



**ZIONSVILLE**  
FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL  
MEETING MINUTES  
FOR  
MONDAY, FEBRUARY 7, 2022  
AT 7:00 P.M. EST  
ONSITE MEETING  
1100 West Oak Street**

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

Council Members Present: Jason Plunkett, President; Brad Burk, Vice-President; Alex Choi, Joe Culp, Josh Garrett, and Bryan Traylor

Absent: Craig Melton

Also Present: Heather Harris, Town Council Attorney; Veronica Schilb, Barnes and Thornburg; Chief VanGorder, Jarod Logsdon, Superintendent of Parks and Recreation; Wayne DeLong, Director of Community and Economic Development; Jo Kiel, Director of Human Resources; 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**

Plunkett            Call to order the Monday, February 7 Town Council meeting. Please join me for the Pledge of Allegiance.

All                    Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE FEBRUARY 7, 2021  
REGULAR MEETING (copy posted)**

Plunkett            All right. First on the agenda is the approval of the memorandum of the February 7, 2022 regular Town Council meeting. A copy of that has been posted. Are there questions or comments from Councilors?

Garrett             I make a motion to approve.

Culp Second.

Plunkett First by Councilor Garrett, second by Councilor Culp. All those in favor?

All Aye.

Plunkett All opposed?  
[No response.]

Plunkett Motion passes 6-0.

**REQUEST TO SPEAK ON AGENDA ITEM**

Plunkett Up next is a request to speak on agenda item. Amy, other than the tentative, are we--?

Lacy That was the only one. We have no others.

**MAYOR/ADMINISTRATION UPDATE**

Plunkett Okay, very good. We'll move on to the Mayor/administration update. Amy, is there a Mayor or administration update?

Lacy No, there is not.

Traylor Ah, Mr. President?

Plunkett Yes?

Traylor I've got two things. I know the Mayor is not here but two things I just want to put on the record as having asked and I'll get a response hopefully at some point but one is I would like to know if we have engaged Crowe to do a full audit of our financials since they've been reengaged with the Town. I think it's important that that gets done. The other is there was some ambiguity in the Mayor's statement today about the appeal ruling. I would just simply like to ask her straight up if she intends to be done suing the Town Council.

Garrett Can I add to the question list? I would love to know now that we don't have a CFO, when that's going to be done? I would also like to know how OpenGov is going? And, basically, I'd like to know when we're going to get some financials. That would be great. I think the other thing I'd like to hear from is this Council in May of 2021 approved 145,000 dollars for Winterfest which was supposed to be self-sustaining. It was sort of the seed funding and I would love to hear a report on how that went. I got a lot of positive feedback on the event but I'd like to know financially, you know. Is it self-sustaining? What's going to happen next year, things like that, so we'll add that to the list of things we'd like to get answered.

Plunkett Very good. Anything else from anybody?

**OLD BUSINESS**

**A. Consideration of an Ordinance Establishing the People of Zionsville for the Aesthetics of Zionsville (PZAZ) Ordinance 2022-01 (Final Reading)**

Plunkett Up next is a consideration for the ordinance establishing the People for Zionsville for the Aesthetics of Zionsville, also known as PZAZ. This is Ordinance #2022-01. This is a final reading. Heather, I believe, you'll be presenting on this?

Harris Yes. Thank you, Mr. President. As you indicated, this is the second reading of this ordinance establishing the People for Zionsville for the Aesthetics of Zionsville, PZAZ committee. This has been a committee that's been in effect, just to remind you, since December 4, 1995. Their leadership came to us a few months back and asked to expand the number of members from five current members appointed by the Town Council to a total of seven members and that is the action you have before you tonight.

Plunkett Thank you. Heather, just to be clear, you mentioned in there that their leadership, the folks on PZAZ requested this?

Harris Correct.

Plunkett This is not something that's been initiated from the Town Council.

Harris Correct, yes. It was during a presentation, I believe they made in October or November, just talking about the work of PZAZ and then asking for additional leadership. They had two members they had identified that they felt would bring some additional expertise to PZAZ and wanted to see that codified into statute. When we started researching just to add the additional two members, we learned that this ordinance or this committee had never really been established formally by ordinance so that is the point of making sure we now have that as an official body of the Town of Zionsville and then we're including the two additional members that were requested.

Plunkett Great, thank you. Any other questions from Council or any discussion?

Burk Move to adopt.

Plunkett I got a first by Councilor Burk.

Garrett Second.

Plunkett Second by Councilor Garrett. I'm sorry, Vice-President Burk, second by Councilor Garrett. All those in favor signify by saying aye?

All Aye.

Plunkett All opposed?  
[No response.]

Plunkett Motion passes, 6 in favor, 0 opposed.

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

Plunkett Up next is a consideration of a resolution amending the Zionsville Master Development Park Plan, impact fees. This is Resolution #2022-01. Jarod, I believe, you're presenting for this? Great, thank you.

Logsdon All right. In 2020, the Parks Department in collaboration with the Parks Board sought out establishing a new updated park impact fee to reflect the changes in the census data and our growth and better accommodate that. So, a park impact fee is just another tool that a park system can use to keep up with growth and establish green infrastructure and park amenities. It is not a fee to our current residents but it is a component of the building permit application process. It is established with that. So, truly, this is development funding development. So in 2012, the original impact fee was established at 1221 dollars per single-family unit and 733 dollars per multifamily apartment unit. In 2020, a committee was formed with Park Board members, planning members and residents to review the calculation process for this updated 2021 calculation. Again, that calculation is based on population, estimated housing for a forecast of up to 2030, the year 2030. It also establishes a level of service and a target service ratio per resident. So, what that means is for every thousand residents in Zionsville, we would like to see 16 acres and for every 5000 residents that's one sports field. So, then we utilize that level of service and extrapolate kind of what the need for park amenities is going to be as the population continues to grow. So, by 2030, we will generate a need for park amenities just under 7.5 million dollars. So, quite the growth in our segment. Um, and after some credits, this fee is reduced to around 3.8 million dollars and that is divided between the estimated new housing units entering our community in those 10 years.

So, the new 2021 calculation before you tonight within the resolution is for a single family to be at 2,045 dollars and for multifamily apartments to be at 941 dollars. So, again in 2012, that was established at 1221 dollars for single family and 733 dollars for multifamily. So, over that 10-year period, for a single family, it's about an 824-dollar difference and for multifamily units, that's 208. Um, so, once the calculation was completed and the study finalized by Baker Tilley municipal advisors, we proceeded to the Parks Board in September and presented the information and then presented before the Plan Commission of the December 20, 2021 meeting and received a favorable recommendation 7 in favor, 0 opposed to be before you tonight. So, the resolution is to establish the new 2021 calculation for single family at 2045 dollars and multifamily apartments for 941 dollars. Happy to answer any questions.

Garrett Jarod, is that multifamily apartment fee per door? 100-unit apartment would pay 100 fees basically?

Logsdon Yes.

Garrett Yep.

Logsdon So, in that data, you know, a single family is going to have a larger impact on park amenities because there's usually more people living within a house than an apartment complex. So, all of that information is calculated within this new adjusted calculation fee as well. Just a little more context, there's not really a park system around us that doesn't utilize park impact fees. Brownsburg, Whitestown, Westfield, Noblesville, Fishers, Carmel. And, our fee heads toward the top of that. It would be just above Fishers but less than half of Carmel's impact fee so still utilizing a responsible calculation for our level of service.

Burk How are these fees assessed or acquired?

Logsdon So, in the building permit application process, the developer would pay per unit those established fees and then those are retained in a separate fund and can only be utilized for those level of service/target service ratios that are identified in the current park impact fee resolution. So, these funds can only be used to meet us up with our inventory that we would want; it can't go beyond. So, for instance, we can't utilize these funds to build more paved trail because Zionsville has a lot of paved trails—we're doing really well in that department—but the new inventory target for residents would be 16.5 acres per one thousand residents so as we continue to grow, we need to meet that deficit and these funds help with land acquisition in that instance.

Burk Thank you.

Garrett Are these fees ever calculated—are they always a fixed fee per dwelling versus a percentage of the home cost? So, a 500,000-dollar home is paying the same fee as a 3 million-dollar home?

Logsdon Yes, so it is per occupancy average. So it is a standard rate, 1.5% inflation is factored into that over the 10-year period but that is why these plans are to be updated every five years, so in five years, we'll be before you again with a new calculation actually.

Plunkett Can they be altered in between now and then if for whatever reason we felt like we needed to increase them or lower them, could we--?

Logsdon If we see, you know, exponential growth or we think that that is no longer a relevant calculation, we can, at any time within that five-year period, readdress the situation and perform a new calculation.

Burk To answer Josh's question, the reason it's a flat fee as opposed to assess by the value of the home is because it's just a matter of heads in the house, right? So, it doesn't really matter if someone's got a family of four or five, that's people using the parks, so it doesn't—

Logsdon Yep, so a family of four, regardless of their home, still utilizes the same amount of trashcans or playgrounds or sports fields.

Burk Right.

Plunkett Any other questions from Council? Otherwise, I would entertain a motion.

Garrett Move to approve.

Choi Second.

Plunkett First by Councilor Garrett, second by Councilor Choi. All those in favor, say aye?

All Aye.

Plunkett All those opposed?  
[No response.]

Plunkett Motion passes, ordinance passes. Motion passes I should say, 6 in favor, 0 opposed.

**C. 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 Up next is a consideration of an ordinance to establish equitable impact fee for the purpose of planning and financing park and recreational infrastructure to serve new developments in the Town of Zionsville. Ordinance #2022-02. This is a first reading. And, Jarod, I believe you're up for this one as well.

Logsdon So, the name information and we kind of already poked at that this is an equitable charge, not even a charge, an equitable fee that goes along with new development across Zionsville so regardless of size of home, it will be flat rate for our new residents coming in to contribute to the infrastructure that's in place. So, this truly allows us to better keep up with development and growth as Zionsville continues to expand.

Plunkett Very good. Any questions here? Otherwise, I'd entertain a motion.

Traylor I make a motion to introduce on the first reading.

Burk Second.

Plunkett First by Councilor Traylor, second by Vice-President Burk. All in favor?

All Aye.

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

Plunkett Motion passes, 6 in favor, 0 opposed. Thanks, Jarod.

**NEW BUSINESS**

**A. Consideration of an Ordinance to Amend the Town of Zionsville Zoning Ordinance **Ordinance 2022-03****

- Plunkett First item up on new business is consideration of an ordinance to amend the Town of Zionsville Zoning Ordinance, Ordinance #2022-03. Wayne DeLong, I believe you're going to present on this?
- DeLong Thank you. Good evening. What is brought to you this evening is a recommendation from your Plan Commission related to property on 700 East. This is brought to you with a favorable recommendation 5-1 for rezoning of 2.25 acres from the RSF-1 classification to the RSF-2, I'm sorry, R1 classification to R2 classification, this is rural, to provide for residential development.
- Garrett Why?
- DeLong The classification provides, the current classification provides for a density of half an acre if on sewer. This new density would allow for a zoning classification that would support 1.75 units an acre, ultimately supporting future residential development of the parcel.
- Garrett Who wants this done?
- DeLong This is a filing by administration, so the Town of Zionsville. Certainly supporting as you recall, the presentation to the Town Council a few months back related to Habitat for Humanity.
- Garrett This is the Habitat stuff?
- DeLong I'm sorry?
- Garrett This is the Habitat for Humanity, is that right?
- DeLong Right. As presented to this body a few months back, there is an organization that is proposing a project and certainly this rezoning is a direct result of that conversation, correct. Certainly, any transaction is a future conversation and is unrelated to the zoning petition that was filed with the Plan Commission.
- Traylor It's not unrelated if that's the plan.
- Garrett Correct.
- DeLong Well, that decision is from ultimately the Town Council for that donation or any sort of transaction that would be tied to that.
- Traylor So, it would come back to us for donation, right?
- DeLong Correct. The only action tonight is, is the legislative action of changing the zoning from one classification to another within compliance with the

Comprehensive Plan which is only one of several metrics, measuring points related to that conversation. Certainly, zoning in Indiana is at the pleasure of the legislative body.

Garrett Hard sometimes to isolate these decisions because they, they sort of domino effect down, right? So, we had the presentation from Habitat. I think it's an excellent organization. The end goal is to donate the land. I got a bunch of letters in support of Habitat this week but the decision really has nothing to do with Habitat. I think my problem with these things that come in front of us right now is I feel we would making a decision that would impact a decision that is being made in a vacuum because we don't have all the information and the information we don't have is that financial information. I know we keep harping at it, Wayne, this is nothing for you, but, you know, that land has value. I don't have any idea what the Town's finances are right now. Eventually, we would have to donate, donate that land that has value that we may need to sell to support finances but again, we don't know. So, it's so hard to make these decisions in a vacuum. We don't have the systems giving us the reports. We don't have a CFO to give us the financials. I, I get more and more frustrated as I feel that lack of financials is holding this town back. I would like to donate this land if I had a good sense that we could afford to do it. But, until I have good sense that we can afford to do anything, it's hard to make any decision. And, that's just where I'm at right now. It's nothing against Habitat. It's nothing against this rezone but it's everything against not having the information that I feel I need to do my job to represent the people that I represent. So, I'm not voting, I'm going to vote no for this. It has nothing to do with Habitat, it has nothing to do with the ask. It has everything to do with I don't have the information I need to do my job. And, that is frustrating.

Plunkett Yes, I mean, I share in your frustration, not just from that perspective but even understanding this is a petition that comes from the administration requesting that data a month and a half ago or a month ago, I should say, requesting financial data. You know, we, we mention, we heard by the Plan Commission meeting, the Fire Department still uses this for training. They used it over 700 hours last year. They used it for 1000 hours or more over the last few years and I, I had sent a request just asking to kind of pump the brakes on this until we get financial information, until we find a training facility for the Fire Department. I mean, I'm with Josh. I get, I get frustrated because it sounds like we're beating a dead horse here. I mean, we've been asking about financial information for the better part of two years. It seems like the only way we get any information is if we continue to do it and something comes up and it doesn't move forward because we don't have financial information. Then, suddenly, it'll show up. So.

Choi Do we have alternate training facilities for the Fire Department earmarked, planned, thought about, any kind of alternative site contemplated at all? So, if this gets donated, what's the timeline for any process to relocate this?

Plunkett I would say if Wayne had that information, he would share that information with us. I mean, I don't know that. I mean, I feel like this was—we got the presentation at the December Council meeting and the request was is it okay if we move forward with communication and the Council was like, sure, it's okay to move forward with communication. The next thing you know is a rezone



request comes through which is somewhat expected, I guess, at this point but it's frustrating because we went from continue to talk about to let's execute the plan.

Garrett Well, then, again, that's why it's hard to make a decision as an individual decision because there are all these other pieces that get impacted and if you don't have the information for that, it's hard to make that one decision.

Burk Wayne, is there other land owned by Zionsville that could be used currently for the Fire Department?

DeLong So, backing up a step, this is a single-family dwelling that the Town purchased in 2016 on 2.25 acres. This ground has been utilized by the Fire Department for their training purposes much like they utilize the Old Town Hall and other structures as they become available. I'm not in a position to answer as to what the plan is to facilitate the Fire Department's future use of town assets for training purposes more than what you see today. Certainly, the Fire Department is here in the room if you wish to speak to them about what their needs are.

Traylor So, if we do approve the zoning change and subsequently do not approve the donation to Habitat with the new zoning, nothing would change for the Fire Department essentially, right? They could use it the same way they're using it today?

DeLong Again, the property is approved for single-family dwelling. The new information to this Board or to this body would be that the R1 classification or the R2 classification would support governmental use of property. So, certainly, the future use of that property or today's use of property by the government is certainly supported. Certainly, any building code, public improvements, other things that would be necessary to facilitate the ongoing use or even current use is beyond this conversation.

Garrett So, when we bought that land three years ago, four years ago? You know, when that was brought before this Council, I had full financial information on the Town, I had a full picture of what land would cost, I had a full plan of what the use of that land was going to be would which was to basically connect the pathway so that Z West could have people walking to it. So, I sort of had, here's where we are, here's where we're going to end up, here's kind of the whole strategic idea. There were some nice side benefits, like the training that came on. You know, my votes, until they full financial information, are going to be leaning towards saying no to things, not because I don't believe in them but just because I don't have the information. And, so, if that's a wakeup call to start getting us the information, great. I would love to start doing these things if I had this information but, you know, we can't necessarily make a decision in a vacuum because it has implications potentially down the road.

Choi So, I just want to be clear. We're rezoning so we're not approving the donation at this point?

Plunkett No, right, correct.

- Traylor So, my—another issue I have here, I hate for Habitat that they're kind of being caught in the middle of something that has nothing to do with them, unfortunately. But the fact that the person, you know, this was the Mayor's idea and she's not here to state her case. That's not helping. I don't know. It's just—I support Habitat. I want to do this. I, you know, I'll end up probably voting yes for the rezone but it'll be hard to do the donation, and I'm looking at you, Wayne, just because you're standing there, but it will be hard to do the donation without some commitment from the administration for the financials and specifically for the Crowe audit that the Town Council has requested. It's hard to make any decision when we don't know where we stand on a month-to-month basis.
- Culp I'm actually with Councilor Traylor on that. If the Fire Department can still use it until—even if we rezone it, until something else happens, I don't have any problem with the zone changing but if the property is going to be sold, we definitely need financials. There's just no doubt about it. But, I also don't want us to hold through one more loophole if we can get this rezoned and then they can give us the financials, then it's one day sooner that Habitat gets what they need.
- Traylor Right. And that's exactly—
- Choi I tend to agree. But, there are a lot of things that are unanswered in this whole process that we really, I mean, the Fire Department, the financials, I mean, we keep harping on all this, right? So, we've been asking these questions for weeks now, for years.
- Plunkett Is there, Heather, I know we've obviously got this American Rescue Plan Act presentation that you're going to do later. Is there anything in the American Rescue Plan Act that allows for this 6.4 million dollars, some of that money to be donated to not-for-profits or?
- Harris Yes.
- Burk I guess I'm thinking like, you know, if there's something there that we can identify that might make sense as opposed to, you know, going this route.
- Harris There is a lot of flexibility. We are going to do a presentation on it and talk a little bit specifically about premium pay but there's a number of things that the Town can use their American Rescue Plan Act funds for, including one broad category, Veronica, this is my colleague Schilb, who is going to join me later. One broad category is that you can use it for lost revenue. And, in the interim final roll, which we'll talk about, sort of the nuances between the two, there was some limitations on that. Now, in the new final rule, there's sort of a broad threshold that you can use up to 10 million dollars. So, there is some way in which the Town could sweep some portion of our 6.4 million dollars into, you know, a bucket called lost revenue and then basically it allows us to use that money for any sort of permissible government service. So it's a pretty key flexibility that was in the final rule that wasn't in the interim final rule. It needs to be part of a plan which I know is something the Town Council's interested in. I know the Mayor also, you know, it's something we'll do in consultation with

the Mayor. But there's a number of different ways that you could spend it. I think an organization like Habitat, you could make a case, would be a permissible use because you're looking at the impact of the pandemic on individuals, particularly, low-income individuals which is a lot of what ARPA is focusing in on and things like, you know, lost jobs, lost revenues to be able to support sustainable housing. So, I think we could probably get to some rationale if there was an intent to maybe give a grant or, you know, some sort of incentive to organizations looking at low-income housing as part of ARPA. I think we'd want to be thoughtful in the context of a broad spending plan and, obviously, do that in consultation with the Mayor who needs to be involved in that process but I think there's definitely a case we could make.

Burk Well, I'm certainly encouraged by that answer. I guess the first time we heard a lot of detail about this. Are you fairly confident?

Harris Well, yes. I think so because and I'm looking at Veronica because she's been like my ARPA expert. But, you know, there are, there's categories by which you can already spend that are specifically enumerated in ARPA. One is for public health and other economic impacts. Economic impacts could be things like grants to small businesses in the Village, grants to restaurant owners who stayed open during the pandemic to serve the community, grants to local restaurants or businesses that supported essential services, things like launderers, laundry use and grocers, and you know, those sorts of things. So, you've got some flexibility there. The key is ARPA is really focusing on what is the impact for folks who suffered from the coronavirus and particularly for the lower income, lower, you know, economic thresholds that people live in where they are really on the precipice of losing their home or losing their job or losing their business because of the impact of the pandemic. So, I definitely think and, Veronica, you can shake your head if you think I'm going off course. But, this is a little bit unique and we'd want to think it through. I don't want to promise the Habitat people who I see in the audience but I think it's definitely something that we could explore as one of the potential uses. That new rule definitely gives a lot more flexibility than it did in the interim rule. So, we, I think are already feeling good as local governments, there's a lot more flexibility with the final rule.

Burk Yes, I think if that were to happen and I, I guess the way it would play out is if they got a donation, you're saying they would get a donation, to purchase something that would be and if I even remember correctly, like that land was a little bit too large for what they were even wanting to do. So, maybe, there's another situation that—

Harris Yes or so other—

Burk Who knows? I mean, land's not super cheap.

Harris Yes, I remember in the presentation, I think, the Habitat folks really stressed two things. One, the cost of land and the fact that they're not currently building in Zionsville. I think I recall the other thing they stressed is the availability of land which we all know is a hot—regardless of where you are in Indiana, that's a hot topic. So, they're nodding yes, so I feel I said that appropriately, so that's good.

Plunkett Any other questions for Wayne? I mean, from my perspective, I know we talked about, the rezone is separate from the donation, I mean, the two are tied at the hip in my mind in that if this, then that, right? So, if this gets done, then the next step is to come back with an attempt to donate the land. And quite frankly, I just don't have personally the belief that we're going to get everything we need when we need it to make the decision and with that, we'll be in the same position we're in right now.

Traylor I do think that this land is better zoned, better rezoned than it is currently even if we end up not donating it. That's just my opinion that it, the rezone would benefit us if we were to sell it outright. Just my. So, I'm, I'm leaning towards, you know, going with the rezone. I do wish and, and I don't understand—you know, anybody else that has a request comes to the Council to present their case. And, we've got the one person that, you know, I think this is a pretty daggone worthwhile cause, why isn't the Mayor here to pitch her idea? Because as I understand it, this was her idea. So, I don't, I don't understand that.

Plunkett All right, any other discussion, questions for Wayne or anybody else?

Burk I guess I am curious, I mean, he said the Fire Department was here. I know I asked this, I think, last time and I think maybe Steve mentioned this, not in our meeting but in a different meeting, I guess, we've already kind of said, there's not any other land available but, this land wasn't purchased with the idea initially that it was going to be used for the Fire Department which has become convenient. And, I always thought it was because it's right next door to the fire station. So, I'm just curious, if you didn't have this for some period of time or we had to go buy land, I mean, is this a critical place that you guys really use this or is it kind of like, "Yes, we have it because we could use, but we have other options to do all the training we need to do if this wasn't available currently." It just seems like that's an important. I know it wasn't the intent of the purchase but we're using it and if we didn't have it, we might have to purchase something else.

Traylor What's the life expectancy of it being suitable for training purposes?

VanGorder I think there were several questions you asked. First and foremost, you are correct. It was not acquired for the Fire Department. It was something that came along the way. It has been of benefit to the Fire Department since the Town acquired it. The plan that the Fire Department has talked about for the past four years has been eventually developing the property into a safety Village with Vince Randolph, our public education officer, as we look to try and add fire stations in the future. As the community is growing, we will be adding fire stations. There will be needs in western Zionsville as we look to address facility needs for the Perry Township fire station that is well undersized. So, there could be future needs but to answer your question directly, there is no current plan behind the use of that site right now. We do not have any other structures to use except for those that we use before they're demolished for active projects and those are very timely and have to moved on very quickly for development to occur.

Culp But, changing, the zone isn't going to impact where you guys can use it or not?

- VanGorder Not that I'm aware of.
- Culp Yes, if the decision was later for you to make this safe village thing, you could still do it with the new zone if it's approved, right?
- VanGorder That is correct. Or, if Habitat were to move forward and get the information you need and we need to try to find other land for that intended purpose. So, there're a lot of questions, not many answers.
- Culp So, I don't know if Wayne can answer this, since it is, correct me if I'm wrong, 5-1/2 acres? Is that correct?
- Garrett It's 2.2 acres.
- Culp Oh, how many acres?
- DeLong The property is 2.25 acres.
- Culp Okay, and how much does Habitat need if we got to that, got to that next level?
- DeLong In speaking with Habitat, their perfect lot is 60x120. So, there's plenty more acreage than what they need so the project would result in platting of two to three lots, possibly not exactly the size that is their ideal situation. So, there's other conversations in terms of another change, a variance, some other development scheme--
- Culp To split it up.
- DeLong --to make it smaller but ultimately that's beyond any sort of conversation.
- Culp So, I mean, even if we approve the zoning change, the Fire Department still could technically get, you know, 3/4 of that acreage and use it like they are now.
- DeLong Possibly through other development relief.
- Culp Yes.
- DeLong Yes.
- Culp I'll make a motion to approve if nobody else has any questions.
- Choi Second.
- Plunkett First by Councilor Culp, second by Councilor Choi. Amy, would you do a roll call?
- Lacy Sure. President Plunkett?
- Plunkett No.

Lacy Vice-President Burk?

Burk No.

Lacy Councilor Choi?

Choi Yes.

Lacy Councilor Culp?

Culp Yes.

Lacy Councilor Garrett?

Garrett No.

Lacy Councilor Traylor?

Traylor Yes.

Plunkett 3 to 3. It looks like you've got to come back next month.

Harris Yes. Just for the public, since we don't have all seven members here, we had three members voting in favor, three members opposed, it will not die. It will just be re-calendared for the next meeting.

Culp Maybe we'll get some financials for this.

Plunkett Yes.

Culp Maybe a pitch for what this is about.

Plunkett And that next meeting, for those in the audience who want to be here, is March 7. We are not having a mid-month meeting. Okay? All right. So, that motion will be moved to the—or that ordinance will be moved to the next meeting.

**B. Consideration of an Additional Appropriation Resolution (CR 800 E & Oak Street Roundabout) Resolution 2022-02 (Public Hearing)**

Plunkett Up next on the agenda is a consideration of Additional Appropriation Resolution. This is for County Road 800 East and Oak Street roundabout. This is Resolution #2022-02. Lance, I believe you're presenting?

Lantz Yes, thank you and good evening. In 2021, this Council approved 1.2 million dollars for the acquisition in the form of property, in the form of new right of way for the roundabout at the intersection you mentioned. In 2021, we will able to close on 12 of the 16 properties that will be affected by this project and that was to the tune of about 315,405 dollars. We have four remaining properties on which yet we have to close and, of course, these are the higher expenses. These are the more complex, these are the properties that are more significantly impacted by this project. Typically, we would like to use an encumbrance

process which is an administrative process to carry those funds over from one calendar year to another that you have already approved. However, with the limitations of that process and the lack of specific knowledge we have, i.e., the final settlement prices of these properties, exactly whom we will pay in the cases of condemnation, we would pay the courts and not the property owners themselves. It was deemed that the best way to restore these funds that you have already approved is through this additional appropriation. So, I am seeing 600,000 dollars which is our current estimate, my current estimate to finish the acquisition on these four properties and anybody doing the quick math, you should know that we're about 915,000 dollars in our projected expenses for land acquisition which is about 75 percent of the original estimate of 1.2. So, we are tracking under budget. Let's hope that track continues. So, any questions you have, I'm happy to oblige.

Garrett Appreciate being able to see the cash balance, thank you.

Lantz I do what I can.

Plunkett Any questions for Lance or anything, Councilors? This is a public hearing and I have proof of publication of notice of public hearing. Open the public hearing. Are there any members from the public who'd like to comment? None. Close public hearing. Any additional discussion? I'll entertain a motion.

Traylor I make a motion to approve.

Plunkett First by Councilor Traylor.

Garrett Second.

Plunkett Second by Councilor Garrett. All those opposed, say aye, or I'm sorry, all those in favor, say aye?

All Aye.

Plunkett Those opposed, same sign?

[No response.]

### **C. ARPA Covid Premium Pay Discussion**

Plunkett Next on the agenda is a presentation regarding ARPA COVID Premium Pay discussion. Heather is going to be presenting this.

Harris Yes, thank you. Joe, I'm glad you're technologically savvy. I'm also joined tonight—for members of the public, I'm Heather Harris, I have the pleasure of being a partner at Barnes & Thornburg and serving as the legal counsel for the Town Council of Zionsville. I'm joined today by my colleague, Veronica Schilb. Veronica has sort of become our resident expert at the firm on premium pay and has been following closely the American Rescue Plan Act as well as the interim rule and now final rule implementing the provisions of ARPA.

So, I want to take a few minutes. I know there's been a lot of questions by members of the Town Council and I was asked by President Plunkett to sort of give a little history of ARPA and share with you a little bit of some of the broad uses that we sort of mentioned earlier but really focus our time on premium pay which we've talked about in the context of potential stipends to our law enforcement officers and our fire department members as well as other essential workers to the Town. For the members of the public, just to be clear, we're not presenting any plan or we're not presenting specific idea to you today nor has the Town Council or the Mayor, I think, formulated any specific plans. We're here only for informational purposes to sort of set the stage for what you might consider and what the Mayor's administration might consider moving forward.

So, one of the things that I want to share just sort of at the outset. You've heard a lot about the American Rescue Plan Act and I'm going to welcome Veronica to jump in, especially since I said she's the expert in case she'd like to share any additional facts but when we look at our bud—you know, this was money by the Federal Government, as I mentioned to provide relief to our communities and our states as well as to many other entities who had been impacted by the COVID-19 pandemic with a specific focus on those who are underemployed or low income individuals who may be hardest hit in our states and in our community. The Town of Zionsville is set to receive 6 million, 402 thousand two hundred and thirty-one dollars and 80 cents from the Federal Government and it is a plan that we must have fully obligated by December 31, 2024. When we say obligated, this means contracts have to be signed, purchase orders have to be signed. We have to have a solid plan of how those dollars are going to be spent. Many communities have already started this process. You've seen communities in our surrounding neighborhoods and around the state who have already awarded premium pay or looked at other investments that they wanted to make in their communities. But, we know that we are working, you know, under some specified obligations that the act requires us to meet as well as a timeline to have all of that money spent and all of these projects completed no later than December 31, 2026. So, while it seems like far, far away and Lance was just up here and he can tell you it takes a while to get contracts signed, get contractors to do the work and so we are working to, you know, be able to move this plan forward as quickly as possible.

You may also remember in the fall, I believe it was in October, we actually had an ordinance before the Town Council where we set up our fund, which would be a fund that we would receipt all of our money received from the Federal Government into and then the Town Council will need to approve expenditures out of that fund through our normal process. There are very specific ways in which we can spend the money and very important compliance requirements to ensure that we don't have to pay the money back or that we don't lose any of the money that's been allocated to the Town. Therefore, as far as what ARPA actually allows and what the final rule actually allows from the Department of Treasury is that the Town should, I think, and could, you know, designate some of the money that you're receiving for legal fees, for compliance fees, for accounting fees, for folks to keep, you know, really tight understanding of how we're spending the money and making sure there's fiscal transparency to really,



you know, guard against having to spend, give any of that money back to the Federal Government at a later date.

So, one of the things you'll see on the next slide is the final rule versus the interim rule. This has caused, I think some confusion in the public and I think the final rule as I mentioned earlier is really giving additional flexibility to state and local governments. The final rule was actually provided by the Department of Treasury on January 6, 2022 so this is very new information. It replaces the interim final rule as implementing regulation and guidance regarding state and local fiscal recovery funds. So, just a quick, you know, tutorial on federal rules. Typically, when a statute is handed down by the Federal Government and/or the State Government, the agency will actually implement a rule. That process, typically what the agency will do is set up an interim rule with interim guidance to those recipients on how they can and should spend the funds. They then notice it to the public and the public is given a comment period where they can go in and make comments or request changes or clarifications to the interim rule before it becomes final. So, we're not dealing with the final rule and we've got some timelines there in which, if we were already spending our dollars, we could still spend under the provisions of the interim rule as long as there was not language that was, you know, less strict than the interim rule and what we're really looking for now is looking ahead at using the new final rule and you'll see in that slide some dates there. That final rule becomes effective April 1. We can actually start using the parameters of the final rule now and moving forward, and so that would be our recommendation to you is to really focus on that final rule so there's no confusion for the public.

On the next slide you'll see there's sort of an overview of permissible uses. There are really a few things that you can use the funds for. The first listed is Public Health and Economic Impacts. Those are some of the things that we mentioned communities have looked at. For example, grants to small businesses, grants to essential workers, grants to restaurant workers, a number of things to support, public health, including, you know, potentially helping fund a clinic or providing grants to a clinic who provided vaccinations or COVID virus treatments so there's a number of opportunities within that first bullet.

The second is Premium Pay for Essential Workers which we're going to focus our time and then Replacing Lost Public Sector Revenue. The key change there which I mentioned previously is that in the final rule it allows for a community to designate up to 10 million dollars and that up to 10 million dollars which we, of course, don't have that much but we have 6-1/2 basically to spend, you can use for funds for permissible uses of government. I'm going to see if Veronica wants to weigh in on that or any additional commentary there.

Schilb            The government services provision is super broad so think of, you know, any service that you guys, town government would provide is likely eligible. The express exemptions would be like debt service payments or depositing into a rainy day fund. Those sorts of things you can't do but outside of those exclusions, there's a world of possibilities.

Harris            So, that really brings you back to the Habitat question you had earlier, President Plunkett. You could look at, do you want to give grants to some of your not-for-

profits who've been supporting missions aligned with, you know, providing services to low-income individuals or providing services maybe for jobs training and retraining or getting people back to work? All of those things are permissible uses from government now so you could really be very creative in how you wanted to spend the dollars. The Town technically could sweep our whole amount into the loss revenue category and then really appropriate it for anything that we might want to, you know, be creative and think about. So, it's really a great opportunity. That final rule really gives a lot of flexibility that was not included in the interim rule.

Garrett Heather, just to confirm that, you don't have to quantify lost revenue? If Town's revenues were down 5 percent, you know, 1 million dollars, you're not limited to that definable amount, it just has to be less than 10 mil, is that correct?

Harris Correct. And, that's a big change. I'm going to let Veronica speak to this as well because that's important and it's created some confusion between the interim rule and the final rule. In the interim rule, you had to do a specific calculation of lost revenue. So, you had to say, Okay, the Town of Zionsville, we've been pretty fortunate. We weren't in a position where, you know, people weren't able to pay their bills or we didn't really see a huge dip in our, you know, property tax revenues or sales tax revenues that we received. So, in many instances it was very difficult, you know, for people to see a calculation that was really substantial in that lost revenue category and to be able to do the calculation under the interim rule so this is really, I'm just saying, you can say up to 10 million dollars is lost revenue and you can spend it for whatever you need. Veronica, do you want to elaborate on that?

Schilb Yes, that essentially covers it. Say, from an accounting perspective, your project expenditure report will be due at the end of April of this year and that's when the Town would make its selection to use the standard revenue loss allocation if that's what you want to do.

Garrett So, that's not necessarily tied then to a signed contract? It's just you can sweep it in and say we spent it for this and then can you, if you still have a balanced budget can you the delta and move it to a rainy day fund then?

Harris No, I don't think you can supplant your rainy day fund or any of your debt service. So, you would need to sort of leave that off the table. But, let's say, for example, you've got the program where you give grants to members of the community that's an established program already in the Town. Let's say, you wanted to say, hey, we're going to give a million dollars of grants additionally in this next, you know, four-year cycle to you know, individuals in the community, organizations that wanted to come forward, you know, in these certain categories and you really could use it for any category that you're currently eligible to use it but you could also make a policy decision that you really what to focus it on what I think the spirit of the law was which is, you know, making sure that people who are, low income, are receiving services, people who have lost their job can get back to work. People who are, you know, in small businesses on the brink, you know, could maybe continue to operate in the Town. Or, restaurant workers who, you know, had a lot of difficulty during this time. I know several communities

have looked at that kind of programming for those kinds of individuals and decided to use the money in that way. So, it—

Garrett So, let's just say, sorry Brad, let's just say, we wanted to give Lance a million dollars to work on infrastructure, right? And, his current budget—I'm just making up numbers—is four million dollars. Can we give him a million dollars of this, his budget stay at four million dollars and then the million dollars that we sort of supplanted would then be rolled over to the next year in kind of a—I'm not calling it a rainy day fund—you see what I'm getting at here? A way to transfer it into departmental budgets while maintaining—I don't want to have a deficit budget that this then supplements but I would be curious if I could use this money, this receipt, to pay this down and start building up my cash balances because I'm not having to pay the things that this budget is now paying down. Does that make sense?

Harris Yes.

Garrett Veronica doesn't look as if she agreed with me. She looked I was talking turkey.

Harris Yes, so typically—I would want to double check this and Veronica may want to as well. Typically, you can't use federal funds like this to supplant existing state funds or existing local funds. They really are supposed to be used as a one-time infusion of additional cash to go spend on, you know, the purposes for which they were appropriated under the Federal Government.

Garrett Got it.

Harris Because this is so broad, I've not seen any commentary from the State Board of Accounts to, you know, really clarify that but we can definitely take a look and try to clarify that before the next meeting.

Choi Basically, you're saying that, I think they're basically saying you can't use it as part of the normal budget?

Harris Right, right.

Garrett Well, I know but if you are saying that I wanted to spend 100,000 dollars on police to support police salaries and we've already got that budgeted, can you not then spend it on that? I'm just very curious because if you can, then this is effectively just very flexible cash and we should be very careful how we spend it. If it's only one-time uses then it becomes kind of Brewster's Millions and you're just trying to get rid of it, right?

Harris Yes, it's not limited to one-time uses so I think that's important. So, you know, to make Lance happy, I'm going to say yes, you could give Lance a million dollars additional money and he could go out and do road projects that you all have wanted to do, you know, if you chose to sweep that money into lost revenue. That would be a permissible use and that's definitely something you can do. I think the question I would want to clarify is whether or not, you could take money that was allocated in our published budget and supplant it with this

federal money. You could definitely take the 4 million we have and give him an extra million which—

Garrett You've got to be very careful then not to create a structural deficit if you're bringing this money in to—

Harris Correct.

Garrett --recurring charges.

Harris And, you need to be careful about that for other purposes, too, which I'm sure the State Board of Accounts would want us to look at because of our RDLGF property in our published budget and the circuit brakes and so, you know, I think it would our recommendation to look at uses to supplement and not supplant existing resources but we can definitely provide additional clarification. There is some guidance that the State Board of Accounts has been issuing on, you know, uses and ways from the accounting side that you really need to keep track of these dollars and there's some guidance there as well. Veronica, anything else to add?

Schilb I was just going to say that you couldn't transfer that, say it's one million dollars, into another fund. It would have to stay in your ARPA fund and then be used for whatever the infrastructure projects were.

Garrett To run claims against that fund then, right? Got it.

Harris Yes.

Garrett How is that fund budgeted, if the Mayor says I want to spend a million dollars on the roads and we say we want to spend a million on police, is there a vetting process then? To say, like we're going to allocate this money accordingly?

Harris Yes, so in the resolution that you guys passed back in October, that was actually a resolution that came from the administration. It actually established the ARPA fund which is what Veronica is mentioning so you need to receipt everything in. The reason they do that is one, to make sure we know what the federal money is being spent on and that it's a permissible use and two, is so it doesn't get comingled into, you know, RDLGF funds that impact our tax circuit breakers and the like. And, then, also included in the ordinance that you all passed and was signed by the Mayor was that you would jointly develop a plan. It says, "The Town Council and the Mayor shall jointly develop a plan." ARPA talks a lot about the executive and the executive, you know, deciding sort of what the permissible uses would be but it also clearly says that the Town Council has to approve and appropriate any monies to be spent from the ARPA funds. So, it's going to be almost like we have a 6 million dollar budget that we're appropriate separate and apart from our current budget process. Does that make sense?

Garrett That makes sense. Thank you.

Harris Yes, so premium pay. I know you all want to go home at some point tonight so we'll try to speed it up here a little bit. But, I know this is important to all of you.

So, premium pay is really what you might think of as hazard pay. So, the Federal Government through the Department of Treasury has really used that term to denote that this is really additional pay and compensation for individuals who regularly were in the public interfacing with the public, handling public mail during the COVID pandemic, something sort of over and above their actual job and over and above what was expected of others in positions in the Town. There is some flexibility that's been given and we'll talk to that a little bit about the definition of eligible employee. That has changed in the final rule. But, really, the spirit was compensating workers that by virtue of their employment they were forced to take on additional burdens and make great personal sacrifices as a result of COVID-19. So, we've seen a number of communities in the state who have awarded premium pay, for example, to police and fire. You know, individuals in our Fire Department, we've heard had to sleep at the Fire Department because they were interfacing with the public and transporting, you know, folks, you know, helping them with EMS transports. For example, they weren't able to go home, especially at the height of the pandemic and so these are the kinds of uses that many communities have used the funds for.

So, to be eligible, there's really sort of a three-part test. The first is looking at whether or not you have an eligible worker and we'll go talk about that a little bit more. And, then you have to have eligible worker that performs essential work and that's key. Then, the premium pay must respond to and you'll see respond to is kind of a key phrase in ARPA in the final rule to workers performing essential work during the COVID-19 public health emergency. And, that goes to today because we're still in a public health emergency.

As we mentioned, next is the definition of eligible worker. So, who is an eligible worker? This definition changed in the final rule and gave a lot more flexibility to local governments to basically include all local government employees. Before, it was more of a critical worker definition and so you've heard that. We've talked about that a little bit in the past. That definition has now changed and so any worker of Town Government is an eligible employee. The executive, the Mayor, as part of your plan, you could also designate non-public entities as an eligible worker. So, perhaps you would want to look at, you know, someone else in the community who you believed performed an essential service or who put themselves, you know, in harm's way over and above to serve the community at large. And, that's a designation that you could make as part of your plan

In the next one, we'll go to, what is essential work? Essential work is to ensure that the premium pay is targeted to workers that faced or face heightened risks due to the character of their work during the pandemic. Those workers that faced a disproportionate risk are likely folks like our public safety personnel. There is a lot of commentary about essential worker in the ARPA final rule and sort of the spirit of what they were trying to get at, making sure that those individuals who regularly and routinely were, you know, face-to-face with the public when the rest of us were at home, who had to put themselves in harm's way or who had to come in, you know, people like our IT, you know, had to come in and facilitate public meetings when we were all working on Zoom or people who had to come in and get the mail and were handling, you know, things like checks from our sewer utility. They had to physically be here to get those checks and deposit them

to keep government going. So, really, those are the kinds of things that ARPA really speaks to.

And, then, responded to is, you know, that they were responding to, that you're using this pay to respond to compensating those additional workers. And the next—

Burk One of the key words is 'regular' right? Because that's what I was thinking is well, a lot of folks worked from home but say you had to come in for something or you had to interact with one or two people, that's probably not regular, right? Or, if you were home but you or say you used a public vehicle but you used it regularly. It had to be cleaned or you were handling the steering wheel or something like that but regular, I guess, is a bit of a nuanced term.

Harris Regular is actually something that the rule actually talks about a lot because they're talking about, you know, I think of myself going in and grabbing my mail, you know, with my mask, off my desk a couple times during the height of the pandemic. You know, I wasn't regularly in the office. Definitely, there were colleagues of mine who were there the entire time, facilitating the mail, depositing checks, you know, dealing with the maintenance of the building, you know, those types of things. So, our security personnel, for example, would be, in my mind, similar to what you might have at the Town. There is a nuance, and I want to go back to it, one is that it cannot include individuals that teleworked. That is very clear in the final rule. So, if someone has been remote 100% of the time, they are not eligible for premium pay. Now, what gets a little confusing and a little bit more muddy as this often does is that, you know, since we are now back open, we've been open, Town Hall has been open, people are back to work on a routine, regular basis, even though those individuals may have not been, you know, working regularly during the height of the pandemic and they may have teleworked for some portion of that job we are still in a public health emergency. So, with the final rule, we know that you could look at those individuals who have been here since the building has opened since they have been back to work full time and they may be eligible for premium pay. Not if they've been still working from home, they're not going to be eligible. So, what's so important I think is you can give some flat stipends. You can calculate this and we'll talk about that. But, you really have to look individual by individual by individual to determine how the calculation should work, if this is the policy of the Town to give it to everyone. That's something you and the Mayor's administration will have to determine if that's the policy you want versus maybe just giving it to critical workers. We know that community of Zionsville and many other communities designated essential workers, you know, right at the beginning of the pandemic, those individuals that had to come in to do their job. We did that I know in Zionsville. Other communities did that as well. You could choose that's who you want to give premium pay to.

So really, you've got some flexibility and it really is a policy decision. At this point, anybody that's back in the office working regularly, we're still in the pandemic, you know, would technically be eligible and then it would just be calculating based on the formula that is set out in ARPA as well as through the State Board of Accounts.

So, on the next slide.

Burk Heather, real quick, so it is a, so is it like a one-time payment?

Harris It is. So, it is a one-time payment up to 25,000 dollars to a single individual is what you're able to allocate. It gives you a lot of flexibility to decide that amount. It does not mean you have to give every person up to 25,000 dollars. You could designate different categories like these are the folks who had to work from Day 1, you know. These are the folks that have had to work since we came back to the office. There's a lot of flexibility in the design but you do have to follow specific criteria and I think we may have a slide or two on that. We'll kind of flip forward.

So, take the next one. This is the premium pay for eligible workers. You'll kind of see the criteria here. You can offer additional compensation up to 13 dollars per hour in additional wages. Then, the amounts in total cannot exceed 25,000 dollars for any single eligible worker. Premium pay could be paid in a lump sum or it could be paid in installments and it can be awarded to eligible workers performing essential work regardless of their being part-time or salaried, hourly or non-hourly workers. So, again, a lot of flexibility to look at your workforce. And, you can actually provide premium pay retroactively all the way to the beginning of the pandemic which is January 27, 2020. And, then it may also be provided to third party employers. So, again if you wanted to look at like a stipend for grocery workers or other classes of workers that would need to be designated. They could be non-public meaning non-governmental employees and you might decide, hey, we really think the restaurant workers need a fund, you know, a bonus fund or something like that.

With that, it's a lot to take in. So, we know you're going to have a lot of questions as this moves forward. We've been doing a lot of this work with local communities and I'm going to, you know, if you have questions, we can try to answer them and share, you know, additional information. I think the key is now really setting your plan which needs to be done by April –

Schilb 1st.

Harris Well, the initial, you want to talk about that?

Schilb So, the plan there is some flexibility on the time but you can't spend the funds per SPOA guidance until you have a plan in place. So, to the extent that you want to start moving forward with any projects you need to develop a plan for how you're to spend the funds. And, that can be amended. So, if you adopt something in April and six months down the road, there's a great opportunity to do something different, it's not set in stone once you adopt it.

Garrett What if you miss that date? That's a lot to get done between now and the 1st.

Harris So, if you miss the obligated date?

Garrett The April 1 date. That's the first I've heard of that date.

- Schilb Yes, that's not, so there's not a deadline to adopt the plan. It's just you have to have it adopted before you spend any funds.
- Garrett So, April, what was the April 1 date?
- Harris No, I just made it up.
- Garrett You just made up a date, got it.
- Harris No, there's a report due in April talking about—I'll let Veronica talk to this. There is a report due in April from the Town that we will need to fill out.
- Garrett Got it. So, can you, do you have to adopt an entire plan? Or can you, like for example, for me, it's a priority for me for premium pay for first responders before we do anything else. Can you adopt that part of the plan without figuring out how to spend the whole 6.3 million dollars? Or, and maybe if we want to add other layers of workers later we can have that discussion or is it all predicated on getting everything done before you can spend that first penny?
- Schilb I would take a look at the SBOA guidance but the way we've been doing it is that plan contemplates the entirety of the funds or at least the—so the Town at this point has received half of that money in your ARPA account—
- Garrett Sure.
- Schilb So, at least accounting for the dollars that you have received at this point and then, once you receive the second amount, you can amend the plan at that point.
- Garrett I just worry about, there will be, I'm sure, lots of back and forth on differing priorities between the administration and council. If that takes months and months and months, I would want the, this is just my own preference, first responders to get, not have to wait on that negotiation to get theirs. So, is there like a, like a template plan of like, hey, 400,000 dollars is going to first responders and the rest of the money is going into TBD.
- Harris There's a lot of plans that communities have already adopted, developed and adopted so we know that surrounding communities have already done that in a lot of cases. They are already spending the dollars from their plan, they're already allocating and appropriating funds. For example, you know, Marion County has already spent money as part of their plan. They adopted it, you know, to provide restaurant stipends, park stipends—
- Burk The nuances, what's the definition of that plan? We have until 2026 to spend this money so not everybody's going to all of a sudden formulate something and go now.
- Garrett Right, but there are certain things you want to go and help. That's I guess what I'm trying to look for some guidance on is how do we, how do we pay first responders while we still figure out how to spend the rest of the money in priorities that we all may have for the community.



Harris I do think that you need, I mean, the way that they define it is that you just can't start spending willy-nilly to use a very technical legal term.

Garrett Sure.

Harris And, so, you really do need to have a plan in place and this is, I know, something that Council's been trying to prompt, like we need to start working on this so we can get this money out the door. I think the thought is that they do want communities to be thoughtful about how this money is going to be impactful and not just sort of take one thing or, you know, one or two things and start paying for it. To Veronica's point, you can always go back and amend the plan so if your priorities shift or change, you know, you get further along, I'm always a believer when it comes to federal money to spend as quickly as possible before they change their mind. Just based on my, you know, 28 years in government. But, you know, that is, it is, you know, we've got money in the door and so we do have the opportunity to start developing an initial plan, maybe it's an initial plan that spends, you know, a quarter of the money and then you come back—and it maybe something you want to work—

Garrett So, that's what I'm asking. Can we develop an initial plan that just says, money for first responders or does it have to be all encompassing of all of the money because if you want to be thoughtful about this money and I want to spend it appropriately but there are things that have, one thing that has more, in my mind, a more pressing timeline. So, I don't want to rush through the remainder of the money to get that bonus piece done but I also don't want to wait on the bonus piece. So, that's kind of where I'm at.

Schilb Yes, we've prepared these plans for a number of communities. So, what I think State Board of Accounts' intent behind this is, again, that you're not just doing one-off expenditures and not thinking about the funding as a whole, so. Something you may be able to do is in the plan, say we're going to allocate this amount or this premium pay and then because the lost revenue in government service provision we talked about is so broad, maybe put the rest of the funds in there. And, then, as you come up with other projects, amend the plan should other projects outside of that category be something you want to move forward with.

Garrett Got it. So, we can do that. We can kind of place hold the other money without necessarily specifically identifying where it's going for. One other comment and then I'll let it to others, for me, I think it's important if we can engage like formally Barnes & Thornburg, like bring up Veronica, I appreciate you coming up here today as a guide to go through this process because the last thing I want to have happen is we spend 6.3 million dollars and forget to file a form and, as a result, the government says, "Well, we want our 6.3 million dollars back." So I think it's important to have like professional advice guiding us on that, and I know, you have done this for other communities so I would certainly be an advocate for being a partner with our community in making sure that dot the I's, cross the T's, all that little stuff that can bite you.

Harris It is very compliance-intensive. They've, they've, I think, tried to create some additional flexibility in the final rule but it still requires a lot of reporting and

there's, you know, even on the premium pay, there's very specific guidelines that you have to look back at Fair Labor Standards Act and, is an employee in this category or that category, are they eligible for overtime, are they not eligible so it is, you know, it's something I think that should also have strong accounting guidance in making sure that, you know, it meets the requirements and that, you know, the team, Cindy and you know, the CFO's office is getting a lot of support because they've already got a very busy office and then this is going to be complicated. Jo Kiel and her team, you know, just doing the calculations because you really have to do them employee by employee by employee which is just different than we've had to do in the past. So, you know, a lot of communities have thought of this more like a bonus, like hey, we're going to give everybody a bonus for doing a really great job and it's really not that. Like you really can't treat it like you would a bonus structure. It is very specific. So, it really needs some strong, you know, sort of accounting guidance and legal guidance throughout the process. This will really run, you know, to completion of spending all of the funds.

Culp Who owns this project?

Harris Well, really both you and the Mayor. So the Town Council, okay, the Mayor—okay, it talks a lot in the final rule and in ARPA about the executive, you know, coming up with some of the policy decisions but it also says the Town Council shall appropriate and allocate funds. So, again, just like many things, you're helping set the policy, you know, if you can't agree on the funds, you know, the Mayor could come up with a policy but if you're not going to agree to pay for it, it's not going to work. So, I mean, it really does need to be hand-in-glove and there needs to be a lot of communication and collaboration on what that plan's going to look like.

Culp Well, I'm just worried that the collaboration has not been there for two years and I don't want people who deserve this money like sooner, that we're not sitting here a year from now still having the same discussion. How do we make—that's why I asked, who owns it? It's not necessarily who's the final say. I want to know who's pushing this through.

Harris Yes, well I would recommend, you know, that the Council take a strong leadership role as well. I mean, perhaps, you want to set up a formal committee with the Mayor to really develop the plan because that really needs to be done and, you know, in a lot of instances, in some cities, like the city of Indianapolis, you know, the Mayor presented a plan to the Council but the Council was very involved in shaping that plan. A lot of the communities are well out of the gate on this so I would just encourage us to start, you know, sooner rather than later and—

Culp Jo, do you have any updates on what's going on with this or next steps since it will have to go through you I would assume the first step that this group is wanting to take care of the first responders? Is there anything, any updates from you?

Kiel I am not prepared to share any updates at this time.

- Harris And, I will say in credit to Jo, she's been working on—
- Culp I didn't mean to put her on the spot, I just—
- Harris No, no, no. I will just say that Jo has been sharing some information with Council leadership about options and what that might look like—I failed to mention that and I didn't see Jo so that's why, you're hiding behind Chief. But, she has been sharing some options about, you know, we could do this or we could do that. We could look at all employees or we could look at look at Public Safety and, here's some scenarios so her office is already working on that, too.
- Culp I just worry that there's going to be so many hands in the cookie jar if there's not person from each side of the team that's supposed to work on this, we're going to be sitting here a year from now and nothing's going to be done.
- Harris Yes.
- Burk I'm not in charge of anything but I would recommend that there is a committee and maybe someone from Council maybe should lead that with a co-partner from the administration and a small group of people take proposal ideas and try to put it together. To your point, I think—
- Plunkett I think before we get too far down there, I do think it's important, Josh, to your point, I mean, the objective has been to do this for first responders for the better part of four months now.
- Garrett Correct.
- Plunkett I mean, this has been something that has been shared with the administration since October.
- Culp And the administration is okay, I mean, they're on board with that?
- Plunkett The administration wants—I'm not going to speak for the administration but based on emails I received from Jo, they certainly want something done. My point would be, just like yours, if we're going to try to figure out a way to spend 6.4 million dollars anytime soon, that's going to be a monumental effort given, given the history. So, so my question would be, could we just say from our perspective, we would like and, I don't know, Josh, if this is where you were going with this, but, could we just say we want to put this stipend together for first responders and until we receive another plan as a default, just sweep this into lost revenue?
- Garrett Well, I don't think we should wait to receive a plan. I think but you're on the track I would like which is, first responders, what is that, right? And then, park everything else while Mayor and Council works on a plan.
- Plunkett Right, right.

- Garrett Negotiates on a plan. Council should have a chance to weigh into that—thanks, Vice-President Burk—to give them that information and then that’s when that negotiation happens.
- Plunkett Yes.
- Garrett It shouldn’t all be driven by Council. It shouldn’t all be driven by Mayor. It’s going to be both and hopefully, there is some overlap. I think there is overlap on first responders and if that program is to be expanded to other workers, that’s part of the discussion but I don’t want to wait on that.
- Harris I was going to mention as well, it’s not a requirement of ARPA or the final rule or the State Board of Accounts but several communities have also held public meetings to have input from the public on how to spend the money. I mean, certainly, it’s not binding but they’ve really given their communities the opportunity to come in and say, hey what you, what would you like? What’s your wish list? You know, what are your needs and they’ve heard from small businesses and school leaders and, you know, health care clinics and others that are, you know, working through the pandemic. So, certainly no obligation to do that but it does, you know, bring the community together to talk about a pretty substantial investment in Zionsville.
- Plunkett Yes, there’s clearly a lot of options here and I, you know, I know Councilor Melton certainly is an advocate for Perry Township and internet and Perry Township, I mean, it sounds like if that’s something we could do, I mean—
- Harris Broadband expansion is an allowable use and that’s where a lot of rural communities have looked at that. You know, one of the things that we’ve talked about, Veronica and I, you know, maybe providing some additional services to rural residents because that’s you know, is something we’ve talked about as part of the reorganization process, making sure there is, you know, better access for those folks. I mean, that obviously impacts work from home, it impacts people who are, you know, doing remote school, all of those things. If you have unreliable broadband access. So, lots of flexibility, lots of ideas that you could explore and we can give you, you know, ideas and, like we said, we’ve worked lots and lots of communities on these plans and compliance plans and all of the related items. I’m sure others have as well.
- Plunkett Is there anybody from the administration that could give us an idea of who the point of contact would be for someone in our group to kind of start getting the ball rolling or do you guys already know that?
- Harris Well, I think it’s the Mayor and then obviously, Julie, the Deputy Mayor and their counsel, Amy Nooning’s also been involved. Amy and I have talked. Jo’s involved. Cindy, I’m sure, will get involved. Because it really is multifaceted but I mean, I think, from a leader perspective in my opinion it’s the Mayor and the Council president and then anybody else that can get involved.
- Plunkett Yes, I would just say, I mean, certainly at the 1/31 check-in call with the administration there was communication about wanting this done. I was also pleased to hear the Mayor indicate or the Mayor’s attorney, I should say, indicate

that we would be able to engage whoever we wanted in this particular matter, so, you know, I like, you know, I like hearing that. So, I mean, I feel like, I mean we're not going to have a meeting mid-February meeting so our next meeting's going to be in March. Are there any actionable items or steps we can take if Council agrees that we want to work with this administration on all this money and we want first responders paid now. Is there, is that the general feel of the Council? Would anyone disagree with that?

Traylor Yes, I think that's the one thing we know, we know we're going to be able to agree upon with the administration so let's knock that out and move forward with the rest after.

Garrett My other ask is that B&T is engaged on our process, right? To help guide it. But, I'd love to be able to vote on this next meeting.

Culp Yes, me too.

Traylor Agreed.

Plunkett Anybody else have –

Harris So, I think, then we're just going to need to do a follow-up and can send a note in the morning to the folks, Amy and the Mayor and Julie and you, Jo, I mean, I think that's the next step is deciding what policy we want to bring forward. Is it all employees, is it some employees, who's eligible and how that might look. So, I know, like I said, Jo's been doing that.

Plunkett From our perspective, we'd like to start with first responders and—

Traylor Right. Because we know we're going to be able to agree there.

Harris Yes, and then the key is, though, we're going to need to develop a plan that's more than just that which, I think, we just want—

Plunkett We can come back to that.

Harris Because the State Board of Accounts has been very sticky about that.

Plunkett So, let's say, we, you know, we, Council agrees, you know, we want first responders, a stipend for first responders, and we may want to extend that, right? Or expand on that. In the scenario referenced, we can identify this is how much money we're giving to first responders—

Harris Sweep.

Plunkett And then sweep the rest into lost revenue and then come back and say, you know, we've seen other municipalities do this with other members of the Town staff and it's worked out, here's how they've done it and we can lean on that and make those adjustments at that point.

Harris Yes, you could definitely do that. And, that will give you time to allow the public to weigh in and work out the details. So.

Plunkett I'm in with that. You guys like that?

Harris Sorry, Lance. I think Lance wanted his million dollars.

Plunkett Well, he might still get it. He got six hundred tonight.

Harris Yes, okay, great.

Plunkett Great, thank you.

Garrett Thanks, Veronica.

#### **D. Cancellation of Warrants**

Plunkett All right. On the home stretch. Up next is a cancellation of warrants. Cindy, I believe you are up for this.

Poore This is something that we're required to do annually, whenever we have a check that is still outstanding after two years, we have to go through the process of doing an official cancellation of the check. So, we had six from 2019 that we just need to go through and do a cancellation on them.

Plunkett And, there's no vote on this. This is just you're notifying us?

Poore Is there?

Harris Do we not need a vote?

Lacy No, we don't. We do this every year and it's just any—Cindy can tell you better, but any checks that are still outstanding for two years as of December 31 and it's by statute and it gets receipted back into the fund where it originally came.

Poore Yes.

Harris I do think the State Board of Accounts requires us to read it at the Town Council meeting just as part of the public transparency process so that those minutes attach for the State Board of Accounts for audit purposes, for example.

Plunkett We don't have to read each check, though, right? We can just say that we're cancelling—

Harris We're just cancelling the checks, right.

Traylor Could I ask a question on one of them?

Plunkett Sure.

Traylor And, Cindy, I understand I'm kind of putting you on the spot so if you don't have the answer, given that we don't have a vote, if you can just give me the answer at some point. Knowing what I know about banks and how particular we can be, I'm just curious about the check payable to Bank of New York Mellon for Art District Bond, ah, I just want to make sure because I know that it went to the wrong address and in a bank's mind that is no excuse for it not being paid. I just want to make sure that was paid at some point, that we're not delinquent on something.

Poore No, it was paid. What happened was this check was in error and it should have been voided and it never was.

Traylor Oh, okay, all right. I feel much better then. Thank you.

Poore You're welcome.

Plunkett All right. Any other questions for Cindy? Thank you, Cindy.

Poore Thanks.

#### **E. Approval of the Amended 2022 Schedule of Meetings**

Plunkett Up next on the agenda is a request to amend the 2022 schedule of meetings. Amy, I believe you're presenting on this.

Lacy Yes, the amendment is just that we are taking off the second February meeting for Town Council and also for Board of Police Commissioners and that is the only change to the original schedule.

Plunkett And, that change is due to the school scheduling and everybody kind of being out of town?

Lacy Yes.

Plunkett Very good. Any other, any questions for Amy? Otherwise, I'll make a motion to approve.

Garrett Second.

Plunkett Who was that? Josh?

Garrett Yes, sir.

Plunkett Okay. First by Plunkett, second by Garrett. All those in favor say aye?

All Aye.

Plunkett All opposed?  
[No response.]

Plunkett Motion passes, 6 in favor, 0 opposed.

Garrett Did Alex vote?

Choi I did not vote.

Plunkett 5 in favor, 0 opposed. Up next, other matters.

**OTHER MATTERS**

Plunkett Are there any councilors who have other matters they would like to discuss?  
Going once.

Culp Yes, I do have one thing for everybody. March 8 we'll be doing the second conservation district community Town Hall like we did last time. You guys are more than welcome to attend. But, this one is strictly just going over the creating the commission. There will be a postcard going out to all the residents of Zionsville. We'll be right here again. Wayne will be up here with me and probably someone from the State as well to kind of just go through the last piece and hopefully get to present that to you guys in March.

Garrett What time?

Culp Oh, I knew you were going to say that.

Garrett Sorry.

Culp I'm sure it's 6:30 on the 8<sup>th</sup> here in this room. Let me pull that up. You'll want that for the notes. Let me see my calendar. It's at 6 in this room. And, on the website, check it out. We've got a quick little video explaining what we'll be talking about. Amanda did a great job. She did all the work. I just showed up and Joe took the video but it kind of explains the way we're going with the conservation district and, ah, like I said, most, I think almost all of you showed up to the last meeting. I don't think, I don't know if there's going to be as many people at this one because it's just the setting up the commission but at least I wanted to let you know that I wanted the Town to be able to have their option to give their feedback. Joe, I assume we would videotape that anyways if any of you guys wanted to watch later. But, you're more than welcome to show up but, like Brad, you really helped out last time. I appreciate that and sticking around at the very long meeting.

Burk It was good.

Culp So, thank you for your time. So finally that project –

Burk I'm assuming there may be, assuming we may want to move forward with something after that, do you have a time frame in mind? I mean.

Culp Well, that's, that's a question I have for Heather. Typically, when you have a new ordinance like that because I've never proposed one before, would there be like a first reading and then—



- Harris Yes.
- Culp And, then, like questions and then, so it would be at least a month after March 8?
- Harris Yes, I think the goal and first, I would just like to acknowledge how hard Councilor Culp has worked on this. I mean, it's ah, it's a tremendous effort of time and energy and just a thoughtful group of people from the Village who have been working so hard on it as well. But I think what we would want to do is take any additional feedback from the final draft that would be talked about at the next public meeting, incorporate that in which might take a week or so because we'll incorporate it and then we'll send it to the Mayor's counsel and they take a look at it. We've been doing this really in close ties with them and then probably bring it to the next Council meeting thereafter so maybe two weeks after the meeting—
- Culp in April.
- Harris So, then, that would be the next—two weeks after the public hearing we could probably have first reading?
- Culp Yes.
- Harris If people were ready. Then, it would take two Council meetings unless we did a two-step process. But, this is probably important enough that we probably would not recommend that.
- Culp Yes, no, we need to do two, two different meetings. For Sure.
- Burk Yes, second on the thank you and we may have to brand this, the Culp Act, something for posterity.
- Culp Oh, geez. That depends on how favorable it is.
- Burk That's true, too.
- Culp If you want to vote for me in two years, so.
- Plunkett All right, anything else? If nothing else, we'll move on to claims.

### CLAIMS

- Plunkett I believe, Heather, Amy, there's something about claims that we want to go through, this was the old claims we've go to sign, right?
- Harris Yes, so you will recall from our last meeting, Cindy Poore shared with us that there was some 2022 claims on the 2021 form and vice-versa. They've been corrected. You already voted on this so there's no need for a vote. We just need your signatures on the documents so you're going to see 2022 on top and 2021 on the bottom. So, this is not tonight's claims. Just need signatures. And, then we just need to proceed with the regular claims.

Plunkett Does anyone have questions on the claims presented at this meeting?

Traylor I don't have a question surprisingly but I do have a little bit of an education that I provided to myself along with the help of Amy. So, uh, there is claim on here for 10 thousand dollars that I questioned. It was coming out of the food and beverage fund for some preliminary engineering on a possible parking structure. And, I said, this is outside of what we normally would approve from the food and beverage fund so I wanted to make sure that it could actually be spent from that fund. So, I asked Amy if she could come up with ordinances establishing the food and beverage tax and the fund and she, she did and I was surprised to learn that not only can we use the food and beverage tax money for parking structure but actually that was the original intent of the food and beverage tax. If you go back to the original ordinance establishing the food and beverage tax and the food and beverage fund, it says right in there that the use of those funds is for a parking structure or parking improvements for Zionsville. Now, in 2007 and 2014, that ordinance was updated to allow for also things that would help to promote the Town of Zionsville and our businesses so it was broadened but I just, I thought I'd share—because I think it's always good for us to kind of know the history of these funds and what they were originally used for. I did not have a question on the claims as it turns out because this fund, that 10,000 dollar claim for engineering is exactly what that fund was supposed to be for originally.

Plunkett Thank you, history teacher Traylor.

Traylor Yes, my mom would be so proud. She's a teacher.

Plunkett I have no questions. I'll make a motion to approve claims.

Burk Second.

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

All Aye.

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

Plunkett Motion passes, 6 in favor, 0 opposed.

### **ADJOURN**

Garrett I make a motion to adjourn.

Traylor Second.

Plunkett First by Garrett. Second by Traylor. All in favor say aye?

All Aye.

Plunkett All opposed?  
[No response.]

Zionsville Town Council  
February 7, 2022

Plunkett            Motion passes 6 in favor, 0 opposed. The next regularly scheduled Town Council meeting is scheduled for Monday March 7, 2022 at 7 p.m. in the Zionsville Town Hall council chambers. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator  
Town of Zionsville

DRAFT