

Approved

COMMUNITIES OF ZIONSVILLE AREA FOR BETTER GOVERNMENT

MINUTES OF NOVEMBER 15, 2007 MEETING

The meeting of November 15, 2007 of the Zionsville Area for Better Government was convened at 7:30 p.m. at the Town Hall, Zionsville, Indiana. The meeting was called to order by the Chairman, Gene Thompson. Present at the meeting were Board Members Gene Thompson, Michael Andreoli, Alan Townsend, Jay Parks, Jim Longest, Steve Freeland and Allan Rachles. Kevin Schiferl and Joe Turk were not in attendance.

Minutes for the September and October meetings have not been posted and will be made available prior to the December meeting.

The following agenda items were considered:

1. **GOVERNANCE COMMITTEE-** Alan Townsend, Committee Chairman, submitted an oral report and provided some statutory guidance. Chairman Townsend reviewed the statutory provisions and advised that the Governance Committee would compile the subcommittee reports and submit a general Plan of Reorganization at the December Meeting. Chairman Townsend advised the Board that he had met with representatives of Crowe Chizek & Company, LLC., specifically Michael Claytor, relative to assisting the Committee with compiling and preparing a comprehensive plan of reorganization. Chairman Townsend and others on the Board were familiar with Crowe Chizek's work. The engagement letter prepared by Mr. Claytor under date of November 13, 2007 was presented to the Board for review or adoption. Prior to any motions being made, Allan Rachles, Board Member, disclosed that he had, prior to retirement, been a Principle with Crowe Chizek & Company, LLC., although he did not at this point and time hold any positions or have any financial interest in Crowe Chizek. Mr. Rachles disclosure was duly made and noted. Further, upon a motion made, seconded and unanimously adopted, specific authority was given to Mr. Townsend and/or Chairman Gene Thompson, to execute the Crowe Chizek engagement letter so that they could be officially retained.
2. **HEALTH, SAFETY AND WELFARE COMMITTEE-** Steve Freeland, Committee Chairman, made a presentation and paraphrased his Committee Report. A copy of said report is contained herein verbatim:

Public Safety, Health, Welfare Subcommittee Report

November 15th, 2007.

Steve Freeland (Chair, Zionsville), Gene Thompson (Eagle), Joe Turk (Union), Steve Mueller, Rick Dowden (Town Marshall), Jamie VanGorder (Fire Dept Chief).

Police Department:

Overview of Plan:

Under a consolidation plan, there would be geographic tiers for police coverage. Within the town/urban tier, the dept. would patrol and respond, as well as meet community service/education needs. Outside the town/urban boundaries, police would provide response-only services to the territory within the consolidated boundaries. The county sheriff would provide services to all geographic areas outside of the consolidated boundaries.

Issues and concerns:

- 1) County taxes include funding for the county sheriff department. If sheriff's geographic coverage is reduced as a result of the expanded boundaries resulting from the consolidation of Eagle/Union/Zionsville, it makes sense that the cost for that reduction of coverage be diverted back to the municipality providing the service (ZPD). However, this is not an option under the current tax laws.

Subcommittee would like this issue raised as a concern and encourage future discussion with the State government.

- 2) Expanding ZPD coverage could lead to confusion from the residents living in the "rural" territory as to the level of service they should be expecting from ZPD. With the level of service determined by criteria such as water-sewer service/street maintenance/geographic location-contiguity to town, the taxpayers who live outside the town/urban territory need to be aware of the service level they are paying for.
- 3) Creating a tax rate that truly reflects the different level of service the rural taxpayer is paying for.

Benefits of Consolidation to ZPD

- 1) Planning for manpower. If the town/rural districting can only be changed every two years, ZPD will be able to better determine future budgets and manpower planning and respond more timely to the changes before they are implemented.

Other:

Depending on whether Zionsville remains a town or is changed to a city, the statutes differ for how to organize and populate the public safety board. Dr. Dowden and Chief Vangorder are researching the different requirements/options based on the town/city classification and will report back to the subcommittee. Current oversight process is inefficient and has multiple committee's that the ZPD town marshal must report and provide information to.

Zionsville Fire Department:

There are no further updates or revisions to our reports previously submitted other than the concern of assets now owned pro rata by each subdivision based on their % of total NAV, however, transferring the asset in its entirety to the consolidated entity makes no sense if the debt is not transferred. However, the IC does not permit the transfer of debt under a consolidation plan. Need to explore strategies and options for how the asset and debt associated with that asset are moved together.

3. **FINANCE COMMITTEE**- The Finance Committee Report was presented by Committee Chairman, Allan Rachles. The Finance Committee Report recommends two service areas that will roughly correspond with the essential services being provided by the Town of Zionsville. The recommendation was to distinguish the two service areas by a Town Service Area and a Rural Service Area. It would be anticipated that the Town Service Area be patrolled by the Zionsville Police Department and the roads maintained by the Zionsville Street Department with the rural area either being maintained by private contractors or county and policing services still being staffed by the Boone county Sheriff's Department. A copy of the Finance Sub Committee Report is attached and included verbatim herein as follows:

Finance Subcommittee Report

November 15, 2007

Town / Rural Service Areas

The new Town of Zionsville will be made up of two service areas; the town area and the rural area. Since the normal development process is to convert rural to town, we need both a definition of town/rural and a mechanism to convert rural to town when the definition is met. The language below attempts to do just that. The language also assures the new areas can be efficiently served through the contiguous rule, that the town has adequate time to plan for expanded services during a two year planning cycle, and that decision makers have the ability to preserve rural areas.

Definition -- The town area will contain all zoning classifications, except Agriculture and Rural Equestrian, where development served by water and sewer utilities (regardless of source) has occurred contiguous to other town areas.

The initial town area will consist of properties within the town boundaries on the effective date of the reorganization.

In the future, rural property will be reclassified to town property as follows:

- 1) **New developments, which meet the definition, will be brought into the town as they occur.**

2) Existing developments, which meet the definition, will be brought in on January 1, two years following the date of reorganization. Thereafter, a biannual review of town/rural service boundaries will be conducted.

3) Existing developments, which do not meet the definition but voluntarily wish to have town services, will also be brought into the town area on the next service review date.

Finally, the new governing council will have the ability to waive the contiguous requirement for large developments (>500 acres) where their size allows services to be supplied efficiently despite the separation.

The town service area will be patrolled by the Zionsville Police department and the roads will be maintained by the Zionsville Streets department.

The rural service area will be protected by the Boone County Sheriff department and the roads will be maintained by Boone County Highway or private contractors. The rural service area will not be charged for expenses associated with the budgets for the Zionsville Police or Streets departments.

Gross Rates				
2006 (P07)	EAGLE	UNION	ZIONSVILLE	
Total State	0.0024	0.0024	0.0024	
Total County	0.2347	0.2347	0.2347	
Total School	1.6524	1.6524	1.6524	
Total Library	0.0570	0.0570	0.0570	
Fire Territory	0.1441			
Total Township	0.0018	0.0300		
Town of Zionsville			0.5256	
Increment Replmnt			0.0037	
Total Gross Tax Rate	2.0924	1.9765	2.4758	
	18%	25%		

<i>NET Rates</i>					
<i>2006 (P07)</i>	<i>EAGLE</i>		<i>UNION</i>		<i>ZIONSVILLE</i>
<i>Total State</i>	<i>0.0020</i>	<i>0.1%</i>	<i>0.0019</i>	<i>0.1%</i>	<i>0.0021</i>
<i>Total County</i>	<i>0.1933</i>	<i>11.2%</i>	<i>0.1902</i>	<i>11.9%</i>	<i>0.2011</i>
<i>Total School</i>	<i>1.3610</i>	<i>79.0%</i>	<i>1.3394</i>	<i>83.6%</i>	<i>1.416</i>
<i>Total Library</i>	<i>0.0469</i>	<i>2.7%</i>	<i>0.0462</i>	<i>2.9%</i>	<i>0.0488</i>
<i>Fire Territory</i>	<i>0.1187</i>	<i>6.9%</i>			
<i>Total Township</i>	<i>0.0015</i>	<i>0.1%</i>	<i>0.0243</i>	<i>1.5%</i>	
<i>Town of Zionsville</i>					<i>0.4504</i>
<i>Increment Replmnt</i>					<i>0.0032</i>
<i>Total Net Tax Rate</i>	<i>1.7234</i>	<i>100.0%</i>	<i>1.6020</i>	<i>100.0%</i>	<i>2.1216</i>
	<i>23%</i>		<i>32%</i>		

4. **INFRASTRUCURE COMMITTEE**- This report was presented by Michael J. Andreoli, Committee Chairman. Members of the Committee have now reviewed the preliminary report that has been submitted in November and it is now consolidated and submitted as an official report of the Infrastructure Subcommittee. A copy of the report is included verbatim herein as follows:

Infrastructure Committee Report

Under a plan of consolidation, the extension and maintenance of critical infrastructure improvements remain a vital issue. The Committee has identified the areas of infrastructure needs as follows; roads and streets, water and sewer utility service, legal drains and storm water quality.

Roads and Streets- Roads and streets in the unincorporated areas of Eagle and Union Township are currently improved and/or maintained by the Boone County Highway Department. Under a consolidated plan, arguably these needs would be met by the newly consolidated Town of Zionsville. As road and street maintenance under the county is currently constituted, the county highway budget consists of Motor Vehicle Highway Funds (MVH) with the formula made up of road mileage as well as population. The incorporated

Town of Zionsville has a similar (MVH) Fund made up of and weighted more heavily to population density than road mileage. These formulas, in particular the formulas for cities and towns, is imposed by the State of Indiana. In addition to (MVH) Funds, both the county as well as the Town of Zionsville street budgets are funded by Local Road and Street Funds (LRS) which is calculated based entirely by the number of road miles. In addition to the MVH and LRS funds utilized for street improvement and maintenance, the Town of Zionsville also supplements the road and street budget from the CCI and CCD funds on an as needed basis.

As the consolidated entity will, more likely than not, be an expanded corporate limit for the Town of Zionsville, the MVH fund will be calculated based upon that formula allocated to cities and towns. In other words, the allocation is based more on population than it would on road mileage. The Committee is unaware of any current ability to allow an expanded town of Zionsville to utilize a funding formula different than currently allocated to cities and towns.

Currently, the Town of Zionsville has two administrative employees, that being the Zionsville Street Superintendent and his Administrative Assistant. In addition, 6 ½ employees work for the Zionsville Street Department on a day to day basis. This includes limited road improvement and maintenance responsibilities including snow removal and leaf pickup. Major road improvements will be subcontracted out by the Town of Zionsville and it would be anticipated that the same would remain in a consolidated entity. Given the responsibility of serving the expanded needs of the Town of Zionsville, the Zionsville Street Superintendent has estimated that a total of 16 full time employees would be necessary to maintain adequate levels of service. In addition to this added cost, it would be anticipated that the Zionsville Street Department will need to expand as they will quickly become out of space. This may include an additional satellite office up in Union Township in the future. Further, additional areas of maintenance, especially in the rural areas would require the Zionsville Street Department to obtain larger equipment, especially in the area of grading and snow removal. In addition to the cost of the equipment itself, drivers that would be required to operate equipment of over 26,000 lbs must have a CDL license. Currently, all of Zionsville's equipment is under the required limit for a CDL license and this could potentially mean an additional expense and better trained and costlier manpower.

Given the pressing needs for additional equipment to maintain the current unincorporated areas, it would be anticipated that a more prudent approach would dictate entering into an Inter-Local Agreement with Boone County through the County Highway Department to allow them to continue to maintain roads and streets in areas of less intense service levels. Also, private contractors can be used for grading and/or snow removal on an as needed basis. These two options would allow a more phased expansion for the road and

street budgets for the Town of Zionsville without making substantial immediate capital expenditures for new equipment and manpower. Funds flowing to Zionsville from the MVH and LRS funds would be utilized to fund these contracts for service.

Sewer and Water Utility Service- Current residents of the Town of Zionsville are served by Viola Water and the municipal sanitary treatment plant in the Town of Zionsville. The water service currently extends outside the existing corporate limits of the Town of Zionsville in Eagle Township to the west of Zionsville and northeast into Union Township. Water service has currently been extended up US 421 and actually is as far northeast as the Indianapolis Executive Airport. The Town of Zionsville does not operate a water works utility as it sold its municipal water utility to the Indianapolis Water Company many years ago. It is anticipated that a consolidated entity would still provide water through Viola and not a municipally owned system. It is anticipated that water service to the balance of Eagle and Union Township will coincide with development that will have a need to extend water lines to serve their respective developments.

In addition to providing sanitary sewer service to the residents of the incorporated Town of Zionsville, Zionsville also has contracted to provide sanitary sewer service outside its municipal boundaries as allowed by statute. The extent of the Town of Zionsville sanitary sewer planning area coincides with its planning area which extends to its eastern boundaries with Hamilton County, north to CR 300, and west to an area that roughly coincides with Kissel road. The Town of Zionsville has established a long range plan for the extension for sanitary sewer lines, as well as a new waste water treatment plant, in the north west area of the towns planning area. Further, the Town of Zionsville and Boone County have entered an agreement with Clay Township Regional Waste District which currently prohibits Clay Regional from extending into Boone County and Eagle Township west of US 421. Currently, sanitary sewer service has been extended by the Town of Zionsville to coincide with the towns municipal boundaries to the north. Clay Regional currently serves areas that are appurtenant to CR 300 east of US 421. This includes the Zionsville school property and several major residential developments both north and south of CR 300 south. Currently, Clay Regional is planning to extend lines to CR 200 south, east of US 421. Sanitary sewer service in the balance of Eagle Township west of 421 and in the areas of Union Township north of CR 200 both east and west of US 421 remain problematic. In order to provide for future growth and development in and along the major road arteries, those being US 421 and State Road 32, it is anticipated that sanitary sewer may be provided as follows:

- a. Town of Zionsville would extend its sanitary sewer system north of its current planning boundaries by creating a waste water treatment plant in the consolidated area.

- b. The agreement with Clay Regional can be amended to invite them to extend service farther into Boone County, including the newly consolidated area in Eagle and Union.
- c. A private sanitary sewer provider could be established with public input and participation so to avoid the problems which occurred with Boone County Utilities.
- d. The Town of Westfield, and their sanitary sewer service, could be invited into Boone County to provide sanitary sewer service.

The most problematic issues dealing with the extension of the town's municipal sanitary sewer service involves the legal requirement to furnish service as well as the cost of doing so. It will be important that the consolidation be viewed, both practically and legally, as a voluntary annexation, in affect, as opposed to an involuntary consolidation. An involuntary consolidation requires the town to make responsible commitments on the furnishing of municipal services, including sanitary sewer service. Otherwise, sanitary sewer service will occur in a more orderly fashion with one or all of the above options being appropriately explored.

Individual sanitary septic systems are regulated and permitted by the Indiana Department of Health, as administered by the Boone County Board of Health. This process will continue under a consolidated entity.

Legal Drains- Eagle and Union Townships, including the Town of Zionsville have a number of regulated legal drains that are maintained and presided over by the Boone County Drainage Board. The unique jurisdiction of these regulated legal drains are covered by Indiana Code 36-9-27-1, et.seq. A drainage assessment is established for each of the various regulated legal drains and those who live in the watershed pay a drainage assessment as regulated by the Boone County Drainage Board, whether any of these legal drains or tiles exist on their property or not. The current regulated legal drains that are maintained by the Boone County Drainage Board in Eagle Township are Green, Russell Lake, Buyrkett, Fishback, Simpson, Jackson's Run along with a myriad of platted subdivisions that have their own legal drains which are assessed by the Boone County Drainage Board and maintained by the office of the Boone County Surveyor. The regulated legal drains in Union Township are Jackson's Run, Lenox, Country Wood, Cutts, Abbitt, Neese, Yates, Mounts Run and Eagle Creek, in addition to the platted subdivision which have their own legal drains assessed by the Boone County Drainage Board and maintained by the Boone County Surveyor. These regulated legal drainage areas consist also of a number of drainage tiles that are maintained by the office of the Surveyor that drain into the watershed areas. A detailed large map has been provided by the Office of the Surveyor.

It is anticipated, given the statutory framework and exclusive jurisdiction in the Boone County Drainage Board, that the regulated legal drains throughout Eagle and Union Township, even after consolidation, will continue to be maintained by the Boone County Surveyor with funds raised by the County drainage assessments for those parcels of ground and the respective watershed areas. Historically, platted subdivisions in the corporate limits of Zionsville have not had their drainage systems established through the Boone County Drainage Board but simply have the drainage structures dedicated to and maintained by the Town of Zionsville. The Surveyors Office and Drainage Board would anticipate that individual subdivisions, either commercial or residential, approved under the authority of a consolidated entity, would not be set up for individual maintenance but would simply be maintained by the Town of Zionsville. Existing regulated watersheds and legal drains would continue to be maintained by the surveyor with drainage assessment being handled at the County level.

Storm Water Quality- New development occurring within the consolidated entity will collect water and distribute the same pursuant to individually constructed storm water sewer systems. A consolidated entity would not see much change in the specifics and criteria necessary to comply with good engineering practice as Boone County and the Town of Zionsville have the same Storm Water Management Ordinance. However, it is important to note that the State Water Quality Control Requirements, through IDEM (Indiana Department of Environmental Management), are somewhat different for the agricultural areas as opposed to the municipal cities or towns. Historically, lakes and ponds that may be dug in rural agricultural areas, not otherwise in an incorporated city or town, maybe viewed by IDEM in a much different light than water quality control issues in a much more urban area. Once consolidated, it very well may be that an individual, who would want to construct a pond on a 15 acre tract in what is now unincorporated Eagle and Union Township, may find the water quality control and the construction criteria much more difficult after consolidation. It is unclear to the subcommittee whether IDEM will take a different approach if different levels of service are established for more rural areas. It may be impossible within the time frame of making this report to get a determination from IDEM as to how they will treat such an issue. The fact is that a consolidation may impose rules and regulations as it relates to storm water management and water quality control standards that have heretofore not been imposed in the rural area. While an inconvenience, the new Water Quality Regulations may be an improvement to the quality of life for the residents of Zionsville.

5. LAND USE COMMITTEE- Mr. Parks, Committee Member, presented the report of the Land Use Committee. As previously submitted as a preliminary report, the Committee

recommends utilizing the Zionsville Plan Commission and Board of Zoning Appeals for the consolidated area as well as using the town's planning staff. Due to the plan submittal and building permit fees and other charges, the Zionsville Planning Department should be self-sufficient by way of operating cost. Mr. Parks's discussed the advantage of utilizing the Zionsville Plan Department for planning and zoning needs, within the consolidated entity of the Town of Zionsville, so to allow Use Variances and other techniques available to an Advisory Plan Commission but not otherwise available to the Boone County Area Plan Commission. A copy of the Land Use Committee Report is included verbatim herein as follows:

Land Use Committee Report

Members:

<i>Jay Parks</i>	<i>Union</i>	<i>Bob Bostwick</i>	<i>Zionsville School Corp</i>
<i>Kevin Schiferl</i>	<i>Eagle</i>	<i>Charles Anderson</i>	
<i>Jim Longest</i>	<i>Zionsville</i>		

Proposal: establish a regional planning and land use development and control process

Geographic area to be the same as that governed by regional council/commission

Functions of the Office of Planning and Land Use

- 1. Comprehensive Land Use Plan – preparation, updates and maintenance; overseen by the RPC, with final approval by the legislative body (the regional council/commission)**
- 2. Zoning and Land Use Ordinance – administration and enforcement**

Maintain zoning maps

Review and staff recommendation to the RPC, who in turn recommends action to the legislative body (the regional council/commission).

Changes in zoning classifications

Changes in uses within a zoning classification

Delegated approval authority

New street names

Addresses for new homes and businesses

Assist county in maintaining census data on population and housing

3. Building Standards and Control Ordinance – administration and enforcement

Review and staff recommendation to the RPC

Plat proposals for construction projects

Review and recommendation to the RBZA

Requests for variances from construction standards

Delegated approval authority

Building permits for residential, commercial and industrial structures

Building permits for renovations and remodeling of current structures

Inspections at various stages of construction and authorizations to continue

Enforcement

Zoning or use violations

Stop work orders – violations of building regulations or standards

4. Nuisance ordinances – administration and enforcement

Initiate action to enforce compliance (legal action approved by RPC)

Examples: noise, traffic impediments, dog control, gun usage, junk buildup

5. General administration – focal point for responses

Parks and recreation

Roads and streets

Organization of a Regional Planning Office

	Current Zionsville	Proposed Regional Office
Director of Planning	Director of Planning	Director of Planning
Planning Professional	N/A	Planning Professional
Administrative Assistant	Administrative Ass't	Administrative Ass't
Inspectors	2 Inspectors	4 Inspectors

Financial implications: Through various permits, the regional planning office would generate the revenue to cover all expenses of its operation, including compensating individuals to serve on the various approval boards. Fee structure should reflect anticipated level and quality of service.

Recommendations remaining to be resolved:

1. *Organization, members and nominating powers*

Regional Planning Commission (RPC): ? members (1 from Zionsville School Corp) – quorum ?

Regional Board of Zoning Appeals (RBZA): ? members – quorum ?

Issues: How many members are allowed or desired?

Are there restrictions on size or how members are named if under town government? . . . city government? . . . another form of government?

How to apportion the members among the various units?

Ideal to have one designated by the Zionsville School Corporation

Geography (Union has more than 50%) vs. population (Zionsville dominates)?

Who to appoint the representatives? Who will recommend? Open to public volunteers?

2. *Nuisance ordinances (dog barking, shooting guns at controlled targets, etc.)*

Issues: Function of current town boundaries or residential density (within a subdivision). Concern about policing capabilities to determine whether apply or not Need to protect agricultural uses in current townships

Expand use of agricultural use awareness language required by Boone County

3. *Use variances vs. re-zoning*

Issues: are there restrictions on expanding application of use variances vs. rezoning (allows sunset rule if current owners quit the use requested or the property is sold).

6. PARK AND RECREATION COMMITTEE- Steve Freeland, Committee Chairman, presented a report regarding the Park and Recreation Committee. Mr. Freeland indicated that the report recommended that the Zionsville Park and Recreation Committee be utilized in a consolidated entity with the respective Park Boards in Eagle and Union to no longer be necessary and all park needs handled through the Zionsville

Park Board. It was recommended by the Committee that diversity of membership be selected both geographically and based upon talent and desire for those who would want to serve on the Zionsville Park Board. A copy of the Park & Recreation Report is included herein as follows:

Parks and Recreation Committee Report

Subcommittee: Steve Freeland (chair), Alan Townsend (Union), Mike Andreoli (Eagle), Bill Gross, George Tikijian. November 15th, 2007

Blueprint for consolidated Parks and Recreation plan is complete and previously submitted to the consolidation committee.

Current Zionsville Parks board and department would remain intact under a consolidation plan. Since Parks board membership is defined under Indiana Code, membership would not change initially but as new appointments are made, an emphasis should be made to include representation from Eagle and Union.

Advisory committee's that exist would allow for more immediate involvement by Union and Eagle representation to assist and advise the parks board.

Cemetery maintenance would be transferred to the Parks department from the townships.

GENERAL DISCUSSION-

A general Board discussion ensued as it related to timing of submittals to the legislative bodies. It was strongly recommended by Allan Rachles, Zionsville Representative, that instead of attempting to come up with a full and complete report, which might prove difficult in the remaining weeks before the December meeting, that a more detailed Executive Summary be prepared and submitted to the governing bodies so that they would have a preview of a more detailed report to come. This would in fact allow them to have an early look at the Committee's general recommendations and also allow the legislative body, in particular the Town of Zionsville, to work with the county to develop any inter-local agreements that would be needed and necessary to maintain levels of service in the designated rural area of the consolidated entity. Also, an Executive Summary would allow the governing bodies to make any suggestive changes or ask additional questions so to incorporate further detail into a final report. It was believed by the Committee generally that this type of approach could have actually save time as opposed to submitting a Plan of Reorganization, only to see certain

changes made or suggested by the governing bodies down the road. It is anticipated that some type of Executive Summary can be drafted and discussed at the December 13th meeting, adopted and submitted to the respective governing bodies for review, comment and potential amendment.

Chairman Thompson noted the December 13th meeting would be at 7:00 p.m., not 7:30 as was the last scheduled meeting.

Upon motion made, seconded and unanimously adopted, the meeting was adjourned.

Respectfully Submitted,
Michael J. Andreoli