



**ZIONSVILLE TOWN COUNCIL  
MEETING MINUTES  
FOR  
MONDAY, MAY 15, 2023  
AT 7:30 A.M. EST  
ONSITE MEETING**

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

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

Also Present: Adam Steuerwald, Town Council Attorney; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of Public Works; Amy Lacy, Municipal Relations Coordinator; and other Town Department Staff

**OPENING**

- A. Call meeting to order**
- B. Pledge of Allegiance**

Plunkett            Good morning. I will now call the Monday, May 15<sup>th</sup> Town Council meeting to order. If you would please, stand and join me in the Pledge of Allegiance.

All                    Pledge of Allegiance.

**APPROVAL OF THE MEMORANDUM OF THE MAY 1, 2023 REGULAR MEETING**

Plunkett            All right, up first on the agenda is the approval of the Memorandum of the May 1, 2023 Regular Town Council, Town Council meeting. A copy has been posted. Are there questions from Councilors?

Garrett            I'll make a motion to approve.

Plunkett            First by Councilor Garrett.

Burk                Second.

Plunkett            Second by Vice President Burk. All those in favor signify by saying aye.

All                    Aye.

Plunkett All those opposed same sign.  
[No response]

Motion passes 6 in favor, 0 opposed.

**APPROVAL OF THE APRIL 17, 2023 CLAIMS**

Plunkett Up next is the approval of the April 17, 2023 Claims. Are there questions from Councilors?

Traylor These have all been paid already?

Plunkett You'll recall these are the claims that have been paid already and I guess as I look through these, I did have a couple of questions, Cindy. Maybe some of them are just procedural. As you look through these, some of them are pretty important – the AEDs that were purchased, I did notice those were listed twice in here, Cindy. That was one thing I was going to ask you about.

Poore I believe that were for Fire and some for Police.

Plunkett Okay but the same, so they were just paid for with the same check?

Poore Yes.

Plunkett Okay.

Poore Yes.

Plunkett So I guess the biggest question I would have is, obviously, these have been paid. What if we find something we don't want paid? What's the process to claw back something that's been paid for a month?

Poore Well, basically, we would just have to go back to the vendor and see if we could get a refund for the item until whatever issue there is, is resolved.

Plunkett Okay.

Poore It depends on if they're a regular provider or not –

Plunkett Yes.

Poore I mean, it's a possibility of holding a payment going forward until we get resolution with whatever the issue is.

Burk Cindy, let me ask you – I know there's a lot of change, a lot of software –

Poore Yes –

Burk Changes that we're all implementing. I've talked to some Councilors who served 8, 10 years ago and they said that this is ongoing, this isn't new. This isn't just a

software problem. We've always paid claims ahead of time before the Council had a chance to approve those. Do you have any thought on that or is that just going to be standard operating procedure moving forward?

Poore            There are some that by – I can't remember if it was a resolution or ordinance. It's 2018, I think dash 3 that we do have the ability to pay some ahead of time – utilities, prepay items like insurance premiums, payrolls, so just to name a few, so there are some things that they still come on a register to be approved but they, we can cut the check prior because there might be some timing issues waiting for a meeting. This particular one it was just a new staff error and we've put in additional checks and balances to make sure that something like this doesn't happen, but it was basically just a learning, it was a new person that was doing it and, of course, we used it as a learning tool.

Burk            Thanks Cindy.

Traylor        Can you describe what the checks and balances are that were put in place?

Poore            Yes. So once the register is pulled, because we prepare it approximately a week in advance of, or a week and a half in advance of the meeting, so when the register is pulled now, Mia, my Deputy goes through everything to make sure that everything from the batches that need to go for the meeting are on there and then I usually review it as well but Mia's the first checkpoint and then everything goes to the Department Heads and the Admins to make sure that everything on there is how they need it to be as well.

Traylor        Because I know we had this discussion back in March about putting something in place because it had happened at that point and then it happened again so I'm just, I don't know – I'm disappointed I guess.

Plunkett        So we did put in place procedures that don't allow the EFT transactions to go out immediately. Those are like 2- or 3-day post-Council approval, correct? I mean that's not an immediate--

Poore            Correct, unless it falls on that prepay list –

Plunkett        Yes.

Poore            No. Those –

Plunkett        Yes.

Poore            Will wait to make sure that the Council approves it.

Plunkett        Okay. I don't feel good about these having been paid already but going through the claims, it seems like they were claims that would be paid regardless. I think the bigger concern for me is, as Councilor Traylor mentioned, just the repetitive nature of it. Any other questions from Councilors for Cindy? Otherwise, I would take a motion.

Melton        Motion to approve.

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Plunkett First by Councilor Melton.

Burk Second.

Plunkett Second by Vice President Burk. All those in favor signify by saying aye.

Culp, Plunkett, Aye.  
Burk, Melton

Plunkett All those opposed same sign.

Garrett Aye.

Plunkett All right, Amy, let's do a roll call. Can we do that?

Lacy Yes.

Plunkett Sorry, I mean unless, we're clear on that was 4 to 2. Roll call vote please.

Lacy Okay. President Plunkett?

Plunkett Yes.

Lacy Vice President Burk?

Burk Yes.

Lacy Councilor Culp?

Culp Yes.

Lacy Councilor Garrett?

Garrett No.

Lacy Councilor Melton?

Melton Yes.

Lacy Councilor Traylor?

Traylor No.

Plunkett Thank you. Motion passes 4 in favor, 2 opposed.

**APPROVAL OF THE MAY 15, 2023 CLAIMS**

- Plunkett Up next is the approval of the May 15, 2023 claims. Cindy, I had questions on these claims, just clarification really. On page 14 it says subtotal department or, I'm sorry, Department 999 and there are three, there's payment to Barnes & Thornburg, Ice Miller and Noonung & Whitsitt and I know we've asked multiple times about the Ice Miller claim, just in the last two sets of claims if this gets approved, we would've paid them over \$8,100 for professional services. Is that still the Ice America lawsuit –
- Poore Yes it is.
- Plunkett That's going on?
- Poore Yes.
- Plunkett Okay. And then the Board matters for Noonung & Whitsitt? Do we know what Board that is?
- Poore That one I'll have to look up and let you know.
- Plunkett I mean, I didn't – I know that they work on the Parks Board but –
- Poore Yes –
- Plunkett I believe that would be, that would be a Parks Board budget item, right?
- Poore Right, yes. It wouldn't have been Parks Board but I'll need to look – I don't want to answer until I find out for sure what it was for.
- Plunkett I'd like to have that removed until we get that answer.
- Poore Okay.
- Plunkett Are there any other questions for Cindy?
- Traylor Yes, give me just a second. I'm looking for the –
- Garrett While you're looking – there's a bunch of check dates on here.
- Poore Yes.
- Garrett Have those all been paid too?
- Poore Yes, most of those are utilities and payrolls and let me see here – and some credit card, yes, so most of those are the accounts that fall under the resolution for prepay.
- Garrett All of these? There's hundreds of them.

- Poore Well, we've got two payrolls in there which are prepaids and those payrolls show double in here because they show coming out of the budget and then they show coming out of the payroll account as well so that's always doubled, so that's going to be the majority of them are the payrolls but then also when you, you've got your utilities, your Boone REMCs, your Dukes and Citizens and so forth those are all prepaids and just remember too that since we didn't do claims at the last meeting, this is like two meetings' worth of claims so it looks like a lot more than what would normally be on there.
- Garrett I mean this seems to be a lot more than just payroll and utilities as, as I'm sort of – I mean I get there's a lot of pay, well there's like are all the P-Card stuff prepaid?
- Poore Yes, well we try – it does, the payment is made automatically at the end of the month. April, since we didn't have any of the May 1<sup>st</sup> claims go through, it's showing the April ones but we are now in the process, we're getting them in prior to the payment being pulled so like all of the payment gets pulled on the 25<sup>th</sup> of each month and so –
- Garrett So, and this is not a question for you, this is a philosophical question – I don't even understand why we do claims anymore. Like they just seem to all get paid. If everything on a P-Card is paid, if things are getting – like, like I don't understand what's, like we're just wasting time. This is frustrating. Like this has been four years of frustration. Stuff gets renovated, we don't approve it and stuff gets paid and we don't approve it. You can put anything on a P-Card it gets auto paid like there is no check and balance anymore. This Council has no point in this anymore like, I'm just frustrated. I don't get the point and that's a rhetorical question. I don't an answer but I don't know what we're doing here.
- Traylor Can I ask about – there's two or three different Wright's Express in here from –
- Poore Yes –
- Traylor There's one from January that shows a check paid date in January, one that shows a check paid date in February – why are those showing up now?
- Poore It's possible that just with the transition of new employees and training, etc. that those, those were just processed. Those types of things we're actually getting caught up on now that we've got a full staff and they should appear on here on a regular basis.
- Traylor But they would've been paid, right? Is that –
- Poore That is –
- Traylor If they've got a check date from back in January and one in February it's been paid?
- Poore That is correct.
- Traylor Okay.

- Poore And that is our fuel card program.
- Burk Cindy, this may be something we could talk about in a follow-up or just something for you to not necessarily answer off the top of your head unless you've been thinking about it. Now that you're, it's been a couple months in your new role you've had a lot to unpack –
- Poore Yes –
- Burk And get organized. There have been questions for a number of years about P-Cards –
- Poore Yes –
- Burk The State Board of Accounts thought that there were some changes we might want to make to P-Cards. Have we made any changes in the last six months to how we handle our P-Card process and are there anything you're thinking about changing or is that something that you would be willing to look at to see if there are changes that we should be making with P-Cards?
- Poore Actually, that's something that we'll be looking at. The last few months there's really been a push on reconciling the year-end, working on the transition into the –
- Burk Right –
- Poore The financial software, so a list has been started of processes and so forth that need to be looked at again.
- Burk Yes, thank you for that. Keep us apprised and if maybe even if there's a way for you to solicit some thoughts –
- Poore Sure.
- Burk From some of the folks on this body.
- Poore Sure.
- Burk We might have some ideas for you.
- Melton Cindy, I have a quick question – with the Amazon purchases. We're seeing just a ton of Amazon purchases on here. How are those submitted to you guys? Is there a paper receipt that they print off of and then it's submitted to you? I just see lots of P-Cards –
- Poore Yes –
- Melton Being used for Amazon. So I just want to understand better how those are documented and registered with you.

- Poore Order confirmations are used that are itemized and those come with a what we call an APV form which is an accounts payable voucher that's completed with the line item number that it's to be paid out of and the Department Heads have to sign off on those prior to them coming to us.
- Melton So are those personal Amazon accounts or are they a business account?
- Poore It's a Town business account.
- Melton Town business account. Okay, great. Thank you.
- Poore Set up tax exempt, etc.
- Plunkett Cindy, the last two questions for me –
- Poore Sure.
- Plunkett This Erin Corporation we've got four payments going out to them.
- Poore Yes –
- Plunkett The same amount. I know at one point we were talking about finalizing that. Is that, I mean, are we done with this one? This is basically the first third of the year.
- Poore Right. No there'll be an additional appropriation coming because when we budgeted for the Erin Corp payoff, we didn't take into consideration closing costs, etc. that are coming through so those were just regular monthly payments that we made and then, like I said, there'll be an additional appropriation. I believe it's not to exceed \$15,000 just to cover closing costs, etc. and once that's put through then we'll close on that and pay it completely off.
- Plunkett Okay. Thank you.
- Poore Yes.
- Plunkett Any other questions for Cindy?
- Garrett No but, again, my frustration I just want to point out this is \$5.3 million dollars in claims.
- Plunkett Yes.
- Garrett On this one form.
- Poore I do want to point out – and I understand your frustration but that is a couple of payrolls that are doubled.
- Garrett I understand but I'm just – this is a macro frustration not with this, like this is, there's supposed to be processes –



Poore Right.

Garrett Where we go through and we set a budget, we all live within the budget and the spending within the budget is controlled by the Council. It seems like we're setting budgets but then in the past they're just getting spent willy nilly and then stuff comes through and it's already been paid so like it's just there is no check and balance right now.

Melton I have one other question – I just was looking on here and I saw Earth and Turf, LLC and it says mowing the Town Hall \$1,172. My question is for that, if anybody knows, when they mow, are they mowing just this area or are they mowing the piece of real estate that's out further? I thought that piece of real estate was owned by the RDC, and I could be wrong on that, but I just didn't know if that's included? Are we paying to mow real estate that the RDC owns or does the RDC pay for that directly? I –

Poore I would have to check.

Melton Because they have their own budget, I believe.

Poore Yes, I would have to check on that. I'm honestly not sure if they mow that up there or not. My assumption would be they do but I would have to check on that.

Melton That would make the most sense for the cost. I just was curious –

Poore Sure.

Melton If there was a separation of that or not because of their new budget.

Plunkett Anything else for Cindy?

Lantz It's for the whole Town Hall campus.

Melton Thank you.

Poore Thank you.

Plunkett I would make a motion to approve claims with the removal of the Department 999 APV number 1423 to Noonung & Whitsitt for \$2,730.

Burk Second.

Plunkett Second by Vice President Burk. All those in favor signify by saying aye.

Culp, Plunkett, Aye.  
Burk, Melton

Plunkett All those opposed same sign.

Garrett, Traylor Aye.

Plunkett Motion passes 4 in favor, 2 opposed.

Traylor And just to be clear, I don't want to make the impression that this is going to be the trend going forward that I'll be voting no on claims from here on out. It's just I will want them to be cleaned up and accurate to vote yes.

**REQUEST TO SPEAK**

Plunkett All right, up next is a Request to Speak on Agenda Item. I have one request to speak. Amy, do we have any more?

Lacy No, just the one.

Plunkett All right. Up for a request to speak would be Denise Macler. Good morning, Denise. If you would, when you come up just state your name and address and whenever Joe gives me the thumbs up we'll, we'll start your 3 minute, 3-minute clock.

Macler Okay. My name is Denise Macler. I have at 8795 Flagstone Drive in Rock Bridge.

Plunkett Thank you. I believe Joe has your slides, is that right? Denise, after you go for 2 minutes, I'll just hold up a hand so you know you got 1 minute left. All right.

Macler Ready?

Plunkett Whenever you're ready.

Macler Okay. In the Fall of 2021 a citizens petition was issued because of concerns with increased accidents in the area. The Town and County responded very quickly within a month with a traffic study and updated the signage and trimmed trees in the area and for that we are grateful. Okay, since then, however, there's been an amount, a significant amount of growth in the area with no corresponding infrastructure changes at that intersection and you can see the amount of additional growth in the area. Because of that growth, there has been an increased amount of traffic in severity and number of accidents. You can see these accidents are not simple fender benders that we see throughout the Town. This is one from March 2022 and more recently from April 2023. I just want you to take a look at that. We've been very fortunate that none of our members of our community were injured seriously or even killed. This one really sticks in my mind as it was a neighbor's teenage son who was driving according to the law through 875. Within 8 days, there were 3 serious accidents last month.

The causes of these accidents are twofold: We cannot ignore either human factors or street design. They're interrelated as inadequate street design can increase the chance of human error. The human factors include confusion, inattention, distraction, impatience, and misjudging the opposing traffic intentions. Other factors include 875 drivers either excessively speeding or slowing down because of fear of having an accident in that area. As you can see, it's created what we call a vicious cycle. The concern of accidents in the area can cause drivers to

slow down causing increased confusion of drivers on the 400 South legs so it basically repeats the cycle.

Street design includes higher speeds in the area compared to other streets with similar traffic, obstructed visibility, intersection inconsistencies. This is the only two-way stop surrounded by a bunch of 4-way stops adding to confusion. A current view of the west leg you can see the utility boxes which, which blocks the view of some drivers. The east leg the utility pole is still blocking one of the stop signs. Additional hazards includes a lot of extra traffic, school buses, farm equipment, cyclists, runners, pedestrians, dog park traffic and some dangerous utility poles and drainage culvert with some unusual slabs thrown in the ditch there.

Recommendations: Reduce speeds, improve visibility, expedite roundabout plan and some other devices that are pretty inexpensive considering stop sign spinners, better yet, a blinking LED solar powered stop sign, rumble strips, possibly a raised crosswalk and moving the stop bar and addressing human factors which would involve public service announcements, extra patrolling and ticketing. Thank you.

Burk Perfect timing.

Plunkett Yes. Thank you.

Macler Stay up here?

Plunkett Appreciate that. Thank you very much and thank you for bringing this to the attention of the Council too.

### **MAYOR/ADMINISTRATION UPDATE**

Plunkett All right, up next is the Mayor/Administration Update and we did not receive a Mayor/Administration update so we'll move on to the Town Council Update.

### **TOWN COUNCIL UPDATE**

Plunkett I wanted to give a quick update to this Council regarding two lingering matters. This Friday I'm scheduled to meet with all parties regarding the Fire Chief's legal claim. I'll certainly update everybody as that is appropriate.

And following our last meeting, which kind of goes hand in glove with some of the things we've talked about here – Heather and I met again with Baker Tilly. In that meeting we discussed our concerns around a lack of internal controls, claims being paid without approval and the lack of fund balances. They forwarded me an engagement letter that I will be forwarding to the Mayor this afternoon. The scope of their work will be to potentially help staff, if needed, the staffing shortages in the Finance Department. Help to develop and implement internal controls and work with the Town as a whole as we continue our desire to transition from our previous software system to the new system. Baker Tilly is intimately familiar with both systems and feel like they are uniquely positioned to help us at this particular time. We've heard over and over again from this

Mayor and this Administration that everything's fine and these issues continue so just want to give Council an update I'll be forwarding that to the Mayor's office this afternoon.

Garrett Has the Mayor given any indication that she's going to sign the engagement?

Plunkett I have no indication that the Mayor will sign it but I want to make sure everybody here knows that it'll be sent to her and that will be certainly, obviously, public record so that will be on her desk this afternoon.

Burk Mr. President, is there a budgetary impact on this agreement?

Plunkett It will require an additional appropriation which we can pay for as a professional service, assuming that we get everything figured out.

Garrett Well I certainly hope she signs it.

Plunkett I do too. Anything else from Council?

### **OLD BUSINESS**

Plunkett Up next would be Old Business discussion. This is a Consideration of an Ordinance Creating Fund 276 for READI Grant Funds. This is an Ordinance 2023-12. This is a second reading. We've got Lance down here to present, if needed. I believe this is just simply opening up the account to receive the READI Grant money as we talked about last time so. Are there any questions from Councilors? I would make a motion to approve Ordinance 2023-12.

Melton Second.

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

All Aye.

Plunkett All those opposed same sign.  
[No response]

Motion passes 6 in favor, 0 opposed.

### **NEW BUSINESS**

#### **875 East/400 South Discussion**

Plunkett Up next is a New Business item. This is item A – 875 East/400 South discussion. Lance, we have you up for this one as well and this is a follow-up to Denise's presentation earlier.

Lantz Hello and good morning. Since you have this on your agenda as a discussion, I will try and withhold going too in depth on matters and let this kind of be a dialogue driven by your questions and however you see fit. I would point out that

County Road 400 South has been serving as a detour from County Road 300 South and if you're familiar with our network, obviously, 300 is a fairly major county road running east-west so a lot of traffic has been diverted. That being said, an intersection should be set up and signed and communicated clearly so that if you're unfamiliar with the area, you should still have no question on what you should do. I have read through or the crash reports, I say I should have read through – it's not all of them. I haven't put my hands on probably two or three of the most recent but every officer statement I've read indicates that people are coming to a stop on 400 east and west but then making either poor or ill-informed decisions and pulling on into traffic.

With this recent uptick largely probably due to the additional traffic from the detour, of course, we've had some discussions with Boone County Highway. They share the north leg of this intersection, but I think we're all, we're all of a like mind. We all want a safe and efficient transportation system, so we collaborate with our peers fairly regularly. I did consult with LTAP who is the state agency that conducted the first safety audit back in 2021 which has been provided to you and there's been a lot of peer back and forth with no clear emerging solutions at getting at the specifics of the lack of information or what's just, what's going on with these drivers, right? You had a very nice presentation this morning. It was very comprehensive and had some good ideas for some mitigation strategies that each kind of get at what may or may not be lacking. We have added signage with that detour went in place. It takes us a little bit of time. We, we stock relatively common signs in our Street Division but we don't stock everything so it can take us a few weeks but now on each approach of 400 South the east and west approaches, we are paired stop signs on each side of the road, each with a "cross traffic does not stop" and in advance of that are two "stop ahead" signs each with a "cross traffic does not stop." So that's four opportunities to learn what the conditions are as you approach from either the east or west.

I'm not opposed at all to an additional stop sign. As I've told this Council repeatedly, I do support data-driven, scientific decisions. There is nothing worse than frustrated drivers because they don't understand something and you've heard me say that typically the approach to setting speed limits is capturing the 85<sup>th</sup> percentile. When people see or encounter something that doesn't make sense, their behaviors don't change and, in fact, they kind of tend to do the opposite. So as we go through this discussion, we can kind of conclude with some, my recommendations, if you like, but I'll take some direction from you and I'll now entertain anything you might want to ask me or comment or, or I can sit down. That's fine. You can have your conversation.

Plunkett            Lance, do we have a timeline for the completion of 300?

Lantz                The detour is over.

Plunkett            Okay.

Lantz                The culvert project has concluded.

- Plunkett            Okay. So after we spoke a couple weeks ago I went out to the intersection and spent maybe 10, 15 minutes out there looking at, taking pictures of different things and I got a lot of the similar pictures that Denise put out there. As you address that stop sign from the west headed east –
- Lantz                Yes –
- Plunkett            I witnessed two things there, well three things – actually I watched somebody not stop at all –
- Lantz                It happens –
- Plunkett            I watched somebody stop then come up to the road again and stop because there's a pretty big gap between the stop sign and the road and then I watched somebody stop at the stop sign and go all the way through.
- Lantz                Yes.
- Plunkett            So, as Denise mentioned and you've mentioned, obviously, there, there could be a little bit of confusion there. I agree the utility boxes seem to be a little difficult to see around so I guess I just wanted to throw my, what I saw –
- Lantz                Yes –
- Plunkett            I don't travel that that road every day but when this came up I certainly wanted to go up there and see it And I spoke with Councilor Traylor a little bit after the last meeting and I don't know what exactly the changes should be but I think we need to figure something out there.
- Lantz                Well interesting –
- Plunkett            And also sensitive to the fact that we're shutting down Oak Street in less than –
- Lantz                Yes –
- Plunkett            30 days for 90 days.
- Lantz                Yes, interesting that you bring up the distance of the stop bar which is set further back from the intersection in advance of the pathway intersection, the crosswalk, which is where it should be appropriately and one of the first thoughts, one of the comments from LTAP was hey, that's pretty far back and I said agreed, we could look to bend that pathway slightly to the east closer to the intersection so people would be that first stop situation is closer to the intersection and LTAP thought that, that was a logical solution but then they had an opportunity to then come back and drive through and they said actually kind of where it is gives you the best sightlines both north and south so. I liken this to law, right? If law was crystal clear we wouldn't need attorneys. There is interpretation in every discipline, right? And there are varying opinions amongst professionals. I had an opportunity, of course, in some of my peer research talking, I called an engineer who used to be the city engineer for Noblesville and is now with our Town consulting firm. I said hey, have you ever implemented stop conditions because

of a crash history and he had done that twice in Noblesville on a busier road but those all had sightlines. They had buildings blocking the approaching traffic. The other professional engineering company I talked to who has done a lot of, you would recognize the initials if you saw them, done a lot of studies, a lot of work for the Town, they had not encountered that in the history of their firm. So, it's, there are matters of opinion absolutely on where's the optimal point. Of course, you can try to mitigate but you can never fully mitigate the human factor, right? We all know you come to a stop at a stop sign and if you can't see or you can't, you know, you may come to a second stop and LTAP had made another suggestion to add another sign right at the intersection that is called a, it says "look again" with arrows each way. Now that is not included in the standard MUTCD signs – that's our sign bible that tells you what's the right sign and where's the right location to use it but there are provisions for unique signage within the MUTCD. Look, you've got a weird situation, something's wonky, come up with a reasonable sign solution so. Just kind of, just mainly to let you know that we do collaborate with our peers of what have you guys done in the past and the common theory or the common story across the board is oh yes, we had an intersection that went crazy for a summer then it never happened again. I'm not saying that's going to happen. I'm not saying we need to assume that's going to happen but, again, unique situations, you have a broad range of experiences.

Garrett            Lance, I've always had confidence in the job you do. I still have confidence in the job you do. In the 8 years of Council when these have come up I think we, we as a Council have been very careful to make sure any changes we make are best practice, data driven not they may be driven by a neighbor concern but not because of the neighbor concern because you'd just open up the world of I want a stop sign here or a yield, like it just becomes unmanageable. Do you have a recommendation or, or do you need more time to make a recommendation? I mean I don't know anything about what's safe and what's not safe and I don't feel me saying you should put a flashing stop sign there is going to make it safer or less safe. I look to you to say based on the data this is what we should do. Are, are we to that point yet?

Lantz                You know the efficacy of certain strategies that were mentioned are still a matter of opinion among those that I've talked with. My recommendation is to engage, and I would recommend our Town engineer, Beam, Longest & Neff, to conduct a safety audit, engineering study of the intersection and that twofold. One is we don't have the time right now to engage this process to the depth that it should be. The other thing is that they have the staff that I mentioned earlier who is a former municipal city engineer so he brings in more than just traffic engineering but really an implementation historical perspective and kind of the third reason is that to the point I think you were trying to make or alluding to is we gotta watch out for liability, right? We have a situation and we should talk about it, we should find ways to improve this situation. When you introduce another, another 4-way stop, a 4-way stop situation, you're kind of predicating the solution that people are going to pay attention and do what the signs say and that they're not going to just blow off the new stop sign or not be aware or drive on autopilot.

So by engaging a third party to do an assessment, safety audit, engineering study, call it what you will, that gives an unbiased, I mean there's certainly the probably

the perception that we have our opinions formulated, you may have your opinions formulated, this third party or second party would be a neutral presence into the solution and also, again, going to that liability issue – right after we focus on a safe and efficient transportation system, we want to make sure we don't get sued and we position ourselves with the best practices and the most justifications to make a radical change like this.

So that would be my recommendation is to engage our Town engineer, task them with doing an analysis and I had mentioned a couple meetings ago that with detours and everything else kind of changing in the area that we might get skewed data but I really think that that's not necessary because the number one driver in my opinion is volume, right? In looking at the volumes of the main line and the cross traffic, it's not even close. So capturing traffic volumes right now is not really necessary. Is that my 3 minutes? I know I've gone more than 3 minutes – I know I've gone way over 3 minutes. So capturing traffic data as far as volumes go is not really going to be an influential factor. We have data counts before we can use so updating those I don't think really necessarily changes the picture. This is more of a safety audit. This is more of a global thing, a global approach rather than just looking at volumes of cars.

Garrett And two quick follow-ups to that – one is that safety audit is different than what was represented in the presentation the traffic study that was done in, in 2021?

Lantz So LTAP did what I would call that more of a safety audit with a light traffic study. This would be a more comprehensive, perhaps look at the entire corridor. You've heard me talk about speeds, are speeds appropriate. One of the, one of the suggestions was extending the school zone. I don't support that but is there a justification with the park with the presence but remember if you tell people you want them to drive 25 and it doesn't make sense to them, they're not going to.

Garrett Yes. And then we share this intersection with the County. Is that something we have to coordinate with them? Is that something they'll help pay for?

Lantz Well, I –

Garrett I probably know the second answer to that.

Lantz No, Nick Parr, our County Highway Supervisor is in the audience and I don't know whether he wants to remain seated or wants to justify his trip down here and actually come up and contribute to the conversation. We had some early conversations about doing a joint study. Certainly any, either agency could take on this uniquely without the permission of the other. There's no permission needed to take on a safety study. And to the extent that they'd be willing to participate, I would think this could be accomplished in \$10,000 to \$15,000 maximum depending on the scope of what we look at but since he's up here – ladies and gentlemen, Nick Parr.

Parr Nick Parr, Boone County Highway Department. Yes, we've coordinated with them, the Town, on previous projects and we have one leg like has been mentioned. We've already discussed that at a County Commissioners meeting recently after the issues started coming to light that we would be in support of



some kind of MOU to work with the Town to fund 25% of the study or whatever it was because we have one leg of, of the intersection. So definitely see the concerns and the issues that have been brought up and we want to support and be part of, of the conversation because any regulatory control that would happen on our leg would have to come from the County Commissioners so that would be speeds or changing that to a stop on the southbound leg at 400. So, we're in support of the Town in looking into this issue.

Garrett Thanks Nick.

Traylor Thank you.

Plunkett So just real quick, Nick, just to be clear – you just said right there that southbound leg would have to have coordination from the Commissioners and, I mean, theoretically, if we said we want to put a 4-way stop there, we can't put a 4-way stop there anyway because you guys would have to approve that southbound leg.

Parr Correct. The southbound leg would require if a speed limit change or a stop sign change at the southbound leg on 875.

Garrett I did hear you'd pay 25% so thanks Nick.

Parr Yes.

Lantz It's a matter of record at any rate.

Traylor What's the timing on something like, and I know it depends on when they can get to it as well but, I mean, do you have a ballpark idea of?

Lantz I think the last study we did was just solely a speed study and it was about a month. I would say probably two months depending again on what all they want to capture, how long they look, how long – I think speed data regardless of volume, speed data would be accurate. However many cars there are is not going to affect really how fast they are and people driving what they drive so I would say, I would say 45, 60 days.

Traylor And I know this is not something you need to answer but just stating it out loud so people understand that if, if we put something in place in the interim that would skew the study, obviously.

Lantz Yes, we don't want to artificially influence any data collection processes.

Melton Are there, are there currently "stop ahead" signs there? I know there's signs that say "two-way stop" and so forth but are there signs that say stop ahead?

Lantz Yes, there are two in each direction.

Melton Okay, great.

Garrett Speaking of timing, do you have this in your budget if, if the recommendation of this Council is to move forward –

Lantz Well I think it depends on what –

Garrett Or do we have to add an appropriation?

Lantz Ultimately what the cost is –

Garrett Yes –

Lantz And I would expect that we could absorb this into our general engineering line but I'm going to throw back death by a thousand cuts back at you. One little thing we can probably absorb this. If we get a couple more –

Garrett Yes –

Lantz Then I have to come back and say but I'm going to tell you at this point we can probably readily accommodate this in the approved budget.

Garrett At least 75% of it.

Lantz No more.

Garrett Thanks Nick.

Burk Yes, depends on what it is. Lance, I've heard you talk about, obviously needing to do the safety study. I think, I think we're all in agreement that we should do something and we need to be data driven in this particular situation, although there is data, I mean, we can see the data. I mean, there's, there's increased accidents, now grant it, is that just a blip in this, this spring? I don't know but there is a lot of, a lot of different traffic and a lot of different people moving through that intersection that normally don't and they're going to continue to move through that intersection as we close Oak. I've heard you suggest maybe in the past that we wait until some of the detours are over to do the traffic study. Are you suggesting maybe we do it even now while the detour is going on?

Lantz Yes because that's what I was trying to get at with the one piece of data that's a couple years old is the volumes, both on the cross street and the main line but I don't think based on where I've seen the volumes in our most recent data that traffic has increased to a degree that that would become a factor. So we're not going to get a stops condition based on more cars through there. So you eliminate that then everything else, even though it's maybe a detour route, is a fairly static condition.

Burk And you think we could probably get this safety study done in the next 45 to 90 days?

Lantz I think so.

Burk When will the Oak Street change begin to really escalate traffic?

Lantz June 5<sup>th</sup>.

Burk So it's going to be well before the study?

Lantz Yes.

Burk In the interim, I know this would impact the study, so it, this is the catch 22 in my mind that I've got to think through, again, it's not my decision, it's yours as a professional and/or engaging professionals to help us – is it, it seems that some kind of flashing mechanism may be helpful and, again, just as a layperson and I've been out there as well. I went out a couple weeks ago just to look at it and I didn't have access to the records that you have so it's interesting for you to say in looking at the police records almost everybody did stop and then moved out into a pretty darn busy intersection. So either they're moving way quicker and I noticed this as well – I get that the line of sight on the stop sign is best to have it back but if people stop at, somehow where the sign might normally be, maybe you're not inching up as much as you're making a different peripheral judgment in how far you have to move if your car is at a dead stop and you're 10, 15 feet back from where you would normally – there's just something odd going on at this particular stop –

Lantz Sure.

Burk Because people don't just lose their minds so there's something that's a judgment question of not being able to judge the traffic accurately. So I do think more than anything, myself included, as I already knew the history of this intersection was, I'm going to be super cautious here –

Lantz Yes.

Burk But not everybody knows that, so I don't have an answer other than we're going to have a lot more traffic in this area, we've seen some increased accidents. The last thing we want are more accidents or, or an accident with severe injury or death. If there's something we can do to prevent that, I don't know. I get that if you put a flashing light up you're skewing to some degree the safety study but on the other hand, is it best to put something up and hold off on the study? I don't know but I'm just pointing out that I am concerned about this increased Oak Street traffic that's going to drive and I appreciate that we're doing a study and a hope and a prayer is not the best thing to say up here that something doesn't happen while we're studying the incident or studying that intersection so I would be in favor, I think, of some, something else to draw some attention to this and I know that may skew the data so just my, my thoughts. Obviously, you need to engage the professionals to see what they have to say but I am worried about it and I've had a number of people reach out on this issue, probably at least 20 or 30 people, in the last month.

Lantz Sure.

- Plunkett Lance, you mentioned there's "prepare to stop" signs going both directions on 400. Were they, were, were those signs added recently? I say that only – I took a video –
- Lantz Yes –
- Plunkett Going down 400 and I mean there's like 4 or 5 light poles between where I start my video to the actual stop sign and there's not "prepare to stop" signs there.
- Lantz They're – don't quote me on this – but I believe on the east leg, which would be your westbound coming, you're driving past Rock Bridge, right?
- Plunkett Yes.
- Lantz There had been one "stop ahead" sign from that direction and then they had the paired stop signs on 875.
- Plunkett Well there's two there now headed west.
- Lantz We have added the south, the one on the south side and we've added the "stop ahead" messaging to those. On the west leg or eastbound, I don't recall if there was a "stop ahead" there in the past or whether we just added those two but, yes, all, some of those signs are fairly recent, particularly on that west leg.
- Plunkett Yes, yes, that's fair. And then the other question I have is the utility boxes that are there I certainly understand the line of sight north and south would be probably more clear from where the stop sign currently exists –
- Lantz Yes –
- Plunkett And if you move it up to the road with those boxes there, it would impede your sightline certainly to the south. Whose utility boxes are those? Is that the neighborhood's, is that ours? Can those be moved?
- Lantz I don't know whose they are. I don't know what utility they are. AT&T has a lot of presence there. I believe all the power is overhead in that area so I'm not exactly sure –
- Plunkett Yes.
- Lantz Off the top of my head who has that vault there. Anything's movable depending on who wants to pay for it. Utilities enjoy very liberal rights to be within our right-of-way and that might be a situation or a condition that was teased out in a safety audit that said hey move these boxes and then we could have a discussion on who's going to fund that.
- Plunkett Yes.
- Lantz You can throw it to the utility you're creating a liability and they may say it's been fine so. Might have an answer to that come out of the safety study.

- Plunkett Okay.
- Traylor We're all about painting utility boxes. Paint a big ass truck coming at you on the side of that one.
- Plunkett That's funny.
- Traylor I mean it might be a good reminder hey there's something coming at, on the other side of this.
- Burk I feel like I've seen signs in other places, maybe it's more in the County where you'll, especially when I'm driving somewhere where I don't really know what, what the intersection is and I'll see something like "all sides do not stop" or "through traffic does not have to stop." There's some other thing that tells me without trying to look, like is this a 4-way? I can't really tell. I can this, I'm trying to look is there a 4-way. Sometimes that tells me right away this is not a 4-way stop. Is that a common sign? Is that something –
- Lantz We have 4 of those signs up as you come to the intersection in each direction.
- Burk That already say that?
- Lantz That say "cross traffic does not stop."
- Burk But to your point, it's not that people aren't stopping necessarily, even though Jason was there for 10 minutes and someone blew through it but that's not the norm. It sounds like in the accident reports people are stopping so there's something about the stop and then the judgment of how to move –
- Lantz Right.
- Burk Through that's causing the accidents.
- Lantz Right. That's what it seems to me.
- Plunkett I mean I'll bet, I'll bet it's 40 feet, maybe more from the stop sign to the, to the road – 40 or 50 feet.
- Burk Yes I think it's just hard to gauge.
- Plunkett Yes, yes.
- Burk Yes.
- Traylor I think what we're hearing is everybody's pretty much in agreement that this study needs to happen and –
- Plunkett Yes.
- Burk Yes.

Traylor I mean there's definitely, the statistics in, in the study in '21 didn't really justify doing anything at that point, but I think we can just, I mean, there's obviously been an uptick in accidents. Now whether that's a fluke this spring, winter, who knows, but I think it justifies a study.

Lantz And, again, I'll maybe close my comments because it sounds like we're wrapping up but I shared with some of you some excerpts from the IMUTCD and, again, the number one sentence is 4-way stops should only be considered upon completion of a traffic study okay? Everything that it lists following that are hey you might want to think about this or is this going on, some of those guidance but that number one sentence is the one I will continuously remind you and me and us and everybody – we need to have a solid justification for both safety, efficiency and liability.

Plunkett Lance, so this study we're talking about now is a safety study? Clear difference between safety study and a traffic study. So for purposes of making this type of decision, is, is it reasonable to assume we do a safety study now once we get the Oak Street completed, once we feel like there's not a manipulated additional traffic then we do an actual traffic study to that intersection?

Lantz Yes, I think, and I don't want to get hung up on, on nomenclature here – really this is a safety study, engineering study. The only thing it's lacking is capturing traffic volume data.

Plunkett Okay.

Lantz It's going to be fully comprehensive in everything else.

Plunkett Okay, fair. Adam, do we need to do anything here or just tell Lance to –

Lantz This is, like I said, this is within budget initially unless we get hit with a few more of these opportunities. So we will get with both the County and make sure they don't have a problem with the selection of our Town engineer, BLN, although they've done quite a bit of work for the, for the County as well but we'll talk with them about the preferred vendor. If they're okay with that then we will just enter into a service agreement and the Mayor will execute that and we pull the trigger and go.

Plunkett So we don't have to do anything.

Steuerwald No.

Plunkett Great. Anything else for Lance?

Melton Not for Lance but thanks to the County for showing up for this meeting and coming all the way down here. Appreciate that.

Traylor Yes.

Plunkett Yes.

- Traylor Thank you.
- Plunkett Thanks to everybody – Lance, Denise, Nick – thank all of you for coming up here –
- Burk Yes.
- Plunkett And being a part of this.
- Burk Yes.
- Plunkett Sorry to step on your –
- Burk No, no, I mean, safety’s number one, right? We’re all in favor of a study. I just. If there’s something else that needs to be done to cause any, that could help with anymore notification before then that might be good. I’m just, we’re sending people in, in an increased traffic pattern into something that we know is, had been overly dangerous in the last few months. I think that’s why we’re all talking about it.

### **OTHER MATTERS**

- Plunkett Up next on the agenda is Other Matters. Are there any other matters from Councilors?
- Melton Yes I have just three quick, little things. I didn’t know whether to put them into Town Council update but I think these are really other matters. Just wanted to give an update, let everyone know that the Pathways Committee is working to recommend an updated, and to update the Pathways Master Plan in addition to discussing the committee’s own suggested pathways and extensions or locations. I’m asking the public to make suggestions. Please submit those suggestions for pathways to my email address at: [cmelton@zionsville-in.gov](mailto:cmelton@zionsville-in.gov).
- I also wanted to bring up another little topic with regarding planning and zoning. I wanted to discuss briefly a noticeable disconnect I feel that I’ve noticed with an apartment zoning change this Council made for a development in District 3. I wanted to take a closer look at that and see if there’s a change in the process for zoning approval. So what is, what’s happened – well this body was given an initial plan along with a request for zoning change. That change looked great, the least amount of impact to the neighboring residential neighborhood was on that plan, however, at the final consideration of the approval of the Planning Commission phase, the developer found some issues with the plan presented to this body. It seems that this can happen regularly. I will continue having these conversations with the Planning Department to better understand how maybe the Form-Based Code or other changes may impact this and if we can look at enforcing commitments at the zoning change request phase or not. This is all in hopes that we don’t run into issues like this. These major location changes for items like trash dumpsters being located near, closer to existing residential homes possibly creating noise, odor and rodent issues. My goal is to minimize the major impactful changes from differing at the planning phase and at the Planning Commission approval phase. I do appreciate the current development group for

attempting to alleviate the impact of this specific change to the neighboring residential development by including a berm, stone-like panel fence, trees and relocating the dumpster further away from existing residential building including a maintenance structure in between the two. So, I suggest all interested parties attend this evening's public Planning Commission meeting for final comments by the staff.

One last thing, I just want to also thank after that last Planning Commission meeting, I want to thank the Planning Department and IT Departments for making a small change of adding a document reader camera to the podium for the ability to have the, have documents more publicly visible during the meetings creating greater transparency during the presentations. A small addition to the podium over there is going to reduce the need for people to approach the daises or the podiums during the meeting so just a few little things on the other matters but I think moving forward I think it's beneficial to the Town for transparency. Thank you.

Plunkett All right, anything else from Councilors?

Burk Jason, just one quick commercial for PZAZ, as a member of that committee, We saw a presentation here I think 3 or 4 months ago of the Tree of the Year was awarded and photographed and now is at Town Hall which is really kind of cool. Those applications and nominations are currently live through June 15<sup>th</sup>. You can find that on the Zionsville website. There's a way to type something up And submit a photograph. The only thing that we ask is that if its not your personal, if it's on private property that you get permission that you're taking a picture and submitting the nomination of someone's personal tree but look forward to getting those and probably having another awards ceremony here sometime late summer.

Melton Does it count if they're in another state?

Burk Yes, I did post a really incredible picture of a tree from yesterday but, yes, it does have to be in the Town limits of Zionsville.

Melton Okay, great.

Plunkett All right, anything else?

## **ADJOURN**

Garrett I'll make a motion to adjourn.

Melton Second.

Plunkett First, first by Councilor Garrett, second by Councilor Melton. All those in favor signify by saying aye.

All Aye.

Plunkett All those opposed same sign.



Zionsville Town Council  
May 15, 2023

[No response]

Motion passes 6 in favor, 0 opposed.

The next Regular Town Council meeting is scheduled for Monday, June 5, 2023 at 7 p.m. in the Zionsville Town Hall Council Chambers. Final notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator  
Town of Zionsville