YEAR 2025 (Sponsored by Gibson)

Motion to pass second reading for Ord No. 24-31 by Lekse, seconded by Betron

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

Motion passes 8-1

RESOLUTION NO. 24-12 RESOLUTION OF THE GREENWOOD COMMON COUNCIL TO PETITION FOR APPEAL OF RELIEF FROM PROPERTY TAX LEVY LIMITATIONS (Sponsored by Gibson)

Motion to pass second reading for Res No. 24-12 by Gibson, seconded by Hopper

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

Motion passes 8-1

VI. New Business – Introductions of New Ordinances and Resolutions

RESOLUTION NO. 24-14 A RESOLUTION OF THE GREENWOOD COMMON COUNCIL TO ADOPT THE WRITTEN FISCAL PLAN FOR THE ANNEXATION OF APPROXIMATELY 80.9 ACRES LOCATED AT THE SOUTHWEST CORNER OF E. COUNTY LINE ROAD AND N. FIVE POINTS ROAD, Referencing Annexation Ordinance No. 24-36 (Sponsored by Gibson and Williams)

Mr. Nelson here for any questions related to this.

ORDINANCE NO. 24-35 AN ORDINANCE AMENDING THE 2024 SALARY ORDINANCE, COMMON COUNCIL ORDINANCE NO. 23-33, TO ADD AN ADDITIONAL ADMINISTRATIVE ASSISTANT POSITION IN THE FIRE DEPARTMENT FOR TRAINING PURPOSES (Sponsored by Moan)

REQUEST FOR SUSPENSION OF THE RULES THROUGH 2ND READING

Mr. Campbell asked for discussion on this to explain and give good reason why the request for suspension of the rule through 2nd reading. Fire Chief Washel states that long time employee Kim Hamilton is leaving, and she has exceptional knowledge and would like to bring on and additional person for her and the other assistant to train and that would be very helpful. There is a lot of payroll work and this would be about 8-week transition.

Mr. Campbell you would like to do that right away?

Chief Washel Yes.

Motion to suspend the rules through first reading for Ord No. 24-35 by Gibson, seconded by Moan

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

Motion passes 9-0

Motion to pass first reading for Ord No. 24-35 by Gibson, seconded by Moan

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

Motion passes 9-0

Motion to suspend second reading for Ord No. 24-35 by Lekse, seconded by Moan

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

Motion passes 9-0

Motion to pass second reading for Ord No. 24-35 by Moan, seconded by Betron

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

Motion passes 9-0

ORDINANCE NO. 24-36 AN ORDINANCE ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE CITY OF GREENWOOD, INDIANA, PLACING IT WITHIN THE CORPORATE BOUNDARIES AND MAKING IT A PART OF THE CITY OF GREENWOOD AND REDEFINING THE CORPORATE BOUNDARIES OF THE CITY OF GREENWOOD, INDIANA TO INCLUDE APPROXIMATELY 80.9 ACRES LOCATED SOUTH OF E. COUNTY LINE ROAD AND WEST OF N. FIVE POINTS ROAD (H & I Amick Farm, LLC Property) (Sponsored by Gibson and Williams)

Mr. Andy Buroker attorney with Faegre Drinker Biddle and Reath, representing Ryan Homes, and also Mat Rousch with Ryan Home. This is just a general introduction for the concept and idea. We will be going back to the planning commission in a few weeks for a public hearing for the annexation. We are trying to get 81 acres annexed into the city of Greenwood. It's a voluntary annexation by H & I Amick Farm, LLC Property. Will follow the comprehensive plan with mixed commercial and mixed residential. Background on Ryan Homes, 4th largest home builders in the country, been constructing sought-after homes since 1948, in 15 active communities in Indiana, with 600 projected sales in 2024 and offering varies product types through the market. Presented an ariel map and slide show of proposed development. Question was asked about the placing a gas station, with regard to the residential homes, and that Mr. Goodin will be bringing up the close proximity of gas stations to residents. [Ryan Homes Annexation Study](#).

PUBLIC HEARING SCHEDULED FOR NOVEMBER 6, 2024

Miscellaneous Business

A. Public Comments

Mr. Mark Web, 405 Lea Way, asked council to rescind portions of the Walker Commons Development waivers which are 1. Unnecessary and 2. Violate the no vehicular connection zoning commitments placed upon this property. The traffic circulation portions of these waivers are unnecessary as the commitments control and therefore supersede the UDO ordinances regarding traffic circulation at the affected streets.

Control is established in the first paragraph of Section 10-06-01 of the UDO which states: "Whenever the applicable requirements of this ordinance or requirements of any other applicable governmental unit or agency are higher or more restrictive, the higher or more restrictive requirements shall control". If we break this down, we have 1., is the Common Council a higher unit of government than the Planning Department or Zoning Board? Yes, it is. 2., Is the No Vehicular Connection Commitment which closes three specific streets more restrictive than the broader UDO ordinances which only encourages connections between road networks? Yes, they are. 3., Therefore, with a higher unit of government and more restrictive requirement does the No Vehicular Connection Commitment control this situation? Yes, it does. 4., As the No Vehicular Connection Commitment controls, is a traffic circulation waiver required for the affected streets. No, it is not. Furthermore, the requirements necessary to obtain a traffic circulation waiver as specified in staff reports dated 8-26-24 and 10-14-24 violate the No Vehicular Connection Commitments of these parcels.

These requirements mandate a vehicular connection in the form of a right of way and road connection to Lea Lane, Green Valley Drive and Faith Street. For clarity, the UDO defines roads and streets as a "public way of purposes of vehicular travel". Therefore, the waiver requirements violate the no vehicular connection portion of the commitment and must be removed. In a staff report dated 8-26-24, the technical review committee attempts to bypass, revise or amend the no vehicular Connection commitments in the following manner. 1., bypass the commitment by speculation the future connections may someday be desirable and connections to the affected streets are justified, 2., revise the commitment by placing a temporary barrier between the connected streets, 3., amend the commitment by requiring a connection for emergency services. All of these have been considered and rejected by the Common Council as recorded in the minutes of the 02-05-24. As staff lacks the authority to bypass, revise or amend the commitments, the roads and rights of way proposed by staff must be removed for the Site Development Plan. As we have been considered and rejected by the Common Council as recorded in the minutes of 2-5-24, as staff lacks the authority to bypass, revise or amend the commitments, the road and rights of way proposed by staff must be removed for the Site Development plan. As we have documented tonight, there have been several failures by the Planning Zone and the Technical Review Committee in the Walker Development Site Plan. We therefore ask the Council to implement additional public oversight in this manner by requiring Common Council approval of this and other similar development project as provided in UDO Section 10-04-05 Site Development Plan Review Process. Inclosing, we ask the council to remove or compel the removal of the following, 1., traffic circulation waivers at Lea Lane, Green Valley Drive, and Faith Streets. 2., Removal of all roads and right of way connections to Lea Lane, Green Valley and Faith Streets. We also ask the council to add additional public oversight to the planning process by requiring final approval from the Common Council to plans submitted by the planning and zoning departments. Thank you.

Mr. Randy Goodin, 1157 Central Park Blvd., as it was mentioned to the developers, the distance from gas stations to residential is 400 feet, according to the ordinance. I am glad we were able to get that changed. But I asked the city to study the impact that gas stations have on residential areas, as well as any commercial business, whether a restaurant or shopping area. He explained that he is referring to the Circle K behind his residence. He states that Circle K will say that they are in compliance. The lights from the Shell station by his home light up his back yard. They might not cast directly on his property, but he can see them. He asked to do a study to change the ordinance. Let's work together to come up with a solution that works for everyone. Thank you.

B. Council

Ms. Gibson thanked Fire Chief Washel, for inviting us to the ceremony for the ladder truck, it was exciting and thank you so very much for your leadership.

C. Other Miscellaneous

- A. Corporation Counsel
- B. Controller
- C. Mayor

VII. **Adjournment: 7:48 pm**


Council President


Clerk

In accordance with the American with Disabilities Act, the City of Greenwood is required to provide reasonable accommodations to persons with disabilities wishing to attend public meetings. Accommodations are available upon request to persons with disabilities who require alternately formatted materials, auxiliary aids, or reasonable modifications to policies and procedures to ensure effective communication and access to the public meeting.

If you require accommodations to attend the meeting, please contact Mark St. John, 300 S. Madison Avenue, Greenwood, Indiana 46142, Tel: (317) 887-5000, Fax: (317) 887-5616, or contact Telecommunications Relay Services (TRS) at 711 to relay your request to Mr. St. John. Please allow at least two business days to arrange for accommodations.

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