



**ZIONSVILLE TOWN COUNCIL
MEETING MINUTES
FOR
MONDAY, OCTOBER 2, 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: Adam Steuerwald, Town Council Attorney; Andy Pickell, Deputy Mayor; Tim Berry, Crowe; Cindy Poore, Director of Finance & Records; Lance Lantz, Director of Department of Public Works; Roger Kilmer, Senior Planner, Community and Economic Development; Carol Johnson, Executive Assistant to the Mayor; 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, October 2, 2023 Regular 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 SEPTEMBER 18, 2023 REGULAR MEETING

Plunkett All right, up first on the agenda is the Approval of the Memorandum of the September 18, 2023 Regular meeting. A copy has been posted. Are there any questions from Councilors?

Garrett I make a motion to approve.

Melton Second.

Plunkett First by Councilor Garrett, 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.

APPROVAL OF THE OCTOBER 2, 2023 CLAIMS

Plunkett Up next is the Approval of the October 2, 2023 Claims. Are there any questions from Councilors? I have one question Cindy. I don't know if – there is a claim for legal fees in the Police Department and it just says legal, Police, 2-1/2 hours, Nooning & Whitsitt, \$750. Do we know what that's for?

Poore No, I'll have to look that up and let you know.

Plunkett Yes, I mean, I know we've got representation for BOPAC and just, you know, it'd be good to understand why that's down there.

Poore Sure.

Melton Councilor Plunkett, I think there's still another one on there too, and I don't know when, when it's from exactly because my, my – I didn't print off the date, the first part of it for the month but it looks like there's a \$360 also for, it looks like OpenGov 1.2 hours. I guess that's, that's pretty clear I guess. I'm sorry so. But that's Whitsitt & Nooning again so.

Plunkett Okay. Are there any other questions from Councilors? I would make a motion to approve claims less the \$750 to Nooning & Whitsitt to the Police Department.

Poore Okay.

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.

Poore Thank you.

REQUEST TO SPEAK

Plunkett Amy, did we have any requests to speak?

Lacy No, we did not.

MAYOR/ADMINISTRATION UPDATE

- Plunkett Okay. Up next would be Mayor/Administration Update. Deputy Pickell, are you going to do that update here or are you going to tie that to the budget?
- Garrett I was hoping he could tie it to the budget.
- Plunkett Is that okay?
- Garrett On that specific piece.
- Pickell (Inaudible off microphone)
- Plunkett Perfect.

TOWN COUNCIL UPDATE

- Plunkett All right, up next would be Town Council Update. Are there any other updates from Councilors?

OLD BUSINESS

Consideration of the 2024 Budget for the Town of Zionsville Ordinance 2023-20 (Final Reading)

- Plunkett Moving along. Old Business. The first item of Old Business is the Consideration of the 2024 Budget for the Town of Zionsville. This is Ordinance 2023-20. This is a final reading and we have Deputy Mayor Pickell. Good evening.
- Pickell Good evening. I'm going to ask Tim Berry to join me and I've got Cindy Poore on standby. All right, so, obviously, this has been a longer process than I thought it was going to be. I had high hopes and intentions when I came in and they were obviously a little misplaced in timing, not effort but so what we've created here with the help of Councilor Garrett and other members of the Council is spending that is sustainable, necessary and appropriate. We have tried to help the Council understand that the budget must support a levy appeal and we have limited any additional spending that would be considered, the words, anyway, we've tried to cut the budget down as much as possible without cutting into muscle.

We used Councilor Garrett's spending plan as a guideline. I went through personally and realigned what Councilor Garrett had suggested in his presentation to move over items that would be reoccurring or they were operational. We came to a point where we had, in that time we actually reduced the budget to where it is right now by about \$4 million dollars from the budget that we presented you. That includes increases of a 4% COLA, we appreciate that, and a 2% 401(a) match. Again, we appreciate that staying in the budget. We accepted the Council's proposal that we would eliminate any extra hiring besides

the two Zionsville Police Department hires, two Department of Public Works hires, one Parks employee that is maintenance, one HR professional and one Finance professional. Training all remains in the budget. Those items while I understand Councilor Garrett's move to remove them, we understand that without those individual trainings and seminars some of our employees would be not state qualified or remain credentialed in their operation.

ARPA funding shall supplement or supplant program budget expenses per the agreement with Councilor Garrett. So in that, the initial thought was to reduce the budget down to zero using ARPA funds and I think all of us came to the realization that time may be against us in trying to do that. So, instead of trying to manipulate all of that out in the short time that we have left, we came to an agreement on \$2.7 million dollars' worth of reductions from the budget that are hard spends. The Comprehensive Plan is one, the Transportation Plan is another. We've got \$1.15 million dollars in infrastructure out of Motor Vehicle CCD, we got \$720,000 for equipment and hard DPW trucks, equipment, lifts, leaf packs, things like that, we've got \$366,000 for the Fire Department for their SCBA equipment to purchase and then we've also got \$30,000 to line the Town Hall parking lot again. It's time to do that and I think that was everything in that line. I think that totaled \$2.716 million dollars that we would move to ARPA leaving the budget line at let's see – I think it was \$1.8 million dollars. So with that, I'm going to turn it over to Tim Berry to kind of follow through with what I've just talked about and then we'll come back for more questions after that if that's okay.

Berry Thank you, Andy. Again, Tim Berry, financial advisor to the Town representing Crowe. I wanted to give you a little background information on where you are as it relates to your financial standing today and where we would expect with the budget that has been presented currently you to finish 2024.

As you will recall, over the last several years you have maintained strong financial controls in spending on an annual basis maintaining and increasing your reserve balances throughout the last several years. You started in 2020 with reserve balances of about \$23 million dollars in your levy-supported funds and those levy-supported fund balances increased to the end of 2022 to just over \$33 million dollars. That does include not only the levy funds but also what you have in your rainy day fund of just over a million dollars and that's a reserve balance in the rainy day fund that has been there for quite some time. It has maintained that relatively the same balance over that same period of time.

Garrett And, Tim, those are DLGF balances, correct? Not including other balances, things like ARPA or things like that?

Berry Correct.

Garrett Yes.

Berry Those are just the funds in your levy-supported funds plus the rainy day fund.

Garrett Yes.

Berry And where we anticipate you will end this year is just over \$30 million dollars in cash reserves. We passed a budget or you passed a budget last year with a deficit at that time of about \$5.5 million dollars. We anticipate that deficit will be less than \$2.5 million dollars given the fact that the Town received just under \$3 million dollars in supplemental local income tax distribution in May of this year and we would anticipate that not all budgeted funds will be spent and that reserve balance will actually be less than that \$2.5 million dollars at the end of this year or that deficit between last year and this year will be just under \$2 million dollars by the end of this year.

Today you present a budget in front of you with a deficit and this number is a little different than – this is \$1.9 instead of \$1.875. I do not have on here the debt service funds because those dollars are mostly in and out. There's a little difference between those two numbers. I just wanted to explain that difference. And we would anticipate with the budget passed today, spending all of those dollars appropriated and not receiving any supplemental LIT because we do not work those dollars into the revenue forecast for the subsequent year since we don't know what those will be, that you would finish the year at nearly \$29 million dollars next year in reserve balances.

If you could go to the next slide – this is really an overview of where you've been over the last several years providing that detail of your surplus that you've operated within your budgets that have led to the increases in your reserve balances over that period of time. Certainly some of those reserve balances were brought about by CARES Act dollars that the Town received that you utilized for the payment of salaries for public safety officers as well as, well those are the only dollars that you've reserved, that you utilized that would've increased your reserve balances.

We can go to the next slide –

Burk Tim, just real quick –

Berry Yep.

Burk Josh had mentioned or Councilor Garrett earlier if those dollars and the projected surplus included ARPA dollars you said you didn't think they did but the last statement led me to believe that if those would've been dollars that we spent on ARPA for public safety bonuses, we're still in, you that that that would've raised that.

Berry Those were spent out of ARPA so they were not appropriated. Those bonuses were not appropriated in the budget, they were spent out of ARPA so they're not reflected within your budget. They wouldn't have had any impact on your budget.

Burk Thank you.

Berry This slide provides a comparison on tax rates between Zionsville and neighboring communities, provides a comparison between the tax rate in 2019 and the tax rate in 2023 for each of those communities. You will see on this list

that you are the second lowest tax rate in the region. Avon is the only community that has a lower tax rate. Avon is the only community in this, in this list that also reduced their tax rate more than you did over the last four years. Your tax rate went from 0.5892 to 49 cents, 49.83 cents or a reduction of 15.4% over that same period of time.

Garrett Tim, can you just explain a little bit more for anyone who is watching. You hear a lot about my property taxes have gone way up, right, in the last four years but that is related to the valuation of the property and not the taxes that the Town is collecting, therefore, if our tax, if our tax rate had not been going on, the property taxes would actually be going much, much higher. Is, is that a correct statement?

Berry That's correct. I mean, your tax bill is a component of not only your assessed value and how your assessed value is changing but also the tax rate and it's not just the tax rate of the Town but the tax rate of all units of government that are within your jurisdiction. So that would include the school corporation, that would include the county, that would include the township, well, not the township because you incorporated those, that would include the library as well.

Garrett Yes. And the school is not in our jurisdiction but it is in the tax rate for the –

Berry That is correct. It is within the juris – I'm sorry, yes.

Garrett Yes.

Berry That is correct and so your portion that you can control as a Town Council, the only portion that you have control over of that tax rate, of that tax bill is what you can do with your budget and over the last four years, your rate has decreased by nearly 10 cents.

Next slide – Councilor Burk asked me a question, actually has brought this up a couple of times with regards to reserve balances and so in response to that Councilor, I did some analysis on the volatility of your revenues to try and determine an appropriate reserve balance and reserve levels that you should have and took your revenues and broke them out by your revenue source – property taxes, local income tax, MVH, LRS, vehicle excise, the reimbursement and refunds, interest income and permits and fees and looked at each of those as a component to determine types of variability and volatility that you would have then to help determine what an appropriate level of reserve balance. I believe that reserve balance is probably something that the Town has maintained in the, kind of in your hip pocket and you've maintained that in each of the fund balances. It might make more sense to put that amount of money into the rainy day fund so that you would have those dollars available if there were volatility to occur and then I would recommend having additional reserves in each of your operating funds as well. If you were to do that, an appropriate reserve balance to meet all of those obligations would be in that \$11-to-12-million-dollar range. You already have a little over \$1 million dollars sitting in the rainy day fund. The difference that would be necessary to fund the rainy day fund at that dollar amount is nearly \$3.8 million dollars, I'm sorry – nearly \$3.9 – \$3,875,000 and if you were to do so, you would still maintain more than that 15% reserve balance in each of the

operating funds that you would have as well with the budget that you have in front of you this evening.

Burk Thank you for providing that. Very helpful.

Berry You will see that your revenue sources are very stable. Property tax amounts to a little over 40% of your revenue. Property tax in Indiana is a very stable source of revenue. Collection amounts are, equate to about 100% on an annual basis. Even in a recessionary period of time those dollar amounts that are collected nearly equate to 100%. We put a 4% volatility there which is, quite frankly, pretty generous. On your local income tax dollars, those are a little bit more volatile but the State of Indiana does provide a buffer for you to ensure against those downturns by maintaining the funds at the state level to ensure and to protect you against downturns. That's why you saw no downturn effect during the COVID periods and traditionally have not seen a downturn in your local income tax dollars.

Garrett Tim, those, those LIT volatility dollars are more at the county level than a local level, right? So, is that a, is that a – if there's volatility –

Berry If the distributions are made at a county level –

Garrett Yes –

Berry So –

Garrett So if there is some vol – because we have a different economy, I would say, than other parts of Boone County. If there are differences that are going on that can impact us even if they're not being, a super local impact, correct?

Berry Your probably biggest impact in your distribution of your local income tax dollars is your levy.

Garrett Yes, okay.

Berry Because you receive dollars as a percentage of your levy and while other units of government in the county have increased their levies and increased their tax rates over the last several years, that is probably what is restraining your revenues on the LIT level more so than other communities.

Garrett Hence the appeal?

Berry Pardon me?

Garrett Hence the appeal?

Berry Correct.

Garrett Right.

Melton This budget includes that appeal – not, not the dollars but it includes the fact that we’re going to push for the appeal, correct?

Berry Those dollars are reflected in the revenue –

Melton Oh, they are? Okay.

Berry Yes.

Melton They put it in –

Berry Those dollars are reflected in the revenue. We would ask tonight that should the Council want to move forward with that a separate motion be made to direct us to move forward with that appeal.

Garrett Anything else Tim?

Berry I think that’s it.

Garrett So, I’ll add a little context, Councilors, just sort of as, as I’ve been working on this with Councilor Choi. I’m really happy with how this has turned out. I think Deputy Mayor Pickell went through a lot of kind of the nitty gritty of, of that but they did take a lot of suggestions in the last meeting to do that. We started with a \$12.24 million dollar deficit so something under \$2 and that \$2 million dollar spend is mostly non-recurring charges so I – this is a sustainable budget. We included that 4% raise, the 2% 401(a) plus longevity pay so it’s about 6.5% to our people. Just for context, Carmel is about 3% raise for 2024, that’s their proposal, Westfield is 4%, Fishers is 5% so very much within line for those folks.

I think it’s also interesting because it gives, like revenues are actually up significantly this year, up 17% if you look at the budget numbers. The spending is only up about 2% as, as it was noted earlier, that was because we had a deficit so spend, revenue has not caught up to that recurring spending but I think it kind of gives us a chance to take that breather here and re-address some things as the new Administration comes in, as they want to make some, some spending recommendations, I think it gives them some well position there.

It’s been a good process. It’s been a group process and it starts with the Mayor. She actually allowed Mayor-Elect Stehr and Deputy Mayor Swanson to come in and give input so I’m appreciative of that because they’re going to be actually inheriting this budget so I appreciate her and Deputy Mayor – I’m sorry – Mayor-Elect Stehr and Deputy Mayor-Elect Swanson for coming in and doing that process. You know, certainly been working a lot with the current Deputy Mayor Pickell on the blocking and tackling associated with this and he’s been very responsive on that. Most of the credit should go to the department heads. They’re the ones that are actually putting this together but I also appreciate Crowe helping along the way.

A couple notes just, I think, for your own benefit – so, Fire, if you noticed in the position has, has no new positions. That’s not trying to pick on Fire. I know President Plunkett that’s been a, something you’ve been interested in is adding to

that group. I know the current Administration has mentioned that. The future Administration has mentioned that. They do currently have five open positions. So, if you think about filling those positions here over the coming months, I think that will go a long ways to getting them up to, I don't want to say full staff, but getting them along the way but also I think there's a commitment – if there is a supplemental distribution, if we get this appeal to re-address that sort of middle of the next year, so they aren't necessarily waiting forever but they can add those five people right now.

The ARPA piece I think is interesting. Deputy Mayor Pickell presented what will be the ARPA plan. So, I think it's important for this Council to know that if we pass this budget today, and I certainly would recommend it, we are passing it with about \$2.7 million in spending that will need to be in an ARPA plan. If we don't then pass an ARPA plan, that spending won't happen and there is a timeline for that. So if we don't spend that ARPA plan as recommended, based on the stuff we took out of the budget, we won't get those things and it counts really is a little bit of wrinkle in all of this and the general sense I got last budget meeting was there was support for this so I don't expect any concerns but if there are, I certainly want to talk through that today. It still leaves us with about \$3 million in ARPA funds but I think this Council should continue to work for and figure out what is the plan for that and there's some flexibility in how we spend that so whether it's trails or other things that we think we may need, I think it's good that it's one-time expenses so we're not going back into unsustainable spending but, overall, I appreciate your confidence in Alex and I doing this and I'm fully supportive of what this is.

Melton So Josh real quick – so if the levy is, is – if we vote on the levy tonight there is somewhat of a commitment from the Administration current and the next Administration that that may actually equal to the additional Firemen and women that we need. Is that the commitment?

Garrett No. I wouldn't say the levy is because the levy is assumed in the budget, right? We are passing this budget assuming we get the levy and I would ask the state we need the levy so, please approve our appeal because we certainly meet the criteria, what I'm saying is we have in the past gotten supplemental LIT dollars, local income tax, public safety LIT dollars sort of mid-year and if, if that came in, never want to expect it, if that came in and that'd give us additional revenue sources to look at, especially the public safety LIT because it can only be spent on Police and Fire.

Melton Okay. Great. Thank you.

Garrett Correct me if I'm wrong on any of that Tim.

Berry No, the State of Indiana determines annual LIT. They've already certified or nearly certified what you will receive in local income tax dollars on a monthly distribution next year. Each year around the first of May with a distribution prior to the end of May the state will review all of those revenues and determine who receives a supplemental LIT distribution. Traditionally over the last four years, five years, on average, the Town of Zionsville has received just under \$2 million

dollars annually in supplemental LIT distributions and so this year it was just under \$3 million dollars, the largest one you've ever received.

Melton Great, thank you.

Burk Just a question on the ARPA plan that was laid out in terms of timeline. How soon do you see that needing to come before this Council? At the next meeting or the next month?

Garrett Well, so, what I would like to do is pass it, or at least present it at the next meeting. It doesn't have to be the full dollar amounts, I'd just like to at least present it with what we're taking out here today just to sort of make sure that doesn't get lost in the year-end shuffle and we can certainly amend that further or add to it as we identify other things that we may choose to spend those ARPA dollars on before the end of the year.

Burk Awesome.

Pickell Councilor, we also plan to include it in the non-DLGF budget that will be presented next, next meeting.

Garrett Okay, perfect.

Plunkett Any other questions for Deputy Mayor Pickell or Tim? I would say, I just want to say real quick – I mean, I think the, to Josh's point, specific to this appeal, I mean, we, we went from 14,000 people in 2010 to 34,000 in 2022, right? I mean, I think we've got services that our Police and Fire are providing that at times we feel like everybody feels like is, is stretched thin so certainly I would hope that the appeal goes through as well and, to your point, if, should an additional LIT distribution or supplemental LIT distribution come through like I would, assuming I'm on the Council, that'll be a strong push for me to say listen, I think we need to make sure we're focused on Fire filling, filling the necessary spots there and I want to, I want to thank Josh and Alex for your guys' work here not just on this agenda or this budget but in past budgets as we've talked about we, we are in a spot with some surplus to be able to have some flexibility with this particular budget and I think we've worked really hard over the last four years to be there. Tim, Andy, I would say thanks to both of you guys as well. I mean, this has been easily the smoothest budget process to date so, over the last four years so I appreciate everybody working together on this so. All right, are there any other questions or comments for Andy or Tim?

Garrett Tim, do we need, would we make two – or Adam either one – would we make two separate motions, one for the final reading of the budget and one for the request on the, to move forward with the appeal or? So those are two motions? Two votes?

Steuerwald Yes.

Garrett Okay. Well if there's no other questions, I'll make a motion to approve Ordinance 2023-20, the 2024 budget.

Choi Second.

Plunkett I got a first by Councilor Garrett and a second by Councilor Choi. 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.

Garrett And then I will make a motion to authorize the Town and Crowe as their representative to file the levy appeal with the State of Indiana.

Burk Second.

Plunkett I got a first by Councilor Garrett and a second by Vice President Burk. All those in favor signify –

Berry Excuse me – could I just ask for a clarification on that?

Garrett Yes.

Berry Based upon assessed value growth because there are two excess levy appeals.

Garrett I'm sorry –

Berry There is the one associated with the Rural to Urban –

Garrett Yes –

Berry And then there is the one based upon the excess levy or based upon the assessed value growth.

Garrett And it's the assessed value growth that's the one that needs the authorization, correct?

Berry Correct. Yes.

Garrett All right, I will, I will –

Plunkett You need, you need to withdraw that.

Garrett I will withdraw that motion. I'll make a new motion to authorize the Town and Crowe to file an appeal on our behalf for the assessed value levy with the State of Indiana. Thank you, Tim.

Burk Second.

Zionsville Town Council
October 2, 2023

Plunkett First by Councilor Garrett and a 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.

Consideration of a Resolution Regarding a Fiscal Plan for Reclassifying Certain Areas within the Consolidated Town of Zionsville from the Rural Service District to the Urban Service District Resolution 2023-19

Plunkett All right, up next on the agenda is a Consideration of a Resolution Regarding a Fiscal Plan for Reclassifying Certain Areas Within the Consolidated Town of Zionsville from the Rural Service District to the Urban Service District. This is Resolution 2023-19 and we have Deputy Mayor Pickell and Tim Berry with us as well.

Pickell Okay, so, you've already voted on the reclassification of the additional three neighborhoods and extra properties. This is – help me out –

Berry That's what this is.

Pickell Yes, that's what this is so. I'm sorry, I'm the behind the, I'm behind the, anyway – what we need to do is reclassify these properties, bring them into the Town and then also we'll apply for an excess levy as well after that is done. Do you have any questions?

Melton Bring them into the urban district, right?

Pickell Yes sir. Yes, from rural to urban.

Plunkett Yes this is all part, I mean, this is just a formality –

Pickell Yes sir.

Plunkett I mean it's all part of the reorganization. Once you get to certain points and there's utility service, etc., etc. so there's not, I don't think there's a lot to this and it's something that we've talked about for a long time so –

Garrett Yes. I welcome it.

Plunkett If there are, are there any other questions for Deputy Mayor Pickell? I'll make a motion to approve Resolution 2023-19.

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.

**Consideration of an Ordinance Reclassifying Certain Areas within the Consolidated Town of Zionsville from the Rural Service District to the Urban Service District
Ordinance 2023-18 (Final Reading) (Public Hearing)**

Plunkett Up next is a Consideration of an Ordinance Reclassifying Certain Areas Within the Consolidated Town of Zionsville from the Rural Service District to the Urban Service District. This is Ordinance 2023-18. This is a final reading. We also have Deputy Mayor Pickell, Tim and Lance potentially if needed are there any questions?

Garrett It says it's a public hearing –

Plunkett Yes, I'm going to open that up here.

Garrett Yes, okay.

Pickell Stand here for questions.

Plunkett Okay. This is a public hearing and I have proof of publication of the Notice of Hearing. At this point I will open the public hearing. If there are any members of the public who would like to comment now is your chance.

Reitz (Inaudible off microphone)

Plunkett Sure.

Reitz Yes.

Plunkett If you would please, just come up to the microphone, state your name and your address and you'll have three minutes and I'll give you a head's up when you're at two so you'll know when you're down to one.

Reitz I'll try to be brief.

Plunkett All right.

Reitz My name is Lawrence Reitz. I am one of the other properties that are not in one of these neighborhoods that you're looking to reclassify. My property is located between the Clarkston neighborhood and Chelsea Park. The address is 5202 South U.S. Highway 421. Typically, these additional services that are provided or the reason for bringing these is these neighborhoods have sewer and water. I'm in a unique position in that my property is actually on State Highway 421.

It's unlikely that the Town will ever take jurisdiction for snow removal or any projects there. There is a public sewer, however, it's on the east side of U.S. 421 which is Clay Township which I cannot connect to because I am on the west side and my only options to connect to the sewer, as I understand from talking to Town personnel previously, is a manhole well within the Clarkston neighborhood which is a significant distance away and, of course, Chelsea Park there's, it's not realistic. I did, I, we do have the Priority service for trash removal, picks up occasionally. Apparently I'm not a priority I guess because of the traffic on the interstate there. I don't know that I'll be able to take advantage of leaf removal as the semis that fly down the road will probably knock most of the leaves back onto my property making it a challenge for the Town to pick those up and sticks. I would like for you, at this time, to consider removing my property from the list of these that are to be included. I don't know that I'd be able to benefit from any of the services that the Town provides. I appreciate being in the Town and maybe at some point, my property is about 4 acres, if it's ever developed in some way then certainly it would be great to be part of Zionsville and be part of the rural or the urban area. Thank you.

Plunkett Thank you. Tim, maybe or, or Andy, I don't know, maybe one of you guys can help me understand this here. We're just identifying these neighborhoods, right? I mean he, if he's on 421 he's not part of the neighborhood or did, or did that get looped into this –

Pickell Actually, there were a couple of properties I think three or four properties that were included, especially in this 421 area. It was a pocket really. Chelsea Park is a pocket and the other properties that were grabbed as well were, were within that pocket to make it all urbanized in that, in that area. Am I – isn't that right I think? Yes.

Plunkett And are they getting, I think I heard Mr. Reitz say that he has trash service, has Town trash service or but he doesn't have sewer obviously or anything like that, right?

Reitz That's correct.

Plunkett Yes so we have, we do get, we do get the Town-provided trash service or Town service I should say. Okay.

Garrett I don't think it's good government to start like taking out –

Plunkett Yes –

Garrett Little individual properties. I mean I'm sympathetic but like if, if he needs the Police, does that mean the Boone County Sheriff is going to have to go through all of our jurisdiction to respond? Probably not. ZPD is going to go.

Plunkett Yes.

Garrett I mean I just, I just think I want to approve it as is. Otherwise, I think you list and have to put 50 properties that are –

- Plunkett Sure.
- Garrett Sort of scattered around that are in sort of a nebulous no-man zone.
- Pickell The Administration would agree.
- Plunkett Are there any other members from the public who would like to comment? Any commentary from Council?
- Burk Andy, how many properties were included like this one that were all outside of a neighborhood?
- Pickell Four individual property owners outside of the subdivisions.
- Plunkett Okay.
- Choi Have we heard from any of the others?
- Pickell Not to my knowledge. And I actually hadn't, I hadn't heard from Mr. Reitz but I'm sure that he had contacted the Town at some point in time. I was not told about that though.
- Plunkett All right, at this point I'm going to close the public hearing. Thank you. All right, are there any other questions? Otherwise, I would entertain a motion.
- Garrett I would make a motion to approve.
- Plunkett We've got a first by Councilor Garrett.
- Choi Second.
- Plunkett Second by Councilor Choi. 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.

Consideration of an Ordinance Amending the 2023 Salary Ordinance **Ordinance 2023-19 (Final Reading)**

- Plunkett Up next on the agenda is a Consideration of an Ordinance Amending the 2023 Salary Ordinance. This is Ordinance 2023-19. This is a final reading and we have Cindy here to present.
- Poore This is for the additional position that we're wanting to hire prior to the end of the year.

Plunkett Are there any questions from Councilors? This is the final reading on this. We obviously heard this at the last meeting as well.

Traylor I make a motion to approve.

Plunkett First by Councilor Traylor.

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.

Poore Thank you.

Plunkett Thank you.

NEW BUSINESS

Community Enrichment Grant Committee Presentation – Fall 2023 Community Enrichment Grant Awards

Plunkett All right – New Business. Up first on New Business is the Community Enrichment Grant Committee presentation. This is for Fall of 2023 Community Enrichment Grant Awards and we have Carol Johnson, Executive Assistant to the Mayor. Good evening Carol.

Johnson Good evening Councilors. Like last time, we have prepared a short video for you and I have representatives from each of the nonprofits here to address any specific questions you may have after watching the overview. Thank you.

Plunkett Thank you.

Choi President Plunkett, with your permission, I'd like to recuse myself from this vote as one of the organizations I'm a founding member of.

Plunkett Sure. Adam, do we need to do anything for that? Does he need to leave or, or go down there or can he stay up here?

Steuerwald He can stay up here.

Plunkett All right, you never know. Permission granted I guess.

*** Community Enrichment Grant Video ***

42:55 to 46:04 no audio Presentations were given by: Eric Richards, CEO Boys and Girls Club of Boone County and Ashtan Bennett, Interim Director of Public Services of the Hussey-Mayfield Memorial Public Library Foundation during that time.

Reynolds I'm Bailee Reynolds, Development Director of ILADD, Independent Living for Adults with Developmental and Intellectual Disabilities. ILADD's mission is to provide housing, enrichment and educational programs and social options that enable adults with intellectual and/or developmental disabilities or IDD to live in homes of their own and enjoy fulfilling and meaningful lives in their communities. We are so thankful to be awarded a grant from the Town of Zionsville to support our informational and educational workshops. This programming is part of our commitment to providing adults with IDD as well as their family and caregivers with information and resources they need to establish sustainable support in the community. ILADD is uniquely positioned to provide services that do not currently exist here in Zionsville such as teaching and developing skills needed for independent living, creating a neurodiverse housing development and providing opportunities for individuals with IDD to further their education or interact with the community. Thank you, again, for the grant from the Town of Zionsville. We are extremely appreciative. Thank you.

Young I'm Cynthia Young, Executive Director of the SullivanMunce Cultural Center. We provide art exhibits and art instruction. We have a history museum which exhibits and collects local history and a genealogy library which provides genealogy and home research materials for our community and beyond. The Zionsville Community Enrichment Grant will provide funds for the Bee Project. The Bee Project allows children and adults the opportunity to learn how a bee's anatomy is constructed by using simple shapes and recycled materials to create a bee sculpture which will then be attached to a honeycomb structure with zip ties. This project was conceived during the pandemic as an outdoor activity which resulted in a project which is creative, connected, educational and safe. We intend to use this project in our summer art camp programs in June and July of 2024. We'd like to thank the Zionsville Parks Department for partnering with us on this. We will be displaying our hives in some of the parks this summer and I'd also like to thank the Town of Zionsville, of course, for this grant. Thank you.

Weaver Hi. My name is Laura Weaver. I'm a therapist and Program Director with The Cabin Counseling and Resource Center. The Cabin is a nonprofit dedicated to transforming lives through compassionate and professional counseling and education. Our mission is to provide quality mental healthcare for individuals who otherwise would not be able to afford care. This year over 500 individuals, couples and family will benefit from over \$220,000 of financial assistance. We have 24 licensed therapists on staff, a dietitian, a life coach and a mental performance consultant. Our programming will include a mentorship program for middle school students, open art studios, mindfulness and yoga classes and various support groups for grief, divorce, co-dependency and various other opportunities. These research-based approaches incorporate mindfulness, emotional regulation, setting healthy boundaries and cultivating meaningful

relationships. Our ultimate goal is to reduce the stigma associated with mental health through these programs. We know that when the residents of Zionsville are equipped with the skills to navigate the obstacles and opportunities that life presents us, our community becomes a place where people want to live and work. Thank you so much for considering The Cabin Counseling and Resource Center's program.

Bitzegaio Hi, my name is Kristen Bitzegaio. I'm the Executive Director for Zionsville Alliance for Mental Wellness commonly known as Zamwell and we are getting ready to launch our digital resource library. What we have heard from the community time and time again is that we need more local resources addressing mental health issues and so we will be building a resource library that features experts and individuals, just common everyday people talking about living with mental health issues and experts talking about navigating the mental healthcare system and how to identify whether you should see a psychologist or a psychiatrist, all sorts of issues. We know that the community needs this and we are so thankful for the community's support on this project.

Nagy Hello. My name is Mark Nagy and I'm here representing the Zionsville Cultural District. I'm a member of the Board and I also oversee the public arts committee. The Zionsville Cultural District was formed in 2013 and our mission is to enrich the lives of residents and visitors through art, culture and celebrating our history here in Zionsville. We hope that through our efforts we help support and strengthen local businesses, enrich the experiences of residents as well as visitors to Zionsville. And you may be familiar with some of our programs. One of our big programs is the summer concert series with summer concerts every Wednesday night in June and July in Lions Park and also on Wednesday nights in August in Lincoln Park. We're also responsible for the painting of the murals on Main Street as well as 106th Street that welcome visitors into the south end of our Town and you may be familiar with the Lincoln mural on the building on First Avenue and as well we celebrate our history as Dahlia City by giving away free dahlia tubers at the Farmers Market in May and inviting people to come back to the Farmers Market in September and share the success at growing their beautiful dahlias. Those are just a few of the programs that we sponsor here in our community to help enrich the arts for all of our residents.

I want to take this opportunity to thank the Community Grants Enrichment Committee for the grant consideration. I'll tell you a little bit about the project. We were very excited when we were approached by Ann Cripe who owns the Cripe Building at 45 North Main Street saying that she was interested in having a mural put on the north facing wall of that building. This is a wonderful opportunity. It's a very large space, it's almost 30 feet wide and almost 14 feet tall and it has a wonderful front-facing view for all the residents or all of the guests at the North High Brewing establishment who are, who are there for lunch or dinner or working at COhatch or any of our residents that are traveling up and down Main Street whether walking or driving. So, it's a wonderful spot and we're very appreciative to Ann and her son, Bill, for their willingness to make this opportunity available.

The grant will be used to help pay for the artist. We have selected a very accomplished and experienced muralist, Megan Jefferson. You can find her work

online and Megan has been working very closely with the members of the Zionsville Cultural District as well as with Ann and Bill in terms of the development of proposals for that mural. Initially, we are hoping to celebrate an aspect of Zionsville's history and that is to celebrate our history as a stop on the interurban rail that ran from Indianapolis, I believe, all the way to Lafayette and so this is a wonderful opportunity to create a very engaging and what we hope will be the talk of the Town, if you will, mural that will be a wonderful amenity on that part of Main Street. We think this will be very attractive to our residents. We think it'll be a wonderful celebration of an aspect of our history. We're hoping it'll be very eye-catching and also very engaging.

So, in closing, let me take the opportunity to thank the Zionsville Community Enrichment Grants Committee, to thank Ann Cripe and Bill Cripe for their generosity making this opportunity possible and to thank the Mayor's office as well as each of you, the members of the Town Council, for all of your support in making art come alive here in Zionsville. So thank you very much.

Thompson

Good evening Council members. My name is Gene Thompson. I'm a volunteer and I serve as the Director of Lions Park. This Community Enrichment Grant will be used to engage the service of a design firm to develop a Master Plan for the expansion of Lions Park. Lions Park was founded 83 years ago in August of 1940 by a few citizens that purchased 8 acres along Elm Street in order to build ball fields and a playground. It was expanded in 1977 with a donation from the developer of the Raintree subdivision for the land between Elm Street and Eagle Creek. It is now a 20, that made it a 22-acre park. Earlier this year, the Lions Park was able to acquire 5 additional acres along the northern boundary of the park and it is now a 27-acre park. This 27-acre park is in the heart of Zionsville and used by the community for many events.

Zionsville Lions Park, Inc. is a corporation that is operated and managed by the Zionsville Lions Club members. Lions Park offers an appealing recreational outlet for all ages. We have playgrounds and open spaces, we have 9 ball fields that are used by the Little League, we have a gazebo that's used for entertainment purposes, outdoor entertainment, it's used by the Cultural Arts District on Wednesday nights during the summertime and on Sunday nights by the Lions Club to have concerts. We have a sand volleyball court and a nearby shelter. We have basketball courts, we have walking paths and we have restrooms and, of course, as most of you probably have seen, Lions Park is also the home to many events sponsored by the Lions Club such as the 4-H of July fireworks and our Fall Festival.

So what do the 5 acres mean to Lions Park? How will it change? The first thing we're doing is having discussions with the Zionsville Parks Department on the availability of providing an easement through our park, through our new property, in order to provide a connecting path along Eagle Creek. This would allow the Creekside Park to the south of Sycamore Street, through Lions Park, through our new 5 acres and then through the Greg and Kim Storen property to Elm Street Green but we are not looking at just the 5 acres and what to do with it. We are looking at the entire 27 acres. We believe that in, in looking at a design and a Master Plan for the entire 27 acres will help us and allow us to better serve the community for the years in the future. The goal is to create a cohesive site to

design the blends of athletic fields, parking areas, active and passive recreational amenities and small and large gathering spaces. This Community Enrichment Grant will help us reimagine the design and amenities of Lions Park to better serve the needs of the community in the future. Thank you very much for this opportunity to help the Lions serve the community.

Plunkett All right, are there any questions from Council or discussion?

Traylor I just want to read one thing really quick before we vote on anything on this. But just as a reminder, these, all these, these funds all come from the food and beverage fund and there is a Food and Beverage Fund Ordinance that reads as far as what the money can be used for and this is quoted directly out of the Ordinance: "Funds collected and deposited in the food and beverage tax fund by the Town shall be solely for the creation and enhancement of any public facility or infrastructure improvement or to fund initiatives intended to promote the Town and its businesses and for no other purpose." So just based on the Ordinance, and I know it's going to portray me as the bad guy but I, there's a few that I don't understand how they meet that requirement. The ones that I checked off as, as obviously to me meeting the requirement will be the Boys & Girls Club, the Cultural District request and the Lions Park. The remaining five requests I would welcome anybody and I should turn it over to the President but my suggestion would be to welcome anyone from those other five groups that would like to somehow give some color to how they qualify based on what I just read because I, I mean they're all good, valuable services. I'm not looking to be a bad guy but we also can't go against the Ordinance that specifically states what the money can be spent for.

Plunkett Yes, I'd be open to have folks come up and talk through that. Adam, can we also get just some legal clarification on that? As he, as Councilor Traylor –

Steuerwald Do you have a copy of the Ordinance?

Traylor Yes.

Steuerwald Could I see it?

Traylor I mean I've got, I don't have it up here in front of me but I pulled that directly from it. This actually came from my email exchange earlier in the year when we gave funding to a theater in Lebanon. I can pull it up.

Steuerwald So do we know if this has been amended since?

Traylor It has not.

Steuerwald Okay.

Traylor Or if it has, I'm unaware.

Burk I'm also just looking at the website where folks would go to apply for the Community Enrichment Grants and we can kind of look at the application. I

mean if the, that seems like a significant miss if they weren't directed or clear on what they would or would not qualify for.

Traylor And that's, that's why we had them come here to present to us because previously there were awards being given out that did not qualify.

Plunkett That's right. Deputy Mayor Pickell –

Pickell Yes, I just want to clarify real quick – we, we are talking about a certain amount of the food and beverage fund, not an entire, not the entirety of the food and beverage fund. This is a small, I think \$125,000 is the total amount that we budget each year out of the food and beverage for this specifically. I'm not discounting your, your point in the Ordinance –

Traylor Right –

Pickell I just want you to, I wanted to make clear that –

Traylor Yes, no, no I'm not saying we're draining –

Pickell Right, Yes, Yes –

Traylor I'm not saying we're draining the fund I'm just saying no matter if it's a penny –

Pickell I understand –

Traylor If the Ordinance doesn't allow for it, I don't know how we can approve it.

Pickell I understand.

Traylor I'm still looking for that Ordinance. I just have the excerpt that I –

Plunkett I gave it to him.

Traylor Oh, you've got it?

Plunkett Yes. It's on, if you go to the website, the Town website you click the hyperlink to the Ordinance –

Traylor Okay.

Burk Yes.

Garrett Is there an Ordinance number that you can see?

Plunkett State statute 34 –

Steuerwald Go to Ordinances –

Plunkett Yes –

- Steuerwald Just go to all the actual Ordinances adopted by the Council.
- Burk So it'd be 4.50.
- Traylor And, again, I know, I – all very worthy causes, just if the Ordinance doesn't allow for what, for it, I don't know how we can approve it.
- Plunkett Do we need some background music?
- Burk Yes, I know. I also tried to click on the online application form which is not live anymore either. I'd just be curious to see. Not sure if I can get this again – what all it directs people to. I'm not disagreeing with Bryan at all, I'm just trying to figure out what guidance folks were given.
- Traylor The guidance has been misleading for a long time and I pointed that out before and that's the whole reason we have people come to this meeting so that we can approve these is because I stated publicly that I wouldn't vote to approve any grants from this fund with, as far as seeing them in claims without being presented with the causes.
- Pickell Councilor Traylor –
- Traylor Yes –
- Pickell Could I make a suggestion maybe that we possibly table this for legal to take a look at it and then we come back or –
- Traylor I'll leave that to, up to President Plunkett. I'm fine with, with that.
- Plunkett I would imagine we could table it or we could approve the three that do, right? That do qualify?
- Traylor Or were you, were you stating it like come back to it at the end of the meeting after legal has had a chance to review it?
- Pickell No, I mean, I trust legal but I would –
- Traylor Or are you suggesting continue it to the next meeting?
- Pickell I would continue it to the next meeting just because in past we've already awarded grants to several different organizations that may not have qualified under yours and I'd want legal to review kind of where we're at in that. If that's okay with you. If that makes sense.
- Traylor And just to clarify again – the reason it's coming back here is because we know that people have been paid out that shouldn't have been.
- Pickell I'm not qualifying any of that. I just want to make sure that we have time to review and everybody is on the same page.
- Traylor Okay.

- Plunkett Amy, we haven't cut these checks yet, correct?
- Pickell No sir.
- Plunkett Yes, okay. Perfect. Thank you.
- Garrett And if we're getting legal clarification probably – and I hate to say this – because I agree certainly on the three you identified. They're all good causes. It almost makes sense to just table the whole thing, get legal clarification and then come back and just make sure we are –
- Traylor Yes –
- Pickell I'd really feel better if that's okay with you.
- Garrett (Inaudible) the organizations and make sure we're all in alignment and I would support that plan too.
- Pickell Thank you.
- Traylor So I'd make a motion to continue.
- Plunkett We have a first by Councilor Traylor.
- 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 5 in favor, 0 opposed.

Consideration of a Resolution Approving the Road Impact Fee Zone Improvement Plan as an Official Part of the Comprehensive Plan **Resolution 2023-18**

- Plunkett Up next is a Consideration of a Resolution Approving the Road Impact Fee Zone Improvement Plan as an Official part of the Comprehensive Plan. This is Resolution 2023-18 and we have Director of DPW, Lance Lantz, to present.
- Lantz Thank you and good evening. Before you have a resolution which is the second step of a four-step process involving both the Plan Commission and this Council to update the Road Impact Fee for the Town of Zionsville and specifically this is Resolution 2023-18 and this is the document that that resolution will incorporate into our Comprehensive Plan. The Plan Commission has already conducted a hearing on this, took public comment, there was none, asked several good questions and so now this matter comes to you. It will after this, assuming you approve it'll go back to the Plan Commission for a recommendation on an

Ordinance and that Ordinance will come to you in the future for the final implementation of this change.

Just very briefly, the Town of Zionsville has had in place since 2007 a Road Impact Fee which places a fee on any new construction development, new homes at the time a permit is pulled to charge a fair share of the traffic that will be added to our system as a result of this new construction. That was updated once in 2014 and this would be the second time that this Ordinance has been updated and actually began the process in 2018 with the collection of a significant amount of data on roadway segments and intersections throughout Town. At the end of 2019 and moving into 2020 when the committee was actually beginning to do its work, we get COVID so this kind of took a two-year hiatus and then the committee picked back up in 2022.

I gave a rather lengthy presentation at the Plan Commission back in August when they took action on this so I don't want to keep us here all night but I also want to give this as much due consideration as you would like to have but basically the update involves the creation of a committee whose composition is set pretty strictly in the state statute. They have to be related in development, builders, home builders, construction, developers, real estate agents, etc. That committee meets with A&F Engineering who has always conducted this traffic impact study for us since its inception and they happen to meet four times. They review the data that A&F has collected, talk through some potential intersection changes and then at the end of the day support the recommendation that you see before you. This is a Rational Nexus. This has to quantify the expenses for existing deficiencies in our network. We can't charge new development for the problems we already have but we can certainly forecast within a 10-year horizon and see what additional traffic is going to be in our network and charge new development for that.

I am going to turn this over to you for questions at this point because I could go on – if it's up to me I could go ad nauseum but you may be just ready to be done with this but I standby ready to ask any or answer any questions you may have.

Garrett Does this come to us with a vote from the Planning Commission?

Lantz So they have already adopted a nearly identical resolution. This is a confirmatory resolution that you also accept their recommendation to amend this into the Comprehensive Plan.

Garrett All right. Let me rephrase the question then –

Lantz Okay –

Garrett Do, do you know the, like was it a unanimous decision?

Lantz It was unanimous.

Garrett Okay, thank you.

Melton Who, who makes those appointments to the committee? You said that it's a, it's contractors, developers –

Lantz Yes –

Melton Realtors –

Lantz Under our new governance, the Mayor makes those appointments.

Melton Is that a state requirement or is that?

Lantz So it's my understanding that the committee is not required only for, for merely an update. It is absolutely required when you initiate a Road Impact Fee in your community but regardless of the legal requirement, it's just good policy and practice to engage the knowledgeable community. We always want to make sure that BAGI is at the table to participate in these discussions. They represent a lot of home builders and we always want to make sure that they have ample opportunity to weigh in and understand our process.

Melton And how many are on the committee?

Lantz No, I'm sorry that, that's the appeal. The appeal committee. This is an advisory committee. There were seven committee members. By statute it has to be 5 to 10 and then there were one, two, three, four, five, six staff who sat in on the meetings to help guide as well.

Melton In, in addition to the seven?

Lantz Uh huh. Yes, they're not part of the committee. They're the support I guess you could say.

Melton I think we've seen in the past that there's a good balance of recommendations for committee members from Council recommendations or appointments as well as mayoral appointments. Do you, is that something we could add to the language to this or is this something that, does that mean a whole rewrite or what's your thoughts?

Lantz Yes, I don't know how to answer that question. The appointments are set by our governance structure which has a Mayor and the Mayor makes those appointments. There was an appointment from the Plan Commission on the committee and there was an appointment from this Board as well.

Melton On the Plan Commission?

Lantz There was a Plan Commission member appointed to the Board and there was a Council member appointed to the Board.

Plunkett Lance, I was just curious about the timing. If we're going to put in a Comprehensive Plan next year is this something we have to do or should do?

Lantz No, I would highly recommend that you take action on this now. Every day that this languishes the Town loses revenue. This has to go back to the Plan Commission for an Ordinance recommendation and then back to you and then it does not take effect for six months after final adoption. That's out of deference to any project who is ready to file for their development plan, someone who is getting ready to build a perm or pull a permit to build a home so they have a six-month grace period so that anyone's proforma is not wildly interrupted but –

Plunkett Okay.

Lantz This is a component of the Comp Plan. It is not anything that would be addressed under a Comprehensive Plan update. It is a standalone effort under the state statute.

Plunkett Okay. That was my next question. When it goes in effect, so. Any questions for Lance? Otherwise, I would entertain a motion.

Melton I'd like to make a motion to approve Resolution 2023-18, Consideration of Resolution Approving the Road Impact Fee Zone Improvement Plan.

Plunkett We have a first by Councilor Melton. I'll second that. 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.

Lantz Great. Thank you very much.

Plunkett Thank you.

Consideration of a Rezoning Commitment Amendment (Park 267) (Petition 2023-37-CA) Ordinance 2023-21

Plunkett All right, coming down the homestretch. Up next is a Consideration of a Rezone Commitment. This is an Amendment (Park 267) (Petition 2023-37-CA), Ordinance 2023-21. Roger Kilmer, that's a mouthful.

Kilmer Good evening. Roger Kilmer, I'm Senior Planner for the, for the Town. I'm going to provide a brief overview of the Ordinance request tonight and then turn it over to the petitioners and the development team to provide details for you.

In July of 2020, rezoning of almost 76 acres from the Rural General Agricultural District to the Light Industrial District was approved by the Town Council. As a part of this rezoning, zoning commitments concerning the use and development of real estate were recorded. One of those commitments specified a 20-foot-wide type H buffer adjacent to all agriculturally zoned properties. The type H buffer

may be achieved through the option of four different widths and a 20-foot type H buffer yard which is the minimum width permitted requires a masonry wall to be included as a part of the buffer. The petitioner at that time understood the commitments were to, were with the intention that a 20-foot buffer yard would be the minimum required but as recorded, it stated that a 20-foot would be the, the requirement. The requested commitment amendment seeks to amend the commitments by modifying the width of the type H buffer yard to a minimum of a 30-foot wide type H buffer. This increase in width removes the requirement of a masonry wall but would require additional plantings and either an 8-foot-tall wood stockade fence or a 5-foot-tall berm. All other commitments within the recorded commitments are unchanged and would remain in effect.

At its September 18, 2023 meeting, the Plan Commission voted to forward a favorable recommendation of the requested commitment amendment to the Town Council by a vote of 7 in favor and 0 opposed including the utilization of a faux stone wall which I'm sure the petitioner will, will provide information on that. If they don't I have an exhibit I can show you later but at this time, I'll turn it over to the development team.

Dickinson

Hi, good evening members of the Town Council. My name is Brandon Dickinson. I represent the petitioner and, for the record, I'm an attorney at Dentons, Bingham Greenebaum at 10 West Market, 2700, Indianapolis. I'm appearing today in lieu of Matt Price who had a prior commitment and was unable to attend.

Very briefly, as Roger laid out, we have a situation where the buffer that was recorded was more of a minimum and what we're asking to do is create a scenario where there's actually more buffer yard space and a more aesthetically pleasing result for everyone's benefit. The type H buffer, again, was modified here to be 30 feet and I'm going to hand it over to Bryan and he'll explain in a little more detail visually about how the buffer yard will actually be increased, which sides of the building, I believe it's north and south, that we'll be looking to do that on, and then the Plan Commission actually unanimously approved this earlier and so I'll turn it over to Bryan and then I'll be available for any questions that Council members may have so. Bryan –

Sheward

Good evening members of the Town Council. My name is Bryan Sheward. I'm a civil engineer at Kimley-Horn & Associates. Our offices are at 500 East 96th Street, Suite 300 in Indianapolis. As you can see up there, I'm here as well representing the Browning Prologis joint venture on this project and this is the Subaru warehouse that's under construction off of State Road 267. You can see that on the screen. It's on the northwest corner of State Road 267 and County Road 550. In the existing condition, it was a farm field and it's under construction now. Three parcels, agricultural use and then on the hard northwest corner you can see there are a few properties there that are not a part of this project but they're the cutout there in the southeast corner of the green box that you see. Notably, the east side of 267 is the Becknell industrial development that came several years back. I think it's important to point out when this was brought through a rezone several years ago back in 2020, there was a hypothetical site plan that at the time the developer was on a speculative basis looking to develop which is a multi-building layout. North on this image is to the right. So, State

Road 267 runs along the bottom and then 550 is there on the, on the left side. The layout and orientation originally contemplated was two cross dock industrial warehouses so there was dock positions on the north and the south sides with auto parking predominantly on the east side with some auto parking on the west.

As the project took shape, the developer was able to work with landing this build-to-suit which changed that to a single building layout where the building had been reoriented in a north-south direction. So, one building and then it was oriented north-south which with the dock positions as you see on the west and the east sides, detention between 267 and the building here in blue as you see and the detention here on the far south side of the site. The highlighted areas around the outside, if you can see that, are the buffers that we were required to adhere to. The yellow buffers are the ones that are in question that we're, that we're asking for, for relief from the strict interpretation of the, of how it was written. On the northeast, which is here on the bottom right, is a 20-foot buffer yard type H as Roger had mentioned. The important point to show in this particular case is that as the as the layout of the building we no longer have docks facing the north and we also have quite a bit more space than 20 feet that's greenspace before you reach that first driveway and then even further as you go further south to get to the first dock position here on the far south side.

Similarly, on the south side, there's two different conditions. On the southwest which is in the upper left is a 20-foot type H in that location. We've got the detention pond immediately north of 550 and then north of that is auto parking and then you come around the edge of the building to reach the dock, positions. Also worth noting, each one of the corners of the building does have an office bump out and further screen of the dock positions there on all four corners.

And then lastly here on the southeast which is in the bottom left is the location where we abut residential neighbors there and in that location we also had a 20-foot type H that was a part of the zoning commitment but as seen in this graphic, we have more space than 20 feet before you reach the first hard element, the loop drive that comes around that corner.

So, to summarize what we're asking for, is to still abide by the type H buffer but have the flexibility in choosing the right size of width that we actually have in our site plan. So there's a 20 foot, a 30, a 40 and a 50-foot option with a type H buffer. The more width you have, the material and the ingredients change I would say. The further away, the less intensive of the landscaping and the material, the tighter is where the masonry wall comes in. So, in our case, on the northeast corner here in red, you can see my cursor, in this location we could put in a 50-foot type H and still have nearly 100 feet further to go before you reach anything. The material would stay the same from a landscaping perspective just by way of how the Ordinance is written – the same number of shade trees, evergreens, ornamental trees but we wouldn't have the masonry wall that is currently shown in the 20-foot width.

On the southwest here in red similar, the exact same situation where we can have a 50-foot and some. We have extra space even beyond that 50 foot so the material would stay the same but we wouldn't have the masonry wall and then the blue area which is where we're closest to our neighbors here to the south, the

ask would be to go to a 40 foot, a 40-foot width it's 42 feet, I think, exactly between the property line and that loop drive is the closest hard feature there. The 40-foot option for a type H has an elevated amount of landscaping required above what we have in I'll say in the development plan approval that we had and the masonry wall is not a masonry wall anymore, it's, it calls for a wood stockade fence is what it calls for or a berm as, as Roger mentioned. Because that area is a drainage pathway from this pond and overland flow route that eventually moves its way from that larger pond through that gap to the front ponds and then eventually works its way to White Lick Creek on the other side of 267, we can't put in a berm but we can put in a fence and this is a, I'd be happy to go through this but this is just the prescription of what our current, current plan shows and what the proposed plan shows. Happy to answer any questions but don't expect you to read all of that but there on that southeast corner where we're abutting the neighbors to the south, this is a product that we've seen used, personally at our engineering firm we've used this at a few cases. We feel it's a betterment than a wood fence. It's a vinyl product but it looks like a stone fence. Off I-69, IKEA, behind IKEA it's used. If you've been past there you probably didn't notice but you'll probably notice it now as well as around Whitestown it's been used a few times but this is a betterment, in our opinion. I think it's technically a more expensive option than a wood fence but the long-term maintenance is less and the wood boards don't necessarily have to be replaced if this is it but if the Town Council would prefer a wood fence, I'm sure we'd be happy to do that but we're offering this as, I think, closer to a masonry wall, I think, is the intent that we're, we're proposing. So, if there's any questions, we'd be happy to answer and I'll leave that up for, for questions.

Choi You may have answered this already or it was in one of the slides you showed – what's the elevation of the masonry with elevation of the masonry wall versus the wood fence?

Sheward I think it's a 5-foot masonry, Roger? And an 8-foot vinyl I think is the –

Choi So a higher elevation?

Sheward Yes, I believe so. I'm not sure. Sorry to put you on the spot there Roger.

Kilmer For a 20-foot width?

Sheward Yes.

Kilmer The masonry wall would still need to be 8.

Sheward Okay, 8. I'm sorry. So the same height.

Choi So both are 8 feet?

Sheward Yes.

Choi Okay but there's no reduction in height because you're going –

- Sheward No. We would, our intent is to follow the Ordinance as written. The nuance is that going into this I believe the applicant originally thought that they'd be able to pick the type of type H buffer to use depending on how the site plan actually worked out in the long run but because it listed 20 feet, the strict interpretation is must meet the 20-foot option even though we have more space and – so we're trying to use what the Ordinance would typically give an applicant an option to pick from so that's where we're showing 50 foot on the northeast, 50 foot on the southwest and 40 foot there in the southeast corner.
- Choi Does the width of the area affect the height of the berm at all?
- Sheward The, I don't believe so. I think the 5-foot berm comes into play is an option in the 40-foot option but the vertical berm takes up horizontal space so, you know, 5 foot would require 15 feet up typically at 3 to 5 foot top, 15 feet down, ends up being about 35 feet plus or minus but in that, that location in the southwest – sorry – southeast corner, because it's an overland flood route path we can't physically do that without, with adhering to the Drainage Ordinance there.
- Burk Roger, this passed 7-0. I was listening to this as I was driving around the state. I don't remember any one of your neighbors testifying against this. Is that correct?
- Plunkett Roger is shaking his head yes. That seems to be correct.
- Garrett It's a good project in the right area. I think it's a no-brainer.
- Choi Yes, as long as there wasn't any difference in height of the fencing that it didn't decrease the height to –
- Garrett Yes.
- Choi Yes, that was the only thing I was concerned about.
- Plunkett Any other questions from Council?
- Garrett I'll make a motion to approve Ordinance 2023-21.
- Choi Second.
- Plunkett I have a first by Councilor Garrett and a second by Councilor Choi. 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. Thank you.

OTHER MATTERS

Plunkett Up next are Other Matters. Are there any other matters from Council? I will just put out real quick I won't be at the next meeting so as things start to come through Councilor Burk might need to, might need to run that one so.

Burk So get me your really good agenda items.

Plunkett Yes, all right.

Garrett Hey, are you okay with an ARPA spending plan without you or do you or I can, it's not –

Plunkett Yes, I'm fine.

Garrett Urgent but –

Plunkett Yes, I'm fine with that.

Garrett Okay.

Plunkett I'd like to get it moving along as quickly as we can so that we get everything accomplished.

ADJOURN

Garrett I'll make a motion to adjourn then.

Plunkett We have a 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.

The next Regular Town Council meeting is scheduled for Monday, October 23, 2023 at 7:30 a.m. in the Town Hall Council Chambers. Please note the shift in dates due to Zionsville Schools' Fall Break. Public notice will be posted in compliance with the Indiana Open Door Law.

Respectfully Submitted,

Amelia Lacy, Municipal Relations Coordinator
Town of Zionsville