



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, AUGUST 7, 2023
AT 7:00 P.M. EST
ONSITE MEETING**

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

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

Also Present: Heather Harris, Town Council Attorney; 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 evening, I will now call to order the Monday, August 7, 2023 Town Council meeting. If you would please, stand and join me in the Pledge of Allegiance.

All Pledge of Allegiance.

APPROVAL OF THE MEMORANDUM OF THE JULY 17, 2023 REGULAR MEETING

Plunkett Up first on the agenda is the approval of the Memorandum of the July 17, 2023 regular meeting. A copy has been posted. Are there questions for Councilors?

Garrett I'll make a motion to approve.

Burk Second.

Plunkett First by Councilor Garrett, 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 AUGUST 7, 2023 CLAIMS

Plunkett Up next is the Approval of the August 7, 2023 Claims. Are there any questions from Councilors?

Traylor I've got a few and I know that Cindy's not here today. She, she was ill so, more of a question for I guess the Council on how we want to handle a couple things on here. On claims on, let's see – on page 2 we've got Sommersville LLC being paid for graphics for Parks and Town for \$2,150. The problem with that is it's being paid out of contractual services. The contractual services line item is already in the red \$13,304 so there's no budget to pay that claim. I'm happy to keep going unless you want to stop and go item by item.

Plunkett No, keep going.

Traylor All right. The other is we've got a number of claims for let's see – it's for appropriation number, it's on page 4 of the claims, appropriation number 101150394. It's mostly IT related. There are 2, 3, 4, 6 claims totaling about \$20,000. Again, issue with that one is that we only have about \$9,000 remaining in that fund for those claims so we're about, about \$11,000 short of what we need to pay that.

Plunkett And Bryan, those are the bottom six on page 4, correct?

Traylor It's the bottom four and then there's two that roll over to page 5.

Plunkett Oh, 394? Okay.

Traylor Yes, 394.

Plunkett Yep.

Traylor And this one I'm just going to give a little – I'm still learning more on this one so I won't say it's an error but it's weird to say lease. We, as a budgeted line item we do have a budget for rental assistance for residents in need and I'm all – I mean I think that's fine. I've got no problem with that but the problem I've got with, with this one or question I should say I have with this one is that we're paying an apartment complex that's located in Whitestown. So, I don't understand that one. I did reach out to Cindy on that and she's, I'm going to meet with her. She seems to be able to explain that.

Harris We might have the answer –

- Traylor Oh, you might have the answer? Okay.
- Harris On this one just because Amy and I used to spend a lot of time on township assistance. We, the township assistance is for the three townships that we incorporated into the Town during COVID or during the – COVID, I've got COVID on the brain. We just were talking about COVID – during the reorganization so you may recall that when we reorganized both in 2008 and 2014 –
- Traylor Uh huh –
- Harris Part of the responsibilities we had for that reorganization was to continue to provide the township relief so it may be that they're in Eagle Township, for example –
- Traylor Okay, Yes –
- Harris And so that apartment complex would be located within the geographic area where they would draw from for potential housing.
- Traylor Okay.
- Harris So it's kind of, looks at the geography and then there's an average that we'll pay up to for whatever geography they're in.
- Lacy Yes.
- Traylor And then –
- Harris But that might be why it, that one is and I don't have the documentation. We can get it for that specific one but my guess is that's what's probably happening.
- Traylor That makes sense. Like I said, Cindy was out sick so I got –
- Harris Just for that one –
- Traylor A little bit of texting –
- Harris I can't answer the other ones.
- Traylor Back and forth so. All right, that makes more sense as long as we're collecting from I guess the full Eagle Township as well to pay that out.
- Harris Yes, so we get that.
- Traylor Okay.
- Harris We get that revenue.
- Traylor Okay. I think that's the first time I've seen that. It's just different but okay, that makes more sense.

Harris We can still ask. I'll make a note to just get the documentation so we can verify that but I'm, I'm, I would guess that's what's happening there. We've had it a couple of times. Also, you have to look at availability so oftentimes with what we see here, there just isn't availability so you've got to provide some housing assistance within a geographic area if you don't have anything available in the exact location.

Traylor Okay.

Garrett How, how does that work? Like, I understand all of that and it makes sense. If, do they have to start as a resident of Zionsville to then apply and then they can look in that – like, this doesn't open it up to anyone in the world coming and saying hey, I need rental assistance, right?

Harris Correct. You have to be a resident and township assistance was provided by the township trustee prior to the –

Garrett Got it.

Harris Reorganization. It does get trickier in municipalities like Zionsville because the cost of rent is so high –

Garrett Sure.

Harris And you look at an average rent price so, for example, what we may pay in township assistance may be very different than City of Indianapolis, for example. When you, there's a, a formula that you calculate the rental assistance against. This is probably Eagle Township and someone is –

Traylor It is.

Harris Closest to Whitestown and that was what was available for that person would be my guess.

Traylor All right, okay.

Harris It wouldn't be a resident of Whitestown. It'd still have to be within the corporate limits which would include the rural district of Zionsville.

Melton I think that's where we're having our issue.

Traylor That's where, that's what the issue is. This is, this is definitely in Whitestown.

Harris Yes but, and the property can be but the resident has to be located, whoever is tied to this. So, we'll just want to double check –

Traylor Okay.

Harris To make sure that the resident – the benefit runs with the actual, an actual individual who lives within the Town of Zionsville. Is that –

- Lacy It does go by the township, not necessarily whether it's a Zionsville address or Whitestown address because there are a lot of addresses in Whitestown that are still in Eagle Township –
- Traylor Yes –
- Lacy Because they lost their trustee when we reorganized so that's why we –
- Traylor Yes.
- Lacy Handle them.
- Traylor No, I understand how the addresses work.
- Lacy W'll double check it though.
- Traylor I get asked about my address all the time because it's Sheridan but –
- Garrett But, but are they a resident of Zionsville if they are now living in Whitestown? I don't understand. That's what confuses me I guess. Like if, if someone –
- Lacy It would be a resident of Eagle Township.
- Garrett Moves – of Eagle, so it's township based as –
- Lacy Right.
- Garrett Okay, got it.
- Lacy Not necessarily a town.
- Traylor Okay.
- Harris Yes, just that was probably confusing. It's a township service that we provided when the reorganization eliminated the Eagle Township trustee and then we took those, those duties on and took that tax revenue on to provide those services.
- Garrett Okay.
- Melton So we would still provide all of Eagle, that relief.
- Burk That's the question I had. So Amy's kind of the guru on this but so Zionsville is the fiduciary over the townships even though it may have a Whitestown address?
- Lacy Yes, exactly.
- Burk Okay.
- Traylor So those were my questions. I don't know how we want to handle the claims on the items that –

- Plunkett Well –
- Traylor And I will clarify that Cindy did say that they are working on possibly reappropriating which would be an action in the future for us to reappropriate between line items, maybe like we've got an excess here and move it to this but that hasn't been done yet –
- Plunkett Right.
- Traylor So as of right now we're in a deficit on those couple of appropriations.
- Plunkett So those claims, those claims total \$19,355.47 and we have \$9,131.15 in that account.
- Traylor Right and I don't –
- Plunkett So we're, we're \$10,000 over.
- Traylor And the problem is I don't know what ones are –
- Plunkett Yes –
- Traylor What ones are most important or –
- Melton Is it possible that any of them are already paid?
- Traylor Not, I don't think any of those were.
- Garrett I'm okay with reappropriations before the fact.
- Traylor Yes.
- Garrett I'm uncomfortable with being backed into a corner then you're in a negative balance and you have to force to reappropriate. I mean, I and I'd like to get the answer. It's unfortunate that Cindy's sick but she is. I mean maybe we just look to pass claims less those ones you've identified Councilor Traylor?
- Traylor I would, I would be fine with that.
- Plunkett I mean either that or we pick \$9,131 worth of claims to approve.
- Traylor I don't know. I, I kind of like the idea of just, we've got another meeting in two weeks –
- Plunkett Yes –
- Traylor It's not the end of the world to hold those out and have further discussion with the Finance Department.
- Plunkett I'm good with that.

- Traylor And all it – just for reference sake, that would be all six of the claims that end in the appropriation number 394 and then also the Sommersville LLC contractual services for \$2,150.
- Plunkett All right, so you want to put that in a motion? Are there any other questions from Councilors?
- Traylor All right, I'll make a motion to approve claims less the claim to pay Sommersville LLC appropriation number 10110375 in the amount of \$2,150 and also less the claims, all six claims from appropriation number 101150394. There are six claims there, so less those seven items.
- Plunkett I'll second that. So we got a motion by Councilor Traylor, second by Councilor Plunkett. All those in favor signify by saying aye.
- All Aye.
- Plunkett All those opposed same sign.
[No response]
- The motion passes 6 in favor, 0 opposed.

REQUEST TO SPEAK

- Plunkett Up next is a Request to Speak on Agenda Items. Amy, do we have any requests to speak?
- Lacy No, we do not.

REQUEST TO SPEAK

- Plunkett Okay and then up next would be the Mayor/Administration Update and we did not get anything in our packet so we'll move on to Town Council Update.

TOWN COUNCIL UPDATE

- Plunkett I've actually asked Lance Lantz to come up and give us an update on the Oak Street roundabout. While he's making his way up there, I just want to tell this Council you'll recall at the last meeting both through Cindy and through phone calls that Heather and I and Councilor Traylor were on with the Deputy Mayor, Julie Johns-Cole, and their legal team that the Administration or the Mayor has agreed to sign the contracts with Baker Tilly. In a follow-up with Deputy Mayor Johns-Cole, she had indicated that we needed to do an appropriation first before the Mayor would sign it. So, Heather and I are going to be preparing an additional appropriation for the Baker Tilly contract –
- Garrett Can that appropriation be done specifically for Baker Tilly, Heather? Not just a general services appropriation?
- Harris Yes, you can state the purpose.

Garrett Okay.

Plunkett Yes, and it will be a not to exceed number. It'll be Baker Tilly with a not to exceed number based on their contract that they've shared with us and then secondly, I just want to – I'll be reaching out to each one of you guys individually. I'd like for this Council to consider funding ZYFL for purchases of automated external defibrillators more commonly known as AEDs. I'm not sure on the final number yet but they've asked, asked me about this a couple of times. I think maybe four or five is what they're going to want. This, in full disclosure, I was at the jamboree this last weekend and watched, watched a lady collapse and were, were it not for bystanders and emergency personnel and AEDs and, I don't think we would have a, a positive outcome there. So, I don't think that it will be any more than \$10,000. I think that I've already identified the funding source. I think there's additional legislation that Potts and Chief Van Gorder are going to share as well that have come down the pipe with requirements for, from a state perspective. So, I just kind of want to put that on your guys' radar and I'll be reaching out to you guys for that too so.

Choi I'm fully supportive of that but why four to five? That's a large number for –

Plunkett It's different locations, right? So they don't play, for example, if they play at Zionsville West I found out that there's an AED at Zionsville West but to get to it you gotta go in the school and you gotta know it's in the second gym on the left or wherever it is. So, at Z-West they'll run beside the school, they go on the field, on the middle school field they do the same thing, I believe, at Z Middle and at Mulberry Fields. So they'll play and I think they're, they're considering even Jennings Field coming up. They just play at a handful of different locations that don't currently have them.

Choi Yes, my kid, my son played ZYFL football so but I didn't remember that there were so many different locations.

Plunkett Yes.

Choi I'm sure they'll be good stewards of that.

Plunkett All right. Mr. Lantz –

Lantz All right, thank you. As you recall, the roundabout project at Oak and County Road 800 East closed on June 5th and we told the contractor they had 90 days to get that back open which would be September 3rd, Sunday, a weird day to end it but as of last Thursday the contractor stated they plan to open that roundabout on August 30th. What remains to be seen is just how much is done. It will remain a construction zone through the end of October. They have until the end of October to achieve substantial completion but pray for a little bit of the rain to hold off here for the next few days because every day we lose the rain threatens that but that's the status as of Thursday.

Plunkett Perfect. Thank you.

Garrett You said August 30th, is that right?

Lantz Correct.

Garrett Thanks.

OLD BUSINESS

Seaside Ice Agreement

Plunkett All right, moving along. Up next is Old Business. We have item A. This is the Seaside Agreement and I'm going to ask Heather to weigh in on this one from the presentation perspective.

Harris Yes. So, I know that we have been reviewing this claim and potential Settlement Agreement with Seaside. We do have a number of questions that we've asked the Administration, I think it was last week, one of the days last week, for some additional follow-up information through legal counsel. I do know Amy Noonung was also out sick a couple of days but she has indicated back in writing that they are pulling together that additional documentation. I did get a note from the outside legal counsel whose been working on this that we've got a deadline in the current agreement with the vendor in the Settlement Agreement of September 1st to take some sort of action to approve the agreement or we'll be back at the bargaining table. We also received a packet of information that we'd been asking for for some time related to the background on how the claim was paid and sort of the process or process errors that we might have made to pay the claim. We did receive that. I'm going to circulate it to each of you. I do ask that you keep it confidential at this time. It is a password protected document and, obviously, we've got ongoing litigation so I will get that out to each of you. I'll do that later this evening so you can take a look at the full packet and then we hope to have that follow-up information. I'll send a note, President Plunkett, to Amy just as a follow-up to see if we can get that this week so that you'll have plenty of time to review it before the mid-month meeting.

Plunkett Heather, do you know specific to this, obviously, the entire Town Council is named in this, right?

Harris Correct.

Plunkett So the discussion has been do we sign it, do we not? Is this a simple majority vote or is this a?

Harris Yes, we'd just have the – yes, it would be a majority vote of the Council and then you would sign it as the President of the Council on the, on behalf of the Council.

Plunkett Okay.

Harris There, there will be need – there, there will, there is more than one signature that is required so, the Settlement Agreement includes the vendor as well as three parties for the Town, three parties that were sued in the initial lawsuit – that was

the Parks Board, the Town Council and the Town through the Mayor so we do need those three parties. I understand that the Parks Board has already taken action to approve the Settlement Agreement. I'm waiting for a copy, one of the things we did request for follow-up was an agreement with the signatures of the other parties on it so that would be the Parks Board President and then the Mayor and I don't believe we've seen that yet come through but I'll double check for that unless it came through this weekend or today. So we've asked for that information as well but there were three parties named and so you'll need all three signatures.

Burk Heather, we only have one more meeting before September 1st. Is this something you feel like we can get done in the next two weeks?

Harris I hope so.

Burk Because after September 1 –

Harris Yes. I mean I hope so. I hope we can get that information back and I do want you all to review the packet as well. I know a couple of members that specifically have looked at it and –

Burk Okay.

Harris Have some concerns so I just want the whole Council to take a look at it.

Burk Perfect.

Harris I'll, I'll make sure that's in your inboxes this evening.

Plunkett I'm assuming we just need to make a motion to continue this then?

Harris Yes, please.

Plunkett Yes, I'll make a motion to continue this to the next Town Council meeting.

Choi/Melton Second.

Plunkett I heard Councilor Choi first. 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

PZAZ Z'Tree of the Year Presentation

Plunkett Up next is New Business and we have the PZAZ Tree of the Year Presentation and we have Greta Sanderson, Chairperson Michal Owens – I'm sorry, this is backwards. Greta, are you the Chairperson?

Sanderson I am.

Plunkett All right. Michal Owens is the member –

Sanderson Yes.

Owens Yes, you said that right.

Plunkett Very good. All right, thank you. Good evening.

Sanderson Good evening. I am Greta Sanderson. I am the Chair of the PZAZ Committee which you may know us as the group that is a key part of the Town's tree city designation we work on with Mr. Lantz and have had that designation for the last 21 consecutive years. We also are active in Zionsville Greenfest presenting, passing out tree samplings. We also have done an urban tree canopy assessment that we use to help inform where we are planting new trees in our community to try to promote urban forestry and the value of trees and we are here this evening to briefly share a presentation with you on another of our initiatives which is the Z'Tree of the Year contest. I will hand it over to Michal.

Owens Hello. This is our second annual Z'Tree of the Year contest. It's kind of – the goal is to kind of, as she said, promote urban forestry, replanting and preservation of trees but we also wanted it to build community and hear stories from our neighbors that's really the key reason that Roxanna is here tonight because of the tree that she nominated and the story that she told. Last year we chose a tree at an elementary school that probably thousands of people have crossed paths with. This is kind of the opposite of that. It's a tree that's important to one family and it was important enough that a man felt he needed to defend it.

In the 1840s when Zionsville was first being, you know, pioneers were coming from the coast and this farm was established. He decided to plant this tree. As we know, trees were being torn down to build houses and make room for crops. He decided to build this tree soon after Zionsville became a Town so the cool thing is it's the same age as Zionsville about which I think is really awesome. Flash forward 100 years later and it was time to make some modern developments. The – am I saying this right – rural electrification administration wanted to knock down this tree and long story short, the farmer who owned the land said that's not happening and he would defend it anyway he wanted to and felt need to and he won. The power lines were moved to the west side of the road. The tree is still standing now almost another 100 years later and it's a really important tree to this family, therefore, it's an important tree to our community. Just as important as one in the middle of the Village. This is actually, as Mr. Traylor said, it's a

Sheridan mailing address but it is in Zionsville Town limits so we wanted to make, make that clear. Here to accept our gift card which Earth and Turf, a wonderful local business, has for now two years donated a gift card to the winner is Roxanna. It is not on her property, it's the Weston Family Farm and it's a friend, correct?

Gressel Yes.

Owens And so she wrote such a beautiful submission that we, that was part of why we chose it and so we'd like to present this to her tonight.

Gressel Thank you very much.

Owens Any further questions? Could you even hear me? Yes?

Burk Yes.

Owens Great, awesome. Thank you.

Burk I don't have a question but I have the pleasure of serving on this committee and I just want to thank Greta and the entire committee. They work incredibly hard and they have, Yes, everybody on the committee but this is a really fun project. I thought it was brilliant to launch this a couple years ago because, again, it just highlights what we do and it highlights – data is data but stories are more powerful and so I love that there are stories being told about urban forestry and it's a beautiful picture. It's a beautiful tree anyway but the story is even cooler so I just appreciate everything that you all are doing. It's pretty humbling when you get to be I guess in, in a role up here but just to see all of the hours and the passion that our volunteers put into all the committees that we have in the Town but particularly PZAZ so just appreciate everything that you guys are doing and congratulations on this particular nomination.

Sanderson Thank you so much.

Plunkett Will the – out of curiosity, will the story be shared with the picture or Roxanna do you want to share the story at all or?

Gressel I'm hearing it secondhand from my friend, Judy Weston, who owns the property but basically –

Plunkett Could you go to the – sorry, can you go to the microphone please?

Gressel Okay, I'm sharing the story kind of secondhand from Judy, my friend who owns the property this is on her property. It's a bur oak tree. She said that, told me the story about how it was planted and everything and then this one farmer that had it under his ownership while the electrification administration came through he basically sat on his doorstep like every single day with a shotgun and said you're not going to take down my tree so I just thought it was an awesome story. It's also a gorgeous tree. It has a tree swing and a bench under it so you can sit under it. It's just really nice so.

Plunkett Very cool.

Gressel I thought it was worth nominating.

Burk Jason, if, if, if I'm correct in terms of last year, this, the picture will be framed and it'll join the other tree from last year out here and I'm sure Amanda will post on the Town's page with the story and a photo. I'm assuming she'll get that up and going.

Owens Yes, there's currently two photos hanging in Town Hall because the tree that won last year –

Burk That's right.

Owens Happened to be submitted by two different people so we have kind of a winter and summer photo. We're trying to get it a little bit bigger this year. I'm looking for the most economical way to do that but the winning tree every year hangs in Town Hall so that's pretty cool too.

Plunkett Very cool. Thank you.

Owens And we will print it with part of the story, not maybe the whole story.

Burk Yes, right.

Plunkett Thank you very much.

Sanderson Thank you.

Owens Thank you.

OTHER MATTERS

Plunkett All right up next is Other Matters. Are there any other matters from Council, Councilors?

Choi I just want to recognize Deputy Mayor Julie Johns-Cole for her years of service to this Town. She's been an incredible advocate for our community and our loss is another organization's gain and so congratulations to Deputy Mayor Johns-Cole in her endeavors going forward.

Plunkett Well said. Anything else from Council?

ADJOURN

Plunkett I will make a motion to adjourn.

Choi Second.

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

Zionsville Town Council
August 7, 2023

All Aye.

Plunkett All those opposed same sign.
[No response]

Motion passes 6 in favor, 0 opposed.

The next Regular Town Council meeting is scheduled for Monday, August 21, 2023 at 7:30 a.m. in the Zionsville Town Hall Council Chambers. Public notice will be posted in compliance with the Indiana Open Door Law. Thank you.

Respectfully Submitted,

Amelia Anne Lacy, Municipal Relations Coordinator
Town of Zionsville