



**ZIONSVILLE TOWN COUNCIL  
MEETING MINUTES  
FOR  
MONDAY, OCTOBER 23, 2023  
AT 7:30 A.M. EST  
ONSITE MEETING**

This meeting was conducted onsite. All Councilors participated in person.

Council Members Present: Brad Burk, Vice-President; Josh Garrett, Bryan Traylor, and Craig Melton

Absent: Jason Plunkett, President; Alex Choi, Joe Culp

Also Present: Heather Harris, Town Council Attorney; Andy Pickell, Deputy Mayor; Lance Lantz, Director of Public Works; Cindy Poore, Director of Finance & Records; Tim Berry, Crowe; Amy Lacy, Municipal Relations Coordinator; and other Town Department Staff

**OPENING**

**A. Call meeting to order**

**B. Pledge of Allegiance**

Burk All right, it's 7:30. I think we've got the four Councilors we're going to have today so let's get started. If you would go ahead and join me calling this meeting to order and rising for the Pledge of Allegiance.

All Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE OCTOBER 2, 2023 REGULAR MEETING**

Burk First up on the agenda for today is the Approval of the Memorandum of the October 2, 2023 Regular meeting of this body. A copy has been posted. Are there any questions from the Council?

Garrett I make a motion to approve.

Melton Second.

Burk Motion by Councilor Garrett, second by Councilor Melton. All in favor?

All Aye.

Burk Opposed same sign.  
[No response]

Motion carries 4 to 0.

Next up is the Memorandum of the October 2, 2023 Regular Town Council meeting. Any questions?

Garrett Didn't we just do that?

Harris Oh, we did.

Lacy Yes.

Burk It's listed twice.

Garrett We're on to claims.

### **APPROVAL OF THE OCTOBER 23, 2023 CLAIMS**

Burk Okay. Next item is the Approval of the October 23, 2023 Claims. Any questions from Council?

Melton I do have a couple questions please.

Burk Okay.

Melton The first one is just, I see a duplicate on page 9 and I was curious if it's a duplicate. It's the same charge \$331.85. It has Amanda Vela as the name on it, claim 3665. I don't know if you have that pulled up? I just want to make it clear that it's documented twice on page 9. I don't know if one of them needs to go away, one of them needs to stay? It's only \$331.85 but it is, it is duplicated on page 9. ACE Party Rental –

Poore Okay. Yes, your page is different from my page, must be because I'm not seeing it on there. Yes?

Poore Oh, between two different? Okay, that, that's the reason why. It was split. The payment was split –

Melton So –

Poore Between –

Melton So when a payment is split do we document it the same way? Same number, same everything?

Poore Yes –

- Melton Or should it be two claims because it's two payments?
- Poore No. The only thing that differentiates is the appropriation number that it comes out of. One check will cut for the entire amount but there'll be line items for the actual appropriation number that it comes out of.
- Melton So we will see a check number in the future? Just, I don't know – it just –
- Poore Yes, there won't be a check number until we cut the check. We had to have it approved first.
- Melton Okay. So it's the same exact price it's just split in half.
- Poore It, it was split, yes.
- Melton Okay, awesome. And then while you're here – I see there's some retainers on here and this is just confusing to me so if, if there's a reason for it let me know but I believe it's Whitsitt & Nooning, it's 4061. I don't have the page number on this one, I apologize – 4061 and 3942 are the claim numbers and they're both for \$15,000. They're likely the monthly retainers –
- Poore Yes, I believe one of them was, the descriptions it was two different months.
- Melton Yes, so do we normally pay in advance on these or why would we not approve November's retainer in November I guess? Like at the November meeting?
- Poore Well, technically, they should be getting it by the first part of November but it just all depends on when we get the invoice and get it submitted.
- Melton Okay. So, it's based on the invoice. That's great.
- Poore Yes.
- Melton So that, that helps me because the first one the November retainer is dated 10/16 and then the October retainer is dated 10/23 which is –
- Poore It would've been when we got the invoice in.
- Melton Which is reversed which it just didn't make sense. Okay, that's all I had.
- Burk Any other questions? Do we have a motion?
- Melton Motion to approve claims.
- Traylor Second.
- Burk Motion to approve by Councilor Melton, second by Councilor Traylor. All in favor?
- All Aye.

Burk               Opposed same sign.  
                      [No response]

Motion carries 4 to 0.

### **REQUEST TO SPEAK**

Burk               Amy, do we have any Requests to Speak on agenda item today?

Lacy               No, we do not.

### **MAYOR/ADMINISTRATION UPDATE**

Burk               Next – Mayor/Administration Update. I believe Deputy Mayor Pickell is here.  
                      Good morning.

Pickell            Good morning. Thanks for having me out. A couple of things – I think I have four things to cover real quick. Since our last meeting we had had a trail opening of the adjoining of Whitestown and Zionsville on the Big 4 Trail. It was a great event, had, surprisingly, about 45 people out there for that event and it was a good, good, good opportunity. John Stehr made a great point that our communities need to work a little closer together and try and enjoy a better, enjoy a better relationship so.

The next thing on that was we went to the Carpenter Nature Preserve and had a dedication. At that event Nancy and Jim Carpenter were awarded Sagamore to the Wabash which is the highest award that a Hoosier can have bestowed upon them by the Governor. It was another great event. We had about 115 people out there for that event. Councilors, some State Reps and various other local dignitaries.

Moving on, I want to talk about the enrichment grants and what it says about us when we use these enrichment grants and how they are, how they have come to be used. Joe, do you have the slides for me? I'll keep moving. The enrichment grant is funded by food and beverage taxes which were enacted in, I think it was 2005, when the Lucas Oil Stadium was started. The Governor let locals enact an additional 1% tax on food and beverage in their local communities and then they can use that money for what they see fit. In that time, we've had, I believe, there are four different iterations of the enrichment grant or the, I'm sorry, the food and beverage, uses of the food and beverage taxes. In that they have gone from a very strict, narrow reading to what we consider a wider reading of understanding that you can use these funds to enhance the community as the Enrichment Committee sees fit and the Council agrees with. Those are the two ways that we, we move through the enrichment grants and why they're attractive as opposed to what we had in previous Administrations it came down to an unqualified, what we would call, an unqualified program where there wasn't a follow-up, there wasn't a committee to decide what projects came forward to the Town Council. In that, in that beginning of the enrichment grant process, Town Council was appointing members to that Enrichment Committee and instead of continuing with that I think it was this year that you decided to remove a member, your members from the Enrichment Committee and decided to have the whole Council as a whole

review the enrichment grants still in the process where there's a two-factor process of getting these enrichment grants to the people that need them. So, in doing, in, in talking about that, the reason why I talk about that is to lead into my last subject in talking about the ARPA Ordinance.

During the budget agreements, Councilor Garrett and I went through many conversations and many iterations of the budget, sometimes not even presented to the other Council members, but in that process, we went from using the entire budget deficit paid down with ARPA funds to a \$2.7 million dollar paydown with ARPA funds. Part of that conversation that we had was discussing the ability to, in fact, engage all of those funds, the \$4.8 million dollar funds, before the end of the deadline. So we came to an agreement where we would have \$2.7 million dollars' worth of direct spends and those include \$720,000 for street equipment, \$1.1 million dollars' worth of street infrastructure, \$30,000 for the facilities and maintenance repairs to the Town Hall – that's striping the parking lot, \$150,000 for non-departmental construction contractual services which is a transportation study, \$366,000 in a, an amount to be paid towards SCBA equipment for self-contained breathing apparatus for the Fire Department which is aging out of their current equipment, \$300,000 estimate for a Comprehensive Plan for a total of \$2,716,000. When we received the Ordinance, or prior to the Ordinance coming to us, the ARPA Ordinance that you have in front of you now, we had had a couple of back and forth emails between Councilor Garrett and, and myself and Council and discussed giving grants to the Chamber of Commerce to the tune of \$200,000, zWORKS \$200,000, a \$10,000 downtown restroom study for the Chamber of Commerce and \$100,000 for the Zionsville Cultural District summer concert series. In talking about that, I sent an email to Councilor Garrett and President Plunkett asking them to not include these particular spends within the ARPA spend. Our reasoning number one is these should go through the enrichment grant and be pulled directly out of the Food and Beverage Fund, just like these organizations have always been funded. They should go through the enrichment grant process like any other nonprofit. If there's an ask that's larger than normal, that's when we can, we can get together with the Council and make a decision if that's something that we want to do but using ARPA funds which are, in fact, federal dollars, to put an onus on each one of these nonprofits to acquire, spend and report all those dollars the same way that we do when we spend federal dollars. If they're ready for that that's fine. I think it's an, it's an opportunity to create a problem for these nonprofits. I'm not, to be clear, the Administration is not advocating that these nonprofits get money from the Town. We agree that spreading that money out that we have, there's over \$1.1 million dollars in the Food and Beverage Fund right now. So any ask that the Council would have could come directly from there but using federal dollars for this is a completely different animal and I'll ask Tim Berry possibly to come up and give me a few notes on that as far as the reporting requirements have not changed since ARPA came out. Tim, did you have anything to add to that?

Berry

Thanks. Tim Berry with Crowe, financial advisor to the Town. You currently have assigned your ARPA dollars as lost revenue and that is to provide government services and to be used for the provision of government services. As a result, if you were to provide those dollars to a nonprofit it would change the way that Cindy then reports those dollars to the federal government in the annual allocation. It would require the units or the entities to report on their spend

annually to Cindy and then Cindy would upload that information to Treasury as a provision for those dollars.

Harris May I ask a question on that?

Berry Please, yes.

Harris Yes, so a statement was just made that would require, for example, the Chamber to comply with all the federal ARPA reporting and that is not accurate. So –

Berry It would depend upon, yes –

Harris It's not –

Berry You are correct.

Harris But that is not accurate. That's an inaccurate statement so I just want the Council to know that. So what the requirement is, for example, I'm looking at the Chamber so I'm picking on you. I could pick on someone else in the audience. It requires the Chamber to report to the Town –

Berry Correct.

Harris That they are spending the money for the purpose in which the Town gave them the funds and they cannot spend it for any other purpose. The Town then, in the provision of government reduction or reduction in spending for government purposes, basically, that under the federal rule that came out to implement the ARPA funding states that we can use it for any governmental purpose of the Town and it's simply a reporting mechanism that goes back to the state that said we chose to spend the dollars in this way and that the grantee is spending the dollars in this way. So –

Berry It's actually a report that goes back to the federal government not to the state –

Harris Right but it goes through the State of Indiana and then the State of Indiana then –

Berry No. No. The Town would actually report directly to the federal government on how that –

Harris Yes but the state is also a part of that process. State Board of Accounts is monitoring that and others –

Berry That's correct.

Harris To make sure that there is compliance with the requirements. So, it isn't imposing all the federal rules and restrictions of receiving federal funds. It, it's simply these folks are reporting to us and we're reporting back. Is that correct, Tim?

Berry So, the Town is required to report to the federal government –

Harris Right –

Berry To Treasury annually because your allocation was less than \$10 million dollars so you report on an annual basis –

Harris Right –

Berry And that reporting is directly to the federal government. Depending upon the federal dollars that that entity has received, it would depend upon, it could change that threshold in which how they would have to report those dollars and how they would have to spend the reporting of those dollars.

Harris Correct. So, it would just require them to do a compliance report back to us that the, that the spend is in compliance. So, I mean, many of the neighboring communities, whether it's Fishers or others have used the funding for very similar projects. So they've –

Berry It does change the way –

Harris Used it for –

Berry Yes –

Harris Projects like zWORKS, it's their equivalent, Launch, or whatever it's called, Launch Fishers or whatever the name is over there. So I just don't want there to be some confusion here that we're imposing these like unnecessary regulatory burdens on the grantees and it, to me, it is an appropriate use of funding. So, and we've seen many other communities across the State of Indiana use this for the same funding. Bloomington, for example, also used I think some of their ARPA funding in this same way.

Berry Typically when they did that and when committees did that and we worked with many committees across the state in assisting them with that, if they were to provide nonprofits within the community grants, those typically were grants that entities within the community would apply for, they would be scored and then they would be awarded those grants accordingly.

Harris Yes, we worked with a lot of communities as well and I think that, to me, I think what we're talking about is whether or not this is the appropriate use of ARPA funding and less about the process because there's nothing in the federal regulations that require communities to go through those extra steps in terms of how they want to grant the dollars out. So –

Berry There certainly are not requirements that do that, that's correct.

Harris Yep.

Berry That, but it does change how Cindy will report so instead –

Harris Sure.

- Berry            Of just internal expenditures appropriated through the Town, it will be and will include third party subrecipient reporting from the entities.
- Harris            Yes and that, I agree with you.
- Berry            That is correct.
- Harris            Right.
- Berry            Yes.
- Harris            Okay. I just wanted to make sure that was clear because I'm, I was looking at the faces of the Chamber folks and I didn't want to alarm them so.
- Berry            Yes.
- Pickell           Following that we would – next slide Joe. In offering this to you, we, we believe that picking three individual entities is, it lacks transparency, we don't know how these three entities were, were chosen by you seven Council members because it was never decided at a, at a meeting. I don't believe we had a discussion on it. Am I, am I correct there?
- Harris            No we, there actually was public discussion both, all of these organizations have presented publicly to the Council on more than one occasion.
- Garrett           Heather, I'm just, can I let Deputy Pickell –
- Harris            Oh please, yes.
- Garrett           Finish and then we'll move on down the agenda.
- Pickell            No, no comment or?
- Garrett            This is your time, please –
- Pickell            Okay. While we have an enrichment grant process that sits in front of members of the Town that are not affiliated with the Town and then those decisions made in the enrichment community process are then sent to the Council for their own discussion and decision on whether or not they should be funded. This circumvents that completely. It gives special dispensation to three organizations that are important to the community that the community does not need to look at and think how did they get this done? And I think that's an error on our part to put them in that position and I think that it should be reconsidered from the Administration point. We're glad to sit down and discuss an additional for this year to come out of the Food and Beverage and if you care to fund them that way but choosing this path is unacceptable in our opinion.
- Joe – next slide Joe. In closing, we are hopeful that you will reconsider funding these with ARPA funds and that we can come to an agreement on the agreed upon spending plan for governmental operations. Any questions?



Garrett I have a single question. You have intermingled I and we through most of this presentation. Can you say who you are speaking for with these ARPA spendings?

Pickell The Administration.

Garrett The Administration? Okay. Thank you.

### **TOWN COUNCIL UPDATE**

Burk Appreciate you being here. Appreciate your comments today. Thank you. Are there any Town Council updates?

### **OLD BUSINESS**

#### **Consideration of the Community Enrichment Grant Fall 2023 Awards**

Burk Hearing none, we do have one Old Business item on today's agenda – Consideration of the Community Enrichment Grant Awards which we've heard a bit about today. You might recall that this was continued last month due to the need for some additional legal interpretation that we kind of got into in the meeting and decided we probably should push that off. In the meantime, I believe Heather has had a chance to review the Ordinance and some emails that were sent back and forth. I would definitely appreciate hearing from Heather on this at this time.

Harris Yes, I know that you all have looked at these in the past and we've looked at this Ordinance in the past so just for purposes of the Town Council and the public, Deputy Mayor Pickell noted this in his comments as well but in 2005 the food and beverage tax was, authority was given to the Town of Zionsville as part of the package that actually built Lucas Oil Stadium and expanded the Indiana Convention Center downtown and as part of that package, it allowed each municipality in Marion County as well as all the donut counties to raise an additional 1% tax from those individual patrons that would go to a food or beverage establishment here within the corporate limits. Those monies are then collected by the state and then sent back to the communities for the purposes under the statute. The statute actually states that money in the Food and Beverage Fund shall be used by the county or municipality to reduce the municipality's property tax levy or for any legal or corporate purpose of the municipality including the pledge of bonds, leases or obligations. The state statute as it currently exists is broader than the uses under the Zionsville Ordinance and we are in the process of updating that. It has some old references in that Ordinance as it exists today to things like the Clerk-Treasurer, for example, that we're going to bring back before you.

In the Zionsville Code of Ordinances it only allows the Town's Food and Beverage Funds to be used for the creation and enhancement of any public facility or infrastructure improvement or to fund initiatives intended to promote the Town and its businesses for other purposes. So there's some question, I think, with that restrictive reading as to whether or not some of the proposed grantees would actually be eligible to receive funds.

I know I talked with President Plunkett and Vice President Burk about waiting until the next meeting when we have more Councilors present to consider whether or not you want to go back and amend that Ordinance, change it to more closely align to the statute and/or just review these one by one to, to determine whether or not the uses are allowable. I know we've got historical evidence of the Town funding similar requests that we have before us currently using the food and beverage tax funds but I do think if we're looking at how the statute is worded, this has come up in the last round of grantees and I think even the prior one and we just want to make sure that what we're doing actually either meets the Ordinance or that the Ordinance itself is amended to further allow for these kinds of grantees. So, no issue or concern as I understand it on any of the individual grantees. I mean, that's not what I analyzed in terms of whether or not they're worthy of the funds, it's just really making sure that our Ordinance allows for us to grant under the current scheme or come back and, and look at whether or not we want to amend that to make sure that we're meeting the requirements of the Ordinance.

Burk Is it your opinion then the best course of action would probably be to take a look at amending the Ordinance?

Harris I think if you're going to consider these kinds of grants that yes I would. There is that sort of catchall language at the end that says to promote, you know, the business of the Town but some of these, because we look at individual organizations and is it promoting a business, is it promoting a resource or a service or there's a couple of them that are maybe limited to certain subjects of the Town would that be considered? So we can look at some other language or we could come back and simply align it to the statute and put some language that says for any purpose currently allowed by the statute which then, I think, what's happened over time at the, since 2005 and now is the State Legislature has changed the requirements and so as those have changed we've also made a number of amendments but they don't necessarily align one to one so it would be, I think my recommendation that you hold it this meeting as we look and maybe get some individual conversations with each of you to determine how you might want to change that, if you want to change it, and what the next step might be.

Garrett You know this is a no-win situation because these are all good organizations that have gone through the process diligently and honestly. The process was flawed and some may have self-selected out had the process followed the Ordinance. So I'm okay with that plan, Heather, to have the full Council weigh in. I hate to wait, make these charities keep waiting on their money or keep coming to these meetings but I also want to make sure that we've got, if we're going to make some changes to support them that everyone's got buy in for that.

Harris And we can turn it around pretty quickly once we've had an opportunity. We already have a draft Ordinance, we already have a revised Ordinance drafted so it's just making sure we've had an opportunity to talk with each of you as well as the members who aren't here today so.

Melton I just have one comment on that. You know moving forward I think that I would really like to see specific initiatives so the Town can see the change when we,

when they receive the grant and then they get to see the money spent. So, just throwing that out there and we'll follow the Ordinance. I think that's great. Sorry that it's going to take an extra step but I think it'll be better for the next four years or the next eight years of people coming or these groups coming for these requests. It'll be more clear and understood and I apologize for the length of time it's taking to get you funded but thank you for coming to this meeting as well.

Traylor           And a lot of focus in Deputy Mayor Pickell's earlier statements was around the Community Enrichment Grant process. That was strictly a process put in place by the Mayor. Nobody, I won't speak for everybody but it's, it doesn't work. It has never worked the way that she structured it that's the reason that we don't have an appointment on there. Historically the way those requests for Food and Beverage Fund dollars have worked is we are the approving body. Prior to, prior to this Mayor that's the way it worked. As far as do we treat everybody equally – we've never refused a nonprofit or anybody from coming to the Town Council to request dollars. So, yes, we've, have we treated everybody fairly? Yes. Everybody's had an equal opportunity to ask for those dollars. The big reason that the committee that the Mayor put together does not work is it's not educating the committee members on the requirements of the food and beverage, food and beverage dollars. So, unfortunately, we've got people that show up at this meeting that are expecting to get dollars that we can't give you by the way the Food and Beverage Ordinance is written.

Burk               I want to echo I appreciate everybody being here. I know this is requiring some patience and diligence to get through this process but I completely trust Heather's feedback and, and opinion on this and it sounds like we may have to look at the Ordinance so that we can make sure that we can do this legally and with three members absent today I think it would be prudent to probably call for a motion to continue this until our next meeting if that would be something someone would entertain.

Garrett           I'll make a motion to continue.

Burk               We have a motion to continue by Councilor Garrett. Do we have a second?

Traylor           Second.

Burk               Second by Councilor Traylor. All in favor say aye.

All                 Aye.

Burk               Opposed same sign.  
[No response]

Motion to continue carries 4 to 0.

**NEW BUSINESS**

**People of Zionsville for the Aesthetics of Zionsville (PZAZ) Committee Appointment**

Burk New Business we have seven items today. First off is an Appointment to Consider from PZAZ which is the People of Zionsville for the Aesthetics of Zionsville. As a member of that Board, I would present this to you and I believe it's in your packet, Daniel Bradley, has been nominated by the PZAZ leadership. He has been in Zionsville for 29 years. He is a longstanding experience with lawn design, general maintenance, he holds a certificate in horticulture and you will recall that PZAZ's mission is to promote urban forestry and streetscapes and to focus on city designation of our Tree of the Year Award as well as educational programs around trees and plantings in Zionsville. I think he's got the appropriate background. I would encourage his appointment. Can I have a motion to approve Daniel Bradley to PZAZ?

Garrett Second.

Burk I guess I'll make the motion.

Garrett Oh, I thought you made the motion. I'm sorry.

Burk No, that's fine. Yes, I will. I'll make the motion to approve Daniel Bradley to be appointed to PZAZ. Second by –

Garrett Second.

Burk Councilor Garrett. All in favor say aye.

All Aye.

Burk All opposed same sign.  
[No response]

Motion carries 4 to 0.

**Consideration of a Resolution Establishing a Crosswalk Location in Zionsville, Indiana (Lemberger Drive/Vonterra) Resolution 2023-20**

Burk Next is a Consideration for a Resolution Establishing a Crosswalk Location in Zionsville along Lemberger Drive in Vonterra. This is Resolution 2023-20. Lance Lantz welcome to the mic.

Lantz Thank you and good morning. Excuse me. I haven't talked yet much on a Monday morning. You have a couple of agenda items that are related this morning. The first is a resolution. This was brought to me by Superintendent Logsdon of the Parks and Rec Department. As you all know, our Big 4 Rail Trail is really, really awesome these days and stretches for miles and miles and one of those miles down at the southern end goes through the Vonterra subdivision and connects to the soon-to-be operational parks facility down there, the trailhead. So, our Ordinance does require this body to establish mid-block crosswalk locations so the first action is a resolution doing just that and I have provided a couple of maps just to give some reference to people for the area so that being said, I'll probably turn it over to you. I will remind you that there is a, a letter

from the President of the HOA speaking on behalf of the community that supports this crosswalk. DPW thinks it's important, obviously, that Big 4 is going to carry a lot of pedestrians and trail users so we would recommend that you take favorable action on this resolution this morning.

Burk Any discussion or questions for Lance?

Garrett Any budget consideration with this? I mean, from what it seems it's just really just painting lines. Are there more (inaudible)

Lantz No, this is quite accommodating within our existing sign budget.

Garrett Okay.

Melton Lance, I just had a question. I'm a huge supporter of the Big 4 Rail Trail and I'm just curious, it's kind of been in the works for a long time. Is, is this not something that like when Vonterra was developed that like the two things cross path where we would've had the developer put something in like this?

Lantz At the time the Rail Trail didn't connect to this point. When Vonterra was built there was a small stub going north so it's been a number of years before this pathway actually carried a lot of people from the, from the north and actually when that subdivision went in the developer did work very closely with the Town to provide some pathway amenities. So, a few hundred dollars in signs I think is, is quite a reasonable accommodation.

Melton No, that's great. I love Vonterra and the Overley-Worman Park so I understand there's a little bit more traffic there as well so thank you.

Burk Further questions? I'd call for a motion to consider a Resolution Establishing a Crosswalk at Location at Lemberger Drive in Vonterra.

Traylor Motion to approve.

Garrett Second.

Burk Motion to approve by Councilor Traylor, second by Councilor Garrett. All in favor say aye.

All Aye.

Burk Opposed same sign.  
[No response]

Motion carries 4 to 0.

**Consideration of an Ordinance to Amend the Town of Zionsville Traffic Code (Parking/Big-4 Rail Trail) Ordinance 2023-22 (First Reading)**

Burk Lance, I think you're up again for the second one which is Consideration of an Ordinance to Amend the Town of Zionsville Traffic Code, Ordinance 2023-22 on first reading.

Lantz Yes, as part of the considerations and discussions with both the Parks Board and their trail crossing and the residents of Vonterra, it was decided or determined that a 30-foot no parking zone on either side of this crosswalk would be most appropriate to provide the maximum visibility so the next item on your agenda is an Ordinance to do just that. The Ordinance prohibits parking 24 hours a day 30 feet in all directions both sides of the road from that crosswalk and this is an Ordinance so your action, if you're so inclined, would be to introduce on first reading.

Burk Any discussion? Craig?

Garrett I'll make a motion to introduce Ordinance 2023-23 on first reading.

Melton Second.

Garrett I'm sorry – it was 2023-22.

Melton Second.

Burk Motion by Councilor Garrett, second by Councilor Melton. All in favor aye.

All Aye.

Burk All opposed same sign.  
[No response]

Motion carries 4 to 0.

**Consideration of an Ordinance Adopting a Road Impact Fee Ordinance 2023-23 (First Reading)**

Burk Next up is a Consideration of an Ordinance Adopting a Road Impact Fee, Ordinance 2023-23, wait 2023-23, first reading. Mike Dale – is Mike here?

Dale Here but that's Lance too.

Burk Oh, all right.

Lantz Sorry, I didn't see Mike, I didn't see Mike come in. I did not mean to be presumptuous and stay here. You are welcome to the lectern.

Burk He may have a hat trick.

Lantz It's a fun place.

Burk Go ahead.

Lantz All right, very good, thank you. This is the fourth and final step to update the Road Impact Fee Ordinance that the Town has had in place and collected since 2007. This process has bounced back and forth between the Plan Commission and this body twice before wherein each body approved the Zone Improvement Plan as part of the Comprehensive Plan to the Town of Zionsville. The next action is then consideration of an Ordinance. The Plan Commission at their meeting just last week, a week ago today, conducted a hearing on the Ordinance and forwards to you a favorable recommendation. So we had a lot of discussion about the Zone Improvement Plan at the last weekend, the methodology and, and process for updating this so I would be happy to just turn this over for questions at the time but, again, this is an Ordinance and your action today, if you are so inclined, is to introduce for first reading.

Burk Any questions for Lance or the Administration on this one?

Garrett I make a motion to approve.

Burk Motion to approve by Councilor Garrett. Do I have a second?

Melton Second.

Burk Second by Councilor Melton. All in favor of I guess introducing Ordinance 2023-23 say, all in favor say aye.

All Aye.

Burk Opposed same sign.  
[No response]

Motion carries 4 to 0.

Lantz Thank you.

**Consideration of an Ordinance Approving an American Rescue Plan Act Plan as Amended **Ordinance 2023-24** (First Reading)**

Burk Next up is a Consideration of an Ordinance Approving an ARPA, American Rescue Plan Act, as Amended. I'll turn it over to Councilor Garrett.

Garrett Thank you. I appreciate that Vice President Burk. I'm a little dismayed by some of the characterizations that the Deputy Mayor made in his presentation and I'm going to go through those here today with you. A little background on ARPA funding. These are federal dollars that came via COVID to the Town and many local communities. We, as a community, had previously, as Council has voted with the recommendation of the Administration, to give one-time bonuses to our employees who worked during COVID during the lockdown and could not work from home and those dollars have been waiting for use.

So, we got here basically through the budget process. This Council appointed myself and Councilor Choi to work with the Administration to, to figure out the budget once the first budget was proposed to us and if you'll remember, that was a \$12 million dollar deficit which was unacceptable to this Council because it is unsustainable. Crowe even agreed this was not a sustainable budget and so we started going through together cutting different items but a lot of the items that would need to be cut further would pretty negatively, I think, impact the community and so I proposed at one of our prior meetings that we would use these ARPA funding to take many of these items that were in the budget and move them to ARPA so that we could pass a balanced budget and still get many of the things that I think the community wanted. That was the plan. The Administration pushed back, had asked for some type of deficit compromise agreement to that which we agreed to, with the agreement that things would be moved into ARPA and we would complete this ARPA plan once the budget was passed. And if you remember, we, we have passed that budget.

So the ARPA plan in front of you, Deputy Mayor Pickell talked about the funding in there – things like Public Works equipment purchases, some road improvements, Town Hall maintenance, the Comprehensive Plan which is very important. These are things that without the ARPA funding may not have made the cut in the budget. So, I'm very grateful that we have these ARPA dollars that we have held on to these for I won't call it a rainy day but certainly it's misting outside. Included in there too are grants for nonprofits. I'm a little confused because on one hand I'm being told or asked by the Administration to remove these but they say that they agree that they should support it or it should be supported but they removed them from the final budget presentation. So, two of the three, zWORKS and the Chamber, were in the original budget by the Administration and have always been in the budget. It wasn't until the final ARPA plan came through that they were removed and part of my ARPA plan and part of these discussions was rather than giving these organizations small dollar amounts that we've always supported every single year, why don't we give them a large dollar amount then let them find a path to sustainability and self-sufficiency. Now, if they blow these dollars in a bad way and come back to the Town further Councils, further Mayors can decide if that's worthy or not but it's a chance here with one-time federal dollars to give these organizations a one-time opportunity to go forth and build their membership, build their donation base, build their sponsorships and not have to keep coming back to the Town, therefore, freeing up those dollars for either other organizations or for other needs that we may have from a services standpoint. So, if we pass this plan today there'll still be about \$2.4 million, these dollars have to be contracted by 2024 and have to be spent by 2026. So there is some time deadline to some of this stuff.

I am going to go through a lot of the arguments that Deputy Mayor Pickell made here in a bit but I would like the Council, if it'd be okay, I've asked each of these three organizations who we have been supporting for years to come here and give a brief presentation to you and to the community to explain if we accept the Administration's request to remove this funding and there is no other funding currently budgeted or appropriated, what is the impact to the organizations and, more importantly, what is the impact to the community for doing this at the



Administration request? So, I've got Angela Upchurch here, the Chamber President. If you don't mind coming up and giving a few, a few minutes here to, to what the impact would be to the Chamber with this request.

Upchurch Good morning. I'm just going to read a letter that the Executive Board has prepared.

Garrett That'd be great.

Upchurch Dear Town Council Members – On behalf of the Zionsville Chamber of Commerce we are writing to express our wholehearted support for the Chamber to receive ARPA funding. The Chamber's mission has always been centered around preserving Zionsville's rich cultural heritage while nurturing its economic growth. However, without adequate funding, we face the imminent risk of reconsidering execution of cherished traditions such as Brick Street Market, Zionsville Street Dance and Christmas in the Village. These events not only hold deep-rooted significance in our community but also play a pivotal role in generating substantial revenue for Zionsville businesses and elevating Central Indiana's awareness of Zionsville as a distinguished destination.

Furthermore, the Chamber's strategic vision extends beyond preserving traditions. We are committed to enhancing Zionsville's role as a hub for economic development. Our aspirations go far beyond the conventional Chamber activities. We aim to create a sustainable future by building awareness of Zionsville as a prime destination for businesses. To achieve this, we are developing innovative programs such as the Leadership Summit. This initiative aims to draw participation from key business and economic development leaders across Central Indiana allowing them to experience firsthand Zionsville's outstanding infrastructure, conducive work environment, executive resources and unwavering community support. By showcasing our Town's unique offerings, we aim to attract businesses looking to establish new work environments, invest in Creekside Corporate Park or leverage collaborative spaces like zWORKS and COhatch to foster new enterprises. The realization of our vision and the continuation of our impact for work will necessitate funding that extends beyond the limitations of membership dues. The Chamber's endeavors reflect not only financial investments but also a collective dedication to the growth and prosperity of Zionsville.

We urge you to consider earnestly and provide the Zionsville Chamber of Commerce with essential funding. Your support is not just an investment in our organization, it is an investment in the future of Zionsville. Together we can ensure that Zionsville remains a beacon of growth, innovation and community spirit. Thank you for your attention to this critical matter. We are confident that with your support the Zionsville Chamber of Commerce will continue to lead the way in shaping Zionsville's prosperous future. You all must, you have a copy of this in front of you as well.

Garrett Thanks so much Angela. Appreciate it. Next, Candace Ulmer and Steve Mundy. One or both of you can come up and speak about the Zionsville Cultural District.

Mundy Good morning. Steve Mundy, a Zionsville resident. It's been a little under eight years since I was last here for a 7:30 a.m. meeting so thank you for being here enthusiastically doing your job. The Zionsville Cultural District had asked about funding from the Town for the summer concert series. That concert series is 20-some years in duration. The Zionsville Cultural District was formed 10 years ago and took over the summer concert series and has done it for the last 10 years now. We have done that with support from businesses and individuals in the Town. After COVID that support has dwindled considerably and in addition to that, the cost of the bands that we use for that series have gone up considerably.

This past year, 2023 series, is the second year that we've had it a full three months long, two months in Lions Park and one month in Lincoln Park and we were at a deficit and we have as a 501(c)(3) not-for-profit, we do not have deep reserves at all. This is a series that without some support from somewhere will go away. There, it, it is not sustainable as it is. We have worked at getting sponsorship and we got a grant through the Community Enrichment Grant process this past year for \$5,000 and that still did not allow us to operate in the black. So, it is something that you as a Council heard from Candace about three months ago when she came and asked that you consider adding us as a line item to the Food and Beverage Fund for \$25,000 a year which would support the concert series.

So we were, we're happy with the plan to use the ARPA money to do that which would sustain us, I think, for the amount at least it was allowed for at least four years and give us some additional time to look for ways to make this sustainable. I'll also say that the Community Enrichment Grant process does not work well for this. The work for next year is underway right now and we have to sew things up well before we might know about whether or not we would be granted something from the Community Enrichment Grant process so that, that has not worked for an item like this which is perpetual year after year and it is very common among all of our neighboring communities that they are supported by the town in some ways that they service.

And, lastly, I'll say that the reporting that is necessary is also have to report when we get a Community Enrichment Grant. In that process now we report that. We have found it to be very doable so reporting the information that would be necessary to satisfy the federal requirements I think would not be an issue for any of these organizations. So with that we certainly hope that you'll consider using it in this way. Thank you.

Garrett Thanks for coming out early Steve. Appreciate it. And last we've got Molly Hanlon from zWORKS.

Hanlon Good morning everyone. Thank you Deputy Mayor for saying that you support zWORKS and all these organizations. We appreciate that. And I want to say thanks to the outstanding zWORKS Board of Directors who are all here this morning. So thank you for this opportunity and a big thank you to all of you for your long-time support from the Town and partnership with zWORKS.

zWORKS started in 2015 and it has a proven track record of contribution to the Town's economic development growth. zWORKS' successes are measurable and

the Town's return on investment is great. Millions of dollars in start-up companies, 200+ employees brought to Town, \$350,000 in Main Street revenue provided by zWORKS' members and visitors who visit, shop, work and eat here, about 100 current members who come to work at 75 East Pine Street which is a great point of connectivity for the Town.

With the ARPA money, we will continue to strengthen the tax base by attracting, growing and graduating start-ups and businesses in Zionsville. We will expand programming and other initiatives that support entrepreneurs and we will grow the membership community who support one another's ideas and invest in each other's businesses. We will also work to become self-sustaining and won't come back here each year asking for additional funding. zWORKS' contribution to economic development in Town aligns with the ARPA distribution requirements and we will continue to tangibly support entrepreneur start-ups and new businesses and benefit as many of these and residents as possible. Our mission is to keep costs down for entrepreneurs and also provide a desirable co-working space in which members want to work. As Steve Mundy just said, we will also thoroughly fulfill any federal or local reporting requirements, compliance reports just as we have always provided documentation and follow-up on any grants in the past and will continue regular communication with and reporting to the Town. It's an exciting time for Indiana, Boone County and Zionsville and zWORKS will work hard and continue to be an economic connector in the area and we look forward continuing a strong partnership with the Town. Thank you.

Garrett

Thank you Molly. Appreciate everyone coming out. So, you can see the clear importance of these organizations and also they have been long supported by this community in, in this Town of Zionsville, the government. A few points I want to break through in terms of, of what Deputy Pickell presented here. First was this lack of transparency or how were these selected. There's certainly an implication there that these are like Councilor pet projects that came out of nowhere. I think all of us on various charitable boards and some charitable organization that came out of nowhere that was suddenly going to get a grant for \$200,000 from the Town, I think I would look a little sideways at something like that. But as I mentioned earlier, two of the three of these were originally in the Mayor's budget. She was proposing to support them and since took them out. They're also not shy about highlighting the many great things these bring to our community on their own social media. So, August 5<sup>th</sup> they highlighted the Street Dance, November 19, 2022 highlighted Christmas in the Village. We should be highlighting these things. These are great things for Zionsville but clearly these are not Council initiatives. These are community initiatives.

Our grant was to take funds, mutually take funds from the budget and put them into ARPA and that's exactly what we're doing so I'm pretty disappointed that there's a sudden different narrative on what's going on here. The Zionsville Cultural District has been supported for the Town for a long time. As Steve mentioned, they requested money three months ago. There is a picture on the Town, on the Town's Facebook feed of the Mayor handing them a check in 2022. So, again, these are not pet projects.

There was a point out there about Councilor affiliation as if, again, this is some sort of Council or pet project. I am unaware of any Councilor that has any Board

role on any of these organizations. There is one individual on zWORKS who is currently running for Town Council. She is not on the current Town Council. She has not been involved in any of this process. This is very open in terms of how we are doing this. The reporting, as mentioned, this is the same reporting burden that these organizations have had with money they've got in the past. In his presentation, Deputy Mayor Pickell mentioned the reporting burden to the Town. If, if that's the key driver here, if they are saying they support the organizations and it is a reporting burden, it's an easy fix. They could've just taken this money out of the budget and taken, I'm sorry, could've taken something out of the ARPA and moved into ARPA and but this into the budget. It's really the same dollars but this was not the path we agreed to go down.

In terms of how these dollars were selected – this was a recommendation I made based on, as I said earlier, how can we get these organizations to self-sufficiency? How do we take one-time costs, not recurring costs, and prevent future burden and burden is the wrong word for these organizations but future asks from them and, and this seemed like roughly 3, 3½ times of their annualized revenue that they're getting from the Town. That seemed like a good number to let them go and figure out their own way. Councilor or, I'm sorry – Deputy Mayor Pickell mentioned why we should go to the Community Enrichment Grant process. I think Councilor Traylor did a good job of explaining why that doesn't work. We had to cancel or postpone, once again, that process because it does not seem sustainable. It is not acting within the Ordinance so I don't see why we would give an Ordinance, I'm sorry – a process that's not working additional funds and also you can't transfer funds, ARPA funds, into a fund. You have to have a designation for them. So, I think we've heard about some of the impacts of, of the community. I mean, I'm disappointed that this is the stance of the Administration that they want to cut out these, these organizations.

These are some of my last few meetings on the Council, right, and you start thinking about legacy and not to get too sobby about it but I don't want my legacy going out to being I'm, I'm on a Council that cancelled the summer concert series, the Brick Street Market, the Street Dance, it, it killed the start-up community in Zionsville. Those are the things that make Zionsville a special place to live and this just seems like a no-brainer to spend these dollars on so, again, I don't understand the pushback. I would hope you will support me in voting for this today. I hope the Mayor will support us in signing this because most of this funding in here is things that were requested by her and her department heads that we have agreed to to get them funded. We still have \$2.4 million dollars left that I'm hoping we can spend before the end of the year and I'm looking and have asked for feedback from department heads. I'd ask for feedback from the Administration, from Councilors. What I don't think we want to do as a Council is say well let's just give \$2.4 million dollars to trails. I think that's a great idea but if Lance or if Jarod can't take that money and reasonably contract it in a year's period per the ARPA rules, then that is money that we lose. So by getting feedback from all the different department heads of how can you spend this money, how can we further get new one-time initiatives, that's, I think, the dialogue I'm hoping to have through the rest of the year. So, that's where I'm at right now. I'm happy to answer any questions Councilors you may have about all of that but, but I feel very confident that this is a good plan for the community which is the most important thing.

- Burk Councilor Garrett, you could, you would then confirm that these organizations were not funded at all in the 2024 budget that we passed?
- Garrett I did confirm that with the Finance Department, yes.
- Burk Okay. I know we spent a good deal of discussion today on, on the nonprofits. There's, there's a lot of other stuff in here. Could you give us just a quick sum of the dollars that would be spent in this particular ask and maybe highlight a couple of the things that you, that you're proud of that are in here?
- Garrett I can if you – let me find the exact details here.
- Harris Page 14.
- Garrett Here we go, thank you. So, it's about \$1., so it's about – let me get down to dollar amounts, hang on –
- Burk I know I kind of dropped that on you.
- Garrett It's a long, it's a long Ordinance here so – all right, we've got – so there is, I mentioned there is Public Works equipment purchases so and, again, these are coming from department heads, Administration, things that we've needed – dump trucks, plows, salt trucks, Administration vehicles, things like that. We've got funding for path, I'm sorry – road projects that have long been planned and, again, these are things that came into the budget but wouldn't have made the cut otherwise. Town Hall maintenance that is needed, the transportation study – this is something that Mr. Lantz has asked for for a long time to make sure that we are planning for the future and not reacting to today. Deputy Mayor Pickell mentioned the SCBA, this is the self-contained breathing apparatus. These are needing to be replaced for our Fire Department. The Comprehensive Plan is a big one and I know that's something that has been asked for by, by the Planning Department to look at us as a community and how do we want to grow and where do we want to grow and what do we want that growth to look like? And then we mentioned the aforementioned – oh and then one thing too is the Chamber is also, in addition to the \$200,000, they have been vocal advocates for a downtown restroom. How do we support our, our visitors and, and residents down there and so we're not asking them to fix it but we are asking them to come to the future Council with some suggestions on what might be the best path forward for that. So, all good things. All things I support. All things I think that are needed. There is not fluff in here. This is, this is good stuff.
- Burk And these were all also items that were initially in the 2024 budget proposal that would then be moved to be put into ARPA? Is that correct?
- Garrett Yes, so, and I think that's a good point because there are additional things I think that we want to do as a community that didn't make the budget cut. So, for example, I know one of the things that you've been advocating for is pedestrian access on the east side of Michigan. Being able to create a plan for that so that when funding is provided, whether it's through a developer and a TIF or whether it's through the Town or whether it's through a grant, that is ready to go. I think

those are the things that as you think about the remaining dollars one of the reasons it was okay to go into a budget deficit for remaining dollars in ARPA is to allow us time to have that conversation so that we can make sure that we are proposing things that, that we see that the Administration sees as needs in the community and that the department heads feel comfortable taking on in being able to contract those within the next 14 months.

Burk Thank you. I think that's good clarification. Any other questions or comments from the Council? This would be a first reading so I'd call for a motion to introduce this on first reading, Ordinance 2023-24.

Garrett I'll make that motion.

Traylor Second.

Burk Motion introduced by Councilor Garrett, second by Councilor Traylor. All in favor?

All Aye.

Burk Opposed same sign.  
[No response]

Motion carries 4 to 0.

**Consideration of an Ordinance Establishing the 2024 Budget for Non-DLGF Funds  
Ordinance 2023-25 (First Reading)**

Burk Next is a Consideration of an Ordinance Establishing the 2024 Budget for Non-DLGF Funds, Ordinance 2023-25 on first reading. Cindy Poore – is Cindy still here? Hi Cindy.

Poore Hi. So you have before you the 2023-25 Ordinance for the Non-DLGF Funds. The exhibits reflect what the estimated revenues for these funds are and then, that's Exhibit A, and then Exhibit B would be the expenses that are being budgeted.

Burk Any discussion or questions for Cindy?

Garrett So Cindy, the, if I'm looking at the Coronavirus Local Fiscal Fund, Fund 176 –

Poore Yes –

Garrett That has the dollar amounts that we approved less the dollar amounts for the three entities that the Administration asked us to remove. Do those need to be added in or what is the process for that so they are not orphaned even with approval?

Poore Yes, if they're, if they're going to be going through the budget then yes, they will need to be added.

- Garrett Do we need to amend any sort of approval, Heather, to go through that? Is that the best thing to do that?
- Harris Yes, since you're introducing this on first reading, I would recommend that you amend the Ordinance on first reading to include the three items you just discussed. So, zWORKS, the Chamber and then the –
- Burk Cultural District.
- Harris Art series, Cultural District.
- Garrett And then, Cindy, what department would you consider those three spends under? Would that be non-departmental?
- Poore Correct.
- Garrett Okay, thank you.
- Poore Yes.
- Burk Any additional questions, comments? It sounds like there needs to be an amended motion to introduce this.
- Garrett I think I can make that.
- Burk Can you make?
- Garrett Yes, I can make that motion.
- Burk Please do.
- Garrett So, I'll make a motion to introduce on first reading Ordinance 2023-25, Consideration of an Ordinance Establishing the 2024 Budget for Non-DLGF Funds with the following three changes: The addition of \$200,000 in Fund 176, Coronavirus Local Fiscal Rec in Non-Departmental, the addition of \$200,000 for zWORKS in Fund 176, Coronavirus Local Fiscal Rec under Non-Departmental, the addition of \$100,000 for the Zionsville Cultural District under Coronavirus, Fund 176, Coronavirus Local Fiscal Rec Non-Departmental and I don't know if this needs to be separate – the addition of \$10,000 also to the Chamber for purposes of a downtown bathroom study in Fund 176, Coronavirus Local Fiscal Rec Non-Departmental for a total addition of \$510,000. Please don't make me do that again.
- Burk Heather, does that sound acceptable?
- Harris Yes.
- Melton Second.
- Burk We got a motion by Councilor Garrett, second by Councilor Melton. All in favor?

All Aye.

Burk Opposed same sign.  
[No response]

Motion carries 4 to 0.

**Consideration of a Resolution Approving Execution of a Master Governmental Lease Agreement (Leaf Collection Truck) Resolution 2023-21**

Burk Next up – Consideration of a Resolution Approving Execution of a Master Governmental Lease Agreement for a Leaf Collection Truck. That’s also Cindy.

Poore This lease is through the Indiana Bond Bank HELP program which is a lease program that they provide to municipalities in order to be able to obtain equipment, etc. This is for a leaf vac for the DPW and one of the requirements through the bank is that we just bring this resolution before the Council which gives them basically the comfort level that it will be, the payments will be budgeted for. It’s going to be four annual payments.

Burk Cindy, did you say it was a grant for this?

Poore No, it’s a lease.

Burk Okay.

Poore Yes.

Burk I thought, yes, I thought you said grant. I thought I heard the word –

Poore No.

Burk Grant somewhere.

Poore Through the Indiana Bond Bank. It’s the HELP program. It’s a lease program.

Burk Okay. Any questions or discussion on this one? Any questions for Cindy?

Garrett Nope.

Burk All right, do we have a motion?

Melton I’d like to make a motion to approve Resolution 2023-21 for the consideration of approval.

Garrett Second.



Zionsville Town Council  
October 23, 2023

Burk            We have a motion by Councilor Melton, seconded by Councilor Garrett. All in favor say aye.

All             Aye.

Burk            Opposed same sign.  
[No response]

Motion carries 4 to 0.

Poore          Thank you.

**OTHER MATTERS**

Burk            We're down to the end. Other Matters – anything we've?

**ADJOURN**

Garrett        If none, I'll make a motion to adjourn.

Burk            Motion to adjourn by Councilor Garrett. Do we have a second?

Traylor        Second.

Burk            Second by Councilor Traylor. All in favor say aye.

All             Aye.

Burk            Opposed same sign.  
[No response]

Motion carries 4 to 0 to adjourn.

The next Regular Town Council meeting is scheduled for Monday, November 6, 2023 at 7:00 p.m. in the Zionsville Town Hall Chambers. Public notice will be posted in compliance with the Indiana Open Door Law. Thank you.

Respectfully submitted,

Amelia Anne Lacy, Municipal Relations Coordinator  
Town of Zionsville