ZIONSVILLE TOWN COUNCIL
MEETING AGENDA
FOR
Monday July 25, 2016 at 7:30 AM
Zionsville Town Hall – Community Room
1100 West Oak Street
(Note: former Agenda Planning Meeting date - now a regular Town Council Meeting)

1. OPENING

   A. Call Meeting To Order

   B. Pledge Of Allegiance

2. APPROVAL OF THE MEMORANDA OF THE JULY 5, 2016 REGULAR MEETING (COPY POSTED)

   Documents:

   2016-07-05_TC_MEETING_MEMORANDA.PDF

3. REQUEST TO SPEAK

4. OLD BUSINESS

   A. Consideration Of A Request To Rezone Property (Pittman "The Farm" Property)

   B. Consideration Of An Ordinance To Amend Section 70.99 Of The Zionsville Code Of Ordinances Regarding Traffic Code Penalties (Collection Agency Fee)

      Documents:

      2016-07-05_TC_MEETING_ORDINANCE-TRAFFIC_CODE_PENALTIES.PDF

   C. Consideration Of An Ordinance Establishing A Town Hall Project Fund

      Documents:

      2016-07-05_TC_MEETING_ORDINANCE-TOWN_HALL_PROJECT_FUND.PDF

5. NEW BUSINESS

   A. Consideration Of An Ordinance Revising Chapter 90.01 Of The Town Of Zionsville Code

Of Ordinances Regarding Alcoholic Beverages

Documents:

2016-07-05_TC_MEETING_ORDINANCE-REGARDING_ALCOHOLIC_BEVERAGES.PDF

6. ADJOURN

   A. The Next Regular Town Council Meeting Is Scheduled For Monday August 1, 2016 @ 7:00 PM

ZIONSVILLE TOWN COUNCIL
MEETING MEMORANDA
FOR
Tuesday July 5, 2016 at 7:00 PM
Zionsville Town Hall – Beverly Harves Meeting Room
1100 West Oak Street

Date of Preparation: July 6, 2016

Members Present: Susana Suarez, Elizabeth Hopper, Jeff Papa, Kevin Spees, Bryan Traylor, Tom Schuler, Josh Garrett

Also Present: Ed Mitro, Deputy Mayor; Heather Willey, Town Attorney; Amy Lacy, Director of Finance & Records and Town Department Staff

1. OPENING
   A. Call meeting to order
   B. Pledge of Allegiance

2. APPROVAL OF THE MEMORANDA OF THE JUNE 6, 2016 REGULAR MEETING (COPY POSTED).
   COUNCIL ACTION: Councilor Garrett moved to approve the Memoranda of the June 6, 2016 Town Council Meeting. Councilor Traylor seconded the motion.
   The Memoranda of the June 6, 2016 meeting was approved by a vote of seven in favor, zero opposed.

3. DEPARTMENTAL MONTHLY REPORTS
   Monthly Reports submitted by the Town management staff for Council review and posted on the Town's website (www.zionsville-in.gov).

4. REQUEST TO SPEAK
   There being no Request to Speak cards submitted, President Suarez requested that anyone wishing to speak on any issue please step forward at this time. No response was given from the audience.

5. OLD BUSINESS
   A. Consideration of a request to rezone property (Pittman "the Farm" property).
      President Suarez stated that after discussion at the June 27, 2016 Town Council Agenda Meeting it was determined that due to the legal action taken on the project, no further activity was needed at this time on the part of the Town, but that the situation would continue to be monitored to insure that the interests of the Town of Zionsville are first and foremost.

   B. Consideration of an Ordinance to amend Section 70.99 of the Zionsville Code of Ordinances regarding Traffic Code Penalties (Collection Agency Fee). ORDINANCE #2016-09
      Judge Erika Singler presented her findings to support using a collection agency to collect past due court fines and costs plus an additional 30% fee. She answered questions from the Council. Discussion followed. No action was taken by Council at this time.

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6. NEW BUSINESS

A. Consideration of a Re-Appropriation Resolution (mid-year budget rectification). RESOLUTION #2016-16
Deputy Mayor Ed Mitro reviewed Resolution #2016-16 and the need for mid-year re-appropriations, explaining these were not additional funds requested but taking funds from one line item and moving to another line item to help balance the budget mid-year.

With Proof of Publication for a Public Hearing, President Suarez opened the Public Hearing for comment. With no public comment, President Suarez closed the Public Hearing and called for discussion or a motion on Resolution #2016-16.

COUNCIL ACTION: Councilor Garrett moved to approve Resolution #2016-16 and Councilor Hopper seconded the motion. Resolution #2016-16 was approved by a vote of seven in favor, zero opposed.

B. Consideration of an Additional Appropriation Resolution from the CCD Fund to fund preliminary engineering ($24,800), for Zionsville's portion of the 116th Street Pathway project (joint Carmel/Zionsville project). (PUBLIC HEARING) RESOLUTION #2016-17
Lance Lantz, Superintendent of Streets and Stormwater reviewed the need for the Additional Appropriation, stating that though this project was not budgeted for this year, this additional appropriation would allow for the cost savings of the Town to partner with Carmel to complete the 116th Street multi-use pathway project connecting the pathway with the sidewalk system on US 421 and Zionsville's Sycamore Street path.

With Proof of Publication for a Public Hearing, President Suarez opened the Public Hearing for comment. With no public comment, President Suarez closed the Public Hearing and called for discussion or a motion on Resolution #2016-17.

COUNCIL ACTION: Councilor Spees moved to approve Resolution #2016-17 and Councilor Papa seconded the motion. Resolution #2016-17 was approved by a vote of seven in favor, zero opposed.

C. Consideration of an Additional Appropriation Resolution from the Police Operating Fund ($500), to reimburse line item #209001313 (Continuing Education), for a cancelled course. (PUBLIC HEARING) RESOLUTION #2016-18
Rob Knox, Chief of Police reviewed the need for the additional appropriation in order to reimburse the Continuing Education line item to be used for police training.

With Proof of Publication for a Public Hearing, President Suarez opened the Public Hearing for comment. With no public comment, President Suarez closed the Public Hearing and called for discussion or a motion on Resolution #2016-18.

COUNCIL ACTION: Councilor Traylor moved to approve Resolution #2016-18 and Councilor Hopper seconded the motion. Resolution #2016-18 was approved by a vote of seven in favor, zero opposed.

D. Consideration of an Ordinance establishing a Town Hall project fund. ORDINANCE #2016-14
Amy Lacy, Director of Finance and Records presented Ordinance #2016-14, explaining that the purpose of the separate fund is to act as a holding fund in which to deposit revenue from other Town sources and from which payments to the Town Hall Project loan would be paid. She stated that this fund provides more transparent, accurate tracking as prescribed by the Department of Local Government Finance.
Lengthy discussion followed. Councilor Schuler expressed strong concern that the ordinance as written would allow funds to be taken from any source and used on the project without the approval of the council. Deputy Mayor Mitro explained the need for the fund and the need for it to act as a separate "bucket" in which revenues designated for the Town Hall project were put. Responding to the concerns of Councilor Schuler, Heather Willey, Town Attorney, explained that the wording in the Ordinance was broad to allow for the possibility of use of different revenue sources in the future, citing grants or donations as an example. She stressed that any of these additional funding sources would require Council approval. Discussion followed, including consideration of further delineation in the Ordinance's wording. The majority of Councilors stated they were comfortable with the ordinance as written.

President Suarez closed the discussion and called for a motion to adopt on first reading.

COUNCIL ACTION: Councilor Papa moved to adopt Ordinance #2016-14 on first reading and Councilor Hopper seconded the motion. There was a vote of six in favor, one opposed, with Councilor Schuler opposing.
Councilor Hopper moved to suspend the rules and Councilor Traylor seconded the motion. There was a vote of six in favor, one opposed, with Councilor Schuler opposing.

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Without unanimous consent to suspend the rules the Council could not move forward to adopt on first reading. The item therefore was continued to the July 25, 2016 meeting.

E. Consideration of a Comprehensive Plan Amendment (Strategic Trails Implementation Plan/Pedestrian and Bikeways Plan). RESOLUTION #2016-19
Matt Dickey, Superintendent of Parks and Recreation presented the Strategic Trails Plan/Pedestrian and Bikeways plan. Mr. Dickey stated that it was being presented with the unanimous recommendation of both the Plan Commission and the Parks Board for adoption. Project consultant, Tricia McClellan of Rundell Ernstberger Associates provided greater detail on the project and stated that there was very robust public engagement and response throughout the entire process.

COUNCIL ACTION: Councilor Garrett moved to approve Resolution #2016-19 and Councilor Papa seconded the motion. Resolution #2016-19 was approved by a vote of seven in favor, zero opposed.

F. Consideration of a Zone Map Change Ordinance to rezone 4.32 acres from the B-3 (Urban Outdoor Business Development) District to a PUD (Planned Unit Development) District to provide for a mixed use development consisting of residential, office and commercial uses (Plan Commission Docket 2016-10-Z – forwarded to the Council with a recommendation for denial). ORDINANCE #2016-15
Wayne DeLong, Director of Planning and Economic Development reviewed Ordinance #2016-15, stating that it came to the Council's consideration with a unanimous Unfavorable Recommendation from the Plan Commission.
President Suarez asked for confirmation from Town Attorney Heather Willey regarding vote process. Ms. Willey confirmed that vote in favor would affirm the Planning Commission's unfavorable recommendation, therefore a vote in favor would be a vote to deny the Zone Map Change Ordinance rezone.
Discussion followed and Mr. DeLong answered questions from the Council.
President Suarez stated that Town Attorney Willey had confirmed that the vote process on this item was a straight vote rather than a three step process. She called for a motion.

COUNCIL ACTION: Councilor Papa made a motion that the Council accept the negative recommendation of the Planning Commission. The motion was seconded by Councilor Hopper. The Planning Commission's recommendation to deny the Ordinance was upheld by a vote of seven in favor, zero opposed.

6. APPROVAL OF CLAIMS
COUNCIL ACTION: Councilor Garrett moved to approve the claims as presented and Councilor Traylor seconded the motion.
Claims were approved by a vote of seven in favor, zero opposed.

7. ADJOURN
COUNCIL ACTION: Councilor Hopper moved to adjourn the meeting and Councilor Garrett seconded the motion. The motion was approved by a vote of seven in favor, zero opposed.

The next regular Town Council meeting is scheduled for Monday July 25, 2016 @ 7:30 AM.

Respectfully submitted,

Amelia Anne Lacy, Director
Department of Finance and Records

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ORDINANCE NO. 2016-_____
OF THE TOWN OF ZIONSVILLE

AN ORDINANCE TO AMEND SECTION 70.99 OF THE ZIONSVILLE CODE OF ORDINANCES REGARDING TRAFFIC CODE PENALITIES

WHEREAS, Indiana Code § 5-22-6.5 et seq. allows the Town to enter into a contracts for Collection Services; and

WHEREAS, Indiana law also allows the Collection Agency to collect from the debtor a collection fee; and

WHEREAS, the Town of Zionsville has entered into a contract for Collection Services on behalf of the Zionsville Town Court to collect unpaid fines due and owing to the Court; and

WHEREAS, it is now necessary to amend the Zionsville Code of Ordinances regarding Traffic Code Penalties to allow for the collection fee;

Now, therefore, be it ordained by the Zionsville Town Council of the Town of Zionsville, Boone County, Indiana it is hereby ordered as follows:

1. **Amendment to Penalty**. Section 70.99 is amended to read as follows: "The schedule of violations, adopted by order of the Town Court ~~on 11-5-2005~~, is incorporated into this traffic code in its entirety. Each violator of any provision of this traffic code shall pay a fine and penalty to the town in the amount set forth in such schedule of violations or as determined by the Town Court in any of its proceedings. **Such fine and penalty may include an additional collection fee of thirty percent (30%) of the unpaid balance of the fine and penalty if such fine and penalty is not timely paid by the violator.**"

2. **Construction of Clause Headings**. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

3. **Repeal of Conflicting Ordinances**. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are no further force or effect and are hereby repealed.

4. **Severability**. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

5. **Duration and Effective Date**. The provisions of this Ordinance shall become and remain in full force and effect and until its repeal by ordinance.

DULY PASSED AND ADOPTED this_____day of_____ 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of_____in favor and_____opposed.

TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

	YAY Signature	NAY Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the _____ day of _____ 2016, at _____ ____ m.

ATTEST: _____ Amelia Anne Lacy, Director,
Department of Finance and Records

MAYOR'S APPROVAL

_____ _____

Timothy R. Haak, Mayor **DATE**

MAYOR'S VETO

_____ _____

Timothy R. Haak, Mayor **DATE**

ORDINANCE NO. 2016-

AN ORDINANCE ESTABLISHING A TOWN HALL PROJECT FUND

WHEREAS, The Town Council has authorized the financing and construction of a Town Hall ("Town Hall Project");

WHEREAS, the Town wishes to establish a separate fund to serve as a holding fund to deposit revenue from other Town sources in order to make payments on the Town Hall Project loan;

WHEREAS, the Town will pay for costs associated with the loan repayment of the Town Hall Project from the revenues collected in the Fund;

WHEREAS, the Town Council wishes to establish a separate and distinct fund for the purposes stated above;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Zionsville, Boone County, Indiana:

Section 1. Fund established.

(A) A Town Hall Project Fund ("Fund") is hereby established. The Town shall deposit in the Fund any revenue from other Town sources.

(B) The Town shall use such revenues collected in the Fund (if available) to pay expenses related to the Town Hall Project loan.

Section 2. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 3. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are no further force or effect and are hereby repealed.

Section 4. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 5. Duration and Effective Date. The provisions of this Ordinance shall become and remain in full force and effect and until its repeal by ordinance.

DULY PASSED AND ADOPTED this _____ day of _____ 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

	YEA Signature	NAY Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the _____ day of _____ 2016, at _____ ____ m.

ATTEST: _____
Amelia Anne Lacy, Director,
Department of Finance and Records

MAYOR'S APPROVAL

_____ _____
Timothy R. Haak, Mayor **Date**

MAYOR'S VETO

_____ _____
Timothy R. Haak, Mayor **Date**

ORDINANCE NO. 2016-

AN ORDINANCE REVISING CHAPTER 90.01 OF THE TOWN OF ZIONSVILLE CODE OF ORDINANCES REGARDING ALCOHOLIC BEVERAGES

WHEREAS, The Town has entered into an Agreement with Maplelawn Farmstead, Inc. to lease certain premises generally described as Maplelawn Farmstead ("Leased Premises") for the purposes of a period farm museum, administrative office, public event space and related uses of the Maplelawn Farmstead, Inc.; and

WHEREAS, the Town wishes to allow Maplelawn Farmstead, Inc. to have the exclusive right and obligation to manage the furnishing of alcoholic beverages upon the Leased Premises by a Concessionaire or Caterer, subject to all laws, policies, rules and regulations established by the Owner, Boone County, Indiana, and the State of Indiana; and

WHEREAS, the Town also wishes to allow the Town to have the exclusive right and obligation to manage the furnishing of alcoholic beverages property designated as Town Hall by a Concessionaire or Caterer, subject to all laws, policies, rules and regulations established by the Town, Boone, Indiana, and the State of Indiana; and

WHEREAS, the Town Council wishes to amend Chapter 90.01 of the Town of Zionsville Code of Ordinances regarding the use of alcoholic beverages in public places to allow for such additional venues designated as Maplelawn Farmstead and Town Hall.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Zionsville, Boone County, Indiana:

Section 1. **Alcoholic Beverages in Public Places**. Section 90.01 shall be revised as follows in bold:

(A) It shall be unlawful for any individual to consume alcoholic beverages in any public place within the corporate limits of the town **unless specifically excluded by subsection below.**

(B) For the purposes of this section, the term *Public Place* is hereby defined to be any government-owned building, within the corporate limits of the town and/or the streets, alleys, lands, parks and any other municipally-owned, operated or leased property of the town.

(C) The following properties or activities shall be specifically excluded from this prohibition:

(1) **Annual Town Street Dance**. The otherwise lawful consumption of alcoholic beverages during the annual town street dance is hereby specifically excluded from the provisions of this section.

(2) **Town Approved Festival Events**. Any other individual and/or organization ~~may be excluded from the provisions of this section~~, upon **prior** written application to and written ~~approved~~ approval **from the Mayor or Deputy Mayor may** be specifically excluded from the provisions of this section.

(3) **Zionsville Golf Course**. The otherwise lawful sale and consumption of alcoholic beverages at the Zionsville Golf Course, so long as it is park property and, thus, a Public Place as defined herein, during its regular business hours is hereby specifically excluded from the provisions of this section.

(4) **Maplelawn Farmstead. The furnishing of alcoholic beverages upon the premises known as Maplelawn Farmstead by a Caterer, subject to all laws, policies, rules and regulations established by the Town; Boone County, Indiana; and the State of Indiana is hereby specifically excluded from the provisions of this section.**

(5) **Town Hall. The furnishing of alcoholic beverages upon the premises known as Town Hall by a Caterer, subject to all laws, policies, rules and regulations established by the Town; Boone County, Indiana; and the State of Indiana is hereby specifically excluded from the provisions of this section.**

Section 2. **Construction of Clause Headings**. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 3. **Repeal of Conflicting Ordinances**. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are no further force or effect and are hereby repealed.

Section 4. **Severability**. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 5. **Duration and Effective Date**. The provisions of this Ordinance shall become and remain in full force and effect and until its repeal by ordinance.

DULY PASSED AND ADOPTED this _____day of_____ 2016, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____in favor and_____opposed.

TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

	YEA Signature	NAY Signature
Susana Suarez, President		
Elizabeth Hopper, Vice President		
Kevin Spees, Member		
Bryan Traylor, Member		
Thomas Schuler, Member		
Jeff Papa, Member		
Josh Garrett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Timothy R. Haak on the _____ day of _____ 2016, at _____ ____ m.

ATTEST: _____
Amelia Anne Lacy, Director,
Department of Finance and Records

MAYOR'S APPROVAL

_____ _____
Timothy R. Haak, Mayor **Date**

MAYOR'S VETO

_____ _____
Timothy R. Haak, Mayor **Date**