



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, APRIL 11, 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, Craig Melton, and Bryan Traylor

Also Present: Heather Harris, Town Council Attorney; Lance Lantz, Director of Department of Public Works; Jarod Logsdon, Superintendent of Parks and Recreation; Jo Kiel, Director of Human Resources; 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 I call to order the Zionsville Town Council meeting for Monday, April 11, 2022. If you'll stand for the Pledge of Allegiance.

All Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE MARCH 7, 2022
REGULAR MEETING (copy posted)**

Plunkett All right. Up first is an approval of the memorandum of the March 21, 2022 regular Town Council meeting. A copy has been posted. Are there any questions or discussion from Councilors?

Garrett I make a motion to approve.

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Choi Second.

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

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

REQUEST TO SPEAK ON AGENDA ITEM

Plunkett Up next is a request to speak on agenda items. And I will give anybody one last shot here. Amy, is this it?

Lacy That is all I have so far.

Plunkett All right. So we have three minutes to speak when you come up. I'll set a timer here and, when it gets to two I'll just give you the one minute left and then at three minutes we've gotta, we've gotta cut it off. I do feel like it's important to make sure everybody has an opportunity to speak that filled out a card so I am going to go through every one of them. I would just ask that if, you know, if you get up there and the person in front of you literally said the exact same thing if you just kinda – same thing here and step away that'd be great but otherwise we will rotate them back and forth. So up first – I'll just go down the list – is that right Amy? Up first is Ed Mitro.

Plunkett If you would just state your name and your address – I think you might know the drill right Ed?

Mitro Ed Mitro, 490 West Poplar Street in the Village. Hi. I'd like to read this to you. I sent this but, we'll keep it on track with time. Councilors, my appreciation and thanks to all involved for the hard work and diligence that has been put into this effort – this being the Historic Preservation Commission. I've read all the materials that have been developed and shared. As the owner of a house built in 1867 in the Village, this effort will certainly affect my property. Investing in an old house is a labor of love for its history and architecture and some would say insanity for taking on the effort in the first place. What attracts people to the Village amongst several other things is the uniqueness of the historic urban housing stock, its architecture and diversity in housing types. Over the last 20 years, since buying my home, I've witnessed the continued erosion of all of these characteristics. Tear downs and over building have begun to change the very character of what we all moved here to enjoy. When you invest in these properties, you would like to be reassured that the investment is going to be supported by similar and complimentary work around you. This currently is not the case in the Village. True, there are many good examples of sensitive

rehabilitation work and, indeed, new construction in the Village. However, there are many examples that are not sensitive or compatible with the surrounding homes. Having a conservation district in place would provide guidelines and standards to assist in making sure that the character of the Village and its history are sustained and maintained. No one likes to be told what to do. However, when everyone plays by the same rules, there is confidence that your particular work will be complimented by others' work. One need only look at the many districts in Indianapolis to see the success that manifests in desirable and viable neighborhoods. I am wholeheartedly in favor of putting a Zionsville Historic Preservation Commission in place via the Ordinance you are considering this evening. It is my great hope that a conservation district will be put in place at some point in the future. The standards and guidelines are not as rigorous as a full preservation district but provides the right measures to ensure that the Village we all love and enjoy will be maintained and supported by development and improvements that will enhance, not deter from, the unique place we call home. Please adopt this ordinance so we can move forward with the commission. Thank you.

Plunkett Thank you. Good to see you Ed. Actually, I'll just go through one, you know, we'll just go through one side and the other here since they're in order. Up next is Chelsea Overbeck.

Overbeck All right guys, I'm a really bad speaker. Okay. Chelsea Overbeck, 765 Bloor Lane. I also own a few other homes in Zionsville and in the Village. I am supportive of the creation of a historic commission for Zionsville. There are a lot of emotions, opinions, misinformation and misunderstandings about what is happening on both sides right now. A commission is our best path forward to help give a platform for those in support and those in opposition with reservations the opportunity to figure this out. Creating a commission does not create a district for the Village or anywhere else in Zionsville. No district map, boundaries, regulations or guidelines have been proposed for the Village or anywhere else in Zionsville at this time. Giving the commission an opportunity to educate residents on how design guidelines work, work with residents, listen to them and begin working on the specifics of their districts which must be approved by the Town Council is a reasonable path forward, in my opinion. Creating a commission allows us the opportunity to decide if we want the district and if so what kind of district we want. That could start with interim protection meaning only regulations are on demolition, we can feel out what life is like with demolition delay first and the commission then gives us an option to work towards the district that we want. We can create a conservation district for the Village with only restrictions in demolition and new construction or if you want a historic district then you can work towards that for any place in Zionsville – not just the Village. Districts are not a copy and paste of this ordinance and if you believe that to be true, then you have not researched the hundreds of established districts in Indiana that follow the enabling state statute to create a commission. I trust this process not because maybe it won't fail – it definitely potentially could – but I would rather try something than to continue to see historic homes be torn down. I believe our historic homes are valuable to our town and I support a commission that protects them. Thanks.

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Plunkett Thank you. All right. Up next is Mark Walters.

Walters Good evening. Mark Walters, 545 West Poplar Street. I submitted a letter to the Council which I hope you've read. If you haven't, I encourage you to do so. I'm not going to read that letter here I'm just going to make a statement. I support the creation of a Historic District Commission and despite the concerns being expressed, I am confident based on the almost three years I've been involved in this effort and after talking and visiting with a number of other districts, that the commission once formed will develop a conservation ordinance that is fair and reasonable and will not be an undue burden on our community. I urge you to vote in favor of the ordinance creating the commission and I truly believe that future generations of Zionsville residents will thank you for doing so. Thanks.

Plunkett Thank you. All right. Up next is Ashley May. Ashley May going once. All right. Alex Overbeck.

Overbeck Hi everybody. I'm Alex Overbeck. I live at 765 Bloor Lane. I also own several other properties throughout Zionsville. I've been following along and doing my own research for somewhere around two years. I've read the proposed ordinance and I understand how it works. I understand that there are no restrictions being proposed at this time. I understand that we are here to establish a commission that will provide us with an opportunity to continue this conversation. I understand that those conversations will allow us to utilize tools that zoning cannot, most notably being demolition and review. I am here to support this ordinance because with it we have the ability to negotiate and compromise. We have the ability to create a thing that suits our needs. Without it we don't get any of those things, and we continue to fight our neighbors, we continue to lose things that we cannot get back. I'm here asking to move forward so that greater Zionsville can decide what makes Zionsville great. Thank you.

Plunkett Thank you. Up next is Jim Whalen. Okay. Rinky Boleman – am I getting that right?

From Audience [off microphone in the crowd] She's not here yet. She said they'd get here at 7:30.

Plunkett Oh, okay. Michele – I'm going to butcher this, I apologize – Schlegelmilch. Did I say that right? All right. Okay.

Burk She's not here?

Plunkett Hmm?

Burk Not here?

Plunkett No I guess not. Mark Zelonis.

Zelonis Well thank you. Mark Zelonis, 40 South Third Street. I just wanted to put myself in favor of the forming of this commission. My wife and I moved

here 25 years ago from a very historic town, Bristol, Rhode Island. If you have not been there, I strongly urge you to take a look at it. But like a lot of our neighbors and friends, we were very distressed to come here to Zionsville and find out there really was no protection for the beautiful neighborhood that we settled ourselves into. Bristol formed a, one of the more strict historic preservation commissions or districts 35 years ago but that area is now viewed as one of the most scenic and most important historic areas in all of America. It constantly gets reviews for that. So we came here, joined a committee 20 some odd years ago with Ralph Stacy and a number of other people to help do essentially what we're doing, trying to do here today. That did not work. Another effort with John Tousley a number of years ago did not work either. So, we're just trying to get this conservation commission formed so that things can move ahead. But I just wanted to state what this ordinance will do – the one we're talking about tonight. It creates a commission that's all. It does not form, the local groups for the Village or anything else, it's really just to take a look at that, the people who would be on this commission, as some of you hopefully already know, will be appointed by the Mayor with further review by the Town Council. What that ordinance does not do – it does not create any protected districts in Zionsville, hopefully they will come later. What does the commission do? They'll work on creating protected districts or protected single sites within Zionsville. There wouldn't necessarily be the Village as we look at it right now. And what does creating a district mean? It just means drawing up a boundary map, a boundary map, classifying historic homes within those boundaries – some of that has been done already and to write design guidelines or standards for that district. And after that what happens? The commission can propose a district, the Town Council has to make it official. Every district the commission wants to make has to be a new ordinance and has to be voted on and approved by the Town Council. Chelsea has already talked about what the difference is between this and what was suggested last fall. Why take this approach? It makes the process more open to the public, it allows for other areas in Zionsville to have a protected district as well and I support this because Zionsville is a very special place – we wouldn't all be here tonight so I do urge you to consider strongly creating that ordinance. Thank you.

Plunkett Thank you. All right, so I want to apologize. These are not necessarily in order time stamped as they came through so since we've gone through five, I'm going to switch up and go to five the other way, and we'll alternate from there. So, up first is JD Hall, or up next, I'm sorry, is JD Hall. Again, three minutes. If you would, state your name and your address.

Hall JD Hall, 150 North Main. I'd like to start by thanking the Council for your time and your service to this community. While the current ordinance may

only be the framework for later rules to be passed, intentions are clear. This is about the Village. The original draft ordinance was only for the Village. This ordinance would not be for the, not, would not be before the Council if there were no targets and the number one target is clearly the Village. Similar restrictions for the Village have previously failed due to strong opposition by those residents. What has changed since then? A survey was circulated by the organization called Preserve Zionsville which was stated, the stated goal was planning a conservation district designated, designation for the Village. The survey asked questions such as “Do you support maintaining the Village in downtown as a focal point of historic heritage, strengthening the Village architectural integrity and character, protecting the existing residential character of the Village and number four compliance with existing zoning requirements.” Of course, who wouldn’t support these points? The term historic preservation district or its consideration, or its considerable restrictions were never mentioned in the survey, yet is now being used to suggest that residents are in favor of the historic preservation district. The survey also asks “Do you support discouraging, discouraging demolition existing homes?” While, while options vary, a number of residents are against certain older homes being torn down. In fact, many Village residents believe that this is the extent of the proposed ordinance. It is no wonder that many residents don’t appreciate the full restrictions of the proposed ordinance giving, given the misleading language in the survey and significant, and several significant revisions to the draft ordinance which is now 16 pages of legalese. As more residents become familiar with the details, they have quickly voiced their opposition. A new petition was started four days ago. Currently, we are at 101 folks that have signed that against this ordinance now. This is in contrast to 148 positive responses to the survey which was conducted over several weeks. Sorry. Notably, 11 residents who originally voiced support of the survey, are now signed against the ordinance. Critically –

[Timer]

Plunkett Thank you JD.

Hall May I hand out?

Plunkett Thank you very much.

Hall Mr. President, may I hand this out?

Plunkett You can hand that to Amy if you’d like.

Hall Thank you. These are folks against it.

Plunkett Thank you. Up next will be Michael Marlowe.

Marlowe Hello. Hello Town Council. My first visit officially. Thanks for having me. I am a resident at 140 North Fourth Street and officially I oppose the historic preservation ordinance. I moved with my family here five years ago from out of state and, really we picked the Village for its walkability, inclusiveness and small town feel. We've significantly remodeled our 1970s home which is not historic, but this includes an addition, fence and changing the paint color. So, we've gone through the process as it currently stands and I can tell you from firsthand experience, it was very thorough. Prior to adding our addition and pursuant to the current zoning ordinances, we went through this thorough process petitioning for a variance. I knocked on all my neighbors' doors showing them the plans and asking them for their approval. After receiving the approval from my neighbors, we submitted our plans and went in front of the Zoning Board for their architect and contractor for their review. We were then questioned for over an hour by the Zoning Board in which all plans were examined, math was checked and statements both for and against our project were openly questioned by the board. It was a thorough and detail oriented process that ended in our variance request being approved. Under the proposed historic preservation ordinance, I believe I have the current version here, this would look every different. In, in addition for petitioning for a variance for the Zoning Commission and Section 12 for the expansion that we did, we'd also have to file for a certificate of appropriateness with the Historic Preservation Commission per Section 7. Next a commission of people who are not elected but appointed by the Mayor per Section 3A would then determine whether our plans were appropriate using a subjective criteria on visual compatibility in Section 9. Not knowing what visual compatibility is, we are trying to match an independent center of reference what is then given to us by the commission to follow.

Plunkett Just one minute left.

Marlowe Oh, okay. So, in short, it's a very different process that we would've encountered and I believe that our community, in short, we have a very warm, very friendly, very neighborly community. The interaction that I had with my neighbors on this stuff was very friendly and my concern is that the new board, restrictions and legal standings that are given by this is going to change those conversations. Last comment – the survey is not a vote. I know there's been a lot of concerns or confusion about what the survey is. If we're going to change property rights, I would want us to vote on that as a community so that all the facts are known on both sides and we can see it clearly. So if the commission gets to a point where we're putting something out to change our property rights, I very much would like us to vote on that as a community. Thank you.

Plunkett Thank you. All right. Up next Eric Lamb. I would ask – I know we’ve had some sporadic applause as we start to go back and forth if we could keep that until you walk outside or something that’d be great.

Lamb Don’t worry. They won’t applaud for me.

Plunkett All right. Go ahead Eric.

Lamb Eric Lamb, 335 West Ash Street. A lot’s been said about this only creates a commission. My question is why do we need a commission? No one has articulated that. When I stand up and say I live in the Village, I don’t believe my property rights should be taken, no one can say – well everyone stops me and says well we’re not talking about the Village, we’re not talking about actual rules that affect you – we just want to have a commission. Well we’re talking about the balancing of individual property homeowner rights which is one of the single most important rights we have as Americans but we want to create this framework that would allow limitations on homeowner rights up to and including any visual exterior change to historic or non-historic homes under Section 7A. I’m not either – there may be a reason why we need these things but before we get to that we need to understand what those reasons are. Let’s not say well we’ll create the commission and later explain why we need it. We need to have very strong reasons for establishing this commission before we establish that commission. So my questions are – why is the ordinance needed? What problems does it solve? Where’s the list of neighborhoods that need these restrictions? I mean, the Village is a vibrant community. It’s one of the most valuable neighborhoods in the state, you know, if we need restrictions, let’s hear what they are before we adopt something to fix a problem that we’re not aware of what it is. And when you’re balancing the interests of aesthetics the public may have in my home, there needs to be a grave need to say okay the public’s interest in your home is so great that you can’t do what you paid a lot of money to do at your home. And if you move into a neighborhood with a HOA you know what you can and can’t do. If you buy a home without an HOA, you have to have a vote amongst all those neighbors to implement that HOA. I’m not given that right as a homeowner. I don’t like the idea of old homes being torn down – I’ll go on record as saying that – but this goes so much further beyond that and I have zero say. If this gets passed, there’s nothing, and I, this doesn’t provide those rules – I totally get that, Joe, but that’s step two in the process. Well, if we wouldn’t have this commission, if there wasn’t a reason for establishing it, step two will be the Village and that’s where I live. Proponents like to say well don’t read it on the face even though, you know, if you can interpret it different ways. There are these, you know, very aggressive attorney fees provisions that only go against the homeowner, not or to the prevailing plaintiff not to the prevailing homeowner – well the town is in a lawsuit right now and I’m not picking

sides in that battle but these things happen. No one expected that to happen. So why wouldn't it happen here, right? I know we change it, this is in the statute, so, you know, we gotta take it what it's worth, you know. Is this something that is so important with all of these boards that we as a community need to adopt and solve some serious problem or, we look at it with a nod and say you know what, we're okay without it. We're doing pretty good. Zionsville's a pretty good place right now. You know, we have zoning – it, it's financially infeasible to tear down a house in the Village unless it's insalvagable. And, you know, we have a zoning ordinance now that limits lot size coverage but, you know, there's lots of variances that are – I mean that can be kind of on the –

[Timer]

Plunkett Thank you, thank you Eric.

Lamb Thank you.

Plunkett Thank you. Steven Scott.

Scott Thanks for allowing the time to hear us. My name is Steve Scott. I live at 780 Laurel, and I believe the, the notion of Zionsville's greatness being a homogenous image of some random selected point in time is wrong headed and that it's, our continuing journey that matters. So I want to go maybe a slightly different direction than what other folks have been talking about. My wife, Trish, and I are established residents of the Village having built our home here more than a decade ago. This type of ordinance is not new to us. We've seen it before. The historic town of Norcross, Georgia which is our home before moving to Zionsville is now in its third iteration of a historic preservation ordinance owning the nationally unique distinction of having implemented and rescinded a historic preservation ordinance twice before. This is because people often like the idea of such ordinances much more than they like actually living with them. Their current related controversy is a proposal from their commission – their newest commission that started last year – for expanding their powers to include any and all art displays within the boundary of the district. We believe Zionsville is better than this. We love Zionsville. When we first moved to Indiana we rented an apartment and frequently walked northside neighborhoods including the Village of Zionsville and came to an important conclusion. The Carmel options just felt too artificial. The Village was refreshingly authentic. The evolution of the architecture felt uniquely organic and eclectic. Zionsville was the real deal. When we found a lot, we build our own unique contribution to the list of architectural styles that is the Village. We built a Charleston single house. Our home is not a native architectural style of Indiana but by all accounts, it has proven a valued contribution to the Village. Visible from

our porch is a historic farmhouse, a cape cod, a Carolina beach house, a Frank Lloyd Wright, a '50s bungalow, two log cabins, a cottage and an '80s suburban brick home. It's a diverse mix of architectural styles that create a uniquely authentic Village feel reflective of the cultural viewpoints that have contributed to it over 150 years and this is what I came to say then – diverse architecture matters. Diversity and inclusion are more than just words. These are words that represent a philosophical viewpoint, one that Zionsville purports to support. A viewpoint that is actually embodied in the eclectic architecture of our Village district homes. Embracing the diverse cultural viewpoints and aesthetics that will help us all to see things through the lens of others is a crucial part of developing an ever more inclusive community. This should be a priority for us all. Zionsville is better than this. So I want to say shame on those who are shunning these values of diversity and inclusion. They need to see these architectural variations as an authentic, organic evolution of the way we live and chance to strengthen the very fabric of our community. Diverse architecture matters. Thank you.

Plunkett Thank you Steve. Hey, all right. Come on. Let's go. Up next David Damm. [Timer] You had a couple of seconds to spare.

Damm Thank you. David Damm, 155 North Main Street. My wife Robin and I are the lot next to the empty lot on Main Street, so we've got a lot of emotion into tearing down homes and leaving an empty lot for over a year and a half. With that said, we also have a big concern with what we've seen as far as the documentation that we're on a one-way ticket to who knows where the destination is. We need to put in some controls of if the commission is in there we need approval that we're not taking away property rights before we take them. We need to take our the wording that says we automatically in three years turn into a historic district when maybe a conservation district is all we want. Let's see what we – let's take it a step at a time and make sure that it works before we get on a one-way ticket here. I'm very concerned with the property rights. I don't know that anybody wants their property rights taken away from them but a commission can decide this property is a point of interest and now you're locked out of being able to do anything on it for over a year while that's debated. That's not the kind of property rights I had in mind when I bought a home here. So, it's, as a couple of other points made – the diversity of the architecture does matter and that's the kind of the Village we're in. I don't want to see things torn down, especially when it leaves an empty lot but I also don't want to see a mega mansion put up in there in place that's not protecting the covenants that are in place now on the zoning commission. So, we need to have some teeth that we're protecting the covenants that are on, on the books now instead of trying to pass this problem onto another group. And if we are going to pass it on to a zoning commission, it's going to give us some strength there, that's, that's

possibly okay but let's make sure that we have that under control and it's not an iteration to getting to a historic district that I don't know that many people would enjoy being a part of. Thank you for your time. Thank you for all your work and time put in so far. I know it's been laborious. Thank you.

Plunkett Thank you. All right. Mervyn Cohen.

Cohen I'm Mervyn Cohen, 522 West Cedar Street in the Village. The Village of Zionsville is unique, certainly in Indiana and must be preserved. It's a culture, it's architecture, it's heritage and expanding this concept to other historic locations in the Town of Zionsville is equally important. I understand the naysayers. We're all naturally afraid of change. That's normal. But I would like to suggest a few things to them. Firstly, many people here and in Zionsville live in subdivisions. The homeowners' associations in these subdivisions impose many restrictions that are tougher than what you'll find in the commission and the conservation district. Secondly, I've spoken to people who are scared and opposed to this new conservation district. What I gather from these discussions is the fears are based on misunderstanding. Let's just talk to two people who presented tonight – firstly, I think many folk opposing this new ordinance don't truly understand the difference between the role of the zoning board and the conservation district. They're complimentary. They're not in opposition to each other and both are necessary for different reasons. Secondly, as I understand all of the new proposals, I can't find anything that is saying that there will be a homogenous architectural style in the Village. This is not true. I would like to do two things in closing. Firstly, to thank all of those in getting us to this stage – Mark Walters, many on the Council and many, many other people. It's taken about three years to get to tonight's proposal. And finally, I'd truly like to thank the Council for considering this new ordinance and strongly, strongly urge all of you to vote in favor. Thank you.

Plunkett Thank you. Up next is Meg Purnsky. Am I saying that right?

Purnsley Close enough.

Plunkett Sorry for messing that up.

Purnsley That's okay. You're not the only one. You won't be the last. My name is Meg Purnsley and I am the Director of the Indianapolis Historic Preservation Commission. I have been asked by a few folks here this evening to express my support for the initiative but also to be here as somewhat of a sounding board and to help to maybe stamp out some of the confusion or concerns that might surround the designation process. My commission is a nine-member commission appointed by the City-County

Council and the Mayor's Office in Indianapolis. We have jurisdiction over 17 locally protected historic districts and 15 individual sites, some of them are conservation districts as being discussed this evening. There's about 7,000 properties in Indianapolis that our commission has jurisdiction over and we have a staff of six that manage that and the process is very similar to the way your statute as proposed is. I'm happy to provide any clarification. The commission's been around since 1967 so we have a little bit of experience. I've personally been on the commission staff for 22 years so I've seen, heard and witnessed it all. I'm happy to share my thoughts, insights or anything if you have any questions about anything else, I'm happy to provide my input.

Plunkett Thank you. All right. Lyndsay Gilman.

Gilman Hi all. Thank you for having me and thank you for your time tonight. First of all, I just want to say I feel like we're all rooting for the same thing. Like there's so many people here who are against, who don't want to see houses torn down, don't want to see homogenous architecture and that's what the pro side wants as well. So, I think the important part is the commission is a place for us to work out how to balance those needs. So, that's just a comment. I also just want to –

Plunkett Lyndsay, can I, could I just have you state your address please?

Gilman Oh, I'm so sorry.

Plunkett Thank you.

Gilman 480 West Poplar Street.

Plunkett Thank you.

Gilman Yes, sorry about that. So I just thought I'd read real quick, I have been lucky enough to live in Zionsville since I was 8 years old. My family sought out this town because of its character and community. After college I moved away and lived in Chicago for several years. After having children and deciding to move back to Indiana, I swore that I wouldn't move home again. Yet after spending time looking all over Indianapolis and the surrounding suburbs, my husband and I both realized that Zionsville was 100% what we were looking for. As nice as other suburbs are, they do not have the character or community of Zionsville. The charm and history make it unique. We are unique. We hope our children will value individuality and want their community to reflect that. We bought a home in the Village eight years ago, now have three children and still feel 100% confident in our choice. We have a new home by Village standards. It was built 20 years ago. I am not opposed to new development but not at

the cost of our historic character. Trends change and I hope the Village can continue to reflect a diversity of eras it has lived through but in order to preserve this unique town for the future, the history has to be a priority in addition to the present. Please support the creation of a committee to create exactly this type of historic or preservation district this town needs to keep it a beautiful, diverse and thought-provoking place to live. I feel confident that this can be done in a balanced way that will address any concerns or fears that people have. It's time to move forward with this initiative. Thank you.

Plunkett Thank you. Danielle Pezet. Is that correct?

Pezet Pezet.

Plunkett I'm sorry?

Pezet Pezet.

Plunkett Pezet. Oh. Very good.

Pezet All right. Danielle Pezet, 110 North Third Street and I support the commission. This community is so, so special. Lyndsay probably had the exact same thought. How just rad is it that there's all these people here who are literally trying to accomplish the same things, same thing just maybe in a different, different way. I am a transplant here, not originally from here. I moved to Indiana, never stepped foot in Indiana with 48 hours' notice with a three-month-old and I stumbled upon the Village and I did not know places like this existed. I truly didn't. I thought it was a lost space. I now – and I think it's worth preserving. I live in a home that's 154 years old. I'm the current owner but I am very aware that more importantly I am the current caretaker. It will certainly outlive me. This house will. And it's my honor and my responsibility to safeguard its history. And I feel the same way about the historic homes in the Village and everything that makes the Village so charming. This place is worth protecting. I just see this commission as the first step to figuring out how we do that. How do we ensure that the Village will be preserved so that future generations can enjoy everything this amazing place has to offer? I want a family to move here out of the blue in 100 years and go holy s--- I didn't know places like this still existed. I think that takes time, attention and focus. So I support this. Thank you.

Plunkett Thank you. All right. Up next, Lisa Sandy. Am I saying that correct? I hope.

Sandy Lisa Sandy. I live at 485 West Pine and I just want to say that I support the creation of the commission.

Plunkett Thank you. Up next John Tousley.

Tousley [Off microphone] Can I have Lisa's two or three minutes left?

Plunkett That's funny.

Culp He wants to know if he gets the extra minute from that guy so he's going to come back up. You'll start borrowing minutes.

Tousley It's your choice, I guess. My name is John Tousley and, since 1982 I've lived in and, and has been and caretaker of a home in the Village at 305 West Pine Street. It was built by Jon Hussey so that he could marry Susie May Aldridge. Living in a 118-year home in the midst of other older homes has instilled me a deep appreciation of the unique history and heritage those homes represent. They provide us with a sense of place that keeps drawing us and others to the community. I support the establishment of an historic preservation commission. I hope that the ultimate resolution is that it's a conservation district. I understand tonight that you're not establishing a historic district or regulations, you're only considering the establishment of a commission that will help our community determine whether one or more historic districts should be established, if so, how those districts can be best preserved and enhanced. It is the start of a dialogue. A dialogue that we've needed and we will continue to need in the future until it's addressed. I see this as a reasonable measure and indeed a conservative approach addressing how to best preserve and enhance Zionsville's unique heritage and sense of place and so urge your support. Mr. President, you asked that we not repeat each other, try to add something unique, I suppose. About the only unique thing I can offer is that I'm an attorney – that's not unique, especially here, but over the period of time I've probably set up around 20 developments, done declarations of covenants, HOAs and such. A variety of homes from first buyers to what was the most expensive condominium project in Indianapolis at its time – Beaumont on the Green – and in every one of those the builders and developers felt that a declaration of covenants, conditions and restrictions was necessary to enhance the value of the homes that they were selling and for the buyers, the biggest purchase they would make in their lives. Now if you know builders and developers, they're fairly cantankerous, very independent and yet each one of those saw that there was a benefit in enhancing the consistency, not homogeneity. It's like Beaumont on the Green was one of the most diverse condo projects you'll ever see. But there's something to be said for enhancing the consistency as opposed to allowing the hodge-podge that we see and will continue to see here in the Village. So, again, I urge your support and your vote for the ordinance tonight so we can begin our dialogue. Thank you.

Plunkett Thank you John. Mathene Boehner.

Boehner Hello. My name is Mathene Boehner. I am the current restorer of 395 West Walnut Street which was the, Union Church and I am restoring that because I didn't want to knock it down and there were bids to knock it down. I am a long time resident of Zionsville living in the suburbs and am so happy to be here. What I don't want is for our historic Village – the reason people come here, to be destroyed. And I think everything else has been so well articulated. But that's that. Thank you.

Plunkett Thank you. Heather Lusk.

Lusk I don't know if it matters but Rinky Boleman and Jim Whalen are here if you wanna – just FYI. I live at 285 Hawthorne Street and I was going to be short – Amy I promised, but I wanted to add a couple of things here. First, Steve Scott mentioned the diverse mix and diverse architecture, what matters and oh my gosh 100% I think that's why all of us are here exactly as Lyndsay said. That is, that is exactly why this is needed to protect these unique properties and when you look at what happened to the, the house next to David Damm's, the authentic home was once this cute little cottage that was in great condition and now it's gone and obliterated and it can't ever be brought back now that it's gone. I live in a historic house that was built by Laura Hussey's grandfather. The house next door was built by her dad and she donated the library – you might've heard of her. So, right now I actually live in fear that our two houses that have this incredible history will be raised and turned into apartments. That is a very legitimate fear. I wake up in the middle of the night terrified that this will happen because there is zero protection now for our home. Right now, anybody truly could come and buy our property and do what they want with it. It's not eligible for national register for historic places designation because it doesn't have any key spot in history. I've done a lot of research on this recently, I know what our limitations are. This would allow us with our own personal property – it only affects us and our resale to have that protection. It doesn't hurt anybody else for just us to have this and that's what I appreciate about this committee is they look at these individual or two or three properties on a case-by-case basis rather than saying hey, we're just going to plop this down in the middle of Zionsville. I don't think any, everybody really appreciates or understands that in this room. There's been so much confusion about it. The creation of a commission basically would allow for that protection. No commission equals no option for protection. I mean, basically, denying the commission is akin to a child breaking a toy so no one else can play with it. It's short-sighted. Please, I hope you will move forward with this commission so that we do have this opportunity for those of us who do want it for our own personal homes. Thank you.

Plunkett Thank you. Katie Longman.

Longman Hello. My name is Katie Longman and I am the owner and humble steward of 315 West Walnut Street. I grew up in Zionsville. Went to ZCHS the whole shebang. I absolutely love this town, I've never seen demolition like I have the last few years and this is a trend that's not going anywhere. I live in a pretty small house, even for Village standards – one whole bathroom – but, I'm well aware in the current market, anyone who would be interested in my home if I were to ever sell, would likely demolish it, in favor of a house that by modern standards is more family friendly, though I would like to point out that a Mr. Abraham Hull Martin who built my house in 1868 raised three children three quite happily. I very much support the formation of this commission. I do think there's been a lot of misinformation spread and that has been the shame here. But it's a pretty relaxed approach. It's not particularly strict and I really look forward to hopefully enacting this. Thank you.

Plunkett Thank you. Michael Sechrest.

Sechrest Michael Sechrest, 300 West Oak Street. I'm for the commission. Moved here 2½ years ago with my wife and I lived in Fishers for 30 years before that. I was president of a homeowners' association for three years so I certainly understand that side of things. I have to admit when I moved here I was just shocked. I was floored. I had some good friends that lived here, had no idea that there was noth, no conservation district, nothing was really in place. I think ultimately the conservation district is hopefully what everybody's aiming for which I've had friends of mine that aren't really that informed tell me they're worried about, you know, the bushes, all the comments you guys have heard that really aren't applicable. It really comes down to tear downs which the lady mentioned earlier, moving your home or if you're going to have building plans for the streetscape that will affect other people. So, we live in a modest home and I certainly wouldn't want to see a house torn down next to me that should be protected and then be three floors high and us be in the shade. So, I'm definitely pro for this. The last thing I would say is, let's not be Carmel, let's not be Fishers where I lived forever. People walk these sidewalks and these streets and go to these little shops because of the Zionsville historic nature of what we have here. So, definitely pro commission.

Plunkett Thank you. All right. And so there really is no way to confirm when these were turned in, I will go back and, if there's anybody here – I got Rinky Boleman, Michele Schlegelmilch – okay, Alex Overbeck and Jim Whalen.

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Plunkett Oh, sorry. Wrong stack. Yes, Rinky Boleman or Michele, either, either one.

Boleman Hello. Can you hear me?

Plunkett Yes.

Boleman I'm Rinky Boleman, 90 South Sixth Street. First I'd like to thank you for all the time that you've put into this. I know it's a lot of stuff and, as a Village resident of 40 years, I'm completely in favor of the ordinance and encourage you to adopt this and get a commission in place soon. Basically, that's my biggest point and I'd also like to you, for you to know that several years ago I used to receive postcards and letters from real estate buyers wanting to buy, to buy our home mainly because it's on a larger than normal sized lot and these buyers were most interested in purchasing and raising our home, tearing it down to build a larger house. So, our home is now a designated SullivanMunce Century Structure. Thank you.

Culp Thank you.

Plunkett Thank you. Any other of those names, those folks? Did anybody raise their hand? Oh, okay – Michele? Is that right? Perfect.

Schlegelmilch My name is Michele Schlegelmilch. Town Council President, Town Council members, my husband, Dan, and I have resided in the Village at 650 West Pine Street for 19 years and we are strongly in support of creating a Historic Preservation Commission and ask that you would, protect our, our home and our Village and be able to continue the conversation. Thank you.

Plunkett Thank you. I believe that's it. Oh sorry – Alex? Jim? What's going on here?

Whalen Jim Whalen, 190 South Sixth Street. And, it's a home that was built in 1912 and, I just want to say, thank the Council and all the people that have worked hard to get to this point and uh I'm in favor of the ordinance that you would create a commission.

Plunkett Thank you. I think that's it. All right.

Plunkett These, there were the five that were against. I had one that was marked against but it was, the lady that's on the commission downtown. All right. Thank you very much everybody that spoke. We certainly appreciate, appreciate you participating and taking a part in local government. So, all right.

MAYOR/ADMINISTRATION UPDATE

Plunkett Up next is the Mayor/administration update. Any do we have a Mayor or administration update?

Lacy No we do not.

Plunkett Okay.

Garrett President Plunkett, could I give an update in lieu of this related – the Mayor doesn't come to these meetings or at least speak at these meetings? So, quick refresh for everyone at home because we've got a bigger crowd than normal, this Council approved a new financial system the Mayor requested back in 2020. Pretty good idea – our financial system was pretty old. Unfortunately, they shut the old system off before they started or at least when they started working on the new system. So this Council has effectively been without financials for the last 18 months, which has been concerning, and we've been asking the Mayor to give us an update on where we stand and have been met with only silence or Facebook posts. So, I just kind of wanted to give that context for where my comments are coming from. I will start with some good news in that this Council did receive financials, last week for last year and for January and February. I don't know the accuracy of those financials but there were submitted to us so that was good. I know Cindy Poore who has been kind of a one-woman show since, since Tammy Havard was asked to leave has been doing a yeoman's job to get that done so thank you to Cindy for that and we do have a new CFO. It was a question I asked at the last meeting that the Mayor declined to answer but we have a new CFO, she seems very qualified, she has a big job to do. I think her first day was today, so we welcome her but the problem is it doesn't really answer my three questions and three questions that I've been asking which are: 1) What happened to put us in this situation? We spent \$280,000 and have been without financials for 18 months. 2) Where are we today? So by getting the financials, does that mean we are now live? Is the system now up and running or is there some sort of behind the scenes magic that's going on to get that done? And if that is happening, then what is it going to take to get us to actual steady state? And so, I'm concerned because I'm not sure if the Mayor doesn't know what's going on or just is refusing to communicate to us what is going on. So, I've tried to dig in a little bit on Facebook to find out. So back on March 8th she said the last financial report sent to Council was in December. So, I was concerned with that statement because that was the November incomplete financials and she's saying in March as if that is good enough and four months in arrears for financials is not good enough but then she continues and this is the Mayor saying "Our switch to a new financial system has delayed financial

reporting but we anticipate resuming normal reporting this month.” So, that least answers my question that she knows what’s going on if she’s able to say that we’re going to get this reporting by the end of the month. Later on the Town Council’s Facebook page, this is on March 15th, it said our finance department has been working to provide a new web-based financial transparency reporting tool complete to switch the OpenGov platform. OpenGov is the system that was picked, a little bit while later it says we are getting close to having a new, robust citizen facing financial experience. Now, I haven’t seen any of this yet and I’m not sure any of the citizens have seen this yet which leads me to believe that, I suspect, the reporting we’re getting is some sort of just middle ware piece that’s being done and it’s not actually being generated out of this system yet. And later the Mayor gave an update on March 31st that said “Our switch to a newer financial system has delayed monthly reporting, monthly financial reporting. Like Town Council, I am frustrated this is taking more time than anticipated.” So, I now have more questions –I’m not sure how the Mayor shares our concern but refuses to dialogue with us about our concerns. If she shares our concerns then why is she defending the lack of reporting earlier in March? How is she making financial decisions if we’re not able to get financial information and presumably she’s making financial decisions based on the same information and I am not voting to pay our bills until I get an update from the Mayor because I’m unsure what our financial situation is. So why does she continue to stay silent at the cost of our potential vendors getting paid? I also got a bunch of questions from the public because I’ve been continuing to go down this path. I’m amazed that the, quality of talent we have here, you know, questions about, you know, was the contract reviewed? How many people hours have taken trying to implement this? These are questions from people whose job is to implement these ERP systems, this Council has shown a willingness to support the Mayor when she comes to us for money. We did it with the OpenGov system, we did it with WinterFest, we’ve done it with the downtown parking lot – my problem is, things can go wrong – I understand that. But if things go wrong and then the Mayor is unwilling to answer questions as to why they’ve gone wrong, then why would we ever give her any more money? I mean, it’s fine to give her money and something gets done, right? The parking lot in the Village right by The Friendly we appropriated money that got paved, no questions, it’s done but when things go bad, I now know I’m not going to get answers. So, as the fiscal responsibility party for this Town, if I can’t get answers for the money I’m spending – your money that I’m spending – I’m just not inclined to do that and that starts becoming a problem for everyone because there are new things that come up – there a proposal for a 5-year park study today that seems like a good idea but if that study goes wrong and no one is going to answer my questions then I really have no one to hold accountable for the money that I am spending outside of the normal budget process and what I’m talking about here is non-budgeted dollars.

When the budget is passed, there is flexibility within there to allow the administration and departments to spend that money. I'm not questioning that. It's the additional money that we're asked to spend when it's not spent well or if there's questions on how it's spent to not get answers just leaves me to then not want to say yes that next time. So, only the Mayor can decide if she wants to answer these questions or not –the ramifications though of not doing that because how are we supposed to support those projects if we can't get those answers? So, I appreciate the time because the Mayor didn't take us up on this opportunity to share to again continue to share my concerns about what is going on.

Plunkett I will give a brief update. I had lunch with the CFO and I'm excited, excited for her start and, you know, certainly enjoyed that time and, yes, I think, I think that's going to be a good addition and I'm certainly happy. So. All right.

OLD BUSINESS

A. Consideration of a Right of Way Encroachment Appeal (Continued from March 21, 2022 meeting)

Plunkett Up first on Old Business is the Consideration of a Right of Way Encroachment Appeal. This is continued from the March 21, 2022 meeting. We have Darren Andrews and Lance Lantz if anyone would like to add to the last meeting. Either one of you? All right.

Lantz Your counsel had done some research on some neighboring communities to see what, if anything, other communities were doing. That had been shared with Councilor Melton and probably with some spring break and people away there really hasn't been a time for this body, you, you to convene in a small group to determine if you want to make any type of policy change. So there's – I have nothing new to add, but I look forward to implementing any policy changes you may want to explore.

Plunkett Yes, I think the thought was after the last meeting that we would be able to grab some information, details on surrounding communities and Councilor Melton I don't know if you're prepared to share that or if that's something –

Melton Well I think there's a, a couple of perspectives at play here. With regards to the streets – safety in the streets and then actual structures being built near or over a street. Some of the key takeaways with the help of, counsel, we were able to look into other municipalities surrounding us. I know we don't like to use this word in this chamber – Carmel, has an ordinance that states "No person shall play any game upon the streets." I just think that's

interesting. Fishers has ordinances that focus on unsafe structures relating to those that create a public nuisance or hazardous to public health. Indianapolis discusses the space above and below public right of ways with regards to buildings and whether they're authorized or unauthorized. It also discusses it being unlawful to allow a child to play in the roadway under the age of 12 years old. Again, pretty restrictive and interesting. Noblesville has no permanent foundations with overhangings, allowed. They also do, though, allow portable goals, from May 1st to September 30th. So, reading that ordinance actually contradicts itself – it says nothing is allowed to overhang the right of way yet it allows goals from May 1st to September 30th. I think that's something that they have to deal with with regards to when there is a complaint. Other local municipalities like Whitestown, they review anything that is built permanently, or asked to be built permanently in an easement or the right of way. Lebanon discusses overhangings but it's primarily towards buildings. And then we have Westfield also, they discussed permits required for anything in the right of way that's an obstruction. So, with some of this information – I'm just pointing this out – these were kind of the takeaways from the information, surrounding all of the ordinances that were close to in regards to basketball goals. So, with that I'll pass it to the rest of the Council to kind of either think about whether there's an appetite to create or work on another ordinance but I don't, I don't know that that's the, the topic of discussion at this juncture or not. But with, I will say with spring break I made a few phone calls to Westfield and Fishers to which I have not gotten a response back yet. Now I do believe that has to do with spring break and the timing.

Plunkett Yes, so I think we've got a couple of things to consider here, right? I mean, the first is, there's an appeal request, that we have to take some form of action on and then the second would be do we feel as a Council it's important to change the ordinance or modify it in some capacity? I thank you Councilor Melton and Heather, certainly thank both of you guys for gathering that information. Thoughts from the Council or questions, comments, concerns, criticisms?

Traylor I think whether we want to rewrite an ordinance or not is perhaps a much longer conversation than what's before us now.

Garrett Yes.

Traylor So in my mind regardless of if we want to change an ordinance there's still something to make a decision on today.

Plunkett Yes, for sure.

Traylor And, and one thing I do recall the petitioner saying is that I believe they said it was a goal that they could move –

Plunkett Yes.

Traylor So my personal thought is as of today it does not comply. If they can easily yank it out of the ground, we deny their appeal and then revisit, okay, now is this ordinance something we want to amend. And if it gets amended then – and it's allowable at that point, they can, you know, plop that right back on the foundation that they've put down. That's, that's my thought.

Garrett I like that way of thinking. Yes.

Plunkett I'm sorry, what was that?

Garrett I think that makes sense. I do start worrying about one off approving because you then start arbitrarily saying like all right well where do you do it – even driving in my own neighborhood like if someone wants to put something on the main drive you say no to that but then someone else puts one on a court you say yes to that and then you start, you know, I, I like kind of just a hard and fast they're either allowed or they're not and until we figure that out, I think it's most fair to, to let that be removed until that happens.

Plunkett Well and that's what we have now, right?

Garrett Yes.

Plunkett It's either allowed or it's not and, again, to your point regardless of what decisions we decide relating to the ordinance we still have to make a decision on this tonight.

Garrett You want a motion or are there more comments?

Plunkett I mean I'd, any other comments from Councilors?

Choi Just, you know, part of, part of, kind of the appeal of being in a neighborhood like Zionsville is watching kids play and, building memories and things like this are – you contribute to that and I feel that, you know, and, and I'm going to support the petitioners on this, myself but I feel that if, if this gets defeated that we do visit an ordinance that allows for these kind of activities to happen in, in a safe and responsible way and this is part of childhood and what growing up in a place like Zionsville is all about.

- Garrett Sounds like you just volunteered.
- Choi I did not.
- Garrett Yes you did.
- Choi I am not being “voluntold” told either.
- Plunkett That would be a great thing for you. There you go.
- Burk Craig will hand it off. I think, I think either way, Alex, that whether or not we support the petition or not, I’m more inclined to support the current ordinance and, and deny that with the full understanding that, I would also appreciate a fresh look at new language to see if there is something we want to do and if, if in that time we, you know, create something that’s a little more lenient then they would be welcome to come back and do that but –
- Traylor Yes.
- Burk But I’m with Josh that I would be cautious to, for approval of a one off. But, either way, I think we need a good look at that. I’m not volunteering to do it but I guess if you need someone to help, I will raise my hand.
- Traylor I would encourage the petitioners not to jackhammer up the concrete they’ve poured just yet, just – but I would make a motion to deny the current appeal.
- Burk Second.
- Plunkett First by Councilor Traylor, second by Vice President Burk. All those in favor signify by saying aye.
- Culp, Burk
Plunkett,
Traylor,
Garrett,
Melton Aye.
- Plunkett All those opposed same sign.
- Choi Nay.
- Plunkett Motion passes 6 in favor, 1 opposed. I too, would like to reiterate the comments of other folks on the Council that I think this is really important to revisit this ordinance. I mean, this is, you know, to – I certainly hope

that as my kids get older I'm the house that my kids and their friends come to play and, you know, you want to always know where your kids are and I think this is just something that makes good sense to at least revisit, you know, soon and I appreciate Councilor Melton's work and, Councilors Burk and Choi's decision to help with all that. That's great. All right.

NEW BUSINESS

A. Consideration of Zionsville Cultural District Special Event Fee Waiver Request

- Plunkett Up next is a Consideration – I'm sorry this is New Business. Consideration of Zionsville Cultural District Special Event Fee Waiver Request. And we have Candace Ulmer here to present.
- Ulmer Good evening. I'm Candace Ulmer, 1880 South 950 East in Zionsville and I'm the Chair for the Zionsville Cultural District Summer Concert Series. We've been doing the concerts in Zionsville since 2013 when we took them over from the then Chamber of Commerce at that time. And the reason why we did it was because it was going to be dropped and it had been in force since 1994 and we felt as a district, our group, it was very important to keep this heritage going on with summer concerts, free concerts in Zionsville. After tonight's meeting being on districts, I'm going to circle back around a little bit that will explain who we are and where that name is coming from. But I'm asking for this waiver, even though it's \$100, we are totally sponsorship and grant supported for these concerts. Last year due to coming out of COVID were some contributions were hard on sponsors. I asked some residents and they chipped in. Otherwise, it would've been a little iffy had we had three months of concerts in Zionsville last year. Our main grantors that we get things from are the Boone County Visitors and Convention Bureau and the Indiana Arts Commission which is so – that's why I'm asking for this waiver of this fee. Last year was the first time we encountered it. I also, after watching a Plan Commission meeting, want you to maybe consider a sunset clause of it for five years, um – we've going to be 10 years in existence next year at 2023 – the Zionsville Cultural District and we plan to be around here for a long time and we plan to just make summer concerts in Zionsville bigger and better and always free to our community. Now, we were formed in 2012 to apply for a, a, a cultural district with the Indiana Arts Commission so this is a statewide district. At the time we first applied in 2012, the then Zionsville Town Council approved it but we've been turned down the last three times by the Indiana Arts Commission itself and the persons we are competing against to get this status, you would say, which is nothing more than a sign where you might come into town that says "cultural district." That's it. There's no monies, no nothing other than that. But, it's Bloomington – the arts district,

Madison, Indiana is a cultural district, Fishers – the Nickel Plate is a cultural district and Noblesville. The other thing while we are working our way silently on this they changed it to where the Town itself has to apply to be a cultural district and we felt as our organization we needed to get more projects that we are doing so that it can support the Town whenever we bring it up that “a Town government” whomever at that time to move forward. The projects we’ve done you see, you’ve seen are the Lincoln Memorial across from Lincoln Park and we did that in conjunction with the then Town Council helped us with that, we’ve also had what you’ve seen sidewalk poetry – you might’ve seen some of the poems on some of the sidewalks in the neighborhoods and on the Main Street around town. We also did the Dahlia control box down there on 106th Street. We are working on a grant we did get from the Town for -- we’re calling it Pop Art but I’m calling it more of like a selfie station, that has art where people can stand in it and get their photograph and everything. As a cultural district, when we do these summer concert series we are paying \$400-750 per band. Our competition with Whitestown and Carmel and Fishers and everybody else are paying anywhere from \$1,200-1,800 a band. So, this is why I’m wanting you to waive this little \$100 so I don’t have to worry about that and this is why we are always kind of focusing on, you know, grants and sponsorship to help us with these series. We want to continue it in Zionsville and I just ask your help in letting me get rid of this \$100 fee.

Traylor And that’s \$100 per event, per concert?

Ulmer No.

Traylor Or it’s just overall?

Ulmer The special event fee once a year when I have to apply for it and it’s really just for the Lincoln Park series.

Traylor Right.

Ulmer I don’t have to apply for it for the June and July concerts which are in Lions Park. It’s just Lincoln Park.

Traylor All right. Thank you.

Ulmer Any other questions? Thank you very much.

Plunkett Thank you. I mean I’ll make a motion to waive the, waive, the fee request.

Garrett Second.

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Plunkett So first by President Plunkett, second by Councilor Garrett. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed.

Traylor Can we go ahead and make a motion – I know we made a motion for this year. Can we make a motion for the following years so that way – for a \$100, you know, I'm sure, you know, Candace has other things she'd rather do on a Monday night.

Plunkett I mean, we, we could always just add that as a Town-sponsored event or whatever. It could be.

Traylor Good idea. Yes.

Plunkett Next year at fees when we –

Traylor That's – all right.

Plunkett When we adopt the fees –

Traylor Okay. Maybe remind us. Remind us. Yes – I know you will.

Plunkett Yes, I don't think that'll be a problem.

Traylor Thank you.

Plunkett All right. Perfect.

B. Wastewater Utility Capacity Discussion

Plunkett Up next is a Wastewater Utility Capacity Discussion from Lance Lantz.

Lantz Well, my apologies to everyone here this evening because I'm certain you did not come for this, uh –

- Culp I was thinking the same thing. This is the biggest crowd you've ever had talking about wastewater.
- Lantz This is important. This is important in the business of the Town and we have had the question posed to us of where we stand, with our current wastewater system capacity wise and what is our ability to continue to provide service to new customers. With me this evening, although they did not leap to their feet – Danny Stogsdill and if anyone has missed the recent information, Mr. Stogsdill is now the Wastewater Division Supervisor for the Town so we're very excited to let Danny take the reins of that organization and lead it into the future. Also is George Lewis, our Town engineer on staff. Well, we're going to talk a little bit about capacities – where we are. This evening we're not going to get into budgetary talks, we're not going to get into project talks, we're going to try and give you the answer to where we are right now. In 2021 we engaged American Structurepoint to conduct a capacity study of our wastewater utility. It has been many, many years, if possibly ever, that we have taken this much of an in-depth look at our system and a quantification of what we do. And there are two main components to this – there is first the collection system. This is a series of pipes and pumps and things out in the field that bring the waste effluent from your homes and businesses to the wastewater treatment plant. And also, of course, the second part being the plant itself. How much waste can we process in 24 hours? And we are categorized and rated as a 2 million gallon per day or 2 MGD dry weather flow plant. This is now IDEM classifies our and any wastewater treatment plant. However, there are imperfections in any system so we cannot ignore other factors such as wet weather flows. When it rains the flows increase within the system and the flows increase through the plant and one of the things that emerged from this study was the solids loading and that's how much waste there is in wastewater. Now I know probably when you think solid – I know what came to your mind but there are many, many foreign materials that make its way into our system. This can be granular like dirt, grit, just in the process of our living our lives and washing our dirty clothes, etc. So that emerged as another controlling factor in our evaluation. We're going to touch briefly on the collection system. We're going to focus on the plant. Here on the right side of your screen you see our sanitary sewer service territory as recognized by IDEM, That's the Indiana Department of Environmental Management – that is a regulatory agency that oversees our operations. Just to get you oriented, if it's not evident immediately, on the right side that bold line is U.S. 421 (Michigan Road). Our northern border is County Road 300 South. On the western edge of our service territory let's just call it County Road 800 East – I don't know if my cursor will show up here to give you any kind of on-screen indications – I'm sorry it does not. Of course, to the south is the county line there and you can see 865 passing across the bottom of that service sewer territory.

At the heart of our system is our wastewater treatment plant on Starkey Road. It used to be once more centrally located. It is obviously not now and leading to that plant are a series of pipes – now don't get hung up if you recognize this map and kind of see where things are oriented. Don't get hung up on the specific locations. This is representative of the, the handful or half dozen or plus main trunk lines that kind of bring all these smaller tributaries to our plant and as the colors would suggest, we have pipes that are at good capacity levels – meaning we can provide ample service within those pipes' capacities. We have pipes that are limited in capacity and we have pipes that are at maximum capacity. I will make one qualification statement here – when we say maximum capacity, we need to look at these pipes under all flow conditions. On a nice, dry August day, you're probably getting a trickle flow through these pipes but when we're getting the spring rain, we're getting a lot of extra water into our system that shouldn't be there, then they are at capacity. So we have to look at these in a range, in a range of service conditions. This study was mostly theoretical in that how much pipe can we carry – you gotta pipe this big, it's that steep, it can kind of flow this much with gravity, our pumps are this big, they can pump that up the hill when it needs to. When we look at this theoretical analysis based on kind of standard capacities, where we identify pinch points we can actually go out and put in flow meters and take specific readings to either corroborate or contradict what the suppositions may be of various flow in various pipes. We are doing that, these are actual locations where we are and will be soon taking actual flow readings. So that's all we're going to talk about as far as the plant, as far as the collection system capacities go. So let's get to the plant and let's jump right to it. Where are we based on the report study that we just conducted by A. Structurepoint? Our dry weather flows are official plant rating, criteria is at 56% capacity – 56% of those two million gallons per day of capacity. However, we did touch on solids and those are at 70% capacity and when we look at wet weather flows, we are at 80% capacity. Now, don't get too alarmed at that higher figure. We're going to get more on the wet weather flows here shortly.

So what does this MGD and percent capacity mean? We all think in terms of houses. All right, and that national standard says that one home uses and discharges 310 gallons per day. This 310 gallons per day is referred to an equivalent dwelling unit or EDU, so anytime you see the word EDU think a home equivalent. When we get into commercial uses, we still maintain this valuation system. We've got a commercial building based on the uses they're in, we look at actuarial tables and we can expect this to yield about 11½ homes' worth of waste and so in this example, our office building is 11.5 EDUs multiply that by that standard of 310 gallons per day and we can expect about 3,500 gallons per day from that commercial. So this is the background of the information that we use when we are

quantifying where we are as far as capacities in the plant. So if we take a quick –use that example of the home equivalency, we're at 56% dry weather capacity which means we are experiencing a measured flow of 1.12 MGD under normal dry weather conditions. If we divide that by the 310 gallons per day, we arrive at the fact that we should have around 3,600 customers served by our utility. However, when you look at our customer, or our customer database, we have over 4,900 single family residential customers and 263 commercial customers. So, what? We've got over 5,200 people but we're only getting flows from 3,600 homes? What that means is that homes are using less water. Now I say this and explain this because we use a real, we want to use a real number when we estimate the capacity remaining. We want to use standards when we have to but where we can get local, specific data of what we're experiencing, we would much prefer to use that. Why are we less than the national average other than the fact that it's a fairly old figure? With modern sewer materials--of course, we're all familiar with the low flow fixtures that are pretty much a standard requirement in home construction and reconstruction and advances in commercial water use. Dentist offices are a prime example of this. If you've been to the dentist, most of them are switching from the old rinse and spit method, to a, suction vacuum, so as these businesses look at ways to reduce their bills and their water uses, we enjoy then having to process less wastewater. Perhaps smaller families, perhaps we have less people per unit here locally but certainly there are conservation efforts and this is kind of an encouraging point here that maybe we're all learning to turn the water off when we brush our teeth and make changes to our behaviors to conserve water, again, resulting in less water going down the pipes. When we take this now adjusted 215 gallons per day as opposed to 310 and we look at the remaining 0.88 MGD capacity, we look like we have about 4,093 EDUs available yet at our plant – 4,093 homes or their equivalent. This is dry weather only though. We've got a couple other figure, a couple other factors to consider yet there. But if you look at basically historically seeing about 200 new residences or residential equivalents, this suggests we're kind of okay for about 20 years. Now we're certainly not going to run right up to the very end of this – we're not going to wait until our bucket is splashed over before we design a better bucket or a bigger bucket, but this is the background information leading up to the big reveal. So as we look at the other two factors and we get back to the solids management, the waste in wastewater, we're going to get kind of technical here just for a moment so we got a new term alert B.O.D. that is a biological oxygen demand which is a measure of the amount of oxygen required to remove waste organic matter from water in the process of decomposition by aerobic bacteria. If you didn't get that, let's just for the sake of our discussion think of B.O.D. as a mass or a solid, okay? Again, solids – our plant capacity – our ability to process a solid material in the effluent coming to the plant is 3,170 pounds per day. Our current loading which we can measure is 2,183

pounds per day. Our average B.O.D. and this is a national standard is 0.44 pounds per household of this solid waste generation within the wastewater effluent. Again, following that same simple approach to the mathematics, we arrive at the figure of now 2,243 EDUs.

So now when you think solids as a limiting capacity, we're down from 4,000+ to around 2,200. Again, that same roughly 200 new customers a year or customer equivalents, we're okay for about 11 years. So finally we get into wet weather and that was that alarming 80% capacity that you saw up front. When we make this little graph here at the bottom we have our 2 MGD, our base flow capacity rating, our 4 MGD which is our wet weather capacity rating and then 6 MGD appears on this because we can process 6 million gallons per day for a few hours in extreme events without compromising the treatment process. So we always had this base flow. You can see there starting at the bottom we're somewhere in that 56%, almost halfway to 2 MGD, but we always have that base level. What happens when we get a major rain event? What we see is, during significant rain events and these are these 3, 4" rains – these aren't just an inch or two here and there, and it's seasonally dependent, right? A rain in August is not going to have nearly the impact that a rain would have in, in March. So we can see our flows triple at the plant. But, of course, yet we're not at that 4 MGD peak. But as we look to add users to the system and we look to approach that baseline 2 MGD plant rating for dry weather flows, we still have to keep in mind that we're going to get this extra water when we get rain events. And we have what we'll kind of lightly call our fudge factor up there where we can operate up to 6 million gallons per day briefly without compromising. This red box, fortunately, is relatively consistent. As new plumbing systems serve new customers, these are much better systems. We're not getting that I & I or infiltration and inflow that we get out of the old systems. Now, how does that get in? I don't want to make anyone feel like their system does not have rate integrity and that we're out there taking in water and leaching stuff out, okay? When you look at this as a top down, it's not really, there's not a great seal, if you will, on the top. Manholes are open, water can get into manholes, water can get right into our plant, because it's just nothing but a bunch of big open tanks, so we're always going to fight this and every system does. I've always personally believed that sump pump connections, which are illicit – illegal, are probably the most major contributor and as new development comes online, you do not get the sump pump connections because now we design these with redundant systems just for sump pumps. So that amount of, of extra flow that we don't really want to see is going to remain a fairly constant amount. Of course, the plant staff, our plant staff, manages wet weather flows extremely well. So, wet weather, although at the highest percent, is not our limiting or controlling factor here. A high percentage of a high number is still a high number and we'll get, and see that here momentarily. But how often does that happen? How

often do we get these radical flows in our system? When we take a look at this graph, and you can't read it, so I'll just tell you this is from 2016-2020, a five-year period, there was one time in that five-year period where we exceeded that 4 MGD wet weather capacity threshold. I will say now in 2022 we have already done that twice, so this is unpredictable and volatile and seasonally dependent. Wet weather – I'm going to skip through this okay because this was my attempt at some funky animation but try and get you guys out of here – the point was, when we get in these extremely high water flows where we get a lot of rain, the way the flow is metered or measured as it leaves the plant is based on a gauge, that floats up and down. So when we get these extreme rain events, what happens – well, Eagle Creek rises too, so is this gauge reading the depth of the flow leaving the plant or is it actually recording the elevated levels of the creek? Can't always be sure. So there is some degree of speculation and interpolation. So when we apply that, again, that same mathematical approach, we have 4 MGD flow capacity for wet weather. We're at 3.25 MGD is what we're calling our wet weather typical experience so we have 0.75, again, same precepts as before – this would suggest we're now trending upward again, and we have around 3,488 available EDUs. Again, these are isolated incidents and we are not designing to a catastrophic event, we're not planning for a catastrophic event but we certainly cannot ignore the need when it happens. Going back to the study, one of the other valuable pieces of information it addressed is what's out there now and what's going to be needed in the future? Where are we going to be when our service territory is completely developed at some point in the future? There are close to 900 existing and potential future properties served by septic systems. Septic systems are not the best and we want to always make sure that we make provisions to provide alternatives for people to septic systems and eliminate, particularly focus on eliminating the older septic systems as we have been talking about recently here before you. There are around – backing up, sorry, I'm getting itchy. There are around 500 EDUs of new commercial areas in the long, long range of development and there's about 2,900 well, let's just say single family residential new EDUs out there that could be realized in the future. So if you read, if you happen to read this report, we take our existing flow of 1.12 MGD, we add all these future loading requirements for future development using that standard 310, not our own experiential rate because we do need to build some fluff in there, we need to make sure that we're not running on a razor thin margin. We see that we need in the future a 2.5 MGD plant. We're currently at 2, we need to be at 2.5. We have adequate space at our existing site to expand to the future capacity needs of our entire service territory. All right, here's the number that I have rambled on and you just probably said skip to this – all right, if you take into consideration all these factors and I'm going to go back to reminding you that our limiting capacity is currently our solids management. There's too much solid material being pushed through the

plan, so we're going to call it 2,243 EDUs. That's where we are as far as plant capacity. That's the additional areas that we can serve right now. When you look at the math, that still puts us at a 10-year horizon.

Again, I reiterate, we're not waiting until the 9 point fifth year, 9.5 years, we will begin making systematic improvements, very, very soon. If you want to call it a percent, call it 65, call it 76%, if that, you know, makes anybody feel better but, again, having a percentage of an unknown quantity doesn't really help us. This is the number; this is the number you should take away this evening. Just wrapping up here – this informs us on decisions as new development is phased – this is a representative. We're all aware of what's been approved, what's going to be built and is reliably going to be built in the next few years – 5, 7, possibly 10 years – we've been talking about our septic elimination efforts to extend septic sewers. We're looking at potentially having 350 customers that could eliminate their septic and connect to our sanitary sewers. So we need to make sure we always have this capacity and finally we want to make sure that we have capacity for commercial development. We never want to find ourselves delaying a diversification of our tax base for any reason and certainly not for sanitary sewer. So, these are kind of, reserve capacities, if you will, which leaves that if you do the math and do some subtraction, around 1,193. Now, you'll notice that all my numbers are like 3, 5 – they're not round numbers. I did that so when you revisit this at home, right? You can follow the math, all right? But we don't get to that level of precision but I wanted the trail of math to be logical. So then finally, a brief look ahead – I know we didn't, I said we're not going to talk about specific capital projects but within the next 2-3 years, we're going to need to implement some capacity increase, increasing projects as well as processing efficiencies – start addressing the wet weather flows and the solids, okay? Those are our first hurdles over, which we have to overcome. And this lines up nicely, if you'll recall, we're looking at about a two-year program right now which is going to tie up a lot of our, our capital reserves to invest in our system to get it to these homes now that are served by septic systems, many of whom are failing. In 2022, we will continue this discussion – Yes – as we look at a rate study. It hasn't been – it has been a long time since we evaluated the rate study and the needs of the plant and to make sure that we are adequately collecting what we need and we will, of course, develop some longer range capacity projects in more specificity than tonight on how we get at those solids management and wet weather flows and I'll close by saying there has been major capacity increase in our plant for 20 years since we went from a 1 MGD to 2 MGD plant. Sorry that was lengthy but this is important stuff in our world and there was a specific answer in there and I'd be happy to answer any questions but I hope I have bored you to tears and you're ready to press on.

- Choi So, if you go back one slide Lance –
- Choi When you're talking about nearer term planning consideration, over what period of time are you looking at those increases?
- Lantz Well this is, you, you take that top for example, that's kind of currently approved development. That would be subdivisions, commercial development that has been approved but is yet building out, you know, you, you get an estimated time for a build out for as subdivision and then you get an actual time. But we know that if the market stays as active as it is, that these are reliable demands that are going to be coming in near term because they are approved projects. Did that get at your question?
- Choi My concern is, when you put reserved for commercial 10% of 50 EDUs based on what you talked about that a commercial project equals about 11.5 EDUs –
- Choi That it doesn't seem like that's an aggressive forecast.
- Lantz Well, you also have to think – I grabbed 10% of the EDUs – my point is this is, when you get into forecasting these, everything's going to overlap, You know, you could have a new development come in right now, get approved and outpace any other commercial or excuse me – any other developments going on. So, this is more of a concept that I wanted to espouse this evening which is – we can't go blindly assigning and giving away EDUs for the first residential development to come along. We know we always have to have this kind of rolling availability. So and again, the commercial example was very theoretical. Your smaller, your small businesses – they're the same as a house. So, they're not such a radical departure, you know, not everything is a, a Rahal-Letterman or a Lids type facility.
- Choi Okay. Yes, I wasn't questioning you – I'm just trying to understand.
- Lantz No, no – we think, we think this is a comfortable and reasonable, again, not to get caught up in, you know, specific percentages or amounts, but we are making sure that we always have the capacity that we can roll with development. We're going to be able to meet development needs for the foreseeable future.
- Choi So the bottom line is we're okay right now.
- Lantz The bottom line is we're okay right now, but we need to begin in 2-3 years making aggressive changes.

- Burk Thanks Lance. Always thorough. I anticipated the big reveal was going to be some kind of price tag, or potential price tag but, I guess the question I have is, moving from the system we have to, what you project that we'll need which is the 2.5, right? Is that something that can be more part of an upgrade or is that a replace?
- Lantz Absolutely, no. This is, we are not throwing the baby out with the bath water or blowing anything up. We will be supplementing. We're modify, modifying some processes now and supplementing amenities at the plant but not at all is this a blow up situation.
- Choi When you say modifying processes, do you mean these are process improvements that are being rolled out, is this an industry kind of improvement issue or is there something in particular that will be built onto it to modify the processes?
- Lantz There are supplemental things like new tanks, okay? A new tank is a very clear and obvious capacity increase because you can hold more, you can process more. When I talked of process modifications, when you follow the trail of waste effluent through the plant, you can look at what happens first and maybe that sequence right now is not optimal. Maybe you can reverse the process. So, these are tweaks and, and not major changes that if you think – I this isn't specific, this isn't accurate or correct – let me take that back – why am I saying it then if it's not accurate or correct? This is an example – if you've got, when you talk about solids, you might have a screen in place, all right? So you're filtering the effluent through and that screen may have the very fine, very small openings, okay? So perhaps that one screen that catches everything at one point could be replaced by two screens staged apart and first capture certain large material and then follow that up with smaller materials. So, process changes, again, will be improvements to what we're doing, after we've evaluated, they continue to evaluate is what we're doing the best way. You always find little things based on this study now that we have this information. We're confident we're going to find ways to do things economically that's going, again, specifically in the solids management.
- Choi Thank you.
- Melton Lance, on these numbers here – the 1,193 – that's approximately what 30% of your overall capacity that you have left. Is that correct? You mentioned 4,093 EDU in the dry weather as a -
- Lantz Well, what we're, what we're – the number that I want you, you to – if you want to put a number to this is that number right there – okay? So, just to give an example of how we use this to inform decisions, I was saying here we always need to make sure we have enough to serve what's already

been approved because we know it's reliably going to becoming online. We may go for a dry spell or we may not get residential development for a couple of years, you know, that's not predictable. So that 1,193 just in this hypothetical example is what's left after you take the 2,200 and change and you kind of make sure we've always back pocketed some of these EDUs for near-term reliable demand and this is kind of what's we'll say "free" EDUs or available on a first-come first serve.

Melton With regards to the cause of the water in the sewer pipes you kind of mentioned, you know, manholes being loose or, you know, gapped or whatever and then you mentioned sump pumps ejecting illegally into sewer systems. Where is the, that predominantly occur in our city or our town, excuse me?

Lantz It, it's the older areas, the older areas of town.

Melton Downtown Zionsville? Would you, is that true?

Lantz Well, when you get a 2, there were kind of two questions there –one is where are the sump pumps? And those are going to be in the Village, they're going to be in, in subdivisions that were say pre-1980s, because it just wasn't thought about at the time. A sump pump was aligned to your backyard and that's it, right? And then what happens? Your yard gets soggy so let's find the nearest place we can connect – hey nobody sees in my basement; I'll plug it in here. So, up until the '90s, I would say, anything into the '80s and pre-'90s, is going to have the high probability of some illicit sump pump discharges. Now when you talk about system integrity, that's much more broad. The age of those system varies across a lot of areas. We have done a lot of rehab work – pipelining, manhole linings over the recent years. I'd say over the last 15 years to plug those holes, but you can't plug them all. There's just no way.

Melton Is there any programs that the Town would offer or could consider offering to have homeowners self-regulate and make that connection or, or that disconnect and then we supply them with a proper drainage? Is that, is that, I mean is that a solution? Is that, does that help?

Lantz That has actually occurred, in the early 2000s where there was a sump pump elimination program that targeted Colony Woods. The – it did seem to, at the time, and we're going back a ways so forgive me if I don't recall any specific details, it did show a reduction in flows, in that part of the system and then arguably or logically at the plant as well. It's a continuous, it's a, it's unsustainable, in my opinion, because first of all it was met with a good deal of opposition. It was an intrusion into privacy and it required going into homes or showing evidence through photographic means that sump pumps had been disconnected but if you

don't keep going back over and over to all these areas they just get reconnected. They'll disconnect, they'll put them in the backyard. Providing adequate surface drainage is a monumental task. I would rather fight this battle at the plant than fight it all over our countryside.

Melton Thank you.

Lantz But that's just me.

Garrett Lance, is your department plugged into the Planning Commission or the, the Planning Department so that as new neighborhoods are purposed you can anticipate the capacity needs and also those groups, whether it's Planning Commission or Town Council, is aware that what's coming will not seriously impact what exists?

Lantz Absolutely.

Garrett Okay. So you'll warn us if something's coming then that might cause a hiccup?

Lantz You'll probably know before I do.

Garrett Fair enough.

Plunkett Okay.

Melton Thank you.

Plunkett Thanks Lance.

Choi Thanks Lance.

Plunkett Oh wow.

Traylor I don't think I've ever seen anybody get a round of applause over a sewer speech. I mean, that, that's a good speech right there.

Garrett Take it on the road.

Plunkett At the last, at the last meeting he referred to himself as the killer of dreams.

Traylor Yes.

Plunkett And this meeting he's getting the ovation.

Traylor I'd call that a crappy speech.

Garrett Oh boy.

Plunkett You've been waiting for that all day haven't ya?

Traylor I have. Thank you.

C. Consideration of an Additional Appropriation Resolution (Parks Master Plan) Resolution 2022-04 (Public Hearing)

Plunkett All right. Up next on the agenda is Consideration of Additional Appropriation Resolution for the Parks Master Plan. This is Resolution 2022-04. This is the public hearing, I have proof of publication right here. I will open the public hearing. If anybody would like to comment. I'll close the public hearing. Jarod you're up.

Logsdon Well how to you follow a mentor like that? But I'll try. Thank you Councilors. Jarod Logsdon, Superintendent of Parks and Rec. Earlier this year we began the update process for updating the Master Plan from 2018. The Master Plan serves as an opportunity to engage the public and have a conversation about what they want, what they need and some emerging trends in the park and recreation industry. So, we take that information and we compile an actionable plan and a roadmap to get there. So it's important to update these documents not only to check in with our relevancy as our community continues to grow and change, but it is also a requirement from the Department of Natural Resources to remain eligible for funding of which we've received over \$2 million in the past couple of years. So, rather historically, this process has been a conversation with the community on the physical improvements of our park system. This year we're looking to take a fresh look at this process and not only look at our facilities but also our programming, operations and look to the future. So, this will be a more holistic approach at all the pillars that make up the Parks and Recreation Department. So we will build upon the information from previous Master Plans and identify new projects for the next five years but we're also looking beyond that. So, within this RFP that was released to firms, there is an ADA audit so that we can remain accountable of our facilities and make sure that we are removing barriers to make sure that everyone can play in our park system. That audit will identify those barriers and also make recommendations and assign dollars amounts so that we can budget that appropriately in the future. In addition, it will also inventory our capital items in the park system today and create a replacement plan so that we can properly budget as those systems begin to fail and need replacement in the future. So that's our bridges, that's our play structures, that's our shelters. And from beyond that five years, we're also looking to the future as Zionsville continues to grow.

So we want to take a comprehensive look at rural Zionsville and have a land acquisition plan that we can implement into our policies and procedures. So as development continues to grow, we can have those conversations to protect those natural corridors, height, quality habitat and make sure that green infrastructure is equitable throughout our town as it continues to grow. And finally, we will have a, a staffing report and recommendations made so as we continue to grow and add park land and new amenities, we will have the staff involved to support those operations, successfully. So, all of those were included in the scope of work for an RFP that was released. We had four firms respond of which we comprised a committee of Park Board members and staff to review those and hear, interview presentations from our top two finalists. So tonight before you I'm requesting an additional appropriation of \$115,000 from Fund 103 to execute the scope of work defined within that RFP and provide you a new Five-Year Master Plan to begin implementing next year. Fund 103 was created in 2001 as the Parks Department as an isolated fund entered into the general fund. At that time, there were cash savings of \$2,807,000 -- \$2,807,336. I'm sorry -- that is the amount that is in there today. \$2.8 million. From that fund that was created last year, we have assigned three projects -- that is the Heritage Trail phase 2, the Carpenter master planning process and the golf course cart path improvements. So after all those invoices are in from those projects that were already allocated, we will be sitting at approximately \$2.18 million remaining in those earmarked funds specifically for park initiatives. Happy to answer any questions in addition to that information.

Burk Jarod, the one, \$115k -- is this something that could have been or might have been included in the 2022 budget or why, why was it not included at that time even though it was going to come out of Fund 103?

Logsdon This was included in the budgeting process but it was taken out, you know, to absorb staffing adjustments with our compensation study and all of the capital projects for the park system were pulled out to be, have this conversation as additional appropriations throughout the year.

Culp Yep.

Burk Is the Fund 103, is that a completely restricted fund to parks or is that somehow now tied to general fund allocation?

Logsdon So, yep -- so as the Parks Department entered into the general fund these were the cash balances in savings from the Parks Department so they are their own fund and once they're gone, they're gone at which point we'll enter the larger conversations with the other departments. So these, Fund 103 are specifically earmarked for parks initiatives.

- Burk So even though it was taken out, to account for salary adjustments, it seems like that wouldn't have been a, an allocation that would've been allowed to come out of Fund 103. So just, it seems like it doesn't make sense that it was taken out of the 2022 budget if it was money that was part of a \$2.8 million fund that had plenty of money in it to fund this \$115k.
- Logsdon I think the uncertainty of the financial situation at the time, required a flat budget and which in 2022 we have these conversations during each additional appropriation request so that we can both be on the same page moving forward with these large requests.
- Choi So I am a little confused on this Jarod. This was pulled out of last year's budget in order to get a balanced budget.
- Logsdon This was included in the early drafts of the budget that I submitted and through the process this was taken out.
- Choi Right.
- Logsdon Along with other park improvements.
- Choi So that's what I understand. So, the Mayor proposed to us a balanced budget with these items removed it seems like with the anticipation that it would come back to us at a later point to be asked for appropriation which to me does not spell a balanced budget. So this is not directed at you Jarod, obviously, but this is just a comment to the rest of the Council. Does that seem to make sense what I just said?
- Plunkett Well, this, this is the whole discussion we had around budget was the only way to make it "balanced" was to remove how many millions of dollars' worth of capital expenses and then come back to us – because it was already an operational deficit even with those removed.
- Choi And remember what I said back then was – we're passing an operational deficit budget.
- Plunkett Right.
- Choi We're going to come back and spend the reserves down to support this operational deficit and I hope that you don't come back to us at a later point and ask for these projects to be approved again. Because that does not spell to me a balanced budget – that's just kicking the can down the road with a deficit budget that we are now pretending is balanced and coming back later to ask for more money.

Burk Yes, it's a shame, Jarod, because this is a very worthy project an I've sat on, you know, your liaison to the budget when you guys talked about this on the Parks Board and I thought it was, because so many other expenditures come to us and if we don't have it, as part of a five-year plan, I think we're kind of shooting from the hip as opposed to really being strategic about how we're using dollars for the next five years. So I think this is critical and I kind of wish it hadn't been cut from the budget because it kind of means you're flying blind for the next five years and as you bring projects to us and/or as you come to the budget for 2023, so, but to Alex's point, it's it's frustrating that, that's it's not in there and it was a bit – it, it appears like it was a bit of a workaround from a balanced approach but I'm going to have to think about this one.

Garrett I think I'd be more supportive if I understood where our financials stood. I mean, I think it's a good idea. I think it makes sense. I think Councilor Choi your point is spot on in terms of just balancing a budget for show and press releases and then spending it through appropriations turns into a deficit. It's not a bad idea but I just wish I could get some questions answered unrelated to this but related more to the macro financial situation that drives decisionmaking.

Choi Yes, I'm completely frustrated because we were asked to pass what looked like a balanced budget back then to then come to us with proposals that are great and should be approved but then were taken out of the budget in order to make them appear balanced. This is very frustrating to me.

Logsdon I think it's important to also note that this is not an operational expense per se. This is a capital item that is done every five years so, while it should've been anticipated with every fifth budget, this isn't within the normal operating year to year. And, this is coming from Fund 103 which are specifically cash reserves for the park system so that funds cannot be utilized for covering any other capital requests throughout the Town.

Plunkett Well I think, I think the frustration that you'll hear from this Council is, is over and over again throughout that budget process we were asking for what's needed from each individual department and we were told that the things that were pulled out were essentially optional and that we would have to come back and do it later. And it seems like –

Choi This doesn't sound optional.

Plunkett I mean, it, it's frustrating, right? I mean, it, it's sound like it's something that to everyone's point is needed and should've been included in the budget and it's frustrating that it's a capital or that it's, it's coming to us,

as an appropriation and, and it's not part of the original budget for the, for our, I'm sorry – the approved budget for the parks. That frustrates me.

Garrett Jarod, you mentioned five year plans are needed to apply for grants. What year are we on on our current five-year plan?

Logsdon The current five-year plan was 2018 to 2022 so this 10-month process will, well 10-week process will begin, you know, upon approval and wrap up right in December to be presented to both you and the Park Board and it has to be adopted mid-January by DNR.

Choi So what are the things that we go for, go if we don't approve this five-year project?

Logsdon So within the past four years we have received new land conservation, land-water conservation fund grant which was a 50/50 match for \$400,000, so \$200,000 there as well as the Next Level Trails grant which is currently funding our southern expansion trailhead and northern expansion which was \$1.8 million. So, approximately \$2 million right there in the past five years within this plan that we would've been ineligible for.

Choi So in order to continue that, we have to approve a, a five-year plan?

Logsdon Yes. We have to have a, a Park Board established, which we're good there and then every five years we do have to have this community engagement document that creates an actionable path for the next five years.

Choi Again, this does not sound optional.

Plunkett This is the exact same way the budget process was presented to us for the last two years. We're literally in a spot where if we don't make a decision, we lose this.

Burk Yes.

Plunkett Just like if you don't pass the budget, we go back to last year's – this is – man –

Traylor Well, I can tell you much like the email that I sent last week where, you know, we were just kind of – well a different topic – but we were addressing money that was not budgeted for the Mayor's Action Center and to move her office to the back of the upstairs and behind a couple more locked doors, that money was not approved by a budget or this Council and was spent anyway and when we, when we questioned it at the time of claims, we were told hey, we're in contracts with these builders –

if you don't pay these claims, we're going to be sued and then last week we get an email where hey, during claims was your opportunity to deny those things, it's, you know, you can't have it both ways – so, unfortunately, this, this game that's being played, by the administration is – can't continue to happen so unfortunately, it penalizes real people, but I'm done letting the Mayor manipulate the Council at least on my end. So I'm going to, I'm going to start making it really difficult by, not voting for things like this so that we can get a little more transparency. I think, unfortunately, the only way to make her accountable is to not, not give her what she wants when it's not planned and not discussed.

Logsdon I will just make one more comment about the structure of the Park Board in Indiana and their role in the long-term planning for a park system to be independent of other structures within the town. I understand Town Council's responsibility as the financial wing, but the Park Board is a group of citizens that, you know, spearhead these initiatives and offer the first approval prior to the recommendation of coming before Town Council. So this was approved at the previous Park Board meeting.

Garrett I don't think any of the concerns is with the Park Board. I mean I think they do a great job. I have no complaints with the Park Board. This is all about financials, the questions I had earlier in the meeting that keep falling on deaf ears, what Councilor Traylor was talking about, you know, this is the unfortunate reality of it, Jarod. It has nothing to do with, with you, the job you're doing, what the Parks Board is doing – it's just kind of this bag of tricks that keeps happening, and no information we keep getting that is boiling up here today.

Traylor You can read about it tomorrow though.

Garrett Yes. So don't take it, don't take it as anything against you or the Parks Board, this is just me personally wanting financial information to make decisions, on a macro level, not at a fund level.

Burk I certainly don't like the process, I am empathetic to the need and the risk of losing millions of dollars, we'll see what happens but I would move to, adopt this motion.

Second.

Plunket Well, hold on a second. We got, this is a, uh – I jumped the gun on the public hearing. So I've gotta announce public hearing here but is there any additional conversation or communication about this? Any other questions for Jarod? As I stated, this is a public and approved publication and notice of public hearing, at this point I'll open the public hearing. Are there any members from the public who would like to comment?

Harris Well, so just – sorry. You did actually already do this prior to discussion which is our normal procedure.

Culp Yes you already did that.

Plunkett I got out of the order though is my question.

Harris I'm not cutting you off but we did actually already open and close the public hearing.

Plunkett Okay.

Harris I know it's been a long night but, prior to discussion so what we typically do from a process perspective is do – we open and close the public hearing –

Plunkett Yes.

Harris As it has been advertised. Then we take discussion of the Council so you actually already did that.

Plunkett Okay.

Harris It feels like a long time ago I know but –

Plunkett Yes.

Burk Mr. President if other people would like to continue to comment, I would refrain and pull that back.

Harris Yes. It's not to cut off discussion, I just wanted to remind him.

Burk I thought maybe the commentary or –

Plunkett No, I mean, I think to, I think that's a good point from Heather. You know, if it's already been open, it's been closed, we've had dialogue, um -

From Audience[inaudible – off microphone]

Plunkett No, no, no – I'm sorry, I'm sorry.

Harris It's just the process required by statute. So you open the public hearing, you allow for public comment –

From Audience[inaudible off microphone]

Plunkett That's absolutely incorrect.

Harris That's actually not correct, Yes.

From Audience That's not correct? [off microphone]

Harris No.

Plunkett No.

Harris It's, an approval of a Master Plan. It's not approval of any parks projects.
So just –

From Audience [inaudible – off microphone]

Plunkett Okay, now – we're not having, we're not having the discussion.

Harris Yes.

From Audience Oh my gosh. [off microphone]

Garrett Before you make your motion, could I make a motion to continue this under the hopes that perhaps the Mayor may give me the answers to my question at my next meeting and then I might be more supportive of these kinds of spending?

Plunkett Yes. Could also be a good time to get an update on what we would be missing out on if this is not approved.

Garrett I agree. So my motion is to continue it for one meeting in the hopes that next Monday I can get answers to questions on the general financial system from the Mayor and then get a better sense of spending the public's money here.

Plunkett Yes, I would second that motion.

Culp Yes.

Burk Heather, do I need to retract that or since it didn't get a second – it failed for a lack of a second and then, maybe at the end of your vote just I'll make a comment maybe – I'll guide this process for Jarod to the next meeting if I may?

Plunkett Okay, so there's a motion to continue this to the next Town Council meeting. First by Councilor Garrett, second by Plunkett. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed. Heather, will there be, will there be time to do another –go ahead, sorry –

Harris Yes, so I was just going to recommend for Jarod and his team maybe reaching out to your legal counsel just to do an analysis of the two grant programs that you mentioned and maybe provide those specific requirements for those grants to the Council and then, you know, as a reminder to the Council, as part of the budgeting process for capital expenditures we did direct Jarod and his team, you know, to bring those before the Council for each, you each, you know, for individual consideration rather than just, you know, approving a capital fund. This is coming from an operational fund so I think that's the, the nuance but I'm happy to work with you and Amy just to gather the information between now and the next meeting to, to try to provide back some information. Typically our deadline is today but since it's background information, I think maybe that'd be an update that he could provide at the next meeting and/or legal counsel.

Lacy Heather, would we have to have another public hearing?

Harris I don't think we have to have another public hearing because we only have to have a public hearing noticed once for the actual amount and that's already been valid. So, the public hearing's already been concluded and the amount up to the amount that was published would be available, at the next meeting. It doesn't have to be in a consecutive or – at the same meeting, it can be – so I think we're okay there and I don't think we need to republish.

Burk Although, Heather, someone could request to speak –

Traylor Right.

Burk As an agenda item of the next meeting.

Harris Oh, of course, of course. Yes. And I think it might be helpful just to get some background clarification.

Plunkett Yes.

Harris Of course, you could also consider having an update at the next meeting and then calendaring it for the May meeting to give, you know, lots of opportunity for, for dialogue.

Plunkett Yes. Very good. Thanks Jarod.

D. Consideration of an Additional Appropriation Resolution (ARPA Premium Pay) Resolution 2022-05 (Public Hearing)

Plunkett Up next is a Consideration of Additional Appropriation Resolution – this is the ARPA Premium Pay. This is Resolution 2022-05. I've got Jo and Heather both on here.

Harris And this one is a public hearing again so, this is a public hearing on a published, approval of ARPA expenditures up to, for \$700,000. This relates to the premium pay stipend that was, approved previously for our first responders – police and fire – under, the American Rescue Plan Act. And so, Jo, you want me to do it or you do it?

Kiel You've got the appropriation.

Harris Yes, you've got an additional appropriation in front of you, it was advertised for \$700,000. At the previous Council meeting we, talked about whether or not we wanted to approve the exact amount that would be needed to provide the premium pay stipend to police and fire members or, look at a higher amount. I think we were still moving a few, a few moving parts at the last meeting in terms of the final calculation. The final amount and Jo spent a lot of time – thank you for that – working through this calculation which is dictated by the State Board of Accounts, and the final appropriation is \$641,355.50. We did advertise at \$700,000. I think the thought of Council leadership was to go ahead and leave the additional appropriation at \$700,000. That would give us a remaining balance of \$58,644.50. What would happen to that remainder, I know, Councilor Melton you had a question about that. It would stay in the ARPA fund. That amount would continue to be designated for premium pay stipends as allowable under ARPA, and so you would have a later option of considering that additional amount, to spend on other employees. You could also go back and look at a proposal that exceeds \$58,000 if it were, you know, to everyone in the Town, for example, and then just, you know, do, we'll do – if that were the case we'd have to come back and sort of re-initiate this process with a new public hearing. But that \$58,000 will stay earmarked for premium pay. If you choose not to award additional premium pay stipends, you could always come back as the Council and move that for some other purpose that's allowable under ARPA. So

there's no harm in kind of keeping that balance there. I think we just wanted to make sure we had enough flexibility that we got people paid as quickly as possible.

Plunkett I think that's a good summary.

Culp Yes.

Garrett This is the one fund I know the debits and credits from, which is why I'm supportive.

Plunkett Any, any questions for Jo or for Heather?

Culp No.

Plunkett This is as Heather mentioned a public hearing. I have proof of publication of the notice of public hearing. At this point I'll open the public hearing to the public. Are there any members from the public who would like to speak on this? I'll close the public hearing. Any additional comments from Council?

Culp It's straightforward.

Plunkett Yes.

Burk Yes.

Plunkett Otherwise, I would entertain a motion.

Choi Motion to approve

Culp Second.

Plunkett First by Councilor Choi. Second by Councilor Culp. All those in favor signify by saying aye.

All Aye.

Plunkett Those opposed same sign.
[No response]

Plunkett Motion passes 7 in favor, 0 opposed.

**E. Consideration of an Ordinance Amending the 2022 Salary Ordinance
Ordinance 2022-05 (First Reading)**

Plunkett Up next is a Consideration of an Ordinance Amending the 2022 Salary – this is Salary Ordinance. This is Ordinance 2022-05. Oh, why’s this on here twice? .

Harris It should be 06.

Lacy No, that’s Resolution-05. This is Ordinance-05.

Harris Oh Yes, sorry. Did you hear that President Plunkett? It’s Resolution and then Ordinance.

Plunkett Oh, very good.

Harris So there you are.

Plunkett Okay.

Harris Thank you Amy.

Lacy You’re welcome.

Plunkett So this is Ordinance 2022-05, it’s the first reading. Again, this is Salary Ordinance. Heather and Jo, any updates to this?

Kiel Sure. So you just approved the, the money. And this is, updating the ordinance that allows us to pay the folks. You’re – I’m presenting updates to the Salary Ordinance itself as well as Attachment A which, update, is updated to provide two eligible workers the premium pay. Attachment A ties back the ordinance to the allowable maximum \$5,000 award, for Zionsville Fire Department and Police Department. And then Attachment B which has nothing to do with ARPA is a schedule of holidays that’s been updated to reflect the correct general election date of November 8th which was previously listed as November 1st.

Plunkett Thank you.

Garrett Jo, you mentioned the \$5,000 for full-time is that also inclusive of the part-time bonus we’ve given, right?

Kiel It’s a maximum of \$5,000.

Garrett Yes, okay. Thanks.

Plunkett Very good. Any other questions for Jo or Heather?

Harris I was just going to mention – I know there was a couple questions by different members of the Council. There were really two changes to the Salary Ordinance and I think Jo did a great job of articulating those. There is a change in the – there's a new fourth Whereas clause that we added to the ordinance. That simply is referring to the original ordinance that we passed for 2022. We've amended the Salary Ordinance one time since that time so, it's referencing the first and the second Salary Ordinance, um so that's what that fourth Whereas clause is doing and then Exhibit A, as Jo mentioned, is that premium pay ARPA language which ties back to the ARPA Ordinance that you'd previously passed allowing and kind of creating the mechanism to be able to fund this. I know there was some discussion as well, as you're considering your votes tonight of approving this. With the two-step process this evening, just so that we can go ahead and get those payments out to our first responders as quickly as possible, so if you are interested in doing that Councilor Plunkett, I can remind everyone of the process for that. We haven't done that in some time.

Plunkett Would you want to go through that now or after we vote?

Harris Sure, I'm happy to do that.

Plunkett Sure.

Harris So, if we are going to consider approving this finally tonight we would first approve it on first reading, which would need a majority vote of the Council members. Then we would have a vote, and a motion to suspend the rules and that motion needs to be voted unanimously by the members of the Council to suspend the rules and then on second reading we would need a two-thirds vote of all the members of the Council to approve on second reading. And that would ensure that it was approved tonight and would go directly to the Mayor for signature and upon her signature or action, we'd be able to start to pay or first responders.

Plunkett Very good. Any questions for Heather?

Traylor I had one question that I had emailed – I don't, I don't think I got an answer on. I understand, when we vote on the Salary Ordinance we're voting on the range so, essentially, within the range the administration can, you know, give raises and things like that. I get that. My question was who, who and, and Jo wasn't sure either – I'm sorry, Yes – but, she wasn't sure either. Who approves the Mayor's salary increases?

Harris So the Town Council.

Traylor So, if, if even like our – we're approving a range but if, let's say the desire to give the Mayor a raise was there how would that work?

- Harris Yes, so the, so the – I think that the, this is not changing before you tonight –
- Plunkett Right.
- Harris Any of those numbers – so this was something previously included in a previous Salary Ordinance, right? Yes, okay. So, you know, under the process typically, you would set the compensation for every employee. There are a few communities that are using a range. I think that's something you may want to consider as a policy discussion for the 2023 ordinance or maybe any subsequent amend, you know, amendments to the Salary Ordinance. Typically, you set the compensation of the elected officers and as the Town Council then you cannot decrease that compensation during the calendar year. So once that salary is set that stays fixed and then the Town Council does have discretion to amend the salaries for other employees in the Town, and that's just something that is both in our reorganization document for Resolution 2011-14 from reorganization 2.0 but also in state statute.
- Traylor Okay. So, just to be clear and I'm sorry, but just to be clear – if the Mayor, did a comparison and said hey I'm being underpaid by \$10,000, the Mayor does not have the ability to give herself a raise of \$10,000, it would come back to the Council for approval?
- Harris With the caveat that if you approved a range and it's within that range, then you would be giving the Mayor the authority to increase –
- Traylor That's what I was –
- Harris The salary up to that range.
- Traylor Within the range? So, so as long as it's within the range, essentially if she wanted to give herself a raise, she could?
- Harris Correct.
- Traylor Okay. That was my question.
- Harris Yes. And it is – some communities are using the range.
- Traylor That's what we've got.
- Plunkett Yes, we have that.
- Harris Yes, we have a range. Yes.

- Plunkett We have the bands, the pay bands.
- Traylor Yes.
- Burk Jo, I'm not worried about any one particular person. I mean, you went through a very thorough process to arrive at this new pay structure with these ranges –
- Kiel Yes.
- Burk Based on all kinds of data, comparison data to make sure we were consistent with this range and, we all want to get everybody paid – it just seems, you know, now we have to adjust the rang, the ranges to make sure people can get this, what I would consider bonus pay.
- Harris No. And I think that's – I think the question that Councilor Traylor had is related to the ranges that were previously established in our Salary Ordinance.
- Burk Okay.
- Traylor Yes.
- Harris So the only thing we're doing tonight – we're not changing any of those bands for any elected officials or any salaried individuals in the Town, right?
- Kiel Yes, I think –
- Traylor I just –
- Kiel Your question was kind of separate.
- Traylor Yes, right.
- Harris Your question is a global question.
- Traylor Yes, my question was – well my question –
- Plunkett It was very specific.
- Traylor Yes, I was very specific because, you know, everybody under the Mayor in the organizational chart has somebody that would have to approve, a raise for them within – even within the band they would have to approve – I just don't, I don't like the idea of a person being able to give themselves

a raise without having to report to anybody as, as long as – because, I mean, really, I mean, I’m not, hopefully it wouldn’t happen but the Mayor could, you know, say hey I want a \$20,000 raise and it wouldn’t have to come to us.

Harris Yes, the –

Traylor And wouldn’t have to get approval by anybody.

Plunkett If it’s in that band.

Traylor If it’s in that band.

Harris Right. And typically, my – I think that’s – I just don’t want to confuse the issue for tonight. I think you’re right. I think you could go back always and consider as a group an amendment to the Salary Ordinance to fix a compensation specifically. I think that’s what most communities do is they do fix a specific compensation and then if there’s a need, you know, to go back and revisit an employee or, a position, that’s maybe changed, increased duties, decreased duties, new person we’re trying to recruit, you can go back and change that but I just wanted to make clear just for Councilor Burk – we’re not doing that this evening. There’s no changes to what was previously –

Burk Yes.

Traylor I understand.

Harris The only thing we’re doing is adding to ARPA language Yes.

Traylor I was, right – I was, I was just thinking a quick fix would be if we made the cap, you know, on that one position the current paid salary until we get the revision in the finance policy. You know, to make it to where you can’t give yourself a raise.

Harris Well and I don’t know what the current –

Traylor Yes.

Harris I guess I don’t even know what the current compensation is so I don’t know if that’s, if it has been changed or –

Traylor There’s been two raises in the last three years.

- Kiel There have been raises that are consistent with all staff across the board raises, nothing, that would, that would indicate anything specific for the Mayor.
- Traylor Correct. But there's been, Yes. All right. I just – we'll work on it later I guess but I wanted to point that out. It just bothered me.
- Plunkett Yes, I think for purposes of this, there's a section we added on the Salary Ordinance that just says premium pay and it goes to the eligible members, so – it's at the bottom, bottom of the seventh page and then the last page is just to Jo's point updating for the election. Right?
- Kiel Yes.
- Burk Would you entertain a motion to introduce?
- Plunkett Yes, at this point I would entertain a motion to introduce on first reading.
- Melton Second.
- Plunkett Want us to entertain a motion?
- Burk Yes I would like to make that motion.
- Plunkett Yes Vice President Burk – first by Vice President Burk, second by Councilor Melton. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 7 in favor, 0 opposed. Uh –
- Garrett I make a motion to suspend the rules.
- Plunkett Second. So we got a first to suspend the rules by Councilor Garrett, second by Councilor Plunkett. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- Motion passes 7 in favor, 0 opposed. At this point I'll entertain a motion to introduce on second reading.

Choi Motion made.

Garrett Second.

Plunkett Councilor Choi, second by Councilor Garrett. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 7 in favor and 0 opposed. Jo, I want to thank you for getting this done. This has been something that we've been working on for quite some time and I appreciate your efforts on this.

Kiel Thank you. I'm glad we all could work together on this.

Plunkett Thank you. All right. I'd say we're on the homestretch but we're simply on the last page. everybody okay to keep going?

Traylor Yes.

F. Consideration of an Ordinance Regarding a Town of Zionsville Historic Preservation Commission
Ordinance 2022-06 (First Reading)

Plunkett Up next is Consideration of an Ordinance Regarding a Town of Zionsville Historic Preservation Commission. This is Ordinance 2022-06. This is a first reading and I have Joe and Heather down to present.

Culp Yes, we're going to add Mark Dollase as well. He's here, which –

Plunkett Add Mark Dollase.

Culp Which Jo has his presentation and we'll go into in just a minute. Thank you everybody. I know this has been a long night and, I wish Lance could bring another wastewater presentation here in a minute, but, I will try not to, to go into too detailed. I'm going to try to stay in the facts, but I've been working on this project, as you guys all know, for, you know, a couple years now. This was brought to me by Village residents. They were really, all they were trying to do at the beginning was to save historical homes – keep them from being moved, keep them from being demolished and that's all that I've ever heard from the original group that came to me and asked for their help. We've had two Town Hall meetings, one in the

fall and then we had one about two months ago. And, at those times we had proposed ordinances that would at one point require a, or originally to do a conservation district in the, in the Village and I think that might be where some of the confusion and miscommunications happened tonight or, or on, on, you know, that we've seen tonight. So, we met with Indiana Landmarks and Mark Dollase and his group and it became very clear that we are putting the cart before the horse. Vice President Burk and I have talked about this many times. Before you can get to anybody in the Town of Zionsville to even propose an ordinance for a specific district, whether it be conservation, historical – you have to have a commission. If you have someone that has the rules and regulations, can approve and also bring to us to approve that district and so we worked really hard with Heather, the administration's been very, very helpful and, we have worked towards a specific state statute to create a commission and that's what I'm bringing tonight. The reason I'm bringing this tonight – there were some folks that brought up the point why are we even doing this? Well right now – and there's also people that said why are we adding another structure of government which I don't want to do? The only problem is, is there is currently no government to restrict historical homes from being demolished in Zionsville. No, none, no zoning, nothing. So right now there is no adding of government additions for this ordinance and I think that's where a lot of people get confused. The other piece that's a little confusing is that when we originally wrote or we worked on, for the full ordinance was to be a less restrictive ordinance that would just be a conservation district that would have nothing to do with people's paint colors, by the way, nobody's windows, nobody – none, none of those things. So, again, I'm just trying to be factual here and not get into this. So, what I'd like to propose tonight is, this has been gone through many iterations but at the end of the day, this is the statute. This is what we have to do as, to approve as a group in order for our constituents to even propose any kind of district in the Town of Zionsville. And there have been enough people that have come to me and to other folks on this Council that they would like to propose one. That doesn't mean it goes into effect – it would have to go through a process. The process would go through a commission, the commission would then come here and propose it. It cannot go anywhere. This, the document you're looking at tonight has no meat. It has no teeth, sorry, excuse me, it has no teeth, and that's been a little bit of the miscommunication you've heard tonight, and I kind of wanted to start there and then I'll go into Mark Dollase.

So we're going to talk about facts I want to make sure everybody understands so tonight we all received, from Mr. Hall a list of 111 people that are against this. So let me read to all of you what it actually says that these people are not in agreement with. So, in bold it says "Note: In the comments please make sure and enter your street address. We are asking that taste not be legislated. The purpose of the proposed ordinance is to tell

you whether or not the addition, new construction or alteration you were planning to do meets the Historical Preservation Commission's taste standards before you can build, expand or alter the exterior color, fencing of your home. This is even more restrictive than an HOA. It would be an actual ordinance that would incumbent, encumber your property, new or old, the proposed ordinance is unnecessary, will cost the Town money, cost you money and create another layer of government." So I'll be reading this down it says "If you love living in the Village with its purple and pink houses woven into a tapestry of equally distinct and interesting homes, you guys can all see this – you're able to get this – reflect not only in the past but the present and future. Please sign the petition so the Town Council knows the true number of homeowners that are against the ordinance. In the comments – again in all bold – please make sure and enter your street address. So, when you go into this of the 111 people that signed it, 48 made a comment with their address. Of those 48, 24 are from the same home. Of the signees, 18 were from Germany, 7 were from Canada and one was from Jamaica. So, it's right here if you want to see it.

From Audience [inaudible – off microphone]

Culp It's all done signees – so I guess 18 people were in Germany that signed it.

From Audience [inaudible – off microphone]

Culp You've already lost your time. I'm just reading exactly what it says on here. You guys are more than welcome to go to – I let you speak, did I not? Thank you. So, this ordinance, I just want to make sure you get all the information, you're more than welcome to look at this. We will have a second reading. I'm more than happy for people to look at this and look at this piece but if we're going to talk facts – that's what it says right here. And even Mr. Hall who brought this to us said he – and I'll read his exact words in here – just so that we're all talking the same information, if you read this it says "While I support some aspects of the proposed historic district" – which we've already determined this is not a historic district, so, obviously, that's a miscommunication, which has also created, that's also been another Facebook page that's – and by the way, both opposed and for have said historic district tonight – this is not a historic district. I want to be very, very clear on that. "I believe the current proposal is too restrictive." I completely agree – 100% -- I would not vote for this today if this was for a specific district. I am recommending that this be for a commission that follows the process and gets the communication from the community on what they want and at the majority of every meeting I've had, every email we've had, it's been a 2 to 1 approval, even tonight. Vice President Burk has been to every meeting with me or heard it and we've talked. I don't know if he did a tally tonight but I just want to let you know

that the only reason I'm here today is because the majority of my constituents have asked for this. That's it. And I was asked very nicely today by someone that never asked me this question before and I thought it was awesome – after you've been all through all this for two years do you still think this is the right thing? And I said well nobody's ever asked me that and there are probably times I wanted to walk away from it because I didn't have all the information. I had to educate myself, okay? And my number one thing is the majority of my constituents still want this that is why it is here today, okay? That's, that's my perspective. So, since we all agree that this is not for a historical district – this is just for a commission to give anybody in Zionsville the ability to go to a commission and propose a district – that's why I'm here today and that's why I'd like Mark Dollase to come up and present to us what a commission does and what it doesn't do so we can all be on the same page, same page and we don't miscommunicate.

Dollase

Good evening Councilors. I know you've had a long evening already so I will try to keep this brief. I do work for Indiana Landmarks. We are the statewide historic preservation organization and I've spent many, many years working with different communities across the State of Indiana that are interested in enacting an ordinance just like the one that you all are reviewing tonight. There are currently 52 communities in the State of Indiana that have preservation ordinances and there are thousands of communities across the United States that have preservation ordinances. The very first was Charlestown, South Carolina back in the 1930s, and you heard Meg Purnsley come up and say Indianapolis but theirs in place in 1967. So, ordinances have been around protecting historic properties and creating a process, that those, that those commissions, can work through. What underpins, if I can take just a moment with this, a significant part of why commissions can exist, I've heard some people make reference to concerns related to property rights, those concerns were out there, back in the 1960s when Penn Central Railroad wanted to demolish the landmark Grand Central Terminal. I think you probably all are familiar with that Grand building there in New York City. When they applied to demolish Grand Central, and the commission said no it's a landmark we don't want to lose that out of our community, they sued the city of New York and the preservation commission. That case went all the way to the United States Supreme Court. The United States Supreme Court said communities, municipalities have the right to regulate what occurs with historic properties in their communities. So, that underpins any future designations or protections that a community wishes to afford, with these properties. It's – I just want to say it's been really interesting to work with the Zionsville community. I participated in both of the public meetings that Joe referenced earlier to hear lots of questions about what this would mean, opinions about how designation or, or even the passage of this ordinance that just creates the commission would impact them

personally or at least the perception that they have of that. I want you to know I appreciate everybody's opinions that they have come out to share – whether I agree with them or different. I think that this is a demonstration that these people care about their community, they care about their neighborhood, and I think that that is something to certainly take away from this process. If I can get the next slide – the thing that enabled communities to pursue the creation of a historic preservation commission was that after that decision by the Supreme Court, the Indiana Legislature passed Indiana Code 36-7-11 which allowed local municipalities to do just exactly what we're doing here tonight – to put in an ordinance of, of this kind in place, with the intent that it could help to protect and preserve historic properties and neighborhoods and, downtown areas across the state. Once you have got the ordinance in place and the commission seated, then they need to set out to find what are those special, unique places with character in the community that should be preserved and so that is certainly a step that, that the commission would take. Then, when they've identified those unique places and are working with the owners of those places collectively or individually, they then can, can consider passage of, or recommend passage of an ordinance on your part to designate to protect that property. So that comes later after tonight. That's when the protection of individual properties occurs and you've heard that already from Joe and others. This ordinance – the enabling legislation allowed communities to appoint between three and nine members to a commission that is done here by the Mayor with your approval, and in the, this ordinance draft that is five individuals who have experience in historic preservation or architecture design, construction, real estate – areas that are kind of somehow associated with or affiliated with historic preservation. Next slide. So what can the commission do? Rules of procedure are important just to know how they function and how they operate. I talked about a survey that they would do – not the kind of survey you've talked about earlier about what people's opinions are – this is a survey where you're going out and documenting those important historic structures in the community. By the way, that survey is adopted by both the commission and the Council, so that would come to you as well so you can see what properties are being put on the list of individual structures or districts for preservation. Then that is what you use – that is your tool to work with the community to say here, here is what we are, we're going to preserve. Ultimately, the thing that an applicant – so a property owner whose property is designated – needs to secure to do work to the property is called a certificate of appropriateness and you propose what you are going to do to your property to the commission, the commission hears that – if they feel that you are meeting the preservation plan that you and the commission drew up, then they will approve your request and off you go to get your building permit. So, it's that simple. Next slide. So, these are the things I don't think I need to go through every single one of these but that matter to the commission, such as, the proper

growth and development of the community and I really loved the comment – I don't know if the lady meant it in the same way that, that I would perspective that I'm coming from but I wrote down diverse architecture matters and you're right it does and that is everything that what this is about is not to create homogeneity in a community but rather keep those individual and unique places intact and as part of our everyday community. So, that was a great observation. But anyway, so, we do work to not just preserve existing structures but I also want to make sure you understand that commissions encourage new construction and new development. Certainly part of what they do is to guide that development so it fits within the context of a designated area but they do encourage that. They, they don't try to discourage new construction in in a historic district. Next slide. So we talked about how designation or protection of a particular area comes through a subsequent ordinance that would come both to the comm – first to the commission for consideration and then recommended to you in the form of an ordinance for your consideration, then once that passes, as I said, future requests for the things that would be covered by that ordinance would come to the commission. I want to jump to the next slide if I can – so, what I have heard pretty consistently in my interactions here in Zionsville, is that most residents want to see a conservation district in place. This is a lighter version of what a full historic district would do. A conservation district would merely do, review three things: demolition of properties, moving of structures and, the new construction piece. So, if somebody were to purchase a vacant lot in a designated district and wants to build a new structure on it, they would then bring those plans to the commission who would review them and then once approved that person gets their certificate of appropriateness, gets their building permit and starts construction. Okay? I guess jumping to this last item here I think is important – sometimes people think that designation by a commission means they're also going to tell them what they can do on the interior of their structures and that is not true. This is only those things that are visible from a public right of way, so, the exterior of a structure. If you can jump to the next slide. So, let's talk about what a conservation district does not do, because there are some, I think, misconceptions that if an area is designated as a conservation district that there are certain things they will do and certain things they won't. So, I'm just going to run through these quickly – it will not increase your property taxes, it will not require you to open your house for tours, it will not restrict you from selling your property, it will not place restrictions on the interior of your property – I mentioned that – and, you know, Joe just mentioned, I heard him a minute ago say, may reference paint colors – it does not regulate your paint colors because if the only three things its reviewing are the three that I just named, what color you paint your house is not going to be reviewed as a part of that. Landscaping – during one of the public meetings that we held somebody continues several times to mention that let's say landscaping would be

something that they were concerned would be reviewed. Well in a conservation district, again, that's not the case. And, again, it will not prevent or discourage new construction in this in a district. Next slide. So, what is the process? Just quickly –you will plan or develop what your request is going to be and what it is that you're going to make application for to the commission. You then submit the application. The commission will review that based upon, again I haven't emphasized this enough but there's a preservation plan that is developed – whether it's for a single property or for an entire district – and the, those will provide some guidelines by which you will, kind of follow in making decisions for those applicants. And then once the project is approved, you can go out and start the project. So, that's my quick and dirty presentation. Certainly if you have any questions, I'm happy to answer them and we can go from there. Thank you.

Culp All right, before you guys ask questions, I had one more thing Mr. Lamb brought up a really good point earlier that I'd like for, Heather to address and that is why would you do a commission instead of just proposing an ordinance?

Harris Sure. Happy to. So, I did want to make a couple comments just for the Council members. I talked to President Plunkett about this – so, you know, I know we have been talking about this now for a number of months and my objective is not to persuade any member of the Council or the public to any specific position on the ordinance but I think it all started – I received a, a constituent call probably four years ago, about this asking questions on the statute and the law, with respect to ways in which you could create some preservation mechanism for old homes in Zionsville and I think a lot of that conservation was prompted by a number of variance requests that had been approved in the Town, you know, changing the, you know, sidewalk offset, changing the parameters of homes, creating, you know, additional stories to homes and some of the new construction that had occurred. So, when the conversation started and I know a Councilor Culp Councilor Culp called me and said hey I'm really interested hearing from my constituents and considering a conservation district ordinance and I said okay, you can't do that. And so, he then said but I would like to make sure it doesn't include this and I said okay, you can't do that and here's why and so, as the killer of dreams as Lance would say, we are here tonight with a historic preservation ordinance instead. So, I just think for members of the public just to kind of have a little background on the intent is important. So, when we really delved into the statute, I have lived in a neighborhood, I've lived in many neighborhoods, you know, that have been under the Indianapolis Historic Preservation – I see Meg, I've gone to Meg many times both in my professional and personal capacity and life. That being said – the, the nuances, in what is in the Marion County ordinance is different because their statutory framework is slightly

different than what applies to other communities. So, there's some – a lot, lot of similarities, some nuances particularly related to the appointment of the members of the commission which are different for Marion County than they are for other communities. Importantly, the statute itself is very prescriptive about how you set up a historic preservation commission. It requires that you put in language about what the commission can and can't do and there's a lot of language in the statute which is Indiana Code 36-7-11 that Mark kind of talked about that is very prescriptive and it says you shall do this if you're going to have this structure; you shall do this and there's not a lot of discretion in terms of may provisions. So, a lot of the language that we did include to set up the commission does have some of those more onerous provisions included because there really isn't a workaround within the current statutory framework and I say that just to say it doesn't mean that if you go on and consider creating a conservation district that you have to have all of those elements in place. Unfortunately, we just don't have a statute that says you can have a conservation district and your conservation district can just do these limited things. So we did a lot of research looking at other communities, Fort Wayne, Bloomington, you know, how did they get at creating just a conservation district which is candidly where we started. And we looked at conservation districts, and typically a conservation district is very less restrictive. So, you heard Councilor Culp mention, you know, it wouldn't affect your paint colors, it wouldn't affect your sidewalks, it wouldn't affect your siding choice on a particular home but really what it's focused on is how do you designate the most significant historical structures in any particular area in your community and then how do you ensure that they aren't altered in a way that, ultimately, you know, removes any of those historic significances, so you're not demolishing them, you're basically not, you know, tearing them down and just leaving like a little bit of the structure left. And so in those conservation districts, you know, you can, as a body really go back and decide hey we want a conservation district for this area – this is what the conservation district might look like, you know, we, we want it to include paint or we don't it to include paint, we want it to include sidewalks and frontage areas, you know, that are in the public view of the right of way or we don't and so each community has kind of set it up differently but there are a lot of flexibilities when you get to that point. Unfortunately, the mechanism to govern these conservation districts is very prescriptive. So, we've got one piece in what I would expect to be a multi-piece of the puzzle, kind of before you and a couple other, you know, just notes – you know, is that you could specify if you wanted as an amendment – I know this is only, you know, consideration for first reading, we could, you know, include additional provisions like you specify that, you know, the commission has to make a recommendation on any conservation district and the Council has to approve that recommendation to give even more, you know, insight and transparency under the statute all of the meetings are open to the public so the

commission meetings have to be in a public meeting, all the approvals have to be in a public meeting. There are timeframes so that individuals who want to make alterations aren't stuck in limbo, there are very specific statutory timeframes that say when a decision has to be made or, you know, that person can move forward. But when talking to some of the folks who had concerns, you know, I hear them talking about some of the more onerous provisions, and it, you know, there's definitely the philosophy of restrictions on property, no restrictions on property that sort of underpins peoples' individual viewpoints. But I did want to share that sort of framework just so that you, you all as Council members could have the context of, of why, you know, we as Barnes & Thornburg made this feel more difficult to you – it wasn't our fault, it was the statute, so without statutory, you know, revisions at the state level that's kind of where we are. So I just wanted to share that background with all of you and happy to answer any questions. We've been through this quite a bit so –

Garrett So Heather, to, to that point – you know, Councilor Culp who said, you know, this has nothing to do with restricting your paint color, Mark said the same thing – if I'm looking at this ordinance, perhaps where some of this comes from –

Harris Yes –

Garrett For example in Section 7 where we talk about the certificate of appropriateness within that section that's within the A section –

Harris Yes –

Garrett It says, you know, when you're within a primary area of a historic district, it is a conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration or maintenance involving exterior color change. So, in, in what you just said, just so I can clarify, we have to have that in there because it's state statute but that does not mean that the districts that may be set up – let's use the Village as an example, would have to have that in there. I they did, or if they proposed it, that would have to go through a process that would include a vote from the Council before it could be authorized and I don't think this Council has much appetite for something so restrictive. What Mark talked about from a conservation district is appealing to save some historic homes, I don't want anything onerous on homeowners much like I wouldn't want it on my own home that are, that are listed in here but we can't take those out, right?

Harris Right. And so, part of the nuance and Mark mentioned this as well, is we have historic districts and conservation districts and the historic

commission so there's kind of three layers that you typically see. The commission itself is just the body that would ultimately review any request for a certificate of appropriateness under any district or conservation district. So it's, it's saying these are the kinds of things that this commission statutorily would be able to do based on their requirements of state statute. It doesn't mean if you set up a his – a conservation district that you have to do all of these things. You can be much more limiting and I would share just based on our research, I don't see another community that's using conservation districts that include many of the things that are, are included here – only full-blown historic preservation districts, Meg Purnsley mentioned, you know, Indianapolis has got historic preservation districts and then they've got conservation districts and there's sort of different nuances to, you know, what they are reviewing for in each of those areas. But if you look at Fort Wayne or Bloomington, for example, in Bloomington is a really good example – they only say if you're going to, you know, demolish the building or make a major alteration, they have whole subject matters that don't even come before the conservation district or the commission for approval, so lots of like, you know, routine maintenance alterations – they don't even go through the process at all. And then they've exempted out things like paint colors, you know, sidewalks, landscape from the front, you know, any, any of those things that, you know, folks have expressed some concern and, so, I do think there's flexibility; unfortunately, it's like the framework for the commission is kind of the first step and then you can kind of, you know, go through. I think in kind of looking at this and we've, we've talked about it and I know there's been a lot of conversation – I mean, we, we talked about could we, should we, you know, have the historic preservation commission ordinance and then simultaneously have the conservation district ordinance at the same time, right? So that the public could see both – the challenge with that is there's still a survey process to decide what homes are of significant importance so it's hard for us to do the district part without knowing the survey part so, because we're working at kind of a deficit of information. So, I think that's why the decision was made do the commission first, allow the survey to be completed, make that a part of the formal recommendation so you can really understand from a public perspective what homes are you even talking about because it won't be every home in any particular area. So that – it's a little chicken and egg but, you know, just a method to sort of the madness of how these things kind of got put together and the timing for each, but I know a lot of the concerns raised or that I've heard and read are all things that I know I've talked to Councilor Culp about and you know, we, we tried to find workarounds in the commission's enabling statute but it's just so prescriptive in state law we really just don't have a lot of options.

Culp Yes, if I could've presented a conservation, you know, district tonight as part of it, I would've loved that. I would, in fact, if, if I read what Ms. what Mr. Hall wrote here I wouldn't have signed anything – I wouldn't even be up here tonight. There's no way I would allow for it to be that restrictive. That'd be awful. I wouldn't want to live in a community – I don't want to live in a community like that. So, that's the tough part is – Heather has worked on it for so, so long and I tried every which way guys – I know you opposition don't believe me but I tried every which way to get this restrictive language out of here and I can't. That's the thing that stinks.

Traylor Is, is it essentially that you have to list out the buffet of options and then the district you –

Culp Yes.

Traylor Pick from those options what that –

Harris Yes.

Culp Absolutely.

Harris Yes, it's, it's the enabling statute and it's very prescriptive and I think it's, you know, have you been involved in this at a state legislative level it's prescriptive for a reason – it was really prescriptive because they wanted, I think, legislatively to protect and preserve individual property rights and so they wanted to say you can only do these things, you know, and this is the only parameters you have and these are the timeframes you have to work and so what ultimately happens then is it almost has the opposite appeal publicly because it looks like you're imposing all these things when really, I think, you know, legislatively it was set up to sort of preserve and balance historic preservation with individual property rights which, you know – but, again, I'm, I'm just sharing information. I don't want anybody to think I'm advocating for one side or the other but this is the method of the madness of which led us to where we are today.

Traylor I have a, a pretty benign question – I didn't see anything in here that would cause us, you know, if we had the historic what, what was this – I don't want to call it the wrong thing –

Culp Preservation commission.

Traylor Yes, if we had the Historic Preservation Commission without any districts having been established – I didn't see anything in here that I felt like would require an addition to staffing for the Town, but I also just don't want to assume – I'm assuming that would probably fall on Wayne's and

Wayne – a simple nod or shake would be sufficient but do you see anything in this ordinance that would require you to need to hire additional people?

DeLong [inaudible – off microphone]

Traylor Not until a district is established?

DeLong [inaudible – off microphone]

Traylor All right, all right. So that, that was – that’s my only question.

Harris Yes, there’s some prescriptive things in statute that says basically like the planning department, you know, shall staff and then it talks about the counsel for the administration shall serve – the legal counsel for the administration shall serve as the legal counsel for the commission, so it even takes – I mean, it even – it’s very specific on that as well.

Garrett Mark, this is, I guess, a question for you or Meg, even, I’d be curious – I’ve heard a lot of lawyers live in Zionsville – does this turn into a litigation time bomb that you’ve seen in other historic districts where neighbor suing neighbor or someone’s walking by and sees something and creates a lot of litigation as a result of this?

Dollase I have not seen that as a result. I wouldn’t be up here advocating for this if I thought that that was where this was going to be headed. I mean, Meg, I don’t know if in Indianapolis if you’ve seen a lot of that?

Purnsley [inaudible – off microphone]

Garrett You’re going to have to speak –

Plunkett You’re going to have to come – Yes, you’re going to have to come up here.

Garrett Yes, sorry.

Plunkett It’s a long walk.

Garrett If that’s okay?

Purnsley So I think the simple answer that I would give you is that the process actually creates a more fair process by having a commission and by having – you know, we have a public hearing process too and so it allows for the public to chime in during that public hearing opportunity. So, I think what happens is there are actually probably less lawsuits if you really want to

know because we have this very open public process where people can go through and work with us to try to remedy whatever issues there are. Usually that happens before the project comes before the commission, if it does not, there is a, an appeal process in which somebody can go through and we do handle those as well but I would say those are extraordinarily rare, so the what I think ultimately happens – and I can only speak for Indianapolis – is because there is this process, people do go in very, you know, literal, intentionally go and engage with neighborhood associations. We see that every month when cases come before the commission and the commission is expecting that and the commission says have you met with the neighborhood about your project? And if they haven't they're going to have them go back and talk with the neighborhood association before they come back the next time. So, I think with that built into it we sort of, you know, avoid some of these lawsuits.

Garrett Can you talk a little bit about – and this will be a rambling question so bear with me – but, when you're doing the survey to identify what is a historic home are people notified that their home has been designated historic? Can they appeal that if they don't want the limitations that are implied by having a historic home? If they're not chosen historic can they be, can they apply to be added to historic? We had a couple of folks talk about, you know, afraid that they were going to sell their house and it would get torn down to the next buyer – can they voluntarily add themselves to that list? Can you kind of talk through how that process just kind of happens and how that's imposed or given to people?

Dollase Sure because I staff another commission and we've been dealing the survey issue and even an update to our survey. So, we did notify all of the, you know, people that we – properties, the owners – that we thought were going to be surveyed to certainly let them know that surveyors were going to be out in their neighborhoods, we did it through neighborhood associations, etc. so that word certainly got out there. When we did our updated survey, we by then in, in this one instance had an excess of 500 properties that were on our survey already and so we re-notified all of those folks that we were coming out to do an updated survey. To your question about, and then ultimately when that survey is complete, I think I mentioned this earlier, that is brought both to the commission and the council for adoption of that survey, those survey findings. I'm trying to remember what your other –

Garrett Well, I guess – so let's say the survey is done and it comes to the council, it's a publicly published document –

Dollase Yes –

Garrett And we have two homeowners that say I absolutely don't want to be a part of this and we have two homeowners that say I got left out, I want to be on that.

Dollase Oh Yes –

Garrett Is the council able to modify that list before approved –

Dollase Yes.

Garrett Or is that something that is prescribed by the --

Dollase Well, I mean, I think certainly to the point about if there are people interested in being added, we would bring to you or, or Wayne's department or whoever would bring to you a recommendation on which properties should be added and why. I mean, I think there needs to be a case made as to why a property is being added to the survey not just sort of randomly adding it and I would say the flip is, the flipside of that is the same for removing properties off the survey. I think we would want to make sure that there is a viable reason why a property is being requested for removal or, or not to be included.

Garrett But there's nothing in state statute if someone came to us and said I have an 800 square foot home that I'm planning to tear down in a week and it's just, you know, I need to be able to do this. Can I get off the list? There, there's nothing, nothing preventing us from saying all right, we'll, we'll eliminate that home from the list?

Dollase Let's be clear – identification of properties that could potentially be designated – meaning they're on the survey – that doesn't afford the properties that are on the survey any protection. They have not been through an ordinance approval process with the Town Council, so there's no protection there so nobody's telling them what they can or can't do at that point, until they're a protected property.

Garrett But the list of protected properties is part of the, what's voted on within the ordinance – is that a correct statement?

Harris Yes. I think the thought would be that once the survey identifies, you know, is identified by the commission, then you would, you would be able to see what is historically significant is the term that's used, and then that list or map would be included, with the actual ordinance creating the conservation district. If it's included, then I think they'd have to go through this cert, you know, certificate of appropriateness process. Again, it's, it's a living, breathing document because we age, you know, and time goes on – so it's probably something to ask to be updated periodically and

would probably be a recommendation I would make if you moved forward with the conservation district that you include a review or updated survey on a fairly, you know, go forward basis because what's historic today is not going to be historic in 25 years, or, you know, something else may be historic in 25 years.

Plunkett Right.

Harris So, I do think you'd want to have a very delineated process for that review and approval, and then I know there was also conversation on that Councilor Culp and I have had as well about, you know, making sure that is someone purchased a property and it was going to be subject to these requirements, that there be something that would be required to ensure that the new owner would, you know, if they received a certificate of appropriateness, for example, it would run with the land so that somebody else in the future wouldn't have to, you know, go back through the process again. Um –

Dollase Yes Meg's done something that I think is really interesting with MIBOR as a way that potential purchasers of a property can, you know, kind of be red flagged that it's designated – I don't know if you want to –

Purnsley I'm assuming you're interested in this but – yes, we did last year or about three or four years ago, I coordinated with MIBOR and they were very gracious enough to allow for all of the parcels in our historic districts to be flagged in MIBOR's Realist system so if anybody's a realtor in the room, you know what I'm referring to, and it literally just pops up a notice of jurisdiction on there and MIBOR is actually really interested in knowing of any other municipalities that are on the docket to become designated because they'd also like to flag those, including donut counties of Marion County. So, it's proven to be a very effective tool to let new property owners know that that property is in a locally protected historic district. And I'll just add one thing about the question regarding the survey and boundaries – we have several historic districts where the proposed boundaries, as they were presented to the commission, were actually modified before the plan was adopted because, again, our process is a very public process and when a property owner became notified that their property was potentially going to be in the district, they had asked that it not be included and so if you look at any of the boundaries of any IHPC districts, they're not a box – it's very jagged because there was very deliberate intentions to creating those lines. St. Joseph is another one where there was – it, it's very haphazard because there was a lot of back and forth over who should be in and who didn't want to be in but to your point, properties change hands and so the new property owners – I think the question I'm hearing is – if I want to buy a property or maybe I just bought it and I didn't know I was in a district, can I do something about it?

IHPC does not have a “de-designation” process but I think if I read the draft, there may actually be some language in this proposed – I don’t know, but there is something in some municipalities there is language that can allow for de-designation. It doesn’t necessarily mean cutting one specific person out but it could be the whole district.

Dollase That language is in there – I believe it’s Section 13 but the, the reason I didn’t bring that up earlier is you were talking about the survey of the property, not the designation of through a separate ordinance to protect them. You were just talking about when they’ve been surveyed by the commission and that’s what I was trying to answer.

Garrett Meg, you may not know – I’m sorry – Meg, you may not know this but, but I’ll ask it – with the MIBOR data, those homes that are designated historic, do you know if they sell slower because that scares people or faster because it excites people to be in that? Or is there, do those kind of two cancel each other out and it has no impact on someone looking to sell their home that has been designated historic?

Purnsley Well, I’m no expert on that topic, but I can tell you that I hear regularly from real estate agents that they definitely sell faster –

Garrett Okay.

Purnsley You know, it’s really a that’s more of a buyer specific question, you know, whether they choose to be in or choose not to be in, but I know I’m sure Landmarks can attest to some studies that have been done about the impact on real estate values and –

Garrett Well, and you did answer my question – I just want to make sure that if we’re applying a status to someone’s home we aren’t then handicapping their ability to sell it if and when they choose to make a change in, in living and, and based on at least anecdotal information –

Purnsley Yes.

Garrett It sounds like that’s not happening.

Purnsley Yes, we actually get calls from developers, specifically developers too, who, who very intentionally seek property in locally protected historic districts because a lot of people view it as almost like an insurance policy. So that’s why we get a lot of calls – are we in or are we not – because if, they want to make sure that they are in so that they – because to them they view it as adding that extra layer of protection and insurance to their investment.

Dollase It's an asset.

Burk You guys have talked a bit around as a question whether or not – Mark, maybe you can dig a little deeper around kind of the criteria process in this specific question I'm talking about in a conservation district if that were to be proposed, which is frankly all I would consider as a Council member – within a district there's this sort of a, and not every home in a conservation district, let's just say the Village of Zionsville, would be designated as historically significant – maybe a fraction of homes could be designated as historically significant – is that correct?

Dollase Yes, so, in the one section of the ordinance it goes through and talks about the significance levels – the degree of, so, so a property can be rated outstanding, notable, contributing or noncontributing. So, your outstandings are the most important or most significant within say the boundary of a conservation district down to things like a vacant lot or a parking lot or a building that's been significantly altered that might be just a noncontributing structure. So, that's how you're getting at which buildings are more important and which aren't. So it's not everybody and there's criteria –

Dollase Right.

Burk And that criteria is not just age – it can be other factors as well –

Dollase Correct.

Burk Just because your home's old doesn't mean it's historically significant.

Dollase Yes.

Burk So this could be very prescriptive and very narrow if that's the way it's designed. Is that correct?

Dollase Yes.

Burk Thank you.

Culp Is there a conservation district in the HOA?

Dollase/
Purnsley No.

Culp Okay.

- Melton Mark, you said it'll not discourage new construction. Will new construction builds be required to present to the commission in a district?
- Dollase Yes.
- Melton And –
- Dollase In a con, in a cons – well in both – a conservation district and a full historic district.
- Melton So there's a whole other process outside of the typical planning department presentation. Are you suggesting – so, and you also mentioned earlier that new builds would have to present to a neighborhood association? Or, excuse me, I think, I think Meg mentioned that they present to a, neighborhood association too before they go to the historic preservation or the, the commission? Is that correct? I mean, you, you mentioned that right?
- Purnsley It's not a requirement –
- Melton Okay.
- Purnsley But it is strongly encouraged.
- Melton Okay. So I guess my question is – VRA is that our neighborhood association in Zionsville? Is the Village Residents Association the same as a neighborhood association?
- Harris It is not. I don't believe it is. I don't believe it is a homeowners' association in the traditional sense.
- Melton I didn't say a homeowners – so, Village Residents Association versus neighborhood association – my question is will we have to present to a neighborhood association before we go to the historic committee and do we have to create another association to make this work?
- Harris So the legal answer is no. I think what Meg was mentioning in Indianapolis it's encouraged because I think the thought is you want to have your neighbors buy in. You want to make sure you're talking to your neighbors about what you're proposing. In my experience in my neighborhood which was Lockerbie in Indianapolis, it's different. It's very restrictive down there. But you know, we, we had that process of talking to our neighbors and working through kinks in advance but it is not a legal requirement. It's not in this statute or in this ordinance as proposed.

Melton So this ordinance is guided by state statute. The Town of Zionsville is unique in its own right because of its structure – is this the right statute for us to use because we're unique – the unique com – one or two unique municipalities in the state that have a structuring with a Mayor and a Town Council through our reorganization – is this the only option we have and tell me why? I don't understand why. If we're unique, if Indianapolis can have, be unique themselves, Meg mentioned they're all appointments by the City Council and the Mayor, I don't understand why we can't be unique like we already are regarding this statute, this paper push – I don't understand.

Harris Well only in that there is a process prescribed in Indiana Code that says if you're going to designate a Historic Preservation Commission or historic preservation district, you have to use this enabling statute and I think it's to my earlier point – I think the statutory reasoning behind that – like why the legislature, you know, would choose that because they were trying to make sure that a community couldn't come in and impose upon individual citizens, you know, certain restrictions without exact parameters and remedies for those individuals. Because they were trying to balance conservation with, you, know, land rights.

Burk Perhaps a point that Craig's asking is if every community in, in Indiana that has a commission – are they all mayoral appointments or are there exemptions where some communities have council appointments?

Harris Not that I'm aware of – only in Marion County which has a different governing statute that's similar but not exactly the same, it gives appointments to the executive and to the City-County Council.

Burk So if that's true, why is, why is Marion County have an exemption that's not tied to the state statute? Why, why are they special?

Harris Probably because they an individual lobbyist working on the interest of Marion County. I mean, just to be honest with you –

Burk So they carved it out within the statutory language?

Harris Yes, yes. There they have probably the longest, most robust –

Burk No, no, no – I get it. It's in the statute that they're excluded.

Harris But it is different so I think they're governed by 36-7-10 and we're governed by 36-7-11 –

Burk Gotcha. Gotcha.

Harris And so it's just – there are some nuances in Marion County that are unique to Marion County in the consolidated city. I think the other difference in – to be fair I was teasing about the lobbyist but it's probably true – but the other difference is, it's a consolidated city so they have the governance of the Unigov structure –

Burk Right, right. Yes.

Harris Which includes the county and so there's a lot statutes that exist specific to a consolidated city that different, that are different than other communities and I think that's because you've got representatives from what otherwise would be the county here with the county commissioners.

Burk So that fact that Zionsville has a unique organizational structure compared to most towns has no bearing on this statute?

Harris Yes, with, with your question about specific appointments to the commission – it, it does not because it clearly states there's language and I can read to you the language – it's in 36-7-11(4)(A) – it says the voting members shall be appointed by the executive of the unit subject to the approval of the legislative body. So, the Mayor in this instance would have to present her recommendations for appointment to the Council. The Council then would approve or deny those recommendations and –

Melton What, what happens at the denial? I'm sorry to interrupt – but just –

Harris Yes – if someone was denied, they said hey I don't want Mr. Smith, you know, to serve on the commission, then the Mayor would have to either convince you otherwise why Mr. Smith would, you know, be the best person to serve and/or present another candidate. But because of our reorg there's certain functions that stay with the Council and certain functions that stay with the executive and this is one that is an executive function in its entirety so it, it, it – there is no nuance because of our unique reorganized structure under this particular statute.

Traylor I guess given that it does – and I understand because of statute we have to have it like this and then I'm not going to argue that – but my question is given how much it does put on the Mayor, you know, to make the appointments and things, do we know if the Mayor is supportive of this ordinance? And I would, would –

Harris I can't speak to that, Yes.

Traylor I guess I would point that to Jo because I know, I know you can't really – Jo or anybody – does anybody know if the Mayor is supportive of this ordinance?

- Culp The administrative helped with this. That's all I know.
- Traylor So we don't.
- Culp Not, not specifically the Mayor but the Mayor's administration was a critical part of building this, this process. But I can't answer that.
- Traylor So we're caught –
- Culp I have no idea.
- Traylor I guess, I guess the assumption would be –
- Culp No, I'm not even going to go there. I'm not going to go there.
- Garrett I will ask next week.
- Harris I would say there's been a lot of support and facilitation –
- Culp Yes.
- Harris By the administration that I have seen including the Deputy Mayor sitting in on a number of discussions as well as their, their general counsel has reviewed this multiple times as this has gone forward in the last few years.
- Culp They've been very, very, very supportive in helping.
- Traylor All right. I mean, just given how much it puts on them I want to –
- Harris Yes.
- Culp That's why Wayne was so critical to this whole process.
- Choi To the question of who appoints what and what's statutorily required, I mean, you can set a precedent within this particular body that Town Council takes a very critical look at who was appointed and takes part in conversation about who was appointed to a degree that goes beyond what we normally approve with other commissions and committees.
- Culp Yes.
- Choi And that's your check and balance in this. Not to just blanket approve something that is put forward onto us but to actually critically be involved in that process. I mean, that, that's our check and balance because that's why it has to be approved by us even though it's mayoral appointed.

Melton That seem, seems to add a whole another layer of things that are going to be required of this Council now as we move forward – seven individuals that we don't know who they are –

Culp Five.

Melton It's five, excuse me. Five on the commission, correct?

Culp Yes.

Melton Wayne mentioned that there's going to be potential costs and I think there's already been a mention of hours but, hours on of the staff but not necessarily a new hiring in the advance. So, as soon as this commission gets approved, there will be a cost at the, at the level of staffing that already exists but once there's an ordinance there will be an additional cost for an employee is what I understand. Is that, is that correct, Wayne?

Culp He did not say there would be an additional employee but he can speak to that.

Melton That was a direct question from another Councilor there.

Culp He didn't say there would have to be.

DeLong Certainly without having a district to then extrapolate this information from there, there's no answer to the question that can be offered. Certainly using the original ordinance that came in last year at some time it was called the conservation district ordinance and it had a map attached to that ordinance, looking at that information, extrapolating out the active permits that were issued in that district then what was called a district and that – I think was it 24 permits so we looked at that as a caseload of what would've qualified under that structure for needing a certificate of, of appropriateness, I think we gave original testimony in September of last year we talked about an \$800 charge if you were to try to go even operating costs against the permit. I mean you have the fees of \$5,000, \$7,500 for their services on top of the, the legal fee, probably there's a retainer or something that's going to be necessary – so there's some, there's some structural without knowing the size of the district – if it's one home or 749 unique address units – that's a completely different conversation and certainly in the 2021 study that was completed by SullivanMunce there were 400 properties that were identified as contributing to that district to answer Councilor Burk's question of a little bit ago.

- Melton How many homes are downtown Zionsville – I guess whatever the downtown, what we would call a downtown –
- DeLong Out to Ninth Street you have about 749 unique addresses. In the business corridor, you know, about 175 unique addresses. Some of that all commercial, some of those are residential above a commercial.
- Melton And somewhere in that 400 range is the contributing number that a previous survey had already been –
- DeLong Right. Last year in 2021 SullivanMunce authorized a survey. There were 586 homes or properties identified in that survey, I believe, 400 qualified under that regime that was listed in that document as outstanding, notable or contributing.
- Melton And, and this is a question for Joe – Joe, we did, did we do a survey on this as well?
- Kiel Yes.
- Melton You did a survey and your responses back were what number of individuals wanting this?
- Culp Well that, that –
- Melton That’s not the survey?
- Culp That’s two different surveys. The survey he’s speaking about –
- Melton No, I understand his survey.
- Culp Okay.
- Melton I’m talking about the survey of – I just, I’m just in my mind I see 700 homes plus the 100 you know, and I’m just thinking how many people we have potentially two people per residence and, again, this is focusing on Zionsville downtown only primarily because there could be other districts –
- Culp Yes.
- Melton Elsewhere if the commission is created. And, I’m just, I’m just trying to understand if there’s 400 homes what percentage of the people involved that are wanting this to which I have only the emails that we’ve received in the last, well, over the last few months, just trying to get an idea in my mind who – what percentage of people are interested in this and the

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percent comes from the whole, in my opinion, of the downtown Zionsville, potentially the Village Residents Association, [no audio – 3:27:51]

Culp I don't know. You want to speak to that? Can I bring someone up? Chelsea? Am I allowed to bring someone up for that?

From Audience[inaudible – off microphone]

Culp Whoa, whoa, whoa. Okay. Geez.

From Audience[inaudible – off microphone]

Culp I don't know how to handle this.

Harris Yes, I mean – Yes.

Plunkett So, so the information needed is, is on the website, Heather, is that you're saying?

From Audience[inaudible – off microphone]

Harris Yes. I think, I think. Okay, okay everyone.

Plunkett Hey let's settle, let's settle down.

Harris I know it's super late –

Plunkett I know it's, Yes, for real. It's late. Everybody's had a chance to say certain things that they wanted to say. I mean, let's just, let's relax a little bit.

Harris Yes, so I think the question was just on, you know, the number of folks who've been involved in the process in terms of surveying the constituents. I know there has been as I understand it a lot of outreach to the constituents and multiple efforts. I do think there is some information that was included on the website, and I'm certain I can get that for you or Joe could get that for you, from someone if you'd like. I don't know the specifics, I apologize.

Traylor Just my two cents – I don't put a whole lot of weight behind either survey because –

Melton That, that's a great point.

Traylor One, I mean, one both surveys were worded to get the answers they wanted.

Melton I guess, I guess that's, that's my point a little bit with the people that are in Jamaica signing this other petition that we were presented with tonight with these 100 names. I do recognize names on this list. I've spoken with several of these people, some of these people recently about this in denial, so, you know, to discredit all of these or whatever percentage –

Culp I would not discredit all of those.

Melton Yes, I, I understand. I think it'd be fair to discredit some on the other side as well so –

Culp All right. So let, let me give you my perspective. We've had two town hall meetings. We've sent out – this is all facts people. We had two town hall meetings Vice President Burk and I have been to both –

Melton I've been to one as well so.

Culp And we've counted every single time that it's a 2:1 approval for the people that, that –

Plunkett People that show up, correct?

Culp Yes and that's emails too.

Plunkett That's all your gonna get.

Melton Well, I mean, we're affecting more people than, than actually show up.

Culp This commission is not affecting them.

Plunkett But the commission is a step to the next.

Culp Yes and that would be – have to go through the whole process again. Start from scratch. Before it would even come to us.

Plunkett Yes. I mean, I think – I've been, I've been kind of quiet just listening but, I mean, from my perspective, again, it's, I feel like it, it's statutorily restrictive as we've talked about by way of appointments, and I'm a less government guy and, and I think that this is a step to the next step which adds another layer of government that I don't necessarily feel like it's necessary. But, I mean, that's just me.

Culp I'm just curious who, who should govern the historical homes then? How could we protect them?

- Plunkett I would just ask why do we need a historical, a historical society or preservation district or any of it?
- Culp It's the only way you can save homes. There no other governance in Zionsville that can protect them.
- Plunkett That, that's true. I think you could also make the argument that some of these new homes that are being built is our new history. I mean, some of these new homes – somebody mentioned it before – you're going to look back in 25 years and these are the new homes that need to be on the district. I mean, I, again, I'm a, I'm a property rights guy so I like the idea.
- Culp That's fair.
- Plunkett Of people being able to do what they want to do with their homes.
- Choi I am very much a property rights guy also, but I really have problems when historic homes are being demolished without any recourse whatsoever and that's one of the, the issues that we're dealing with here. It isn't the construction of new homes that might not historically fit in because there's no restriction, there's no blanket restriction around that. What, what I can't stand – and I lived in the Village for seven years – and on Main Street – so what I and I actually lived on one of the homes that was built by somebody – it was built on a demolished property that apparently was of no historic significance – I don't know – I just bought the home and lived there. It was a great home. But, the point being is that there are a lot of homes there that are being demolished, destroyed – the most recent one on Main Street being an example, that it was afforded no protection at all and it is a historic, in my eyes, a very unique home that should've been protected and this allows for that to occur. I am very much a property rights guy as the next person but the character of Zionsville and what it means – that's, that there is great importance in that in preserving those characters and I understand taking out the homes that have no contributing value to the Village but I cannot, I cannot support taking out homes that have unique qualities that add to the historic nature of the Village. And that's where I think that despite the fact this is yet another regulation, that there are sometimes that important regulations need to be affected in order to preserve and protect what's important to us and that's what I see in this.
- Garrett Is there any mention of fees in here? Wayne mentioned \$800 to do something – is, is it – none of that is laid out because I know that's been a theme in emails I've gotten is this \$800 idea –
- Harris Correct.

- Garret That's just the cost of services based on the transaction? It's nothing that is laid out that if we pass this today which, again, is not, not something that would govern anything but even if the next step went, it's not saying it would definitively be an X fee, correct?
- Harris Right. That's correct. There's language in the proposed draft that simply states that any fees would be posted on the Town's fee schedule –
- Garrett Got it.
- Harris I don't think to Wayne's earlier comment we know what that would be and we also need to make sure that it's within the statutory framework for fees but it's really just, I think, contemplated to cover any additional costs for review and that may look different depending on what the conservation district looks like.
- Garrett Very good. Thank you.
- Plunkett Any other questions for Councilor Culp, Heather or anyone else?
- Plunkett Having none I would entertain a motion at this point.
- Culp I would like –
- Plunkett This is your chance Joe.
- Culp I would like to propose a motion to approve the first reading.
- Plunkett First by Councilor Culp.
- Choi Second.
- Plunkett Second by Councilor Choi. Um –
- Culp Should we do a roll call for this President?
- Plunkett Sure.
- Traylor And, and before we, before we do that maybe spell out what a first reading means, like –
- Harris Sure. So just for everyone here tonight. We're only approving on first reading which means we'll have a second reading. There'll be some time. We could calendar it, which I'm assum – typically we would calendar it for the next meeting. Our next meeting is next week just because of the spring break, but the Council President does have the discretion to

calendar it for a later meeting, there's no timeframe in that, so – if you wanted some more time, you could calendar the second reading for May.

Culp I think it should be an evening meeting –

Plunkett Yes.

Culp To give everybody an opportunity to come.

Harris Yes.

Culp And, and, and watch the video, listen to everybody. Give them a chance to really – I want them to have the opportunity –

Harris Yes, it's not a final approval this evening, most importantly.

Culp No.

Plunkett Yes, Amy if you'd like to go ahead?

Lacy Sure. President Plunkett?

Plunkett No.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor Choi?

Choi Yes.

Lacy Councilor Culp?

Culp Yes.

Lacy Councilor Garrett?

Garrett Yes.

Lacy Councilor Melton?

Melton No.

Lacy Councilor Traylor?

- Traylor Yes.
- Plunkett Motion passes 5 in favor, 2 opposed. And I think, I think obviously we would consider putting this on the – not the next meeting but the first meeting in May.
- Harris The May meeting?
- Culp May.
- Harris Okay.
- Plunkett So that way we give people an opportunity to come back. All right.
- Choi I do appreciate everybody being here.
- Culp Oh my gosh. Thank you so much.
- Choi And thank you to both sides on this.
- Harris I was just going to mention too as the Councilors review, if there are specific questions, comments or, you know, potential amendments that you'd like to see considered for the next meeting, then just send those to Joe or myself so we can catalog them.
- Plunkett You got it. Up next on the agenda.
- Traylor We're not done.
- Plunkett Is other – oh –
- Garrett The meeting's still going.
- Traylor Your item's done. Ours isn't.
- Plunkett I know we'd all like to be there. Give us a couple of minutes.
- Harris If everyone could just – we're still in a public meeting –
- Plunkett Yes, you guys can leave but if you could just be quiet.
- Harris So if you can just – you're welcome to but Yes.

OTHER MATTERS

Plunkett Up next on the agenda is Other Matters. Any Councilors have any other matters to bring up?

Garrett I do – I just want to remind someone that the lost revenue report is due April 30th. That is tied to the ARPA funding and we talked about this a meeting or two ago and I just – I’m throwing it out there. That’s one of the important steps to make sure that this funding we have that paid for the, the first responder, stuff we did today gets – doesn’t get retracted by the federal government. So, I don’t know who to tell that to but I’m just bringing that up as a I hope someone’s filing it because it’s due April 30th.

Plunkett Heather, is that, is that something that –

Harris That would be something our new –

Plunkett Finance department?

Harris CFO and Cindy and Tim.

Plunkett You picked a great meeting.

Garrett As long as you’re aware, I’m good.

CLAIMS

Plunkett All right. If there’s nothing else we’re on to claims. I do, Cindy, have some, have a couple of questions on claims and hopefully they’re just, they’re easily easily answered.

Traylor Oh, I’ve got some too.

Burk You may get a minute.

Plunkett In looking at the claims – I’ve got two questions really. My first question is, I noticed there were – so there some claims that were on the last sheet that were transferred to this one and then some that weren’t. Are we voting on two separate claim sheets?

Poore It was supposed to be two separate claims, sheets, yes – and, as I was reviewing them back there, it does look like some of them carried over into the second one.

Plunkett Okay. And then my next question is – if these get continued again for whatever reason –

Poore Yes.

Plunkett If they get continued, if they get whatever – obviously, we’ve got claims that were, that were paid or, or expenses on the purchase cards.

Poore Right.

Plunkett If they’re continued –

Poore Yes.

Plunkett Have we paid those bills or, and would we have to file a claim against Chase for those expenses?

Poore Those payments are automatic each month.

Plunkett So they will be paid regardless of whether –

Poore Yes.

Plunkett We decide to continue it or not?

Poore Yes.

Garrett That doesn’t seem right.

Harris Well, Yes. Yes, so they shouldn’t be automatic until there’s an approval. So there would have to be an approval of claim just because the process is automatically deducted. If the claims aren’t approved to be paid –

Poore Yes –

Harris Then we can’t pay Chase. So, we actually –

Poore The previous, yes –

Harris We would be, you know, earning extra interest, we would be out a contract, we would – just like any other credit card – you would be having a late payment and there would be consequences for that, but there should not be an automatic payment of claims until they are approved regardless of how they’re formatting. Right? I mean –

Poore You’re correct.

Harris Okay, I just want and Cindy I know it’s late so –

- Poore Yes.
- Harris I just wanted to clarify that because this has been a point of contingence so we just –
- Poore Yes.
- Harris No claim including any P card claims should be paid unless the Town Council's approved it.
- Plunkett But if we, if we continue the claims –
- Harris Yes –
- Plunkett They will be paid is what, what we're hearing.
- Poore The way, yes, the way the previous CFO set it up was to have automatic payments.
- Harris And so that would be out of compliance so we'll talk to Kellie and Cindy –
- Poore Okay.
- Harris And we'll put that on our list for tomorrow just to make sure that is not happening. And Tim's back there making a head nod and so is Kellie.
- Plunkett Okay. That's –
- Garrett I'm not voting for claims until I get some answers on the financial system. I just – I hate to do it, right? These are vendors that are stuck in the middle and, Cindy, you've done a great job – this is nothing against you. You've been, you've been a one-woman show for a while here but – I just, I just want some basic questions and I'm happy to pay claims. I don't understand why I can't get answers.
- Plunkett To your point – there's claims that are on the 3/21 sheet and on the 4/11 sheet so we would be paying both.
- Traylor Double paying.
- Plunkett Double paying for the, like for example, for the first quarter of fees.
- Poore Well it wouldn't actually be a double payment. I mean, yes, it's on both sheets, one payment is made. There, it wouldn't be double payment. What

it's skewing is the total amount on the second one but double payments wouldn't be made.

Garrett I'm hopeful the Mayor doesn't skip the April 18th meeting because I won't vote for claims then either if she still ignores our questions. I'm hoping we can come up and have an adult conversation, get some answers, maybe look at the park's five-year plan, certain we get claims done and get caught up. That would be ideal. That is my ask. Not the Council's ask – that is my personal ask.

Plunkett Yes, I hate that we keep getting put in this position to where it's like –

Garrett I don't know what else to do.

Plunkett I don't either. And it, and it's frustrating because there are vendors – there are people that need to get paid –

Garrett Should get paid.

Plunkett And, I mean -- I don't understand how we could without going through and line by line eliminating the claim that are doubled up here. If we're approving the claims, we're approving the claims, but this is tough.

Burk Cindy, what is your, what is your process when you see them double entered –

Poore Well, what needs –

Burk And you said they won't get paid twice. How, how do you make sure that they aren't.

Poore They're not double entered. What happened is when she pulled the information out she didn't select the correct timeframe because she, she pulled the information out of the system that had the previous claims on there. So, they're not in the system twice it's just how – the dates that were used when she pulled.

Traylor So, it, it and maybe I'm misunderstanding – but if we put the March ones aside –

Poore Yes –

Traylor And just approve the, the April 11th ones does that include everything? Is that what you're saying?

Poore Yes, I noticed it when I was back there –

- Traylor Okay.
- Poore So I don't know if, if all of the March ones were duplicated in this or if it's just some of them.
- Traylor Because if it's all in, if it's all in one –
- Poore Right.
- Traylor Yes.
- Poore Yes, so – what I can, Yes,
- Plunkett But if they weren't –
- Poore So what I can – Yes –
- Plunkett They, they weren't because there's claims that are in here, you know, like specific, specific to some Castleton Trophy something that's not, I mean, it's not on the new claims sheet –
- Traylor Oh.
- Plunkett But it's on the old claims sheet. The PERF match is on March, the March claims sheet is not on this one –
- Traylor So my rationale doesn't work.
- Plunkett I mean, in a perfect world, obviously, Yes, if everything was just there we would –
- Traylor Gotcha.
- Poore Yes, I'm going to have to go through them –
- Plunkett Um –
- Poore And basically pull out the ones that –
- Traylor You've got a week.
- Plunkett Yes, I mean, it, it's a – so, I mean, Yes, I would agree. Any other questions for Cindy or any other comments? I mean I would make a motion to continue claims –

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Garrett Second.

Plunkett To next week. Second by Councilor Garrett. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor – or 7 in favor, 0 opposed.

Garrett Heather, does that motion capture both claims because there's, they'd be in here. Is that fine?

Harris Yes.

ADJOURN

Garrett Okay. Thanks. I'll make a motion to adjourn.

Plunkett First by Councilor Garrett.

Culp Second.

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

All Aye.

Plunkett Those opposed same sign.
[No response]

Motion passes 7 in favor, 0 opposed. Next regularly scheduled meeting is scheduled for Monday, April 18, 2022 at 7:30 a.m. at Zionsville Town 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