



ZIONSVILLE
FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
TUESDAY, JANUARY 18, 2022
AT 7:30 A.M. EST
ONSITE MEETING
1100 West Oak Street**

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

Council Members Present: Brad Burk, Alex Choi, Joe Culp, Josh Garrett, Craig Melton, Jason Plunkett, and Bryan Traylor

Also Present: Heather Harris, Town Council Attorney; Mayor Emily Styron, Deputy Mayor Johns-Cole, Lance Lantz, Director of Public Works; Cindy Poore, Deputy Chief Financial Officer; Amy Lacy, Municipal Relations Coordinator and other Town Department Staff.

OPENING

- A. Call meeting to order**
- B. Pledge of Allegiance**
- C. Election of Officers for 2022**
 - I. President**
 - II. Vice-President**

Garrett I call this meeting to order. Please rise and join me for the Pledge of Allegiance.

All Pledge of Allegiance

Garrett Okay, first we've got as we do every year the election of officers for 2022. This is for President and Vice-President. I would like to make a motion for Vice-President Plunkett to be President of this Council for 2022.

Melton Second.

Garrett We have a second from Councilor Melton. All in favor, aye?

All Aye.

Garrett Any opposed?
[No response.]

Zionsville Town Council
January 18, 2022

Garrett President Plunkett is elected Town Council President by a vote of 6 in favor, 0 opposed. It's your meeting now.

Plunkett Up next on the agenda is Vice-President and I'll make a motion for Councilor Burk as Vice-President.

Traylor Second.

Plunkett All those in favor?

All Aye.

Plunkett All those opposed?
[No response.]

Plunkett Motion passes 6 in favor, 0 opposed.

2. APPROVAL OF THE MEMORANDUM OF THE DECEMBER 20, 2021 REGULAR MEETING (copy posted)

Plunkett Up next on the agenda is the approval of the memorandum from the December 20, 2021 regular meeting. A copy has been posted. Are there any questions from Councilors? Otherwise, we will take a motion.

Garrett I make a motion to approve.

Plunkett First by Councilor Garrett.

Burk Second.

Plunkett Second by Vice-President Burk. All those in favor?

All Aye.

Plunkett Those opposed?
[No response.]

Plunkett Motion passes 6 in favor, 0 opposed.

3. REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Do we have, Amy, any questions to speak on agenda items?

Lacy We just have the one that came by email. I haven't gotten a card but I have the email that I gave you. So, I'm not sure if that person is here.

Plunkett For Mr., is it Radance, Raddance?

Harris Is the person not here in person?

Plunkett It doesn't seem so.

Harris Okay. We're not allowing testimony from online. You need to be in person to provide public comment. It states that clearly on the agenda, so, if you'd like to come to our next meeting, that would be my recommendation.

Plunkett Yes. Is there anyone else in person that wishes to speak?
[No response]

Plunkett Perfect. Moving along then.

4. MAYOR/ADMINISTRATION UPDATE

Plunkett Up next is mayoral administration update. Amy, do we have the update from the administration?

Lacy No, we don't have anything today.

5. OLD BUSINESS

Plunkett Old business. We have consideration of a resolution amending the Zionsville Master Development Plan pursuant to Indiana Code 674-500. This is the airport use plan. I believe Cory Whitesell.

A. Consideration of a Resolution Amending the Zionsville Master Development Plan Pursuant to Indiana code #6-7-4-500, ET, SEQ (Airport Use Plan) **Resolution 2021-19**

[Councilor Culp joined the meeting at this time]

Whitesell Hi, Cory Whitesell with HWC Engineering.

Plunkett Thank you.

Whitesell Well, good morning everyone. Maybe since it's been a few weeks, just quickly reframe the conversation about the airport. This plan was started in 2018 and we've been working on it diligently since then but taking our time through that process. The key purpose of this plan is to establish land use recommendations for the undeveloped portions of property that are in the areas influenced by the airport. With that, again, the focus is on those undeveloped portions and how you make decisions going forward about land use and development. With that, there are a few key changes that are recommended. The plan is largely based on the plan that was developed by the County and then later adopted by the Town when this area became part of the Town's corporate limits.

Some of the key changes are made from that plan. The first is that there is an updated land use plan. Right now, it's very—the land use plan that is established for that area is pretty broad and generic. What this does is provides a lot more specificity to the types of land uses, still very broad in general issues but much more specificity than was in there to begin with. The other key thing that is in here is a recommendation on how land use related to residential should be tiered. It establishes areas closest to the airport where most residential is discouraged to areas further from the airport where there are very few restrictions beyond what is in your basic regulations. There is also a series of recommendations for some employment uses near the airport. That is something that is included right now in your Comprehensive Plan but it's very broad; the areas are not well defined. What this does is defines the areas for future employment uses out there and also starts to give more definition to what they are intended to be. We heard from residents very clearly that they didn't want heavy industrial; they didn't want a lot of big boxes out there. This defines that around quality architecture, generous open space, reasonable scale development that's not out of character with that district. The other thing this does is looks forward and says that there is going to need to be a commercial node in this district at some point in the long term. That may not be for 20 or 30 more years. But, at some point, there will need to be a commercial node and it recommends reserving some land at 32 and Michigan for that in the future. This is, the one thing I guess I want to clarify as we go into this discussion, is this is not a plan for improvements to the airport. This is not a plan to extend runways. This is not a plan to make other improvements. This responds to plans that are already reviewed, established and adopted and have been endorsed by FAA.

So, what you are doing in this plan is not endorsing an improvement to the airport. What you're doing is saying here's the things that have been approved by the airport. Here's the things that the FAA has endorsed out here and you need a plan to respond to those. Some of those you may want to change but at this point we need to be able to have a plan in place to respond to those things that have already been considered previously that are influencing development in your district. The action that we're asking from you this morning is to adopt this plan as part of your Comprehensive Plan. It has been forwarded to you with a favorable recommendation from the Plan Commission. I would be happy to answer any questions that you do have about the project or the plan, thank you.

Plunkett Thank you, Cory. I believe we've heard this a couple of times and wanted to wait for Councilor Traylor to be here. Any, any discussion, questions, comments from Council?

Garrett I'd like to hear Councilor Traylor. You've been on this Board, haven't you? I'd love to hear your take on this.

Traylor Yes, I've been on this committee for what is it? Close to three years now, right?

Whitesell 2018.

Traylor Yes, So, for a long time. And, a lot of thought has gone into this. It hasn't been a quick decision so it's not a knee-jerk thing. There's no backdoor plan that we're trying to accomplish here. All this is is the fact that the airport is there, Zionsville

surrounds it. We have limited to no control over what happens inside the airport boundaries. So this plan is the Town and the airport trying to work together to make a plan that works for both entities. Knowing that, you know, we, we could move forward without the plan and down the road, it would just cause tensions and issues for both the neighbors and the airport. So, I've worked with this committee to come up with this plan. I actually, uh, just to be completely transparent, there were some issues I had with it and that was, you know, maybe a month or two ago, and I said that as it's written, I couldn't support it. We went back to the table, came to some resolution and I fully support it as written today. So, ah, key note, there is a plan in place that most of the residents in the area are not aware of. So, they are currently living under a plan that was developed by the County many years ago. So, this, in my opinion, this current plan better reflects Zionsville and better reflects this current, ah, the current Town. So, I fully support it.

Plunkett Can you elaborate on some of the changes that were made, that you just made mention of?

Traylor Yes, okay. So, sorry, it took me a second to, Yes. So, the big issue I had with the plan that was, the way it was written a couple of months ago was that it used words like 'encourage' sewers into the area, 'expedite,' things like that and my take on it was this was always meant to be a 30-year plan. If this is a 30-year plan, I don't feel like we should be putting into the plan that we're wanting to expedite sewers because I've been very clear and consistent on my stance that, you know, once you bring sewers into the rural area of Zionsville it ceases to be rural very quickly. So, that was, that was my biggest hang-up.

Plunkett Okay. Thank you.

Traylor And, they took all mention of it being expedited out.

Plunkett Anything else from the other Councilors? Otherwise, we'd entertain a motion.

Traylor I make a motion to approve.

Plunkett Motion to approve by Councilor Traylor.

Garrett I'll second.

Plunkett Second by Councilor Garrett. All those in favor signify by saying aye?

All Aye.

Plunkett All those opposed?
[No response.]

Plunkett Motion passes 7 in favor, 0 opposed.

Whitesell Thank you.

Plunkett Thank you, Cory. Up next we have a consideration of an ordinance establishing the 2022 budget for non-DLGF funds. This is Ordinance 2021-16. This is a final reading. Cindy?

B. Consideration of an Ordinance Establishing the 2022 Budget for Non-DLGF Funds **Ordinance 2021-16 (Final Reading)**

Poore Good morning. Cindy Poore, Deputy Chief Financial Officer for the Town of Zionsville. This would be the second reading for this. I'm not sure. I don't think we had any questions to what was presented originally.

Plunkett Yes, I don't believe we did. I appreciate having everything broken down and seeing the, seeing the funds, departments, categories, etcetera, etcetera. Any questions from Councilors? Otherwise—

Garrett Can these funds be transferred to become DLGF funds next year, like are these designated by us as non-DLGF or are these funds that the DLGF just doesn't have and therefore it doesn't fit into any bucket?

Poore It's the type of funds they are. Like, wastewater and golf course, for instance, they are fee-based. They're not property tax based and property tax based is what really establishes whether or not it's a DLGF fund or not.

Garrett Got it. Thanks, Cindy.

Plunkett Any other questions? I would entertain a motion.

Burk Motion to adopt.

Choi Second.

Plunkett First by Vice-President Burk. Second by Councilor Choi. All those in favor, say aye?

All Aye.

Plunkett All those opposed?
[No response.]

Plunkett Motion passes, 7 in favor, 0 opposed. Up next, Cindy with you again, a resolution authorizing certain appropriation transfers for year-end fiscal administration. Resolution 2021-22.

C. A Resolution Authorizing Certain Appropriation Transfers for Year-End Fiscal Administration **Resolution 2021-22**

Poore This occurs just about every single year. I know with previous administrations it happened twice a year, June and at the end of the year. But, it's just, when you get to the end of the year, sometimes you have to move things a little bit. If

you've overspent in one line and underspent in another, so this is just a way of cleaning up prior to year end.

Plunkett Any questions from Council or any discussion?

Garrett I make a motion to approve.

Plunkett First by Councilor Garrett. I'll second that motion. All those in favor, say aye?

All Aye.

Plunkett All those opposed?
[No response.]

Plunkett Motion passes 7 in favor, 0 opposed.

6. NEW BUSINESS

Plunkett All right. On to new business. We have a presentation for Isaiah House from Tom Hundley. Tom, welcome.

A. Isaiah House Presentation – Tom Hudley

Hundley Thank you and good morning, Town Council. Do appreciate the opportunity to be here this morning. So. My name is Tom Hundley. I am the principal of Boone Meadow Elementary school of Zionsville Community Schools, father of families in the community so I want to say thank you to the Council for being so supportive of just creating, nurturing and helping our community thrive in so many different ways. So, Isaiah House. It's an exciting story for me to tell so forgive me if I get a little long-winded. So, Dr. Choi, please give me a cut-off if I need it. I also want to introduce Laura Wiggs. Laura is our newly hired program coordinator for the Isaiah House. And, program coordinator basically will oversee all the daily happenings to make sure volunteers are coordinated so that the house will thrive and also nurture the relationship with DCS. So, simply put, you might be asking what is the Isaiah House? The Isaiah House is a home. It's a physical house that serves as a temporary way station, if you will, a place where children can go while they are still under the care of DCS on the day of their removal. What people do not realize not only in our community but communities across the country and also in other parts of the world that when a child is removed from their home, due to their safety and welfare, whether it be abuse or neglect, it is carefully weighed out and considered legally for that child to be removed by Department of Children's Services. And when they are removed, people often think that the children immediately go into a loving foster home and that's not the case. More often than not, children are taken back to the DCS office with the Case Managers where they are doing a frantic search to find the safest, best placement for the children. And, it could be an infant, it could be a teenager, it could be a sibling group of three or four children. All the while, the caseworker is doing mounds of paperwork, making phone calls. They have children that might be in a car seat or a baby seat or a teenager and it's not unusual for the Case Manger to hand them their phone so they can watch Netflix

or maybe they have to bathe the baby or help get them food all the while they're trying to find them a home. And, sometimes that placement takes hours. It might take overnight. So, the Isaiah House is actually a home where we depend on DCS Case Managers to bring children to the home. The DCS Case Managers stay onsite but we have trained volunteers that are trained in trauma informed care that will be there to lavishly love on the children so that the Case Managers can focus on their needs to do. What do they need to do? Do they need a little bit more time to find that appropriate placement or to find that family that was expecting maybe to only take an infant but there's a dire need for a placement of a sibling group of three children and they can't find availability because the foster families that are next in line to help take children, there might be medical needs. They might be out of town. There might be a variety of different barriers in place. Isaiah House is there to help.

So, you will see on this slide that it says Boone, Montgomery and Hendricks County. The Isaiah House that is coming to our community that will be located just down the road from here will actually primarily serve those three counties so the DCS would have access to bring children there if they need care and attention until they get into a foster placement. But, we will also potentially serve as a release spot for Marion County. There is an Isaiah House going into Marion County but due to their removal rates the goal is to have four homes in Marion County due to the volume of need. What I want to show you it's only been three years ago since the organization started in east Tennessee, a small rural community, Carter County on the border of Tennessee and North Carolina started one small home with a family's vision when they were going through a foster parent journey themselves. Out of that, in the last three years, you will now see that there are 28 counties across Tennessee and Indiana that are bringing Isaiah homes to their communities. In recent days we've discovered there are literally hundreds of counties now throughout the United States that are craving to open an Isaiah Home. So, it is one organization in multiple locations. So, to help tell the story, I'd like to show a little video to you, so please bear with me. And, it helps tell the story from the perspective of Rhonda who was the founder of the Isaiah Home.

[A video was shown]

So, you can easily visit the Isaiah House website. Also, like us on Facebook, take a look there, it gives you information but what you may want to know is that currently the Isaiah House here in our community is already nurturing a strong relationship with our local Department of Children's Services. They cannot wait for this house to open. So, once again, we depend on them utilizing the home. It's the purpose of why we're open. Our primary focus and our target is clear, that we are to serve and lavishly love the children. But, in order to have access and support for that, it hinges on our relationship with Department of Children's Services. And, so we are working on that and continuing to develop that here in Boone and Hendricks and Montgomery County.

Construction. We were deeded 3/4 of an acre of property out by/from New Hope Christian Church out there on the Whitestown I-65 area. So, they deeded 3/4 of an acre for us to build. And that property now belongs to Isaiah House, the organization. We've already broken ground. We have the basement poured.

Framing should begin this week. We were hopeful it would have started yesterday but it should happen within the next couple of days so that over the next month and beginning of March we can get the home under roof. Windows should be hung, siding put on. Wedgewood Builders out of Carmel has been instrumental in helping us get all the permits, doing the designs of the home, aligning a number of contractors although we're still working through some of that because, as you know, cost to build currently is incredibly high. But, we will open the home debt-free. We will also open our home with a year of operating expenses under belt. So, that is our commitment as we reach out to the community. But, Isaiah House isn't just the physical home. We have a whole network of volunteers that we are activating, the work on appreciation with different groups that are supporting us. We have high schoolers whose parents have, are working with them to help get appreciation baskets for DCS or different instrumental volunteers aligned with the work. We've been donated storage units because we are currently accepting items. Many of those items we have accepted have already gone out to children that are transitioning into foster care. Our team receives calls from Case Managers. One that really sticks to my mind was when they were down at Riley and the children were needing to be there for evaluation and care from Riley Hospital. They called DCS. Some of our team of volunteers activated, got food, took clothing and a variety of necessities down to the children and the Case Managers at Riley. So, we have a storage unit we're currently using but there will be a storage of items to give children. When they leave, we give them toys, we give them clothing. If the foster family wasn't expecting to have an infant, they need a crib. How can we help you? Our volunteers will come set it up in your home as you have so graciously accepted this child into your home.

So, we will have storage to accommodate as many of those needs as possible. So, throughout the year, you're going to see a variety of events that may happen. Whether it's golf outings, whether it's Dr. Choi at Main Street doing the one chip challenge to help raise money and support the community. Thank you, Dr. Choi. His endeavors raised a little over \$28,000 for eating one insanely hot tortilla chip. So, thank you, Dr. Choi and thank you, Board or Council. I know that you have supported this as well. So, our goal right now is not, even though it may sound like it, is not to ask for money. We have a hard belief that we just tell the story and through telling the story, it is amazing how the community gets involved. But, they need to hear the story. So, if you know of people that we can help tell the story, please let us know because we want to share it all we can. We depend on our community. We want this to be a community home. This will be a home that will belong to the people of Lebanon, Whitestown, Zionsville. We need to serve the children of our community so we thank you for your support and partnership. We have a variety of ways to get involved. So, I can always get into that more but I wanted to give you an opportunity should you have any questions. But, I did want to read one thing quickly before then. And, this was just posted a couple days ago on the Isaiah website or our Facebook page because I think that it illustrates what happens. This is from Sullivan County Tennessee where one of our current six homes exists.

Our sweet friends entered the red doors and was greeted by a loving volunteer who showed her her new clothes upstairs. She couldn't believe that she got to keep them and kept saying her friends all have new clothes at school but she has

never had new clothes before. She played Barbies and even loved the way the volunteer washed her hair. Before bed, she looked at the volunteer and said, “I love you for making this the best day of my life.” But the story doesn’t stop there. When she arrived at school the next day, she told her teachers that she didn’t stay at her home the night before but that she did stay in a dream house. She was shown grace and love and her worst day became her best. That encapsulates one of the thousands of stories that we get to hear every year because Isaiah Homes are open in communities. Thank you. Any questions or comments?

Plunkett No questions. Thank you very much, Tom.

Hundley I do appreciate it.

Plunkett Mr. Choi, can you taste anything after that?

Choi I’m never doing that again. That was the worst experience of my life. I’m glad it helped so many but that’s it.

Plunkett That’s funny. Thanks again, Tom.

[Councilor Melton left the room at this time]

B. Consideration of Appointments to Various Boards, Commissions and Committees

Plunkett Next up on the agenda is a consideration of appointments to various boards, commissions and committees. I just—before we, before we do anything with this, I just want to say how thankful I am to members of the community for stepping up and serving on these Boards. It was really eye opening to me. Just to see the number of applicants, the number of folks that really care about our community and I certainly want to thank those that have served in the past and those that are willing to step up and serve in the future. So, it was certainly an interesting and neat process to go through.

Garrett A lot of good talent.

Plunkett Yes, for sure. Any questions or any comments?

Garrett I make a motion to approve.

Plunkett Motion to approve by Councilor Garrett.

Choi Second.

Plunkett Second by Councilor Choi. All those in favor, say aye?

All Aye.

Plunkett Those opposed?
[No response.]

Plunkett Motion carries 6 in favor, 0 opposed.

C. Easement Encroachment Appeal – Patrick and Katie Miller, 4317 Sedge Court

[Councilor Melton returned to the room at this time]

Plunkett Up next on new business is an easement encroachment appeal. We've got Patrick and Katie Miller at 4317 Sedge Court. Katie or Patrick and I believe Lance is also on here for presentation.

K. Miller Hi, thank you everyone for allowing us to come be part of this meeting today. We really appreciate it. I'll try to keep this brief because honestly our request is very simple and, there's not much to it. In our backyard, we are hoping to install a pool and the direction we want to put it in order to maximize not only keeping some older trees that are in our yard that would have to be removed or would over time be killed if they were in a different place and maximizing, you know, the benefit to our children, you know, being able to have more grass area to do Wiffle ball and all of that stuff. It has to encroach on a 25-foot easement that's in the back of our yard by about 3-1/2 to 4 feet. It's just the cement portion of the concrete that would encroach on that easement, not the actual structure of the pool. We went through the process to ask for the encroachment, for those of you that are unaware of the process like I was, it's a pretty simple form. You pay \$200 and then there are four different Zionsville organizations that either approve or deny your encroachment request. Of the four, three said that it was not a problem and the only one that denied the request was the Town Stormwater. The reason for this is that there is a pipe that goes, I don't know if you guys have the picture, but it goes a little bit in back of our home. It actually goes, you know, if you see, if like the pool's going to be here and our fence is like this currently, the pipe kind of goes away from where the pool is so it's actually more than a 25-foot easement away from that stormwater line. Anyways, I'm not sure how much all of that at the end of the day matters. We understand that there are rules for development in our Town and we respect all of those but as part of the process coming before you, we do respectfully request that our application is granted and we're able to put that 3-1/2 or so feet of cement in the backyard and move forward with our project. Are there any specific questions?

Garrett Katie, what were the three entities that said yes?

K. Miller It was Wastewater, the Surveyor's office and sewer utility, Trico Regional Sewer Utility.

Garrett Thanks.

K. Miller You're welcome.

Plunkett Katie, can, ah, looking, looking at the drawing, can you eliminate this problem by just moving the pool over? It looks like it's coming right off the back of the house. Can you just move the pool over a little bit more to avoid that?

K. Miller So, in order to avoid any portion in the easement, it would have to go right into the middle of the yard and that, not only does that take away a lot of our playing area—honestly, we probably just wouldn't do it at the end of the day, because we wouldn't be able to do the things our kids like to do in the backyard but it also starts getting a little close where the pool company told us that we've got this really big black walnut tree on that side, on the other side of the yard and if it's in the middle to the side of the yard, it will disrupt that root system and we're very likely to lose that tree.

Plunkett Thank you.

K. Miller You're welcome.

Melton So, the black walnut is the reason you can't move it to the opposite side of the—

K. Miller That's right. That's right.

Melton Okay.

K. Miller That would be ideal.

Melton Have we heard from Lance or is there someone else that we should hear from at the Town?

Lantz Good morning. You've likely all heard this before but our ordinance prohibits the placement of trees, landscaping, fences or any materials in a stormwater drainage easement. Therefore, when our departments or divisions review these, if the easement serves a purpose and contains infrastructure, we do not support any encroachments. The reason that we have the encroachment process is because at certain times on certain plats, you are required to ring the plat or perhaps a pond with a general drainage and utility easement that effectively serves no purpose but is a requisite of the platting process. In these, we are quite lenient. We review applications for encroachments. However, when there is a dedicated infrastructure within a dedicated easement for the express purpose of stormwater management, we don't support but, of course, the call is ultimately yours but it is our job to protect not just today's conditions but future conditions, future people like me, future people like you because if it can happen it will so we like to keep these easements—we like to follow the ordinance and keep these easements clear of encroachments. So, I'm happy to answer any specific questions that you may have on this to the extent that I'm familiar with it.

Melton If we were to approve this and we needed the Town of Zionsville or the Wastewater Department needed to come in and make a repair or utilize that easement for some purpose, would we have to tear out part of the pool to access that? Is that a, is that a risk here?

Lantz It's absolutely a risk. This particular pipe is a 36-inch storm sewer which is pretty big to find in a rear yard which is why it's a wider easement that you would typically find and it's also about 8 or 9 feet deep and OSHA requirements specify that a trench slope must be 1-1/2 times the depth of your pipes. So, if you have—to keep the math simple—if you have a 10-foot deep pipe, you're going to need

15 feet on either side to keep a safe working environment. So, not only do you need then that 30-foot footprint but you also need a place to put your spoils, the dirt you're digging out of the trench and also operate equipment. So, it is not without thought that these easement widths are established. So, it's—is it likely that I will have to deal with this or you or the current property owner? No, but what we see are these 20- and 30-year-old encroachments that have been aggrandized through the years and some unassuming property owner in the future is hit with this stark reality that some repairs need to be made and their infrastructure is in jeopardy so we're really looking out for the future operations of the Town. I know it sounds harsh but I'm going to hold this line consistently when it comes to easement encroachments. This opinion, I should say.

Melton Thank you.

Garrett So, if an easement is, if an easement were granted, the pool is built, the first day the pool's open, that 36-inch pipe breaks, we have to go in and dig up part of the pool, is the homeowner then responsible for the damage that is done as a result of that?

Lantz Yes, if you'll read the language and I know it's exciting stuff to read but this is not a permission being given; this is an acknowledgement. This doesn't change the rules; it doesn't change the fact that they have, any property has placed something within an easement outside of the restrictions of the ordinance. So, it doesn't say you can have it. It says, "Hey, we know the rule as does the Town. Now, you know the rules and your infrastructure is in jeopardy." Like I said, these usually manifest a couple property owners down the road when infrastructure is aged, trees have grown big and large, we've got to come in with this destructive swath to get to a point repair.

Melton Lance, how common is it in your experience have these been granted over the years? Is it—this is the first one that's come before me anyway.

Lantz Rarely. Like I said, our policy is because we don't get into a subjective review of these. Once we determine that that easement, that drainage easement exists for a purpose and contains infrastructure, it's a 'no.' We don't look at, "Well, three feet's okay here. Four feet's not okay there." We all know that homeowners are very good detectives and will find out what other people were allowed to do and I really don't want any subjectivity and so if it has an expressed purpose, we just don't support it.

Melton Thank you, appreciate it.

Choi Didn't we come across this not too long ago and we decided to not grant the easement because we wanted to make sure that we stayed consistent with our policies? This was a couple years ago.

Harris Yes, you did recently have one.

Burk The one with the alley, the alleyway, that one?

- Harris No, no. We had a couple constituent bring an easement request regarding a fence that was located in the backyard. I don't think you were with us at that meeting. I was just thinking back. And, again, I know that Mr. Lantz, you know, stated the position of the Town and ultimately that request was denied so we have had one come recently before the Council at the middle of last year.
- Plunkett Thanks, Lance. Any other questions or comments from Council? Having none, I would entertain a motion.
- Garrett I'll make a motion to deny the appeal.
- Plunkett Motion to deny by Councilor Garrett. Is there a second?
- Traylor Second.
- Plunkett Second by Councilor Traylor. All those in favor of the denial of the easement encroach appeal, signify by saying aye?
- All Aye.
- Plunkett All those opposed?
[No response.]
- Plunkett The easement encroachment appear is denied 7 to 0. Thank you very much.
- K. Miller Thank you for your consideration. Do you mind if I make one other request not related to this? Or, kind of related to this. I guess, our request is if this the Town policy and if these are always going to be denied, maybe a reconsideration of the application policy. Totally understand everyone's position and it's not hard feelings whatsoever but I would have preferred to have known that that was, that there was really no chance and not paid that application fee. So, if maybe at a future point, you guys could look at that policy I think that would help a lot of homeowners as well.
- Harris I was just going to add into that, so our last constituent had a very similar comment about the process and was very frustrated so the last constituent that came forward had gone to the utility as well which takes some considerable time to be able to get an answer from them and to submit all the information put together, you know, that that packet. So, I do know that there was also frustration not only about the fee but the fact that they had to take, you know, a couple of months of paperwork and following up with people to get answers only to have that decision made. So, I'm not sure, the right answer might be something we want to work with Mr. Lantz on but, that is something that we've heard in the past from another constituent.
- Garrett I don't know that you say it's—I think it's a valid point. I don't think you should say it's the policy because you'll have turnover in councilors. They may change but what may be helpful is if we could include the last five decisions and let people make their own conclusion, you know, the last five appeals have all been denied.

K. Miller Yes, or like when my husband, I think, was talking to Lance, he said if there's ever a pipe, they'll always deny. If we would have known that, just with like a simple phone call at the beginning, we probably wouldn't have gone through the process or wasted your all's time either. So. Just something to consider.

Garrett No, that's a good point. And I hate to say the word always deny because like I said you may get seven new councilors on here and they may say, "Great. Easements be damned. We're going to appeal, we're going to approve whatever we can." But, I think it's a valid point to at least give that context of every one that's come before the current Council has been denied just as an FYI. I think that's a valid point.

K. Miller Yes, thank you.

Plunkett Thank you.

D. Consideration of an Ordinance Establishing the People of Zionsville for the Aesthetics of Zionsville (PZAZ) Ordinance 2022-01(First Reading)

Plunkett Up next on the agenda is a consideration of an ordinance establishing The People of Zionsville for the Aesthetics of Zionsville. This is Ordinance 2022-01. This is a first reading and, Heather, I believe, you're presenting this?

Harris Yes, thank you President Plunkett. We currently do not have an ordinance on the book codifying our PZAZ Committee for the Town. It actually was a committee that was formed several years back in 1995. We've always had five members that have been appointed by the Town Council. You may recall that we had a presentation by Greta Sanderson, I believe, a couple of months back indicating their desire as a committee to expand to the number of seven. We've always had five voting members and one non-voting member who is a student. This ordinance simply takes that number to seven at the request of the PZAZ Committee. Again, it would be all members appointed by the Town Council which has been historically the way that's been done. We are making a concerted effort where we find those instances where committees and/or language has not been codified into ordinance that we actually formalize that so that we have more transparency for the constituents of the Town and understand the workings of the committees and their scope. So, that is really what this is working to accomplish. It is a first reading and so we'll ask for your consideration of that expansion to the number of seven.

Plunkett Thanks, Heather. Thanks for all your work on this, too. Any discussion from Council?

Garrett It makes sense. I appreciate what the PZAZ group does and it's something they requested so I'm supportive.

Burk I move to introduce the ordinance.

Plunkett Sure. So we've got a motion to introduce on first reading by Councilor Burk, or Vice-President Burk.

Culp Second.

Plunkett Second by who is that? Joe? Councilor Culp. All those in favor say aye?

All Aye.

Plunkett All those opposed, same sign?
[No response.]

Plunkett The motion to introduce on first reading carries 7 in favor, 0 opposed.

E. Consideration of a Resolution Amending the Zionsville Master Development Plan (Park Impact Fees) Resolution 2022-01

Plunkett Up next is a consideration for a resolution amending Zionsville Master Development Plan, park impact fees. This is resolution 2022-01, I believe we had Jarod to present on this.

Lacy I don't see him here. It looks like he is—

Plunkett We've got him for the next two.

Logsdon Good morning, Councilors.

Lacy He's online.

Garrett Are we doing online presentations?

Plunkett I don't believe that's allowed.

Harris Well, we've asked for everybody to be in person to present as well as for constituents if they have comments.

Plunkett Is he online in the building? Can he come down? Do we know?

Logsdon Good morning.

Plunkett Hi, Jarod. Are you in the building?

Logsdon I'm not in the building today. But, I do have Matt Eckerle in the audience of Baker Tilly to assist with any technical questions.

Plunkett So, we'd like to have you here, Jarod, to present on agenda items as part of Council procedures.

Logsdon In consideration of exposure over the weekend, I was electing to work remote this morning just for everyone's safety in the department in town.

Traylor I make a motion to continue.

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Garrett Second.

Plunkett So, we have a motion to continue this by Councilor Traylor, a second by Councilor Garrett. All in favor of continuing this to the next meeting, signify by saying aye?

All Aye.

Plunkett All those opposed?
[No response.]

Plunkett So, we have motion carries to continue that item to the next meeting.

Garrett Hope you're all right, Jarod.

Logsdon Thank you very much.

F. Consideration of an Ordinance to Establish an Equitable Impact Fee for the Purpose of Planning and Financing Park and Recreational Infrastructure to Serve New Developments in the Town of Zionsville, Indiana Ordinance 2022-02 (First Reading)

Plunkett Looks like again we've got Jarod on the next one. Consideration of an ordinance establishing equitable impact fee for the purpose of planning and financing park and recreational infrastructure to serve new developments for the Town of Zionsville Ordinance 2022-02. Again, Jarod to present for this one.

Traylor I make a motion to continue.

Plunkett Motion to continue by Councilor Traylor.

Garrett Second.

Plunkett Second by Councilor Garrett. All those in favor signify by saying aye?

All Aye.

Plunkett All those opposed, same sign?
[No response.]

Plunkett So, that motion carries to continue Ordinance 2022-02 to the next Council meeting. '

G. Approval of the Amended 2022 Schedule of Meetings

Plunkett Up next on the agenda is approval of the amended 2022 schedule of meetings. Amy, you want to walk through that?

- Lacy Yes, the only difference is the February, the second February meeting was incorrectly listed as February 14. It should be February 22. So, that has been changed and that's the only change to the schedule.
- Garrett That is the week of the President's Day holiday that schools now give off just so we're aware. I'll be gone. I just want to make sure we have a quorum here.
- Choi Oh, Yes. I'll be gone.
- Plunkett I think everyone will be gone. So, do we just want to remove it? Or do we just want to cancel the meeting when we come to it?
- Garrett I don't know. I only introduce problems, not solution.
- Harris You know, it would be my recommendation if you know we're not going to have quorum to go ahead and just cancel that meeting now or remove it from the schedule altogether. That way, we make sure that members of the public that are planning to be here don't try to skip a break or something.
- Garrett Do we need to approve this amended schedule then if this meeting is going to be canceled?
- Harris So we still have an incorrect date so what I would recommend is, Amy, I guess, we would bring back a new schedule at the next meeting, a new amended schedule and we would just take no action on this and we'll bring back a clean document.
- Garrett Could we just approve this and then cancel that meeting so we wouldn't have to do this again?
- Harris I think it would be less confusing for the public if we just brought an amended schedule back.
- Plunkett I'm fine with that. So, just take no action on, do we need a motion or anything to take no action?
- Harris No, I don't think we need a motion.
- Garrett Because that would be action.
- Plunkett That's very true.
- Plunkett Up next, Item H, annual certifications of compliance with conflict of interest and nepotism policy. Amy, I know this is something we go through every year. You want to walk through that?

H. Annual Certifications of Compliance with Conflict of Interest and Nepotism Policy

Lacy Yes, it's just to comply with state regulations as well as the Town of Zionsville ordinance regarding conflict of interest and nepotism and that's—it was in your packet—it's Ordinance 2012-10. All Council members must complete the compliance with the Town's nepotism policy involving direct line supervision and the compliance with the contracting with the Town by relative policy. I've passed those out to all of you. They need to be completed and submitted back to me prior to the end of the year, the sooner the better. The uniform conflict of interest disclosure statement. That only needs to be completed if there is a conflict of interest involving financial interest connected with any contracts or purchases of the Town of Zionsville. And, those forms would need to be submitted immediately whenever you would find you have a conflict. That's pretty much it.

Plunkett Perfect. Councilors, are there any questions on that?

Burk Just to clarify, so, the—you've provided us a conflict of interest disclosure statement. We don't need to fill that out unless one may exist?

Lacy Correct.

Plunkett The other two you need though, correct? Yes. Are we good?

Harris I was just asking if we wanted to have everybody just put no conflict, then Amy would know that everybody's acknowledged the form but Amy said that's not necessary.

Plunkett Okay.

7. OTHER MATTERS

Plunkett Next on the agenda is other matters. I know there may be some other Councilors that have some things here. I just, real quick before we move on to that. I just want to take a minute to thank Josh for all of his hard work on the Council. I certainly appreciate his leadership and desire to serve all of Zionsville, not just his district. Josh has been president for most of my time on the Council and I just want to say, thank you for all you've done for me, the Council and the community.

Garrett I appreciate that. I actually have another matter, too.

Plunkett Oh, okay.

Garrett So the CFO is gone, our CFO Tammy Havard is gone. I appreciate Cindy and the work the team is doing right now. And, I was happy to hear that Crowe was reengaged. They got disengaged and have been reengaged. I'm hoping we can use Crowe as an opportunity to kind of delve into Town finances. I'm still not very comfortable where we are financially. It's no indictment on the current

finance team but I think they've been left a mess and I'm just getting worried about being out of compliance with State Board of Accounts, I'm worried about how some of our spending is done. I just, I just—it gives me a great sense of unease. So, I'm hoping with the reintroduction of Crowe that can come in and do perhaps an audit of some of the damage that has been done, how do we fix it, how do we approve processes, that is something that I think that if there is funding needed to that, I am happy to support but I'm still uneasy every time I see claims come up. I'm still uneasy every time I see budgets don't come up because I just don't know where we're at right now. So, I think that's number 1. Number 2 is I am starting to be anxious to solve this first responder, COVID, I know it's not a bonus but like the CARES Act money and how do we get money for our first responders. I know the administration is working on it, but they've been working on it for a long time and I'm starting to get a little impatient so I'm hoping that we hear something. Maybe at the mayoral update or a calendared thing to understand what's the philosophy, what's the cost, how do we support it? I just, I want to get that money into those people's hands that deserve it that are going through another wave as we speak right now. I mean, Jarod was a victim of that today. And, he's not out there dealing with the public the way that our first responders are. So, I appreciate the thanks but those are my two things that I just wanted to get on the record.

Plunkett Sure. Heather, with that statement and just understanding the stipend and everything that we've talked about—I know you've done a significant amount of work and Amy's had some work done as well on this particular project. Is this something we can present and have just a recommendation and say this is what, this is our understanding of what we can do, this is what we would like to do and then, at that point—

Harris Yes.

Plunkett At that point, we've got action and we can move forward with it, right?

Harris Yes, I believe the answer is yes. I would want to double check that but we do know that a number of communities and councils around the state have already implemented this. There are some specific rules and calculations that do need to go into what is actually paid to the first responders but as a policy you could certainly pass something saying that you support it. I know that Jo and I have had a chance to talk. I see her here. The State Board of Accounts has put together a formula that you basically have to index how people were paid to come up with the stipend amount. It cannot be more than 25,000 dollars to any individual, you know, that's sort of the ceiling. We saw, I think, Carmel, this last week making an announcement that they were going in that direction but our firm's worked with numerous committees, or communities around the state to implement that kind of a program.

Garrett So, I think and Council President, I think we should ask that this be calendared for the next meeting because if the second February meeting is going to be canceled because of a lack of quorum, that means, in theory, if we don't hear it at the next meeting, it won't be until March until we even start discussing it. I personally don't want to wait that long.

- Plunkett Yes, can we have that ready on our end, Heather, by the next meeting?
- Harris Yes.
- Garrett And, would welcome the administration to join in that conversation certainly.
- Plunkett Sure, absolutely. Are there any other matters by Council?
- Traylor I have one question and I'm not sure if anybody knows the answer to it but if there's anybody from the administration that does, I'd welcome a response. Ah, where we stand on the sewer capacity study? Is that done? It looks like Lance is coming up.
- Lantz Yes, excuse me. American Structurepoint concluded that study and gave us their final draft version just this month and we are in the process—this is cumulatively about a thousand pages, so we are reviewing that and look forward to being in front of you soon with a report on their findings and a very high level summary.
- Traylor All right. Thank you.
- Plunkett Very good. Any other, any other items?
- Choi So, I just want to echo President Plunkett's comments expressing my gratitude for the years of service of, of immediate past president Garrett and I, I, this last couple years, my first term as Town Councilor, I've learned quite a bit from ah, from ah, Councilor Garrett and have appreciated his wisdom, his guidance and his availability for my numerous calls to him asking him, "What are we talking about? Why is this on the agenda? How are we are processing this?" So, for his mentorship through the past couple of years for all of us and his leadership over the past several years, and I think in the recent past, he has been Town Council President the longest in recent history. So, I wanted to express to him our gratitude by presenting to him this little plaque and it says, "Zionsville presents in appreciation to Josh Garrett, President."
- Garrett Thank you.
- Plunkett You're going to have that there at every meeting now, aren't you?
- Garrett I am. I am. I'm going to make that a staple of all meetings. Thanks, guys. I really appreciate that.
- Plunkett All right. any other matters for Councilors?

8. CLAIMS

- Plunkett Next on the agenda are claims. Cindy, I believe you're up for claims.
- Poore Anybody have any questions on claims before I get into my little—
- Plunkett Well, I think maybe if there's anything you want to go through just for, kind of lay the foundation and groundwork for claims that would probably be helpful.

Poore Okay. So, there are two sets of claims in front of you. One for finishing out 2021 and the other one for the start of 2022. I do want to point out, and I did talk to President Plunkett about this earlier but everything that you see is what's being presented, okay? What has happened is that there are a few 2021 claims on the '22 list. And, I am going to move those over so for auditing purposes, we have the total for 2021 and we have the total for 2022. That does not change anything as to what you're seeing. The overall total between the two is the same. It's just they pulled on the wrong list and so, my preference would be that we don't hold the claims since that will be, it will be a month since the last time we've made payments. You know, we'd be going into six weeks. I did tell President Plunkett that we will have the corrected list and totals for each year either by end of day today or middle of the day tomorrow and then I will get that information to Amy. It doesn't change any of the dollars or any of the claims that are being presented. It's just pulled on the wrong list.

Plunkett Thank you. Heather, is that, so is that, can we approve a claim that's on a different year?

Harris Yes, I actually looked at this last night and in kind of going through it, I knew that this issue had come up. I do think it's okay. What I would recommend, to not hold up the claims, go ahead and approve them if you feel comfortable and then sign the documents that you will be provided after, then I think what we'd like to do, Cindy, is just bring back a revised document and just, we don't have to take any action on it at the last meeting but just for bookkeeping purposes, we'll have the Council sign the claims form with the corrected claims. Does that make sense? So, we'll have all the '21s and all the 22s and I think that will—they'll be the same amounts, they'll be the same claims. There won't be any new ones mingled in, it will just be a clean-up and then we can have that for our records as well. For State Board of Accounts, I think that will cause us less issues down the road with the State Board of Accounts.

Lacy Okay. So, we won't have them sign anything today? They'll just approve?

Harris I would go ahead and have them sign it. We'll just hold it and they can put it in the record with the motion and just all the paperwork. And, that way, when State Board of Accounts says, "Wait, didn't you approve this at this meeting?" we'll have the signatures and we can maybe write a memo for the file, you know, just explaining.

Lacy Sure.

Harris Because they'll come back at some point and be confused. And, I think if we had all those documents together, it's going to create less confusion. They'll know that that the Council actually physically approved the claims at this meeting. So, we'll go ahead and distribute it and then we'll just keep it and hand the next one back just for signature at the next meeting.

Lacy Okay.

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Plunkett Should we—so if we, if we approve the claims, like as is and we’re going to see a revised claim at the next meeting, should we also sign that and just kind of have that available?

Harris Yes, that’s what I’m thinking. We’ll have both documents.

Plunkett Sorry, I didn’t understand that.

Harris Yes, so we would have what we have before us today which has some of the ’21 claims on the ’22 ledger and some of the ’22 claims on the ’21 ledger and we’ll go ahead and sign the claims forms just like normal. Then, we’ll take the minutes along with that document and then the revised document which we’ll have you sign at our next meeting for convenience. We won’t have to take any action on it in the public meeting. We’re doing that today. But that way, we’ll have it altogether for the State Board of Accounts and maybe Cindy and her team can just do a little internal administrative memo just for the file just so we have that altogether.

Plunkett Perfect.

Harris That work for you, Cindy?

Plunkett That makes sense. Ah, Councilors, any questions with claims?

Garrett So, a lot of these claims already have a check number. Does that mean that the checks have been printed but they just haven’t been sent ?

Poore Yes, there were a lot of the 2021 ones, they are sitting in our safe in the back. They were printed but they have not been mailed out.

Garrett So, and I’m just—this is just in theory, if there was a claim that was denied. Like Chase Bank is a ton of the claims just because it’s using the P-Card, right? If one of those claims was denied, like there’s a Facebook boost charge for a dollar thirty-nine. Let’s just say, we said, “Well, we don’t think we should pay that,” does that mean the check number would change because the dollar amount being submitted to Chase would change and therefore the whole claims would be off because the check numbers, like the check number is 474740 that’s going to Chase, but now the dollar amount going to Chase would be different, would that just then be a whole different check and the whole claims would kind of get blown up?

Poore The line item can be voided.

Garrett But, if the line item is voided, the total amount would be reduced. Would the check number not change or would the check number stay the same because they haven’t been printed yet? Or, would it be reprinted with the same check number?

Poore Well, with Chase, there isn’t a physical check that’s printed. It gets pulled every month.

Garrett Got it.

- Poore Because the availability for on the cards, the credit availability resets each month when that claim or when that payment is pulled. So, it's pulled automatically so that is what we would call a manual check to get it in the system but it's not a physical check.
- Garrett Got it. And, that if the dollar amount changes, the check number would not change, correct?
- Poore Right. We would have to, I mean, we'd have to go through a whole process with Chase and that payment but yes, the check would stay the same.
- Garrett You'd have to go through, what do you mean?
- Poore Well, if we're not going to pay something that was through a credit card, we'd have to—
- Garrett Oh, I see what you're saying, like challenging that transaction. Yes, Yes, Yes. That makes sense. That makes sense, thank you.
- Plunkett Any other questions on claims? I've got a couple, Cindy. Just the—for the 2022 claims, the first two claims that are being paid, Noonung & Whitsitt, legal fees, it says January '22 retainer and RDC easement/condemnation as an item description for both of them. Is this an RDC retainer or is this the Town retainer? Is this one bill, two bills? How do we know what's, what we're paying there?
- Poore I'll have to look that up. I actually tried to look that up earlier and I couldn't get it to pull on my computer—it was going pretty slow before the meeting but I will definitely look that up just to make sure that that isn't an RDC claim and I can get back with you on an answer for that.
- Plunkett Thank you. And, then there's—
- Garrett Can I have a quick follow-up question on that? So, this does not hold up that payment? If you did look it up and it turns out it should be somewhere else, can we do like a journal adjustment, then?
- Poore Uh-huh, yes.
- Garrett Ok, great.
- Plunkett Under the finance and records, there are, we had talked about this in the past, Financial Solutions Group. Consulting. I noticed the item description in the December meeting was financial consulting and now it's budget and sustainability for 2022. We had, so we've got an invoice on that for January 11. Yet, that was, we had filed an invoice for December 7. Obviously, that was pulled off the December claims. Was that re-invoiced? Is that, is that what happened on that?

Poore Yes. The check for that initially inadvertently went out, so a stop payment was placed on that and the vendor was contacted and they mailed the check back. So, this is a new invoice that's been presented.

Plunkett That was sent out. We, we looked at the claims. It was pulled off the claims in December, sent out to the vendor, we stopped payment because we pulled it off claims.

Poore Correct.

Plunkett They refiled in January and now we're paying it or now it's on the claims for January.

Poore Correct.

Plunkett I appreciate that it was stopped. My frustration lies in the reality that this has been a concern of the Council for the better part of two years, that we're unfamiliar with the claims process and things that are happening without approval, things are paid even, you know, we are kind of binded [sic] to pay them and things have been paid—I just, I'm fearful, to Councilor Garrett's point, what else has been pulled from claims or what else is on claims that gets paid before we see it? Obviously, I want to—I don't know how we go about that but that's, finding that information out but that certainly is troubling to me and I appreciate, you know, your team is working on it and I'm sensitive to the fact that it sounds like maybe that wasn't one of the issues or wasn't your issue from the beginning. But, I still have a hard time with this claim. Understanding that we've made multiple comments to the administration and everyone else about needing seven fire fighters and additional police department or police officers for the Town and our understanding is that that's going to be addressed in the sustainability plan and all these other plans that we're working on and this clearly now at least is designed to pay for that sustainability plan so, from my perspective, if there are no other questions from Council, I would make a motion until we, until we get our sustainability plan, I would make a motion to approve claims with the exception of claim 101-43101-130 for Financial Solutions Groups, Incorporated.

Garrett Second.

Plunkett Second by Councilor Garrett. All those in favor, signify by saying aye?

All Aye.

Plunkett All those opposed, same sign?
[No response.]

Plunkett Motion carries, 7 in favor, 0 opposed.

Poore Thank you.

Plunkett Should we have done two claims there?

Garrett Yes, I think there's two claims here.

- Harris Yes.
- Plunkett Okay, so that was the January 18, 2022 claim. I've jumped ahead there.
- Harris Okay, so we'll do that for, was everyone clear? They're voting on the '22 claims? Okay. So, maybe go back and do a motion for the '21 claims.
- Plunkett Yes, I would actually make a motion to approve the 2021 year-end claims.
- Burk Second.
- Plunkett Second by Vice-President Burk. All those in favor, say aye?
- All Aye.
- Plunkett All those opposed, same sign?
[No response.]
- Plunkett Motion carries, 7 in favor, 0 opposed.

9. ADJOURN

- Plunkett I will at this point take a motion to adjourn.
- Garrett So moved.
- Culp Second.
- Plunkett The first by Councilor Garrett and approve by or seconded by Councilor Culp. All those in favor, say aye?
- All Aye.
- Plunkett All those opposed, same sign?
[No response.]
- Plunkett Motion passes, 7 in favor, 0 opposed. The next regular Town Council meeting is scheduled for Monday, February 7, 2022 at 7 p.m. in the Zionsville Town Hall Council chambers. Final notice will be posted in compliance with Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville